

## Item No. 6

<b>APPLICATION NUMBER</b>	<b>CB/14/02515/OUT</b>
<b>LOCATION</b>	<b>Vehicle Storage Area, Chaul End Road, Caddington, Luton, LU1 4AX</b>
<b>PROPOSAL</b>	<b>Outline Application: For the demolition of existing buildings and hard standing, residential development of up to 325 unit and up to 500 sq mtrs of community space (with flexible uses across Classes A1, - A3, B1a and D2) with green infrastructure and two access off Chaul End Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking.</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>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>26 June 2014</b>
<b>EXPIRY DATE</b>	<b>16 October 2014</b>
<b>APPLICANT</b>	<b>General Motors</b>
<b>AGENT</b>	<b>CBRE Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to the following conditions.</b>

### Summary of Recommendation

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness, its limited impact on openness and its limited encroachment. In line with national planning policy, substantial weight is to be attached to Green Belt harm.

The application relates to a brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt. The land has been identified by the Council as suitable for redevelopment as a strategic development site to be removed from the Green Belt and the application proposal is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy to accommodate the needs of a growing population in the area. The proposed development would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing. Given the emphasis placed within the NPPF on the need to significantly boost the supply of housing, significant weight is attached to this consideration. The redevelopment of this site also reduces the necessity to identify further greenfield sites to contribute to meeting housing need. The proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. There are also a number of other site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

Subject to suitable mitigation, no significant landscape, transport or environmental impacts would result from the proposed development. There would be no significant harm as a result of the loss of employment land or due to the impact on local services and facilities and in all other respects the proposal is considered to be in conformity with the development plan policies comprising the South Bedfordshire Local Plan Review, Minerals and Waste Local Plan as well as the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

---

## **Recommendation**

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in Section 8 of this report and subject to the following conditions:

### **RECOMMENDED CONDITIONS**

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called 'the reserved matters') of the development in each development area as defined by the approved parameter plans shall be obtained in writing from the local planning authority before development is commenced in that area. 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 Application for approval of the reserved matters for each development area as defined by the approved parameter plans, 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 2 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.

- 3 **No development of a particular phase of the proposals shall commence (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority for that relevant phase. The CEMP shall include details of:**

- a) **Environment Management Responsibilities;**
- b) **Construction Activities and Timing;**
- c) **Plant and Equipment, including loading and unloading;**
- d) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) **Details of site compounds, offices and areas to be used for the storage of materials;**
- f) **Utilities and Services;**
- g) **Emergency planning & Incidents;**
- h) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) **On site control procedures in respect of:**
  - i. **Traffic management measures**
  - ii. **Air and Dust quality**
  - iii. **Noise and vibration**
  - iv. **Water quality**
  - v. **Ecology**
  - vi. **Trees, Hedgerows and Scrub**
  - vii. **Waste and Resource Management**
  - viii. **Archaeological and Cultural Heritage**
  - ix. **Visual and Lighting**
  - x. **Utilities and Services**
  - xi. **Protection of water resources**
  - xii. **Protection of species and habitats**
- j) **Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**

- k) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).**

**Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.**

**The development hereby permitted shall be carried out only in accordance with the approved CEMP.**

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.**

- 4 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Rev F3 flood risk assessment (FRA) prepared by Campbell Reith Ref: 11386 dated 18/06/14, or an alternative mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA, unless an alternative scheme is 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 subsequently be implemented in accordance with the approved details before the development is completed.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.**

- 5 No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority. Where the development is brought forward in phases, each phase may only be begun once a remediation strategy for that phase has been submitted to and approved, in writing, by the Local Planning Authority:**

1. **The results of a site investigation based on the Preliminary Risk Assessment (Phase 1 Environmental Assessment prepared by CBRE), submitted with the outline planning application and a detailed risk assessment, including a revised Conceptual Site Model (CSM).**
2. **Based on the risk assessment in (1) 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.**
3. **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 (2) is submitted to, and approved in writing by the Local Planning Authority. The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved. Where the development is brought forward in phases, no occupation of the relevant phase of the permitted development shall take place until the above verification report is approved.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.**

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

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 7 No piling or any other foundation designs using penetrative methods shall be used in the construction of the development 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 prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 8 **No development shall commence until a scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

**Reason: To protect the amenity of any future occupiers in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.**

- 9 Noise resulting from the use of the plant, machinery or equipment during occupation and operation of the development shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To safeguard the amenity of adjoining residents and landowners in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 10 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

As shown to be necessary by the Phase 1 CBRE 2014 Report, a further detailed investigation strategy incorporating a remedial plan for soil capping and any gas protection measures shown to be necessary. Any works which form part of the strategy approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Local Planning Authority. Any such validation should include responses to any unexpected contamination discovered during works and shall be completed in full before any permitted building is occupied.

Reason: To protect human health and the environment in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 11 **A new means of access shall be provided from Chaul End Road and the existing means of access from Chaul End Road shall be altered as shown in principle on the indicative Drawing Nos. 27329/004/003 and 27329/004/004. No development shall commence until construction details of these junctions has been submitted to and approved in writing by the Local Planning Authority. The altered access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the northern area of residential development as defined by the approved parameter plans and retained as such thereafter. The new access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the southern area of residential development as defined by the approved parameter plans.**

**Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.**

- 12 No part of the development hereby approved shall be brought into use until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:
- The identification of targets for trip reduction and modal shift;
  - The methods to be employed to meet these targets;
  - The mechanisms for monitoring and review;
  - The mechanisms for reporting;
  - The penalties to be applied in the event that targets are not met;

- The mechanisms for mitigation including budgetary provision;
- Implementation of the travel plan (until full occupation) to be agreed timescale or timescale and its operation thereafter; and
- Mechanisms to secure variations to the travel plan following monitoring and reviews.

The Travel Plan shall then be implemented as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with Policy 26 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 13 **The development shall be carried out in accordance with the approved Design Code documents received by the Local Planning Authority on 26/06/2014.**

**Reason: To ensure a high quality development in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.**

- 14 No part of the development hereby approved shall be brought into use until a Public Art Strategy has been submitted to an approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 15 The details required by Condition 1 of this permission shall include an Arboricultural Method Statement and Tree Protection Plan. The development shall be carried out in accordance with the approved statement and plan.

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.



- 16 The details required by Condition 1 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 17 The details required by Condition 1 of this permission shall include a scheme for parking and garaging for the residential units in that area. The scheme shall then be carried out in accordance with the approved scheme.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with Policies 27 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 18 The details required by Condition 1 of this permission shall include a scheme of improvements to public rights of way within the application site (FPA8 and FP5) including access improvements with appropriate connections north and south of the site and upgrades and enhancements to surfacing and drainage arrangements where deemed appropriate. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure that public rights of way within the site are protected, enhanced and promoted as part of the development in accordance with Policy R15 of the South Bedfordshire Local Plan Review and Policy 23 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 19 The details required by Condition 1 of this permission shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 20 The details required by Condition 1 of this permission shall include a scheme detailing the proposed boundary treatments in that area including the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 21 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development. The scheme shall identify opportunities to meet higher water efficiency standards including through the use of water efficient fixtures and fittings and rain water harvesting and storage. Building design, layout and orientation, natural features and landscaping, including green and brown roofs and walls and suitable street tree planting, should be considered to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with Policy 47 and 48 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 00642\_PP01 P1; 00642\_PP02 P1; 00642\_PP03 P1; 00642\_PP04 P1; 00642\_PP05 P2; 00642\_PP07 P1; 00642\_RG P2; and the Design Code documents received by the Local Planning Authority on 26/06/2014.

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. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions 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.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

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

The application has been recommended for approval. 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 additional consultation and publicity responses, amended and additional conditions as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.