

## Item No. 6

<b>APPLICATION NUMBER</b>	<b>CB/13/03597/OUT</b>
<b>LOCATION</b>	<b>Land at Frenchs Avenue, Dunstable, LU6 1BJ</b>
<b>PROPOSAL</b>	<b>Outline : Demolition of existing buildings and redevelopment to provide up to 23,500 sq.m (GEA) of C3 (Residential) floor space (including flexibility for upto 100 sq.m (GEA) of A1/A3 (retail floor space) with associated vehicular access and landscaping enhancements.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Murray &amp; Mrs Coleman</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>17 October 2013</b>
<b>EXPIRY DATE</b>	<b>06 February 2014</b>
<b>APPLICANT</b>	<b>Mr Robert Hardie</b>
<b>AGENT</b>	<b>Deloitte Real Estate</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor considers the proposal to be significant in size and will have a material effect on the immediate vicinity</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approval</b>

### Reasons for Recommendation

The proposal will deliver a sustainable form of primarily residential development with the flexibility for up to 100m<sup>2</sup> (gross) of A1/A3 retail floorspace, together with associated access, landscaping and financial contributions towards infrastructure to mitigate the local impacts of the development. The proposal is considered to be in accordance with relevant sections and policies of the National Planning Policy Framework, South Bedfordshire Local Plan Review (2004), Bedfordshire and Luton Minerals and Waste Local Plan Policies (2005), Planning Obligations (South) SPD, Design in Central Bedfordshire: A Guide to Development (2010) and Central Bedfordshire Local Transport Plan: Appendix F - Parking Strategy.

### Site Location:

The 7.9ha. site comprises of a disused factory building (maximum height 9.8m) on the north-western edge of Dunstable, which has boundaries to existing residential estates and other factories, and also includes the greater part of Suncote Pit County Wildlife Site (CWS) to the north-west which is beyond the built-up area. The factory site is in Dunstable-Northfields Ward and the CWS in Houghton Hall Ward. It is approached by the broad French's Avenue, a 'no through road' from the A5 High Street North, which serves as sole access to a large housing area as well as the commercial premises.

Parcel A (4.7ha.) is a former factory and distribution premises, mainly of Thomas de la Rue printers and Agfa Gevaert, which occupied the single broadly rectangular 27,250m<sup>2</sup> building together with the servicing forecourt and rear car park. Parcel B (3.2ha.) behind the car park is natural grassland largely colonised by extensive patchy or dense scrub, especially on the margins (designated CWS). Parcel B is also within the South Bedfordshire Green Belt. The last tenant has vacated the 'Agfa' part but most of the complex has now been empty for well over a year and is secured apart from the front servicing apron which is fully accessible from the public highway. Informal pedestrian access has been made to the CWS land from breaches in its perimeter fence.

The site has a 140.0m frontage to the north-west side of French's Avenue, beyond the last house and Jehovah's Witness Kingdom Hall. Suncote Avenue, the closest road in a large residential area of mainly semi-detached houses, runs parallel to the north-east boundary; Suncote Close tucks in behind the factory such that the site car park is pushed further to the west. Residential development continues to abut the north-east boundary of the site as it becomes the CWS. On the other side French's Avenue turns 90 degrees to the north-west and marks most of the south-west boundary of the site on its way towards the Tidy Tip. The CWS land, however, is separated from the Tidy Tip by a margin and the CWS continues further west beyond the site boundary where it is then owned by CBC. The remainder of the site (CWS) abuts fields to the north-west although the corner of another CWS (Barley Brow) abuts the site to the north.

The site faces across French's Avenue to the south-east towards Peppercorn Way residential estate. The whole south-west boundary faces across the road to a development of commercial units understood to be in light industrial and storage use and a vehicle reclamation business.

Parcel A has been cut into the natural slope which rises slightly to the north-west (although surrounding houses and commercial uses rise with the slope). A maximum rise off-site of 3.0m occurs along part of the return leg of French's Avenue and into the CWS. Parcel B resumes the natural slope which, beyond the boundary, falls sharply to the Ouzel valley and the A505 Leighton Buzzard bypass. The right-angle bend in French's Avenue marks the point at which foot and cycle links are made with the National Cycle Network, Sewell Greenway and Creasey Park recreational facility.

The whole boundary to the site (except the frontage) is marked by a 2.0m chain link fence and residents have in places added structures and planted near the boundary. The occupiers of the site had at one time planted a row of trees just into the site adjacent to the residential properties and some of these are in good condition and contribute to the screen; others have been topped or are suppressed.

### **The Application:**

This application has been called to committee by the Ward Councillor on the grounds that it is too large to be dealt with by officers under delegated powers, it is significant in size and will have a material effect on the immediate vicinity.

This is an application for outline planning permission with all matters reserved except access. Following a Screening Opinion issued by this Council the application

is accompanied by an Environmental Statement and thus is for EIA Development.

It is proposed to demolish the buildings on the site and to develop Parcel A for residential purposes up to a maximum of 23,500m<sup>2</sup> gross floorspace, including the flexibility for up to 100m<sup>2</sup> (gross) of A1/A3 retail floorspace, with associated access and landscaping. Parcel B would be offered as Green Infrastructure with public access. An indicative layout has been prepared for 223 dwellings but the application does not set this as an upper limit. The fact that this appears as an upper limit in parts of the submission, such as para. 7.17 of the Planning Statement, suggests that the proposal has been partly appraised on this basis.

The Design and Access Statement provides a two-part strategy for the proposed development.

### The Residential Strategy (Parcel A)

A parameter plan is submitted which divides Parcel A into 3 areas:

- Zone 1, running parallel with the return leg of Frenchs Avenue - this would provide residential buildings up to 14.5m high, 15m wide and 70m long,
- Zone 2, the central part of the site but abutting Suncote Avenue/Close - this would provide residential buildings up to 12m high, 15m wide and 70m long, and
- Zone 3, most of the frontage with Frenchs Avenue facing Peppercorn Way - this would provide buildings for residential with flexibility for up to 100m<sup>2</sup> retail, (A1/A3) up to 14.5m high, 15m wide and 40m long.

The zones are thus primarily distinguished by the scale of building which is proposed within them. Although the maximum floorspace is set at 23,500m<sup>2</sup>, the maximum footprint is set at 11,000m<sup>2</sup> which suggests that the average building would be 2 storey with some accommodation in the roof, although this is generalised and reality will mix 2 storey with taller buildings likely to be up to 4 storeys. The application form proposes up to 508 parking spaces with a further 10 - 15 spaces for visitors on Frenchs Avenue.

Running through the centre of the site from Frenchs Avenue to the CWS, but superimposed on the other zones, is an area within which would be located the primary vehicular and pedestrian route, play areas, communal amenity and Sustainable Urban Drainage Systems (SUDS). Vehicular and pedestrian access would be made at the point where this meets Frenchs Avenue. A simpler way of looking at this is to imagine a boulevard running through the residential estate from Frenchs Avenue to the far end by the CWS, which would be busy with open space, play facilities, landscaping, access and servicing. There would be 2 additional pedestrian / cycle accesses to Frenchs Avenue, either side of the main access, one of which would double up as an emergency access.

### The Landscape Strategy (Parcels A and B)

Another parameter plan repeats the overlapping 'zone' in Parcel A, allocates the CWS (Parcel B) as an area subject to ecological management and strategic non-vehicular access improvements, and identifies retained trees on the boundaries of Parcel A. The applicant points out that other trees may be retained but subject to details of layout in due course. The principal pedestrian connection through the site

is shown to run through the overlapping 'zone' from Frenchs Avenue to the CWS.

### Indicative layout

This is part of the Design and Access Statement process and is in diagrammatic form. Nevertheless it shows one way the applicant could develop the site, achieving 223 dwellings. There would be a series of perimeter blocks (buildings in a rectangle and facing outwards so that private areas are secluded) including facades addressing both legs of Frenchs Avenue. Terraces of houses would back onto the Suncote residential area. The central axis would have variable width and feature 'open spaces' of different sizes and as much as 50.0m wide. The layout also extends to how residential development could roll out to the commercial units opposite and to the Tidy Tip, should this land become available and planning permission be forthcoming. The return leg of Frenchs Avenue would be retained as an axis in this scenario with further perimeter blocks to the south.

The applicant envisages the development of the site over 3 years from 2015.

### Submitted documents

- Plans: including Development Parameter plan, Landscape Parameter plan, Proposed accesses, Indicative layout(s).
- Planning statement, including Evidence case for loss of employment use.
- Design and Access Statement
- Statement of Community involvement
- Code for Sustainable Homes pre-assessment
- Pre-development Tree survey
- Transport Assessment
- Environmental Statement and Appendices (main chapters: Socio-economic issues, Traffic & Transportation, Air quality, Noise and vibration, Landscape and visual, Ecology and conservation, Archaeology and built heritage, Ground conditions, Water resources drainage and flood risk)
- Environmental Statement Non-technical summary
- Energy report (ES App.4.1)

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (March 2012)**

1. Building a strong, competitive economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

References to planning conditions, obligations and infrastructure contributions.

## **South Bedfordshire Local Plan Review 2004 Policies**

SD1 Keynote Policy  
BE8 Design Considerations  
T10 Parking - New Development  
H2 Fall-In Sites  
H3 Local Housing Needs  
H4 Affordable Housing  
E2 Development - Outside Main Emp Areas  
R10 Play Area Standards  
R11 New Urban Open Space  
R14 Informal Recreational Facilities

Having regard to the NPPF and the age of the local plan, prior to 2004, due weight is given to the relevant policies according to this degree of consistency with the framework. It is considered that the above policies are broadly consistent and significant weight should be attached to them with the exception of policies T10, H3, H4, E2, R10 and R15.

## **Bedfordshire and Luton Minerals and Waste Local Plan 2005 Policies**

M4 Protection of mineral resources / Mineral Consultation Areas  
W5 Management of wastes at source: Waste Audits  
W6 Management of wastes at source: Provision of facilities with new development  
W22 Safeguarding of waste management sites.

## **Development Strategy for Central Bedfordshire (Pre-submission version Jan.2013)**

Policy 1 Presumption in favour of sustainable development  
Policy 3 Green Belt  
Policy 6 Employment land  
Policy 7 Employment sites and uses  
Policy 8 Change of use from employment land  
Policy 19 Planning obligations and CIL  
Policy 20 Next generation broadband  
Policy 21 Social and community infrastructure  
Policy 22 Leisure and open space provision  
Policy 23 Public rights of way  
Policy 24 Accessibility and connectivity  
Policy 25 Capacity of the network  
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 32 Lifetime homes  
Policy 34 Affordable housing  
Policy 36 Development in the Green Belt  
Policy 43 High quality development  
Policy 44 Protection from environmental pollution

Policy 45 The historic environment  
Policy 46 Renewable and low carbon energy development  
Policy 47 Resource efficiency  
Policy 48 Adaptation  
Policy 49 Mitigation of flood risk  
Policy 50 Development in the countryside  
Policy 56 Green Infrastructure  
Policy 57 Biodiversity and geodiversity  
Policy 58 Landscape  
Policy 59 Woodlands, trees and hedgerows.

Having regard to the NPPF, 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 has yet to be submitted to the Secretary of State.

### **The Minerals and Waste Local Plan: Strategic Sites and Policies 2012**

WCP2 Strategic waste management sites  
WCP7 Including waste management in new built developments.

The Minerals and Waste Local Plan is at an advanced stage of preparation and may be accorded significant weight.

Suncote Pit CWS

### **Supplementary Planning Guidance**

Design in Central Bedfordshire - Guide for development  
Central Bedfordshire Local Transport Plan: App.F, Parking Strategy  
CBC Planning Obligations SPD (South)  
Managing waste in new developments SPD

### **Planning History**

Original permission unclear but understood to be 1970s. Minor permissions SB/745/1117, SB/79/1179, SB/79/1179a, SB/90/1021, SB/03/0261, SB/04/0908 and SB/05/0046 (plant); SB/75/0372, SB/80/1618, SB/91/0943, SB/90/0778 and SB/92/0422 (extensions); SB/91/0943 (car park).

CB/13/03597/OUT Planning Performance Agreement for current development proposal.

CB/13/01933/SCN and 01934/SCO Screening Opinion for current development proposal - EIA Development - and Scoping Opinion.

Commercial units opposite:

LRD/73/398 Permission - erection of warehouse units  
SB/84/0184 Unit 1 - Use as light industrial (personal permission)  
SB/84/0688 Unit 1 - Continuation of use as light industrial with offices without complying with personal permission condition

SB/98/0881  
SB/91/0309

Unit 1 - Extension to factory  
Unit 4 - Change of use part to factory and retail shop

**Representations:  
(Parish & Neighbours)**

Neighbours

Suncote Avenue nos.9 (22/10/13), 11 (30/11/13), 29 (25/10/13), 85 (4/11/13); Suncote Close nos. 9 (6/11/13), 14 (9/11/13), 16 (21/10/13)

Joint letter from Suncote Avenue nos. 33, 35; Suncote Close nos. 9, 10, 11, 12 14, 15, 16, 19 (6/11/13)

No. of objections outright: 1

No. of those concerned: 2

No. of support/no major objections, with concerns: 14

No. of support outright: 0

Support:

- new housing (1)
- the possibility of a new convenience store (1)

Concerns:

- being overlooked and privacy (1)
- traffic noise (1)
- traffic flow in Suncote Avenue (1)
- traffic flow in French's Avenue and junction with A5; it is easier to walk into Dunstable than to take a car (14)
- the land is needed for industrial use (1)
- modern residential schemes are cheap and ugly and developers make a large profit (1)
- amount of affordable housing which could have a negative impact on neighbourhood, and where would it be positioned? (11)
- what are timescales? (1)
- Residents on the other side of Suncote Avenue and in Peppercorn Way have not received letters (10).

Issues to take into account:

- fence between gardens and buildings must be replaced (before demolition) as it is in a state of disrepair and has not been maintained (14)
- unclear which trees are to be removed (1)
- remove trees r/o nos. 33, 35 Suncote Avenue and 11 Suncote Close (3)
- some form of planting required r/o nos. 10, 12, 14, 15, 16, 19 Suncote Close (8)
- high fencing or a small landscape area to provide significant gap behind houses (1)
- risk of inundation by rats which must be addressed (11)
- danger of asbestos which should be removed during the

- winter months (11)
- no construction outside 0800 - 1800 M-F hours, but not BHs (1)
- dirt / dust impacting existing houses (1)
- asks (for condition) that residents are consulted on reserved matters (11)
- 3 storey flats should not be placed near existing properties due to lack of privacy, and a more suitable place would be facing the road up to the recycling facility or 'at the front of the development on French's Avenue' where they should be 2 storey (12)
- Yellow lines on French's Avenue to help with safety of pedestrians using the road and allow clearer view emerging from Suncote Avenue (11)
- When publicity letter was corrected to read 'C3' and not 'A3', what does this mean? (10).

### Consultations/Publicity responses

Councillor Murray  
(Dunstable Northfields  
Ward) (6/11/13)

- The local residents were quite happy for flats to be situated on French's Avenue, but only if they are two storey. This is in order to preserve the street scene which consists on that side of two storey houses. If the flats are to be three or three and a half storeys, they should be placed along the boundary on the west side, next to the road leading to the recycling facility, or, if not, then in the middle of the site. The residents don't want to be overlooked.
- The retail outlet is a good idea, just right for the area. That part of Dunstable is poorly served. You know how far away the nearest shop is.
- Residents are concerned about the extra traffic impact. You will remember that this was a material consideration with the Maidenbower application. Each site on its own is not much of a problem as far as traffic impact is concerned, but together you have a problem.
- The residents require the boundary trees felled and a secure fence, which is acceptable to both sides, to be installed.
- Asbestos is a worry and they seek reassurance that they will be safe during the demolition of the buildings and at all times. This is an extremely serious business and the reassurances have to be watertight.
- Overall, I cannot find sufficient material reasons to object to the application.

Strategic Planning  
(5/11/13)

Overall the proposal is supported in principle. The loss of employment land is consistent with the Development Strategy and the development would contribute to meeting the identified need of CB and Luton. This is in the context of the August 2012 updated Strategic Housing Market



Assessment which identified a significant level of both market and affordable housing need to 2031 for CB and Luton (bearing in mind the Duty to Cooperate). Since that date updated demographic information from the ONS has strongly indicated that local need is likely to substantially increase. A further updated SHMA in November 2013 is expected to reflect this. The 30% affordable housing is of particular importance and should factor strongly, especially in view of Luton's need. Welcomes intention to deliver high speed broadband (DS Policy 20) and appropriate social and community infrastructure (21).

Archaeology (2/12/13)

The extensive archaeological landscape setting provides the context for this otherwise uninvestigated site. The context includes Maiden Bower as well as the ritual and funerary landscape extending outwards in the locality together with other settlements. The site is within the setting of the Maiden Bower Scheduled Monument and considered to be within the setting of other SMS: Totternhoe Castle, Five Knolls, Warren Mounds, Warren Knoll Tilsworth and Tilsworth Manor. There may be more evidence of archaeology on the site than claimed by the ES. Accepts that mitigation should be a staged programme of investigation and evaluation followed by excavation as necessary. Recommends condition.

Regarding the setting of Maiden Bower the officer is not convinced that the impact of 17m high buildings would be 'negligible' and sufficient evidence has not been presented to support this conclusion. Agrees with Landscape Officer that additional information would be very helpful in assessing the impact of the proposal on the setting of the designated heritage assets. Will reserve final comments until this is to hand.

(16/01/14)

Further to the original comments on this application (2nd December 2013), the officer has now had the opportunity to look at the additional information submitted in respect to the views from Maiden Bower towards the proposed development site in Winter and cross sections. He has also noted that the maximum building height has been reduced from 17m to 14.5m.

The development site is more visible from Maiden Bower in winter when the vegetation has died back. The reduction in maximum building height will mean that the development will be much less visible from Maiden Bower and less intrusive in views across the site to the Monument from the east. Even buildings with a maximum height of 14.5m will be visible on northern and western boundaries of the site. This will impact on the setting of the Maiden Bower designated heritage asset and have an

effect on the significance of the heritage asset. However, this impact will not amount to substantial harm (NPPF 132 and 133) and conform to the description of the impact as being moderate to minor adverse in the Environmental Statement. Therefore, no objection is raised to this application on the grounds of its impact on the setting to the designated heritage assets of Maiden Bower and the other Scheduled Monuments detailed in the original comments.

It would be possible to mitigate the residual impact of the development on the setting of the designated heritage assets by restricting the height of the buildings to 12m on the northern and western boundaries of the site and by making provision in the Landscape Parameters Plan for mature trees to be strategically located on the site boundaries and within the "central zone" to provide landscape mitigation. Please could these requirements be included in any planning consent granted in respect of this development.

Ecologist (7/11/13)

Agrees with CBC GI and Landscape comments and support for future management of the CWS in conjunction with CBC and Wildlife Trust through a restoration management plan. Lighting of the tree corridor between Parcels A and B could result in detriment to Bat commuting. Any glazed upper part to the acoustic fence between Parcels A and B should take into account risk of light spillage. Requests condition for reptile survey.

Natural England  
(1/11/13)

Comments:

- Would not damage or destroy the features of the statutory nature conservation sites (SSSIs) - no objection,
- Unlikely to affect Bats - no objection,
- The LA should ensure that it understands the impacts on the CWS,
- Consider securing measures to enhance biodiversity [NPPF 118],
- Consider opportunities to enhance local character and distinctiveness, using resources sustainably, bringing benefits to the community such as through greenspace provision and access to and contact with nature.

Green Infrastructure  
(1/11/13)

- The green spine has the potential to be a valuable, multifunctional green space but will need exceptionally high quality and thought to ensure that the play and SUDS will be complementary. It would be unfortunate if the SUDS have to be fenced off and made inaccessible.
- Focusing on the use of SUDS in flood risk is welcomed but should cover whole water management train

including swales. The contaminated land assessment is less positive in maximising SUDS.

- A management plan for the CWS should be developed especially with CBC ecologist, countryside team and Wildlife Trust. The plan should enhance appropriate access to and around the site and improve its ecological value. It should be clarified that highway style routes do not enter the reserve and that vehicles are not drawn towards it; the Design and Access Statement takes the main access street very close.
- Design of dwellings adjacent to the green spine and the CWS should be carefully considered and should not back onto these spaces.
- The line of trees between Parcel A and the CWS and bounding the site should be incorporated into public open spaces where possible rather than in private gardens, especially if the trees are identified as important.

Countryside Officer  
(27/11/13)

Supports the comments on GI, Ecology and Landscape. The design and Access Statement supports the need to improve the overall CWS (Parcel B) but this needs to be tied into the CBC part (to be called Parcel C?) to ensure that any management/maintenance/development plan covers all the open space of the CWS regardless of ownerships.

Tree and Landscape  
officer (25/11/13)

Probably because of complaints, some boundary trees have been lopped which considerably reduces their amenity. Their low status makes them inappropriate for retention. The future layout may not need such screening belts in favour of a more effective landscape scheme using cultivars at a more appropriate spacing. Therefore site layout and landscaping would need to be carefully coordinated at a more advanced stage, including which trees are to be retained.

Landscape Officer  
(5/11/13)

Asked for further information to assist in assessing impact:

- Photo views in winter / limited foliage from vp2 (Tislworth), vps 3a, 3b, 3c, 3d (Maiden Bower),
- Indication of 3 and 4 storey roof heights illustrated based on photoviews 3d, 4 and 6 (the SAMs)
- Long sections illustrating 2, 3 and 4 storey building heights from northern boundary of Suncote CWS to Brewers Hill School, and from within Maiden Bower to Suncote Avenue.

The concept of a multi-functional green corridor is exciting but adequate space and high quality design are essential. The layout and landscaping of the frontage to French's Avenue should complement this linear node.

Detailed management plan(s) for the CWS sites are necessary to avoid deterioration of the sites with public access.

Treatment of boundaries needs to give adequate space for retained trees and shrub planting.

Orientation should avoid backs of development blocks facing onto public open space and the CWS and lighting must be treated with great sensitivity.

(15/01/14)

Having considered the views and sections along with the revised / reduced maximum heights of development of between 12m - 14.5m there are no objections to the proposed development in principle but, referring to Key Viewpoint 3c, 3d and viewpoint 6, I have the following concerns:

Higher development along the western site boundary / parallel to the Frenchs Avenue return will break skylines / increase visual impact of development especially when viewed from the west / Maiden Bower and with increased visual intrusion during winter months.

Screening of development especially from more sensitive viewpoints, including views from Maiden Bower / the Bower setting and elevated views from Five Knolls, Chilterns AONB, is highly dependent on existing planting structures primarily off site and outside the control of the applicant / future developer.

Therefore it is requested that if the application is approved:

- Development height be restricted to 12m along the western and northern site boundaries to reduce visual impact of development on Maiden Bower and CWS / rural edge to northern scarp.
- Landscape Parameters Plan includes allocation of adequate space to enable planting of larger tree species to the site boundaries and within the 'central zone' to provide landscape mitigation on site and tree canopies to filter views of roof lines / roof tops and integrate development site within adjoining CWS / rural edge.

Wildlife Trust (7/11/13)

Makes suggestions to ensure that the development does not have a negative influence on other designated wildlife sites and adequately delivers long-term enhancements to this CWS.

- The designation was made for its mosaic of chalk grassland and scrub habitats but the scrub is invasive as it has not been managed; the proposal provides a

good opportunity to introduce better management (Policy 57 DS) which should include provision for ongoing stable management. The CWS forms part of a wider biodiversity network the preservation and enhancement of which is a priority in the NPPF.

- A S106 contribution is a vital component of the development to fulfill Policy 57; this must not be missed and should be given its own section. The sum should be delivered at an early stage in view of visitor pressure.
- Wildlife Trust is currently working with CBC to improve that part of the CWS which it owns. The WT is keen to take this land into account as well to strengthen the biodiversity network.
- Public access features should be designed to enable residents to sustainably enjoy the wildlife and open space and not to damage the wildlife interest:
  - gateway features to the CWS should robustly prevent motorbike access,
  - location of paths to be agreed with WT/CBC to avoid most sensitive areas,
  - accepts that no contribution is proposed for wildlife sites further west but paths should not link with Sewell Cutting CWS.

Environment Agency  
(8/11/13)

Planning permission may be granted provided conditions are attached which control surface water drainage and groundworks.

Anglian Water  
(11/11/13)

Asks for informative on AW assets close to or crossing the site. Dunstable STW has the capacity to handle foul water flows but does not accept the surface water strategy. Conditions are recommended on foul and surface water matters. Asks for informatives on trade effluent matters concerning the retail element.

PP - Contaminated  
Land (29/10/13)

Recommends condition to secure further documentation on contamination and remediation in due course.

Public Protection  
(12/11/13)

No objections to planning permission being granted subject to the imposition of conditions requiring preparation and operation of a Construction Environmental Management Plan, approval of a noise protection scheme, and limiting noise produced by the A1 unit.

Highways Agency  
(27/11/13)

Considers that there would not be a severe impact on the A5 and recognises that the number of trips generated would not be significantly different from the present user. Directs that a condition be imposed to implement a travel plan to reduce peak hour trips.

Highways Officer

Comments on the TA:

(2/12/13)

- The queue length records do not align with the morning peak
- Commercial development on Boscombe Road should be addressed
- Trip rates use survey hours rather than traditional peak hours
- Data is missing for assessment of junctions
- A further analysis should be undertaken in the AM peak 0800 - 0900 when residential trip rates are highest.

No comments are made on the indicative internal layout as this is not in enough detail.

Comments from Sustainable Transport team are fully supported.

(16/01/14)

Following a response from the applicant and further consultation, the Highways Officer raises no objections subject to relevant conditions being attached to any permission granted.

Sustainable Transport  
(1/11/13, 10/1/14)

The Sustainable Transport Access Strategy has been examined. A full Residential Travel Plan should be provided within the Reserved Matters Application and should include clarification on the monitoring period - 5 years from full occupation. Cycle parking should be to CBC standards and works under S278 to make French's Avenue more friendly to pedestrians.

The site is a considerable distance from a frequent bus route, notwithstanding the busway about 1.5km away. There is a local infrequent subsidised bus route but this subsidy is shortly to end. It also has potential to use the adjacent cycle and pedestrian infrastructure although this still needs some investment in standards and to fill missing links.

Therefore the following need to be considered with their related developer contributions:

- Traffic calming of French's Avenue including vehicle activated signs
- Public transport - service 74
- Walking and cycling improvements
- Footway widening and continuity of the network
- Crossing of High Street North to link with busway corridor walk and cycle route.

Housing Development  
Officer (22/10/13)

Affordable housing at 30% required, of mixed tenures at 71% Affordable Rent and 29% Intermediate Tenure as per the SHMA. These should be pepper-potted to promote social cohesion and tenure blindness. All should meet CfSH 3 and meet HCA standards.

School Places  
(28/10/13)

Requires contribution towards Early Years and Secondary provision.

Leisure Services  
(1/11/13)

Comments:

- Formal open space (sports playing pitches) - the decision not to include this is welcomed.
- Informal open space - welcomes use of CWS as well as 250m<sup>2</sup> to create a central green, which also provides space for children's play.
- Play strategy - proposed LAP and LEAP is welcomed. An off-site contribution towards play for over 10s will be directed to the improvement of existing local play areas.
- Public realm - the central OS should ensure that it functions as a central focus for the development and that the play areas are an integral part of that.; they should be protected from vehicular and cycle traffic.
- Proposed planting - planting and play areas should run together and not be separated by a fence; fencing and planting should incorporate the play areas, making the best use of the informal OS.
- Smooth continuous surfacing should be provided for LAP.
- The incorporation of SUDS is welcomed providing the design adds visually to the OS and considers the play area users in safety terms.
- The principles of inclusivity should be embedded in the play area design.

Sets out developer contributions required in lieu of other forms of provision.

BEaR Project  
(30/10/13)

There is not yet an agreed timetable for relocation of the Tidy Tip and, once decommissioned, the site will be managed by the internal assets team. Therefore the developer will need to consider the full impact of the recycling centre.

Minerals and Waste  
(30/10/13)

Objects on grounds that a waste audit has not been provided:

- MWLP Policy W5 (Waste Audits) - the applicant has not anticipated the volumes of waste during demolition and construction and has not explained clearly what steps will be taken to ensure the maximum amount will be incorporated within the development. No information has been provided on segregation of waste.
- Policy W6 (Management of waste at source) - No information given on appropriate waste sorting, recovery and recycling facility.

Waste Services  
(6/11/13, 12/11/13)

- Is satisfied that the applicant has taken account of potential noise from the Household Waste Recycling Centre nearby.
- Bins would need to be presented on the highway boundary and communal collection points may be necessary. Communal buildings will require purpose built bin stores for 1100ltr bins.
- Full tracking details will be required for vehicle access and turning heads in culs de sac; yellow lines preventing parking are required by condition; other comments on road design are provided.
- Because access to the nearby HWRC is unsafe for pedestrians, a bring bank site should be provided, supplied with containers.
- Because of the A1 unit, litter bins should be provided. Dog bins should also be provided.
- Asks to be included in S106 negotiations.

Sustainability and  
Climate Change  
(5/11/13 and 14/1/14)

Disappointed with Code 3 rather than Code 4. Would like to see 10% carbon reduction above BRs and water standard of 80 litres per person/day with 105 litres achieved on site as per emerging DS Policy 47. However, recognises that these policies are as yet only emerging. These figures are nevertheless unlikely to be more expensive to achieve. With a relatively high density scheme, is concerned that there would be enough space between buildings to plant trees to provide shading.

Arts Development  
(6/11/13)

There is almost no mention of public art in the submissions, but there is a great opportunity to integrate public art into the development. For example, the adjacent CWS elements and chalk quarrying / mining, and the historic printing industry could be related and echoed across the scheme. A Public Art Plan should be produced before commencement of development to include:

- nature and purpose of the interventions with aims and benefits,
- preferred locations (buildings and spaces),
- a Brief explaining how artists are to be involved with potential recruitment and timescales,
- process for community liaison and engagement,
- how Public Art programme priorities relate to the phasing,
- ownership, maintenance and decommissioning scheme,
- statement of responsibility for future care and maintenance.

This could be added as part of the Design Code. The range of opportunities is considerable, from elements to buildings, paving, glasswork, landscaping, lighting, street furniture and signage to information within the CWS.



Police (Business Support) (12/11/13)

In Central Bedfordshire, Bedfordshire Police use the Unilateral Undertaking to secure contributions to infrastructure improvements that are contributed to by the additional development. Where development gives rise to increased demand for policing it is reasonable to seek contributions from developers to mitigate this impact. Contributions are aggregated into a ring-fenced pool which goes towards specific expenditure in the area that developments are undertaken, in this case Dunstable and Houghton Regis. One investment which will reduce costs is infrastructure and ICT such as upgrades, integrated command and control, multi-function devices and airwave communications. Because government funding is based on population, new development is not initially taken into account when grants are set. UU contributions mitigate the gap created and thus contribute to community safety.

## **Determining Issues**

The main considerations of the application are;

1. Introduction and Summary of policy
2. Loss of employment land
3. Ground and water conditions, Open space and Green Infrastructure
4. Design and Access
5. Building for Life 12
6. Infrastructure, planning obligations and viability
7. Summary of neighbours' concerns
8. Conclusions and EIA statement
9. Proposed conditions and S106 Heads of Terms

## **Considerations**

### **Human Rights issues**

Any potential interference with Human Rights is considered proportionate and strikes a fair balance with the public interest for which a compelling case has been made.

### **Equality Act 2010**

The indicative layout takes into account people's diversity and minimises unnecessary barriers and exclusions so as to provide an environment that can be used by everyone, regardless of age, gender and ability.

### **1. Introduction and Summary of policy**

This application is subject to a Planning Performance Agreement (CB/13/01764/PPA) which has included extensive pre-application engagement with both officers and members. The Statement of Community Involvement indicates that the applicant has also contacted residents, businesses, organisations and the Local Strategic Partnership, displayed posters and created a website. A public exhibition and drop-in sessions took place and all responses were considered, in line with government requirements and

expectation in its localism agenda. Key issues which arose, and which will be addressed below, are traffic, shops, infrastructure and trees. The process conforms with the CBC Statement of Community Involvement 2012 as well as other good practice statements.

The CWS part of the site (Parcel B) is within the Green Belt. There is no designation in the Development Plan affecting the remainder of the site. In particular it is not a 'Main Employment Area'.

(a) Keynote Policy

According to Policy SD1 of the South Bedfordshire Local Plan Review 2004 (SBLPR) preference will be given to proposals on sites within the first four categories of its Development Strategy. First among these is "Previously developed sites and vacant land within urban areas." Policy 1 of the current version of the emerging Development Strategy in Central Bedfordshire (DS) takes the approach of a presumption in favour of sustainable development and, where there are no policies relevant to the application or relevant policies are out of date, permission will be granted unless material considerations indicate otherwise. Account will be taken of whether there is a significant and demonstrable positive balance of impacts, assessed against the National Planning Policy Framework (NPPF), and whether NPPF policies say development should be restricted.

(b) Employment land

The site is not a Main Employment Area in the SBLPR but is clearly an employment site. Saved Local Plan Policy E2 states that proposals for redevelopment of existing employment land (outside Main Employment Areas) away from B1, B2 or B8 uses will be permitted where:

- (i) they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in the district, and*
- (ii) they would contribute towards meeting the employment needs of the district, or widening the range of employment opportunities, and/or*
- (iii) they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses, and*
- (iv) they would not unacceptably prejudice, or be prejudiced by, existing or proposed uses of adjoining land, particularly through disturbance, and*
- (v) traffic generated would not cause unacceptable disturbance in residential or other sensitive areas.*

DS Policy 6 continues the theme of employment land provision and Policy 8 additionally requires that losses should be supported by detailed evidence that (in this case):

- The site is not currently utilised for employment generating uses,*
- There is no viable prospect of the site delivering an employment generating use,*
- A change of use will not detrimentally impact upon the supply pipeline for B1, B2 and B8 uses within the locality.*

Employment land is further addressed in Section **2** below.

(c) Housing and built environment

The NPPF is very positive towards economic development but recognises that housing needs should be met as part of this process. Indeed, it is well known that the Secretary of State places great weight on the availability of housing land in his appeal decisions. DS Policy 29 sets out succinctly the need for housing land although this policy is being reviewed. If this site is released for housing it may be seen as a 'fall-in' site under SBLPR Policy H2 (subject to further testing).

DS Policy 30 updates SBLPR Policy H3 in setting out housing mix, and Policies 34 and H4 respectively on affordable housing, which sits at 30% provision. Although Building for Life 12 has been adopted by this Council as an assessment tool for housing design standards (see below), Lifetime Homes has a dedicated DS policy attached to it (32), which is related to Policy 31 in that accommodation needs for older people need to be taken into account. Until Policy 32 has been through the examination process the strict percentages will not be applied but recognition of the desirability of applying some factor will be expected.

DS Policy 43 updates SBLPR BE8 and includes art in the public realm which is currently being seen as a strategy for inclusion in the Design and Access Statement rather than simply the handing over of a cheque. A number of aspects of this policy apply to other subject areas such as access. Policy 44 applies insofar as the impacts of the proposed retail unit relate to existing and proposed housing. There are no policies directed at the provision of small amounts of retail space within new residential developments.

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances [para.47]. Although not through a policy as such, the DS states that it is not considered appropriate to set out in the plan a prescriptive series of densities as this will depend on the location [para.11.33]. This approach is maintained in a draft revision to the Design Guide, currently being reviewed after consultation. High quality design will be required to ensure development contributes positively to the local area.

Housing provision is further addressed in Section **4** below.

(d) Natural environment and open space

Beyond the site to the north-west lies the Suncote Pit CWS which links without an intervening fence to the CBC part of the same reserve, to the west. DS Policy 57 seeks a net gain in biodiversity. While this is possible within Parcel A through more open space and sustainable drainage, consideration will also be given to the impact of the development on the CWS and opportunities which arise. Development of the site will also be considered in respect of the nearby presence of Maiden Bower SM (DS Policy 45). The development will have immediate impacts on the requirement for open space and Green Infrastructure (SBLPR Policy R11 and DS Policies 22, 23, 56 and 59) although SBLPR Policies R10 and R15 are largely irrelevant or out of date. Despite the height and extent of neighbouring development it will be necessary to assess the visual

impact from surrounding countryside (DS Policy 50).

Flood risk is covered in DS Policy 49 but relates to sustainability policies below. Consideration will be given to Mineral Protection Areas (Minerals and Waste Local Plan - MWLP) at Policy M4.

Open space and Green Infrastructure is further addressed in Section 3 and Landscape at Section 4 below.

(e) Access

The net impact of the development (after taking into account the 'loss' of industrial traffic) on French's Avenue and the wider network is examined under DS Policies 25, 26 and 28. Indeed, the location of the site itself would be considered under Policy 24 and car parking provision under Policy 27. In this respect the CBC Parking Strategy permits some flexibility.

*It is recognised that in certain exceptional circumstances it may be appropriate to allow reduced residential parking standards where parking demand is likely to be lower (eg because of the availability of high quality local sustainable transport facilities) and where any tendency for potential parking overspill onto nearby streets is or can be controlled. Where this is the case the Council will use and/or require transport assessments, residential travel plans and other 'key' measures to help reduce the need for, and/or usage of, residential parking spaces [pars.3.5.2].*

*SBLPR Policy T10 is now largely out of date.*

DS Policy 43 refers, inter alia, to the promotion of shared space and 20mph speed management.

Access is further addressed in Section 4 below.

(f) Sustainability and waste

Locational requirements (for example, reducing risk of visual or noise impacts, or choosing a site near transport provision) play a part in sustainability but DS Policy 46 is also aimed at applications for 'renewables'. Policy 47 develops the focus on the renewables qualities within the development. Although a policy in the East of England Plan sought 10% reduction in CO2 emissions, this needed to be tested at local level in the joint Core Strategy, which was withdrawn before the policy was examined. The somewhat complex nature of DS Policy 47 should undergo formal examination before it can be made a requirement of new development. Accordingly, it will be sufficient for the time being for new development to comply with the prevailing Building Regulations (Code 3 / 4). Support for this stance lies in par.222 of the August 2013 government Housing Standards Review consultation:

*"... the government's conclusion is that the Code [for Sustainable Homes] has been successful in doing its job in terms of pointing the way forward. In light of this, the government does not now see a need for levels or separate carbon and energy targets in the Code - carbon and energy targets should be set in Building*

*Regulations as we move towards zero carbon homes.”*

Detailed planning would address matters in DS Policy 48.

Management of wastes at source and on occupation is treated in saved MWLP Policies W5 and W6, which are proposed to be replaced by the Minerals and Waste Core Strategy Plan for Submission at draft Policy WCP7. Reference is made to policies (W22 and WCP2 respectively) which set the picture for the Tidy Tip relocating in due course to Thorn. In the meantime, regard should be had to its continuing operation at its present site.

Sustainability and waste are further addressed in Section 4 below.

(g) Other infrastructure

The CBC Planning Obligations calculator (SPD) has been applied to this application. Provision for developer contributions towards the social and community costs of development, formerly Policy 15 of the now defunct Structure Plan, are now Policies 19 and 21 of the DS, although they anticipate CIL in their wording. The NPPF adds national legitimacy to such mitigation of costs which cannot be satisfied on site, at paragraph 177, provided they are directly related to the development in scale and kind [204].

*Reflecting the increasing importance attached by the government to next generation technology, DS Policy 20 expects provision of a basic fibre optic network.*

Infrastructure provision will be further addressed in Sections 4 and 5 below.

(h) Green Belt

Whereas Parcel A is outside the Green Belt, the CWS land owned by the applicant lies within it. DS Policy 3 locates the Green Belt and Policy 36 sets out the restrictions which are limited to consideration alongside any development which may take place through conditions (in particular, facilities for outdoor recreation and green infrastructure).

Green Belt will be further addressed in Section 3 below.

## **2. Loss of employment land**

The Local Plan would support the loss of employment space outside a Main Employment Area provided this would not in itself be needed to maintain a suitable supply of employment land. Of course, the test now needs to take into account the employment situation in the whole of the CBC area although this will have its local dimension. The proposal would be well placed to satisfy the third criterion of Policy E2, of urban regeneration and the supply of land for housing, especially in view of the government's known position in the NPPF. The tests of disturbance and traffic are considered elsewhere in this report. The DS now imposes two new tests: that the site is not currently 'used' and that there is no viable prospect of it being so used. The premises are not now occupied.

The applicant has understandably drawn attention to the NPPF exhortation to "*normally approve planning applications for change to residential use...from commercial buildings (currently in the B class uses) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*" [par.51] The context of that quote is in fact re-use of buildings (such as those enabled by the recent increase in 'permitted development rights') rather than the land on which they stand, but the principle is similar and relevant - to boost significantly the supply of housing [47]. The population and housing projection aspects of the emerging DS are currently being addressed and it is likely that the supply of housing land will need to increase. Therefore, it is very significant that this site could provide a substantial number of dwellings, subject to being within the character of its setting. Further weight to this approach is provided by the NPPF which advocates granting permission where the Development Plan is out of date and where adverse impacts do not clearly outweigh the benefits [14]. Finally, its employment use apart, the site is suitably located to be infill development under SBLPR Policy H2.

The applicant cites a technical report commissioned by CBC in 2012 which predicts strong growth in office, research and warehousing (logistics) but falls in industry. There was more than sufficient land in the Council's area to meet this demand. The site was ranked 26/29 in attractiveness which also places it at a strong disadvantage. Particularly negative scores were on access and market interest. These points were picked up in the 'exit interview' with De la Rue who highlighted the congestion and delays in accessing the national road network from north Dunstable, the difficulty in operating 24 hour access next to residential (in an increasingly residential street), and the fundamental problems with the height and specification of the building. Even if the site was redeveloped, better sites are available locally and this would discourage pre-lets, which are in any case slow.

The Council commissioned a property report in 2013 which focussed on this site. It found that Dunstable had a very large representation of B2/B8 stock, that office use had reduced potential locally but there were other flexible opportunities for employment. If this unit were refurbished it agreed that alternative, better sites may compete for interest; it highlighted the residential neighbours and access as disadvantages. Developing part of the site for housing would in fact exacerbate the problem of being constrained by sensitive uses. But there was scope for alternative employment uses such as care homes and live-work / hybrid units. The latter was put to the applicants during earlier stages in discussions but has not been incorporated. Care home operators are selective in their choice of sites and there is already one site in Dunstable which has outline permission for a care home but which is still vacant and another site which is allocated in a Brief. These are prominently located on a main road and would be more attractive to operators. The applicant considered specialist care facilities to be unviable on this site.

Summarising the position, it is recognised that the site has a number of disadvantages which make the existing use less than competitive in a very cautious market, especially considering the availability of modern, spacious sites and units locally. Indeed, in Dunstable it is clear that the new Prologis site in Boscombe Road is better placed to access the M1 now and especially after the

Woodside Link is constructed and it could be developed without impacting its residential neighbours. The CBC report stated that the site could 'improve' in terms of accessibility with the A5-M1 link and Woodside Link but these are still some years away and it would be difficult to justify leaving the site until then. There could be scope for live-work / hybrid units or a care home but the applicant has not followed up these options.

It is disappointing that, apart from the flexible provision of a shop, other employment opportunities have not been taken further, although it has to be admitted that work / hybrid units are slow to take off elsewhere in the country. The applicant has relied on the black-and-white issue of all employment versus all residential and, while we consider that this underplays the scope for work opportunities, national policy and the relatively early stage of the Development Strategy makes resistance on this basis unrealistic.

### **3. Ground and water conditions, Open space and Green Infrastructure**

This section considers the existing natural resource in the CWS and Parcel A, including contamination, ecology, and the requirements of new residential development for open space. The future of the CWS, both within the site and on the adjacent CBC land, will be addressed. Landscape will be considered in the next section as part of the design approach.

The ES provides an approach towards dealing with likely contamination on the site arising from its previous uses and uses of nearby land. This approach is accepted although a condition will be needed to take the investigation to the next stage. Both surface and foul drainage from Parcel A is presently to public sewers. As will be seen below, it is proposed to use swales, as a conveyance route, and ponds for open areas in Parcel A.

#### Ecology

Natural England confirms that there should be no adverse effects to local SSSIs .

The only area of ecological interest on Parcel A is the perimeter tree belt on the east and north boundaries and occasional small trees and shrubs on the west boundary. It appears that some of the trees pre-date the factory but many were planted or are self set. The best of these have been identified for retention although the applicant makes clear that this is a minimum retention rate and others may well be kept if detailed design permits. Many trees are suppressed or have been topped.

Parcel B on the other hand appears to have been regraded (part is former filled pit) and curving banks fall to the car park. This land has regenerated naturally to neutral grassland, species rich chalk grassland and scrub with young trees. The area is crossed by numerous paths and is well used by locals. The grassland has earned it the CWS status. Apart from usual precautions during construction, the provision of features to support invertebrates and birds are welcomed as would be eliminating light spill affecting foraging and commuting Bats.

Generally, the opportunity to 'invest' in the ecological resource is welcome but there must be a comprehensive management plan drawn up between parties who

would be involved in the future. This should include the CBC part of the CWS. The Wildlife Trust importantly points out that the plan should be suitably resourced financially (S106) and the paths and access should be carefully designed to prevent damage.

Close to the site there are several recreational spaces and facilities including Sewell Cutting Greenway, Creasey Park open space and French's Avenue open space. Parcel B of the site is proposed to count towards the open space requirements as informal open space. A further 250m<sup>2</sup> would be provided in Parcel A. Because the development would not be able to provide the 2,555m<sup>2</sup> playspace, the infrastructure calculator would address this through the S106.

#### Open space provision

A general provision of different categories of open space has been discussed with officers and the Open Spaces Officer welcomes the resulting provision. This would be a balance of onsite provision (LAP, LEAP, informal open space and use of the CWS as accessible additional open space) but assumes financial contributions towards off-site provision (NEEP, formal sports provision and indoor). The CWS works would involve a further contribution towards its future management.

#### Green Belt

Parcel B of the site is also located within the designated South Bedfordshire Green Belt and both national and local policies exist to protect it from inappropriate development. The scheme retains this element of the site as a CWS with informal open space therefore not introducing any type of built development within it. It is considered that the proposal would allow the openness and permanence in the long term.

### **4. Design and Access**

#### Constraints

The site has few natural constraints (including the presence of the CWS) although it is close to occupied neighbouring properties in a variety of uses which will in turn influence its development. Whereas the great majority of the houses to the north-east have reasonably long gardens, that development is a constant 2-storey in height and local character would be harmed if the new scheme was overbearing on this boundary. With the width of French's Avenue this issue would unlikely arise with Peppercorn Way. The CWS, while not unduly sensitive in itself, would be vulnerable to excessive use and misuse, especially if greater access was permitted than at present. Nevertheless, it is the aim of this Council that the land, and CBC land adjacent, are made available for increased enjoyment as green infrastructure.

The return leg of French's Avenue accommodates commercial units overlooking the site as well as serving reclamation facilities (including the Tidy Tip). The presence of both activities has made it necessary to submit a Noise Assessment, even though it is possible, in the medium term, that the commercial units may in turn be redeveloped for residential purposes.



## Concept

The concept of a green spine through the site is welcomed although detailing should ensure that the vehicles are not drawn to the very edge of the CWS. Similarly, the balance between play, recreation and SUDS within the spine should be carefully managed. These areas should be overlooked by housing and the better trees in the perimeter belt are shown to be retained in a perimeter landscaping zone on the parameter plan. This would allow flexibility, as the Tree and Landscape Officer points out, in case it is decided at reserved matters stage that there is no reason to have a full tree screen on the boundary. The comments from the Ward Councillor that residents want the trees to go is noted and will be further considered at reserved matters stage.

The Design and Access Statement develops the approach towards an indicative layout using elements which it considers would be appropriate whatever layout is finally chosen. It draws extensively from *Design in Central Bedfordshire*. Using the green spine as the axis for street layouts enables a more efficient plot distribution than curved layouts. The proposed density, which is only moderate (47dph), can thus be achieved without appearing cramped. In comparison, the density of other recently completed residential schemes in the general locality are Sandringham Drive, Houghton Regis 56dph, Trico site (masterplan) (to the east) between 45 and 90dph and Peppercorn Way (opposite) 68dph. Recognising common practice, house frontages are shown with parking on full-width 'driveways', but with green dividers, and with refuse and cycle storage facilities.

The indicative layout of 223 dwellings is based on a scheme of accommodation ranging from 1-bed flats to 4-bed houses with flats comprising about 20% of the total and is based on research into local housing demand. It also proposes 70% Lifetime Homes<sup>1</sup>, in line with DS Policy 32. However, the applicant concluded it would not be viable to include specialist care for older people. The house types were worked up so as to arrive at a maximum height of building. Whereas standard 2 storey houses 5m deep could be built at 7m height, deeper blocks could reach 12m (with potential for a third floor in the roof). Four floors could be achieved within the 14.5m height. Indicative plot plans show parking to the front, behind which would be a 2.5m deep landscaped strip containing a bin/bike store. Rear gardens would meet the 50m<sup>2</sup> minimum in the CBC Design Guide. The layout proposes the lowest buildings adjacent to the Suncote estate and the highest facing the two legs of French's Avenue. The parameter plan is based on this scheme.

The CWS would be made more accessible from the housing area, having a network of footpaths away from more sensitive areas, gated accesses, interpretation facilities, a programme of site management including scrub reduction, and dog bins.

The Public Art Plan recommended by the Arts Development Officer would be a useful way of creating a distinctive place with potential impacts on building design, surfaces, street furniture, information boards and planting. This is to form part of the Application for Reserved Matters.

## Affordable Housing

It is particularly important to recognise that sites such as this are expected to contribute to the supply of affordable housing in both Central Bedfordshire and Luton, which is the joint area covered by the Strategic Housing Market Assessment. This co-operation is required by the NPPF. With the level of need for affordable housing across the area, it is particularly important that affordable housing is delivered on this site at the policy rate. However, as will be made clear in Section 6 below, the full rate will not be achievable.

## The site within the landscape

Although Parcel A is in an urban setting, this part of Dunstable is nevertheless on a plateau which falls away to the north and west. Therefore the buildings on the adjacent commercial area can be prominent when viewed from adjacent countryside. From above Tilsworth the buildings and Brewers Hill School are the only real evidence of an urban area beneath the Chilterns. But from Maiden Bower and the west the commercial buildings are most striking (together with the adjacent Hillcroft estate) whereas the buildings on the site and Suncote estate are almost hidden. At night the commercial buildings conceal the street and house lights of the area behind and this view is therefore almost in darkness. Within French's Avenue itself the buildings on the site itself are of very modest scale and fit well in the streetscape although the large set back gives them added prominence.

The applicant has already revised downwards the heights of the proposed buildings and cross sections and illustrative views indicate that the tallest buildings would not exceed the height of the commercial buildings on the adjacent site. This means that, for as long as they remain, they would provide a real screen to much of the development from the closest countryside. Even after their removal, enhanced landscaping on their boundary should provide a good visual filter to any roll-out of residential development. From above Tilsworth the site would be seen across the CWS and probably only one storey and roof of the highest buildings would be clearly seen over the shrubs, and at 2 miles; this is not considered significant. From Totternhoe Castle a small area of taller buildings would be seen to the side of the adjacent commercial buildings but they would be no taller than these buildings. Finally, from Five Knolls, the setting of the development in the urban area would experience a benefit in the removal of industrial sheds.

In the urban context maintaining local character is more important than avoiding buildings of different height. The Ward councillors and residents have made comments about where the taller buildings would be unacceptable. There appears to be a consensus that taller buildings would be acceptable along the western edge, which is proposed, but that they should not face the main frontage of French's Avenue. The parameter plans do indeed reflect the view that taller buildings are appropriate to the west and that the rest of the site (except the frontage) should be lower storey heights. However, it is a considered view of the applicant that the width of French's Avenue justifies slightly taller buildings than the 2-storey inter-war housing further down. This would not prejudice Peppercorn Way (which already has a 3-storey block on the frontage) because of the considerable width of the street. But neither should it prejudice the amenities of existing residents of Suncote Avenue as the step-up in height would be effected

beyond the Kingdom Hall building. A well-designed street elevation would allay concerns that taller buildings have to look institutional. We consider that it would be difficult to counter this view on evidence and it would be unfortunate if the early delivery of this site was prejudiced by this short length of development.

The Archaeologist is satisfied that a scheme of archaeological investigation should be required by condition and has no objection to this application on the grounds of its impact on the setting to the designated heritage assets of Maiden Bower and the other Scheduled Monuments.

### Conclusions on general design

The applicant has produced a reasonable indicative layout which is realistic enough to form the basis of a quantum of development. This quantum is accepted and the site has opportunities to deliver a range of designs although they will not have the spacious rear gardens of older housing off French's Avenue; these densities are unrealistic for volume builders in today's world as well as fewer residents preferring generous gardens. The parameter plan for the building height zones is considered reasonable and avoids significant visual harm to the local countryside as well as not being discordant with the character of French's Avenue. The scheme provides for low rise houses backing onto Suncote Avenue such that the back-to-back distance between houses would be in the region of 45m. On the other hand, the taller buildings are proposed to overlook the external highways.

<sup>1</sup> The applicant has subsequently stated that 70% Lifetime Homes would make the scheme unviable.

### Environmental factors

The new dwellings facing French's Avenue and part of the return frontage to the CWS would need special windows to protect them from potential noise from the remaining commercial units. To provide a robust mitigation should activity in the commercial neighbours intensify, Fig.10.2 of the ES indicates that a 2.4m acoustic barrier would also be desirable alongside the return leg of French's Avenue, which would increase to 4m nearest the Tidy Tip and recycling businesses (although the top section could be in transparent material). These fences would also protect open amenity areas. Of course, such noise levels may not occur and would in any case reduce should the Tidy Tip and other businesses cease trading by the time the nearest dwellings are occupied.

During construction there would be a risk of air pollution through traffic and dust which would be controlled in well understood ways through the CEMP condition recommended by CBC Public Protection. Further to concerns expressed by Ward councillors, the applicant has advised that a sum of £2.15m has been included for asbestos removal and demolition of the existing structures on the site.

### Access to external highways

This application includes provision of a main access in the French's Avenue frontage together with pedestrian / cycle links either side but nearer the corners of the site. No such links are proposed to Suncote Avenue / Close because that development has no gaps which could be used and there is no reason to provide

a link to the return leg of French's Avenue. There would of course be a link within the site to the combined CWS.

The existing highway situation was surveyed and the view taken that the impact of the new development (based on 225 units) should be compared with the use of the site as a factory. Thus, it was found that there would be fewer movements at peak time in the morning but more in the afternoon (and more over the day). But HGVs could be as little as one tenth of the factory generation. Figures were then estimated for 2018, when the scheme came online. The Highways Agency agrees with this methodology and accepts the proposal provided a Travel Plan is conditioned.

High Street North was also found to be capable of taking increased traffic flows but the key issue here was the performance of the junctions. The 2013 survey found typical queues of 24 vehicles tailing back from the Houghton Road junction towards French's Avenue in the morning peak. Indeed, it was stated that queues are typical of strategically important routes that pass through urban areas. A special analysis was done in view of the fact that French's Avenue traffic experiences difficulties in joining the southbound traffic on the A5; this found that most vehicles managed to pass through on green in a 1 minute cycle and this problem was usually experienced only in the peak periods.

The 2018 traffic estimate leaving French's Avenue in the morning peak rose 9% over the 2013 figure and 60% in the evening peak but these were still low absolute figures and well within the capacity of the road. In 2018 the A5-M1 and Woodside Link roads are expected to be operating. Traffic modelling took into account the worst case scenario of Houghton Regis North development rolling out without these roads. The French's Avenue junction performed satisfactorily in the peaks in 2018 and 2023 for traffic leaving French's Avenue. On the other hand, Houghton Road junction becomes overloaded in both 2018 and 2023. The applicant can provide no mitigation for this situation. But the likelihood of that development rolling out without the roads which were intended to serve it is very low and that this situation with the junction would be similarly most unlikely. Modelling then compared this situation with the 2018 and 2023 traffic assuming the roads were built. French's Avenue junction in fact improves over the 2013 performance as does Houghton Road junction southbound.

In view of para. 32 of the NPPF, which states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe, there would be no justification to reject this proposal on highway grounds.

French's Avenue is still relatively wide and is absent of a turning area. These matters will need addressing and can be done so either by way of condition and on obligation within the Section 106 Agreement. Notwithstanding this, a separate application will be made to stop up the land in the forecourt of the factory which is part of the highway and served a bus turn.

### Internal highways

The indicative layout follows the principle of legibility so that route finding would be easy. However, all roads would be designed for a speed of 15 - 20mph. The

topography means that a step-free shared-surface layout could be achieved. The absence of other points of access to the site than opposite Peppercorn Way means that there would be a security within the scheme.

A total of 533 parking spaces were designed into the indicative layout (508 + 10 to 15 spaces within highways) to be open as to ensure maximum utilisation. It is based on the new parking strategy standards and the text:

*"If developers wish to implement a lower standard and can demonstrate that it is robust for a particular location / set of circumstances...then this would be considered a departure from policy and would need the approval of the Council's Planning Committee. Where any planned parking provision is below the parking standards, any potential for on-street parking overspill from residential dwellings will be weighed in relation to the potential harm to environmental amenity and road safety."*

Although 3 and 4-bed houses would have slightly fewer spaces judged against the LTP Annex F parking strategy, the provision would in fact sit well within the standards proposed in the draft revised CBC Design Guide which takes into account not only dwelling size but whether it is attached to others. Furthermore, it is proposed not to use garages which can often be lost to car use.

This is an outline application and there is no reason to say that a parking arrangement which is found to be satisfactory cannot be designed for a scheme with the proposed floorspace. Of course, much discussion will be necessary at reserved matters stage to assess the provision and how it would operate in practice.

A Travel Plan is proposed. Until the end of 2013 the site was served by bus service 74 which operated between 2 and 3 services a day (mainly in the morning and early afternoon) between Dunstable town centre and Houghton Regis (and beyond). The applicant, applying the modal split figures from the census, concludes that a proportion of new residents would be prepared to walk typically 600m to the bus stops on High Street North or even to Portland Ride guided busway stop over 1 mile distant (even though the nearest stop for a 'guided bus' is Beecroft estate, half that distance away). It is probable that the proportion of people prepared to use the bus will fall away beyond the 300 - 400m generally accepted as a suitable walking distance. On the other hand, there is a good emerging cycle network and pedestrian links to most urban destinations and the countryside avoid the A5 altogether; the exception of All Saints School requires using the footway and crossing the A5 at the Houghton Road junction. Discussions have been held with Members on the several recommended initiatives put forward by the Sustainable Transport Officer. In view of the fact that the situation could well change by the time the development is occupied it is recommended that the precise destinations for developer contributions are confirmed nearer that time. Whatever is selected would mitigate any disadvantage due to the distance from public transport at present.

### Sustainability

The development would take place over 3 years with phase 1 starting in 2015 (demolition) and other phases following that, depending on sales. Completion

should be 2018 and various time-sensitive assessments are made on this basis. A Construction Environmental Management Plan (CEMP) would be produced through a condition together with a requirement for compliance. Building materials would be reused where appropriate or removed preferably for recycling.

The scheme would comply with Code for Sustainable Homes Code 3 by building fabric specifications above Building Regulations standards, reduced air permeability, specification of efficient heating, and energy efficient lighting. It has been found that the most appropriate technology to address energy demands is photovoltaic panels, which would achieve Code 3 and 10% renewables based on the indicative housing mix. The comments of the Sustainability Officer are noted in relation to standards relating to the DS but it is still too early to require by condition such policy standards until they have been examined through the usual process.

Due to the contamination of the ground most soil recovered during excavations would need to be disposed of offsite.

CBC Waste services has asked for a Bring Bank which is reasonable in the circumstances and can be achieved by condition. Other matters raised are more for detailed design and will be addressed by the planning officer in pre-application negotiations. An informative may alert the applicant of this.

## **5. Building for Life 12**

The application was accompanied by a BfL12 assessment. This has been examined and the resulting position is as follows.

Criterion 1 (Connections) - Historically there has been only one means of access to the site and this frontage is proposed to accommodate the means of access for the new development. Whereas the pedestrian route would link with the CWS it is important that there is no other link to the CWS so that it does not become a through route. - Amber+.

Criterion 2 (Facilities and services) - Somewhat distant from main centres although these are within reach by cycle or foot/bus. Developer contributions would improve these sustainable links. New retail unit welcome. Good access to open space, countryside and schools. - Amber+.

Criterion 3 (Public transport) - Somewhat distant from frequent bus routes with edge of site 600m from nearest such stop. There is an occasional service into the estate. But developer contributions towards improvements to links, especially to Busway service C, and possibly to a local service would help. - Amber-.

Criterion 4 (Meeting local housing requirements) - Indicative layout shows a good range of dwelling size and affordable housing is proposed in accordance with CBC requirements (although necessarily at a slightly reduced rate). - Green.

Criterion 5 (Character) - The limited access to the site enables it to have its own character and community. Yet it takes design cues from the local residential area, even though it is relatively undistinguished, and the retail unit would provide a

focus for the greater community. - Green.

Criterion 6 (Working with the site and its context) - Care has been taken to avoid views into the site from the countryside yet it takes as full an advantage of the CWS as is reasonable, in view of its sensitivity. Trees on the perimeter would be retained until a more detailed layout is produced. - Green.

Criterion 7 (Creating well defined streets and spaces) - Indicative layout shows particular care to provide quality streetscapes using open spaces and having frontaging buildings. - Green.

Criterion 8 (Easy to find your way around) - Indicative layout shows regular layout with views outwards towards reference points. - Green.

Criterion 9 (Streets for all) - The Design and Access Statement proposes shared surfaces and devices to maintain a 20mph speed maximum. Main street spine includes play spaces and minor streets would be safe for mixed use. - Green.

Criterion 10 (Car parking) - Parking provision uses Design Guide standard rather than current CBC standard and justifies this by the policy flexibility in the latter document as well as national policy. However, the draft of the Design Guide allows its own flexibility and furthermore the scheme proposes that no garages are used, thus increasing the efficiency of the provision. - Amber+.

Criterion 11 (Public and private spaces) - Play facilities on site for younger children but viability limitations mean that there is restricted funding for off site facilities. CWS would be opened up and maintained. Good access to countryside. - Amber+.

Criterion 12 (External storage and amenity space) - The Design and Access Statement indicates that garden and storage space would be an important part of the scheme. Amber+.

The scheme thus provides an acceptable score. The main drawback is the relative distance from some facilities encouraging car use but this site is already developed. Amber+ scores mean that a green score could not be obtained for reasons beyond the scope of this application (for example, the fact that the evidence would be in details which are not available until the reserved matters application).

## **6. Infrastructure, planning obligations and viability**

The ES has assessed impacts from the development on various subject areas. Open space has been considered in Section 3 above.

Healthcare: The ES considers that there would be limited impact on healthcare facilities as all surgeries and dental surgeries are accepting new patients, although the situation when cumulative impacts (with other local development) are considered is less straightforward. However, in the pre-application stage, after a number of parties were consulted, the 'applicant' was advised that no healthcare contribution would be required.

Education: During the transition phase of local education reorganisation, and taking into account cumulative developments, there would be a shortfall of places in some areas. The applicant would make a mitigating contribution through the S106.

Crime: The indicative layout produced through the Design and Access Statement incorporates features which would reduce potential crime.

The Planning Obligations calculator finds that contributions are due for education, sustainable transport, leisure, community, waste management and emergency services. However, the applicant has submitted a confidential viability assessment which has been scrutinised. As a result, it was accepted that the development could not fund the infrastructure contributions if affordable housing was sought at the full rate. Two meetings were held with key councillors (Vice chairman, Portfolio holder and Ward councillors) so that priorities could be targeted. However, in view of the uncertainty as to when development will have reached the stage when payments become due, it is proposed that the precise amount to each destination be set nearer the time when local conditions can be taken into account. Therefore the table below shows the range of destinations with the sums arrived at after the consultation. The full sum reached in the infrastructure calculator for the category (before adjustment for viability) is given in brackets for comparison (£):

Education	Early and upper school	588,158 [1,099,785]
Sustainable transport	Measures to promote sustainable travel from the site which may include, but is not limited to, improvement to cycle and pedestrian routes, traffic calming and public transport	337,405 [502,405]
Leisure	CWS (essential),	121,396 [121,396]
	Future adoption of play space (essential),	100,000* [100,000*]
	Outdoor/indoor sports and centres (Dunstable Leisure Centre/Splash park)	159,445 [395,596]
Community	Bookstock for Dunstable library	12,934 [12,934]
	Libraries (upgrade) and community facilities	0 [144,058]
Waste management	Kerbside,	23,415 [23,415]
	Bring bank	7,247



		[7,247]
Emergency services	Police	0 [46,161]
TOTAL FUNDS		1,350,000 [2,452,997]
Affordable housing	At a rate of 20% within which 30% affordable rent and 70% intermediate tenure.	

\*This figure will of course not be payable if the play areas onsite are not adopted by CBC or a Town Council. If the play areas are adopted, the sum will be required through the S106 adoption schedule.

The sums total £1,350,000 and the applicant has indicated that this would enable a viable development. The 70% Lifetime Homes envisaged would be reduced to 10%, which is considered reasonable in view of the fact that the emerging Development Strategy Policy 31 has not yet been through examination.

## 7. Summary of neighbours' concerns

- During demolition, a CEMP would regulate work patterns and mitigations. This would especially consider noise levels, 'dust' and vibration. About 8 vehicle movements per day (4 vehicles) would remove material from the site; the same number would occur for the building phases based on a 5.5 day working week. The CEMP would include a dedicated point of contact with the developers. Working hours are expected to be 0800 to 1800 (Sat 1300) and no noisy activities on site Sums and BHs; work within buildings may take place outside these hours.
- Demolition concerns - Notice is required to be served on the Local Authority under the Building Act before demolition takes place, and provision is made for removal of asbestos (see above under 'environmental factors'). It would be expected that the presence of rats would be brought to the attention of the rodent control officer.
- Highways matters - A Travel Plan will be required as part of the Application for Reserved Matters to encourage other modes of sustainable transport. The Highways Officer has recommended conditions to cover traffic matters on Frenchs Avenue and within the development itself.
- Trees on the boundary - It is unclear exactly which trees residents want to keep but there appears to be an opinion that many are not wanted. Pre-application discussions will advise consultation with residents in this respect although there should be a presumption that the better trees (identified in this application by the applicant) should be retained subject to appropriate health works. The replacement of rear fences will also be a matter for the reserved matters although a general condition would be imposed at this stage.
- Height of buildings - Higher buildings will be kept well away from existing houses, as requested, but it would not be justifiable to prevent buildings of modest height fronting French's Avenue.
- Low quality development - The above report makes clear that a quality development will be expected on this site and the developer will only be able to justify reduced infrastructure contributions after transparent analysis of the

- viability of development shows that the scheme would otherwise be unviable.
- On administration matters, some 300 properties were sent a letter including all properties in Peppercorn Way. In addition, seven site notices were posted as far away as the junction of French's Avenue with the A5, to ensure as many people who live off French's Avenue could learn of the application. The first letter to be sent incorrectly identified the new houses as 'Class A3', which was then rectified to read 'C3'.
  - Other matters, such as affordable housing and loss of industry have been considered in detail elsewhere in this report.

## **8. Conclusions and EIA statement.**

French's Avenue has become an increasingly residential street as former commercial premises have in turn been redeveloped. We accept that the location is no longer easy to market for new tenants, especially as the site abuts a residential area, and, in view of the need to provide new housing, accept the suitability of the site for such purposes. This will also enable the delivery of much-needed affordable housing and the management of an adjacent County Wildlife Site, partly owned by this Council.

As the application is in outline, most of the details remain to be settled. However, access is agreed at this stage and the change in character of the traffic using the site should not materially impact the performance of the junction onto the A5. Although the risk of commercial noise affecting houses in Suncote Avenue and Close would all but disappear, the scheme has been carefully conditioned to provide a respectful scale of development nearest that boundary. Unusually the application does not propose a maximum number of units but a maximum floorspace / footprint. Because the Design and Access Statement is detailed and explains the indicative layout, it is considered that the proposed floorspace / footprint is a realistic figure. Indeed, as with a case specifying a number of units, the reserved matters will be judged on their merits and only acceptable designs would be approved.

Regard has also been had to a future release of the remaining commercial land and the indicative layout rolls out to include these sites.

There is an inevitable visual impact on the nearby countryside but this is greatly mitigated by retaining the adjacent commercial units. Even if they were to be demolished, the proposed height of the dwelling units would not exceed that of the commercial buildings, thus keeping impact limited. Indeed, new landscaping opportunities would present themselves in that event. The visual impacts of the scheme on the setting of Maiden Bower Scheduled Monument are considered acceptable.

Although not a determining issue, flood risk and contamination are found to be satisfactorily dealt with.

The Environmental Statement (ES) has been assessed and found to be generally well performed with no important tasks left incomplete. It had regard to the cumulative effects of the proposal. These take into account other local proposals such as Woodside Link, Prologis Boscombe Road, Houghton Regis North 1 urban extension, Tilia Park development Houghton Road and the development of

the Trico site. It has also considered alternative locations, uses and designs. In the first regard it recognises the brownfield nature of the site and the limited alternative greenfield sites not already committed in 'acceptable' Green Belt locations. In the second regard, it has considered the alternatives for this site which this report has set out in Section 2 above. In the third regard it has fully analysed the responses of consultation and evolved a design solution, an indicative layout and parameter plans. Impacts on relevant subject areas have been assessed and options which produce adverse impacts have been discounted. The appraisal of this application has taken fully into account the ES and it is concluded that any significant environmental impacts would be satisfactorily mitigated within the proposal or proposed conditions.

## **9. Proposed Conditions and S106 Heads of Terms**

Conditions have been grouped according to subject matter. Those influencing the form of the reserved matters include a requirement for a Design Statement which would develop further the Design and Access Statement and explain the form of the final scheme. The parameter plans for building heights and general layout are tied in.

Whereas the form of the management scheme for the CWS is too complex for a condition, conditions are proposed for reptile surveys and archaeological investigation on the site.

Drainage and contamination remediation are covered by conditions proposed by the Environment Agency, CBC and Anglian Water.

Other conditions are proposed for cycle provision, provision of a 'bring site', a travel plan and, as requested by the Ward councillor and residents, boundary fencing. The applicant has agreed to a condition that the scheme shall be to Code 3 (fabric) and provide 10% Lifetime Homes.

Important Informatives include the reference to the Public Art Protocol and submission of a tree survey.

The Heads of terms for the S106 Agreement cover the following:

- Affordable housing (see Section 6 above)
- Infrastructure contributions. A single sum will be sought for 'education, sustainable transport, leisure / open space / green infrastructure, community facilities and estate management'. The total £1.35million will be divided up at the first trigger point in accordance with conditions then prevailing provided that the figure reached in the full assessment is not exceeded in any one case - see Section 6 above)
- Management of the County Wildlife Site
- Adoption of the on-site open space and provision for management of the open space should no public body adopt it
- A site wide parking restriction to stop on street parking during construction.

## **Recommendation**

It is recommended that subject to the satisfactory completion of a Section 106 Legal Agreement requiring contributions towards those matters set out in the report and

provided no new issues are raised then **APPROVE** planning permission subject to the conditions detailed below. However, if there are any minor changes or adjustments to the conditions considered necessary by the Head of Development Management then it is requested that these changes be delegated to the Head of Development Management or a Planning Manager.

## **RECOMMENDED CONDITIONS**

- 1 Approval of the details of the appearance, landscaping, layout and scale of the development, (herein called ‘the reserved matters’) shall be obtained in writing from the Local Planning Authority before development is commenced. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.**

- 2 The reserved matters submission shall be accompanied by a Design Statement developing the concepts set out in the Design and Access Statement so as to provide a basis and foundation for the reserved matters scheme as proposed. Such statement shall indicate facing materials, surfaces and internal boundary treatments and shall show how public art has been integrated into the scheme.**

Reason: To ensure that the design of the scheme is of a high quality in itself.

- 3 Application for approval of the reserved matters, shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.**

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

- 4 No more than 23,500 sq m (GEA) of C3 (Residential) floor space (including flexibility for up to 100 sq m (GEA) of A1/A3 (Retail) floorspace of the Town and Country (Use Classes) Order 1987 (as amended) shall be constructed on the site pursuant to this planning permission in accordance with the Development Parameter Plan No. A-P-001 Rev 01 submitted as part of planning application reference CB/13/03597/OUT validated on 17 October 2013.**

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy for Central Bedfordshire Pre-Submission.

- 5 No development shall take place until a scheme, based on an up-to-date reptile survey, to inform the future management of the site and protection measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full in accordance with a timetable agreed in writing by the Local Planning Authority.**

**Reason: To enable proper consideration of the impact of the development on the contribution of reptile interests to the amenity of the area.**

- 6 **No development shall take place until a written scheme of archaeological resource management that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure the protection and management of archaeological remains which may be preserved in situ within the development site.**

- 7 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.**

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

- 8 **No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.**

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

- 9 **Infiltration systems for surface water drainage shall only be used where approved in writing by the Local Planning Authority and where it has been demonstrated to the Local Planning Authority's satisfaction that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).**

- 10 **No development shall take place until a drainage plan/map for the disposal of both foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in**

line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

11

No development shall commence until a Construction Environmental Management Plan (CEMP) for the site has been submitted to and approved in writing by the Local Planning Authority and which shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on the site. The CEMP shall include:

1. Details on communications, standard construction hours for noisy works, access routes, equipment, the siting and appearance of any works compound, wheel washing facilities, hoardings, maintenance and details of any piling;
2. Measures to be used to control and suppress dust;
3. Measures to be employed to minimise the impact of noise and vibration arising from noise and vibration generating activities carried out on site in accordance with best practice set out in BS5228:2009 "Code of Practice for noise and vibration control on construction and open sites".

The development hereby approved shall only be undertaken in accordance with the agreed CEMP.

Reason: To safeguard the amenities of adjoining occupiers, to protect the surrounding countryside and prevent the deposit of materials on the highway.

12

No development shall commence until a detailed scheme for protecting the proposed dwellings and amenity areas from noise from the adjacent industrial area has been submitted to and approved by the Local Planning Authority. Any works and measures which form the approved scheme shall be completed and shown to be effective before any permitted dwelling is occupied unless an alternative period for completion is agreed by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers are not prejudiced by excessive noise from the adjacent industrial area.

13

Noise resulting from the use of the plant, machinery or equipment in association with any A1 or A3 use shall not exceed a level of 5 dBA below the existing background level (or 10 dBA below if there is a tonal quality) when measured in accordance with BS 4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

14

No development approved by this permission shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

1. **Supplementary Intrusive Site Investigation reports further documenting the contamination conditions of the site as recommended in Section 10.0 of the October 2013 'Ground Conditions Baseline Survey'. These reports must include further ground gas and groundwater investigations and additional infiltration studies to support any proposed mitigation of contamination on sustainable drainage measures, in accordance with methodologies for such investigations and studies that have been agreed in writing by the Environment Agency.**
2. **Where shown to be necessary by point a) above, a detailed Phase 3 scheme for remedial works and measures to be taken to mitigate any risks to human health, and the wider environment.**
3. **Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any permitted building is occupied unless an alternative period is approved in writing by the Authority. 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.**

**Where any topsoils are to be moved or traded then the requirements of the British Standard for Topsoil, BS 3882:2007 shall be adhered to.**

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

15 **No development shall take place until a remediation strategy that includes the following components 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:**

1. **A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site;**
2. **The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM;**
3. **Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary;**
4. **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).**

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval of that strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

- 17 Piling or any other foundation designs and investigation boreholes 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: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

- 18 **No development shall take place until a scheme for the parking of cycles on the site has 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.**

- 19 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units shall be carried out in accordance with the approved details shall not thereafter be used for any other purpose.**

**Reason: To ensure that development is adequately provided with waste and recycling facilities.**



20 Before the occupation of the 101st dwelling on the site, or such other stage as may be agreed by the Local Planning Authority, a surfaced 'bring point' for the collection of recyclable materials shall be provided in a position to be indicated on the 'reserved matter' layout plan, to include anchor points for containers.

Reason: To ensure an appropriate scale of facility for recycling for the development.

21 All dwellings on the site as shown in plan number 1950 A-P-001 rev 01 shall be required to reach achievement for Code for Sustainable Homes Level 3 (Fabric Only) and deliver 10% to Lifetime Homes Standards.

Reason: To ensure the future energy efficiency for the site and to provide homes for all.

22 **No development shall take place until details of the junction between the proposed estate road and the highway have been approved in writing by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

23 **No development shall take place until a scheme introducing traffic calming and promoting parking along Frenchs Avenue have been approved in writing by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.**

24 **No development shall take place until details of a turning area within the confines of the public highway have been approved in writing by the Local Planning Authority and no building shall be occupied until that turning area has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.**

25 **Prior to the first residential occupation of the development hereby permitted a scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed only in accordance with the approved scheme in accordance with a timescale agreed in writing with the Local Planning Authority.**

**Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.**

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Site Plan No. 1950 A-P-004 rev. 00, Development Parameter Plan No. 1950 A-P-001 rev. 01, Landscape Parameter Plan No. 1950 A-P-002 rev.00, Proposed Site Access No. 130210-04.

Reason: For the avoidance of 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. The applicant is advised that in order to comply with Condition 22 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 Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant needs to provide the following control measures within their application for reserved matters:

#### **Collection Points**

All individual dwellings will need to be able to present their bins for collection on the highway boundary, it may be necessary for communal collection points to be utilised. All bins will need to be returned to within the rear of the property boundary, in order to achieve this ease of ability for the residents will be required.

Communal dwellings are provided with a communal waste collection in the form of 1100litre bins, purpose built bin stores will need to be built in order to facilitate the storage of said bins. the bin store will need to be of sufficient size in order to accommodate the communal bins and allow for ease of use for both the residents and our collection crews when emptying. Bin stores must be no more that 10 metres from the middle of the closest highway as there will be a requirement for our collection crew to retrieve said bins and then return them to the storage location.

#### **Vehicle access**

The council will need to see full tracking for all access roads, any non through roads will need to have a sufficient turning head in order to allow collection vehicles the ability to access and exit all roads without the need to reverse for any greater distance than 5 metres.

With regards to communal collection points vehicle access would only be possible if roads leading up to waste collection points are completely free of parked cars in both directions, we therefore request that a condition should

be made to lay double yellow lines on main access roads in the development, not only giving the collection crews space for manoeuvrability but also making visibility clearer. On street visitor parking will only be possible if access roads are sufficient width and allow for the manoeuvrability for collection vehicles, tracking will need to be provided with the application.

**All** roads on the estate should be created so that the vehicle is able to manoeuvre with ease and service all properties.

- Rounding off of corners is required for smooth transition of vehicle movements around the whole estate in order to service it efficiently, **all** corners should be tracked.
- The vehicle chassis should be allocated for an 6 x 4 32 ton non rear steer on the tracking. Vehicle tracking supplied needs to ensure no vehicles sweep over kerbs.

The Council will not be responsible for collecting any side or bulky waste, or bins that go missing or are stolen due to these collection points. If collection points are to be the only means of residents presenting their bins for emptying they must be as close to the kerbside as possible and large enough for at least two 240 litre bins from each property on collection day.

Mini recycling site (bring bank) - no provision has been made within this application. For the quantity of properties an area should be provided and an allocation of containers supplied. This should be addressed in future correspondence with the developer of the site. Although the HWRC is in close proximity, in order to prevent possible hazards with residents walking into the HWRC a bring bank will be required

It is noted that this application is for a mixed development, with highways, streets and public areas. Therefore consideration must be given for placement of waste receptacles for loose waste material i.e. litter. Central Bedfordshire Council has specific types and sizes of waste receptacles for litter and dog waste related items. These **MUST** conform to our recommendations for receptacle, in order for future maintenance of these items to be financially viable, if or when fully adopted by the Council.

In regards to the placement of waste receptacles for highways and lay-bys, and so that they meet our criteria and ensure they are in the best areas for need, emptying/cleansing schedules, please contact the Environmental Services department. Prior agreement from the Council is required for location of waste receptacles to ensure that no issues arise for future maintenance and servicing. A cost may be charged for the provision of emptying said bins.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

5. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

6. The layout for the Application for Reserved Matters shall demonstrate that the applicant has considered the Council's current Design Guide and the Protocol on Public Art.
7. Site layout and landscaping needs to be carefully co-ordinated at the Reserved Matters stage and supported through a BS 5837:2012 tree survey. This will allow the applicant to make an informed choice when considering which trees to retain, to incorporate their respective constraints and also to provide for sufficient space for new and effective tree and shrub planting.

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

Planning permission has been recommended for approval 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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