

Item No. 8

APPLICATION NUMBER	CB/14/03080/OUT
LOCATION	Former BTR site London Road, Dunstable
PROPOSAL	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
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Stuart Robinson
DATE REGISTERED	06 August 2014
EXPIRY DATE	05 November 2014
APPLICANT	Julian Hodge Bank Ltd
AGENT	Pegasus Group Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from the adopted Development Plan.
RECOMMENDED DECISION	Outline Application - Approve

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 developed 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.

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. 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.
2. 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.
3. 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.
4. 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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of amendments to the report in relation to sections 2 and 5 as set out in the Late Sheet attached to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.