

## **Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/14/03080/OUT</b>
<b>LOCATION</b>	<b>Former BTR site London Road, Dunstable</b>
<b>PROPOSAL</b>	<b>Outline planning permission for residential development of up to 50 dwellings with all matters reserved except for access on to the main site access road</b>
<b>PARISH</b>	<b>Caddington</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Stuart Robinson</b>
<b>DATE REGISTERED</b>	<b>06 August 2014</b>
<b>EXPIRY DATE</b>	<b>05 November 2014</b>
<b>APPLICANT</b>	<b>Julian Hodge Bank Ltd</b>
<b>AGENT</b>	<b>Pegasus Group Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the adopted Development Plan.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approve</b>

### **Summary of Recommendation**

The site, which is designated a Main Employment area, has been thoroughly marketed for over nine years and has no reasonable prospect of being development for employment uses. Although the development would not comply with Policy E1 of the South Bedfordshire Local Plan Review, the principle of development would comply with Policy CS7 of the emerging Development Strategy and the principles of the National Planning Policy Framework. On balance the principle of development is considered acceptable.

Due to the viability of the site, the development proposes approximately 10% affordable housing, which would be below the affordable housing targets identified in both the South Bedfordshire Local Plan Review and the emerging Development Strategy for Central Bedfordshire. The applicant has submitted a viability assessment, which has been broadly accepted by the Council's Housing Officers. As such the level of affordable housing would comply with Policy H4 of the South Bedfordshire Local Plan Review, Policy 34 of the emerging Development Strategy for Central Bedfordshire and the principles of the National Planning Policy Framework.

### **Site Location:**

The application site comprises of an area of vacant land, previously used as the former British Tyre and Rubber (BTR) works. The site is located at the south-eastern edge of the built-up area of Dunstable, however the site is located within the Parish of Caddington.

The site is situated in close proximity to, and accessed off, the A5 (London Road), which is approximately 25 metres away. The site measures 1.30 hectares in area.

The site is located within an area predominantly made up of residential properties. To the north is a residential development, currently being constructed for 64 dwellings. To the west is a residential area which includes a recently constructed apartment building, which reaches six storeys in height. To the south of the site lies a recently constructed hotel (Holiday Inn), which reaches approximately seven storeys in height.

The site is located within the settlement boundary of Dunstable. The site is identified as a Main Employment Area in the South Bedfordshire Local Plan Review and as Employment Land within the emerging Central Bedfordshire Development Strategy. The site is not within close proximity to the Dunstable Conservation Area or any TPO trees.

### **The Application:**

The application seeks outline planning permission for up to 50 residential dwellings. All matters have been reserved apart from access onto the existing access road.

As part of the application, an indicative layout has been submitted. This layout identifies a range of two, three and four bed dwellings. The Design and Access Statement identifies that the dwellings will be between two to three storeys in height.

The site forms part of a wider site, which included the hotel site, to the south, and the residential site, to the north, currently under construction. This site was previously granted outline planning permission (CB/09/06991/OUT) for a mixed use development comprising a maximum of 64 dwellings, a hotel (Class C1) comprising a maximum of 120 bedrooms, offices (Class B1) with a maximum floor area of 880sqm and a specialised care home (Class C2) with a maximum of 75 bedrooms. The proposed application site covers the land identified for a care home and part of the land identified for offices.

### **RELEVANT POLICIES:**

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

- Chapter 1: Building a strong competitive economy
- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Requiring good design

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

- Policy BE8 Design Considerations
- Policy E1 Main Employment Areas
- Policy H3 Meeting Local Housing Need
- Policy H4 Providing Affordable Housing
- Policy T10 Controlling Parking in New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H3 and H4 are still given significant weight. Policies E1 and T10 are afforded less weight).

## **The Emerging Central Bedfordshire Development Strategy (June 2014)**

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 6 Employment Land
- Policy 7 Employment Sites and Uses
- Policy 8 Change of Use
- Policy 19 Planning Obligations and Community Infrastructure Levy
- Policy 27 Car Parking
- Policy 34 Affordable Housing
- Policy 43 High Quality Development

(Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted in 2014).

### **Technical Guidance**

Revised Central Bedfordshire Design Guide (2014)

### **Planning History**

- CB/14/03080/FULL Screening opinion issued, identifying that an Environmental Impact Assessment is not required.
- CB/14/03075/FULL Full application currently being considered for a 66 bedroom care home for older people.
- CB/12/04249/RM Reserved Matters application granted: Erection of 64 dwellings (associated with outline planning permission CB/09/06991/OUT).
- CB/11/00172/NMA Non-material change granted: Variation of Condition 2 of CB/10/03201/RM in respect of safeguarding existing hedgerow adjoining south-eastern site boundary during construction and operational phases of proposed development.
- CB/10/03201/RM Reserved Matters application granted: Erection of 120 bed hotel (Class C1) with associated access, parking and landscaping pursuant to outline planning permission CB/09/06991/OUT.
- CB/10/02949/REN Extension of time limit to implement planning permission SB/TP/07/0716 granted - Erection of B1 development comprising of 8 units with remainder of the site landscaped pending future re-development with associated highway works, landscaping and car parking.
- CB/09/06991/OUT Outline planning permission granted: Mixed use development comprising a maximum of 64 dwellings, a hotel (Class C1) comprising a maximum of 120 bedrooms, offices (Class B1)

with a maximum floor area of 880sqm and a specialised care home (Class C2) with a maximum of 75 bedrooms.

SB/09/00214/OUT Outline planning permission refused: Mixed use development comprising maximum of 95 dwellings (Class C3), hotel with maximum of 120 bedrooms and maximum of 880sqm of office floorspace (Class B1(a)).

SB/SCN/08/00656 Request under Regulation 5 of EIA Regulations for screening opinion in respect of approximately 5,500sqm of B1 office units, hotel comprising 120 bedrooms and residential development of approximately 2.2ha or maximum of 100 dwellings.

SB/TP/07/00716 Full planning permission granted: B1 development comprising 8 units (remainder of site being landscaped pending future redevelopment) with associated highway works, landscaping and car parking.

SB/TP/05/01168 Full planning permission granted: B1 development comprising 8 units (remainder of site being landscaped pending future redevelopment) with associated highway works, landscaping and car parking.

**Representations:  
(Parish & Neighbours)**

Caddington Parish Council No comments received.

Dunstable Town Council No comments received.

Neighbours Two comments have been received in response to this planning application, with one supporting and one objecting. These have been summarised below.

Supporting

A resident from 4 Goodhart Crescent has stated that they support the application and welcome further housing development.

Objecting

A resident from 10 Brockwell Place has objected to the application. Stating that:

- The existing plans will have a detrimental intrusive impact upon the property and quality of living.
- The proposed development may be overlooked or obstructed by such a development.
- The development should not extend beyond two storeys so that the development does not intrude or overlook the neighbouring properties. Alternatively, if

the development were to be built to 3 stories in height, the development could be built underground

## Consultations/Publicity responses

### Highways

A Highways Officer has commented on this application, upon the original plans and on revised information. These comments have been summarised below.

#### Original Comments

- The Highways Agency should be consulted as the signalled junction of the access road connects onto the A5 (London Road).
- The footpath/cycleway on the A5 should be extended into the site.
- The width of the site access road should be increased from 6.53 metres to 7.30 metres, to improve the horizontal alignment of the access and the forward visibility. It must be proven that a refuse vehicle can get round and that forward visibility can be achieved.
- The Officer has reservations in relation to the alignment of the access road and its junction with the care home. This may be an issue with the care home rather than the residential development.

#### Revised Comments

- Concerns remain regarding the width of the access road. If the road is not widened then parking controls would be recommended.
- It is considered that due to the nature of the uses, the turning of refuse vehicles is considered to be a matter for the detailed design of the residential development, should it be approved.

### Highways Agency

No objection.

### Environment Agency

The Environment Agency have identified that they consider that that surface water can be managed appropriately. They have stated that planning permission could be granted, subject to conditions. These conditions would relate to the agreement of a surface water drainage scheme, completion of the works identified in the remediation strategy and regarding the consideration of contamination risks.

### Public Protection - Contaminated Land

No objection. A condition is recommended, if the application is approved, to require that the 2011 remediation strategy is implemented and validated prior to occupation.

### Planning Policy

A Planning Policy Officer has commented on this application. The Officer's comments have been

summarised below.

- The site is designated as Employment Land in the South Bedfordshire Local Plan Review (2004) and should be protected against development to any non-employment land uses.
- Policy 8 of the emerging Development Strategy states that changes of use will only be permitted if the site has been comprehensively marketed for employment generating uses, there is a local need for the proposed intended use and there are no strong economic reasons why the proposed use would be inappropriate.
- The application is supported by a marketing report, which is considered comprehensive, and indicates that the site has been actively marketed with no success. Given that the rear of the site is already developed with residential and the site is located on the edge of town location, it is considered unlikely that the site will be developed for offices. A change of use to residential will not have an impact on the surrounding land uses, also residential or jeopardise other employment uses on the site.
- Caddington Parish Council are working on a Neighbourhood Plan with Slip End Parish Council. The Plan is currently being prepared.

#### Economic Development

A Economic Development Officer has commented on this application. These comments have been summarised below:

- The site has been vacant since 2005.
- The site was heavily contaminate as a result of the previous industrial use. The remediation costs were very high.
- The access to the A5 has been completely redesigned, with a crossroads as required by the Highways Agency.
- The costs of the remediation and the highways works has been borne by the owner and may have a resultant impact on the viability of the redevelopment of the site.
- The submitted marketing report, compiled by Lambert Smith Hampton is, in my view, comprehensive and accurate.
- It is regrettable that an office development has not come forward during the last few years, it is unlikely that the site would be developed for offices due to its location which is on the edge of the town and some considerable distance from the town centre.

#### Waste

A Waste Officer has commented on this application. s the application is for outline planning permission, these

detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. These comments have been summarised below:

- The applicant should identify communal bin store locations for flats, to include designs of store layout of
  - Proposed collection points for individual dwellings, these are not to be restricted by car parking bays. We will not be able to access Plots 1-23 with our collection vehicle, please provide a solution for collection points.
  - We will not be able to access Plots 31 - 45 without major parking restrictions proposed. Either provide parking prevention measures on the road or an alternative collection point.
  - Proposed bin storage location for individual dwellings should be in the rear of the properties boundaries.
  - Tracking details using the Councils current collection vehicle dimensions should be provided.

#### Ecology

No objection to the proposals but expect the new development to deliver a net gain for biodiversity through native landscaping with nectar and berry rich species and provision nesting opportunities for birds.

#### Green Infrastructure

A Green Infrastructure Officer has commented on this application. As the application is for outline planning permission, these detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. These comments have been summarised below:

- Pleased that the design relates positively to the existing development in terms of the location of open space and the walking links.
- The concept plan in the Design and Access Statement identifies key spaces within the development however, these have not been translated into the indicative layout. The Officer would be pleased to see these key spaces marked, for example, through green features, or more innovative design of the public realm, or the use of specimen trees.
- Welcome the level of site investigation that has informed the design of SuDS, and that infiltration SuDS are being proposed. I welcome the inclusion of permeable surfaces for the roads, driveways and public areas, however overground storage would be preferred to replace the cellular sub-soil systems.

#### Leisure

A Leisure Officer has identified that the proposed development should accommodate a LAP. If this cannot

be provided on site, then off-site contributions will be sought.

In response the agent has identified that this matter can be addressed through the Section 106 Agreement.

## Housing

A Housing Officer has identified that the policy position of the emerging Development Strategy is 30% affordable housing.

The agent has identified that the development can provide 10% affordable housing at most, due to the viability of the site. To support this claim, a viability assessment has been submitted. Discussions are currently ongoing between Officers, however it is accepted that 30% affordable housing cannot be met.

The housing development, as part of CB/09/06991/OUT, provided 8% affordable housing, due to the viability constraints on the site. The Section 106 Agreement for this application included an 'uplift mechanism' to increase the affordable housing provision, depending on the profitability of the development. This approach should be encouraged, if this application is granted planning permission.

## Urban Design

An Urban Design Officer has commented on this application. As the application is for outline planning permission, these detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. The Officer's comments have been summarised below:

- The car park should be identifiable as private space through strong boundary treatment.
- The LAP should be overlooked by dwellings on all sides.
- Parking layout should be clarified.
- The boundary treatments between the hotel and the residential parking should be carefully considered to be both secure and attractive.
- The building line should follow the road.
- The turning head to the east seems unnecessarily large.
- At the end of the two proposed cul-du-sacs there should be a pedestrian link into the neighbouring development.
- The view off the primary street down the eastern cul-du-sac should be terminated by a dwelling not parking.



## Determining Issues

The main considerations of the application are;

1. Loss of Employment Land
2. Affordable Housing
2. Highways
3. Other Matters
4. Planning Obligations

## Considerations

### 1. Principle of Development

The application site is located within the settlement boundary of Dunstable, on a site designated as a Main Employment Area in the South Bedfordshire Local Plan Review and as Employment Land within the emerging Central Bedfordshire Development Strategy.

The National Planning Policy Framework identifies that, while planning should support sustainable economic growth, the long-term, unrealistic, retention of employment sites should be avoided. Paragraph 22 identifies that:

*"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

The National Planning Policy Framework therefore supports the redevelopment of employment sites, where there is no reasonable prospect of the site being used for employment purposes.

Policy E1 of the South Bedfordshire Local Plan Review (2004) identifies that Main Employment Areas should not be granted planning permission for uses other than B1, B2 and B8 uses. As the application proposes up to 50 dwellings, this C3 use would not comply with Policy E1.

More recently, Policy 8 of the emerging Development Strategy for Central Bedfordshire identifies that proposals for non-employment generating uses on designated employment land will only be considered suitable in exceptional circumstances. As such, the following criteria must be met:

- The site is not currently utilised for employment generating uses;
- There is no reasonable prospect of the site delivering employment generating uses;
- A change of use will not detrimentally impact upon the supply pipeline for B1, B2 and B8 uses within the locality;
- The site has been comprehensively marketed for the current employment generating uses as well as for alternative employment generating uses;
- There is a local need for the proposed intended use; and

- There are no strong economic reasons why the proposed intended use would be inappropriate.

The site has been vacant for over nine years. During which time it has been marketed for a range of employment uses. This marketing process has been verified by an Economic Development Officer. The Officer has confirmed that the change of use will not detrimentally impact the supply pipeline of employment land and that there are no strong economic reasons why the proposed intended use would be inappropriate. The Officer has confirmed that, at this moment in time, there is no reasonable prospect that the site will deliver employment uses. There is also a strong local need for the intended use, housing, as evidenced by the Council's Strategic Housing Market Assessment (SHMA) and the site is already surrounded on two sides by residential development.

As such, both Economic Development and Planning Policy Officers have confirmed that they do not object to the proposed development. It is therefore considered that the principle of the redevelopment of the employment site for residential uses is acceptable.

As such the proposal would be in accordance with the National Planning Policy Framework and Policy 8 of the emerging Development Strategy for Central Bedfordshire. The development would not be in accordance with Policy E1, however, given the position of the National Planning Policy Framework and the emerging Development Strategy, the development is considered acceptable in principle.

## **2. Affordable Housing**

The applicant has submitted a viability appraisal, which identifies that, due to the price of remediating the site and constructing the junction with the A5, the development would provide approximately 10% affordable housing.

Policy H4 of the South Bedfordshire Local Plan identifies a target of 35% affordable housing, while Policy 43 of the emerging Development Strategy for Central Bedfordshire identifies a target of 30% affordable housing to be provided. The emerging Development Strategy for Central Bedfordshire adds further detail to this position, identifying that, if the affordable housing requirements are not achieved due to financial constraints, a financial appraisal should be submitted to the Council demonstrating exactly why the above requirements are not viable. The South Bedfordshire Local Plan Review also identifies that "*the level and type of affordable housing to be provided on a particular site will be a matter for negotiation between the Council and the developer*".

This position is echoed in the National Planning Policy Framework, which provides guidance where viability concerns are raised regarding the level of affordable housing. Paragraph 173 identifies that flexibility to viability must be provided for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation to enable the development to be deliverable.

The applicant has submitted a viability assessment to accompany the application, which has been assessed by a Housing Officer. The Officer has identified that the assessment is generally accurate and it is accepted that 30% affordable housing cannot be met on the site, if full contributions are provided. The viability assessment has been accepted by the Council's Officer. As such it is agreed that an affordable housing provision of 10% is acceptable in these exceptional circumstances.

It must also be noted that, as part of outline planning application CB/09/06991/OUT, which sought permission for mixed use development across the whole former BTR site, an affordable housing provision of 8% was agreed. The Section 106 Agreement for this application also included an 'uplift mechanism', which allowed for increased contributions and affordable housing if the profitability of the scheme increased. The agent has confirmed that the applicant would be willing to agree a similar uplift mechanism for affordable housing.

On this basis, the application would be consistent with the National Planning Policy Framework, Policy H4 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire. As such the level of affordable housing is considered to be acceptable.

### **3. Highways**

A Highways Officer has no objection to the proposal in terms of traffic generation but has raised concerns regarding the proposed width and visibility of the access road into the application site. The access road would also provide access to another parcel of the site, considered under a separate application for a care home (CB/14/03075/FULL).

The Highways Officer has raised concerns that, if there were on-street parking on the access road, vehicular access would be significantly reduced. On this basis the Officer has advised that the road is widened from 6.53 metres to 7.30 metres. If this cannot be accommodated the Officer has suggested on-street parking controls.

While these comments are noted, the illustrative layout indicates that parking provision for the residential development can be satisfactorily accommodated within the site. As such, as part of this outline planning application, there is nothing to suggest that the development will generate on-street parking on the access road.

The Highways Officer has also identified that the access road will need to allow for the turning of refuse vehicles. The site is of a sufficient size to allow for a turning area within the site. This detail would be provided through a reserved matters application, if the application is granted planning permission.

### **4. Other Matters**

#### Scale of development

A resident has raised concerns regarding the scale of the proposed development and the impact it would have to the neighbouring residential properties. It must be noted that this application seeks outline planning permission. As such the detail, such as the location and size of the dwellings, is

reserved and is not for consideration as part of this application.

#### Flood risk

The site is located outside flood zones 2 and 3.

The Environment Agency have identified that they consider that that surface water can be managed appropriately. They have stated that planning permission could be granted, subject to conditions

### **5. Planning Obligations**

The applicant will be required to enter into a Section 106 Agreement to meet the requirements of the Council's Planning Obligations Strategy by contributing to local infrastructure. This will be completed prior to the issuing of any decision.

The table of agreed contributions is set out below. The agent has confirmed that the applicant would be willing to agree a uplift mechanism.

<b>Category</b>	<b>Contribution</b>
Education	£242,348.27
Health	£60,000
Leisure, ROS and GI	£107,370
Community Facilities	£36,150
Waste Management	£4,800
Police	£10,350
<b>Total</b>	<b>£461,018.27</b>

#### **Human Rights issues**

In deciding this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity, further action is not required. This planning application does not present any human rights issues.

#### **Equality Act 2010**

In deciding this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

#### **Recommendation**

That the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior completion of a Section 106 Agreement.

#### **RECOMMENDED CONDITIONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

- 2 **Approval of the details of the appearance, access (excluding details of the main access road), 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.

- 3 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall include finalised details of the following:

- **Full calculations detailing the existing surface water runoff rates for the QBAR, Q30 and Q100 storm events;**
- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the QBAR, Q30, Q100 and Q100 plus climate change storm events, of the critical storm season and duration;**
- **Full results of proposed drainage system modelling in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;**
- **Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;**
- **Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer's design flow curve;**
- **Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;**
- **Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.**

**Reason: To ensure that surface water drainage is provided and that existing and future land drainage needs are protected in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.**

- 4 No development shall take place until details of the method of disposal of foul and / or surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.**

- 5 The development hereby permitted shall not commence until a landscaping scheme (or a comprehensive landscaping scheme for the whole site) - to include any hard surfaces and earth mounding - has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.**

- 6 The development hereby permitted shall not commence until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of the area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.**

- 7 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy.**

- 8 Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy (ref LC321-85A/NJW dated 12 September 2011) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: 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 Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 9 **The development hereby permitted shall not commence until wheel cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity of the area and to prevent the deposit of mud or other extraneous material on the highway during the construction period in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.**

- 10 Prior to the occupation of the development, the proposed remediation scheme (JPB 2011 - Reference LC316-133a/NJW) must be validated and implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with South

Bedfordshire Local Plan Review Policy BE8 and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

- 11 Before the development hereby permitted is first occupied or brought into beneficial use, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the travel plan shall be implemented in full within 6 months of the development being first occupied or brought into beneficial use. Moreover, the travel plan shall be monitored and the results of this monitoring be reviewed on an annual basis. Further recommendations for improvements to the travel plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 26 and 43 of the emerging Development Strategy for Central Bedfordshire.

- 12 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 from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: 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 Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 10095-SK403, BIR.2861\_21-1A and CBC/001.

Reason: To identify the approved plan/s and to avoid doubt.

### **Notes to Applicant**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
3. The Environment Agency have no objection to the use of soakaways on this site following our review of a site investigation report in October 2012 in



relation to planning permission CB/09/06991.

- 4. Condition 13d of CB/09/06991/OUT (contamination verification report) has not been discharged and is therefore relevant to this application and will need to be discharged following completion of the development.
- 5. Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination

**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 early engagement with the applicant at the pre-application stage 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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