

Item No. 6

APPLICATION NUMBER	CB/13/03597/OUT
LOCATION	Land at Frenchs Avenue, Dunstable, LU6 1BJ
PROPOSAL	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.
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Murray & Mrs Coleman
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	17 October 2013
EXPIRY DATE	06 February 2014
APPLICANT	Mr Robert Hardie
AGENT	Deloitte Real Estate
REASON FOR COMMITTEE TO DETERMINE	Ward Councillor considers the proposal to be significant in size and will have a material effect on the immediate vicinity
RECOMMENDED DECISION	Outline Application - Approval

Reasons for Recommendation

The proposal will deliver a sustainable form of primarily residential development with the flexibility for up to 100m² (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.

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 Before the occupation of the first dwelling a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:

- Predicted travel to and from the site and targets to reduce car use;
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks;
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport;
- Timetable for implementation of measures designed to promote travel choice;
- Plans for monitoring and review utilising Central Bedfordshire Council's travel plan monitoring software, annually for a period of 5 years;
- Details of provision of cycle parking;
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include walking, cycling, public transport and rights of way information; and
- Details of the appointment of a travel plan co-ordinator.

The details of the Travel Plan shall be implemented solely as approved.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

- 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 than 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.

NOTES

(1) In advance of the consideration of the application the Committee were advised of:

- updated responses from Dunstable Town Council and Houghton Regis Town Council;
- detailed additional comments from the applicant;
- Amendments to condition 23.

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