

Item No. 8

APPLICATION NUMBER	CB/14/03075/FULL
LOCATION	Land at The Gateway (former BTR site) London Road, Dunstable, LU6 3DX
PROPOSAL	Proposed 66 bed care home for older people with associated car parking and landscaping
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Stuart Robinson
DATE REGISTERED	14 August 2014
EXPIRY DATE	13 November 2014
APPLICANT	Ideal Carehomes
AGENT	LNT Construction Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from the adopted Development Plan.
RECOMMENDED DECISION	Full Application – Recommended for Approval

Reasons for Granting

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, it would provide some form of employment land and the principle of development would comply with Policy CS7 of the emerging Development Strategy and the principles of the National Planning Policy Framework, to which greater weight can be achieved. On balance the principle of development is considered acceptable.

The proposed design of the development would complement the local character and would comply with Policy BE8 of the South Bedfordshire Local Plan Review and Policy CS43 of the emerging Development Strategy for Central Bedfordshire. The design would accord with the Central Bedfordshire Council Design Guide and the principles of the National Planning Policy Framework. As such the development is considered acceptable.

Recommendation

That planning permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until samples of the materials to be used in the construction of the external surfaces, including the external brick walls, rendered walls and tiled roof, 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 and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 3 **No development shall take place until details of wheel-cleaning facilities at all site exits have been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the approved facilities have been installed and made operational and the Site Developer shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until 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 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.

- 4 **No development shall commence until details of substantial protective fencing for trees on the north western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected on a scaffolding framework, constructed with uprights and cross members, being well braced to resist impact, with the vertical poles driven firmly into the ground. The approved fencing shall remain in position for the entire duration of development shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 59 of the emerging Development Strategy for Central Bedfordshire.

- 5 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance**

for a period of five years following the implementation of the landscaping scheme have 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 and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 58 of the emerging Development Strategy for Central Bedfordshire.

- 6 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.

- 7 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.

- 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 Prior to the occupation of the development all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority’s approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure acceptable parking of vehicles outside highway limits in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 10 The development shall not be brought into use until details of a turning space for vehicles within the curtilage of the site have been submitted to and approved in writing by the Local Planning Authority and the approved turning space has been constructed.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 11 The development hereby permitted shall not be brought into use 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 brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 12 The development hereby permitted shall not be brought into use until a scheme for noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The noise attenuation measures will ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB L_{Aeq} , 07:00 - 23:00 in any habitable room or 30 dB L_{Aeq} 23:00-07:00 and 45 dB L_{Amax} 23:00-07:00 inside any bedroom, and that noise levels from external inside any bedroom, and that noise levels from external inside any bedroom, and that noise levels from external road traffic noise sources shall not exceed 55 dB L_{Aeq} , (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning 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 Local Planning Authority.

Reasons: To protect the amenity of neighbouring residents in accordance with Policy BE8 of South Bedfordshire Local Plan Review and Policy 43 of the emerging Central Bedfordshire Development Strategy.

13. Noise resulting from the use of the plant, machinery or equipment on the site 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 residential amenity of neighbouring occupiers is not prejudiced by excessive noise 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
14. 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.

15. This approval relates only to the details shown on the submitted plans, numbers LU6 3DX-A-01, LU6 3DX-A-02A, LU6 3DX-A-03, LU6 3DX-A-04A and LU6 3DX-A-05A.

Reason: To identify the approved plans 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.

Informatives

- 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 corrections to the report, additional consultation responses and amended conditions as set out in the Late Sheet attached to these Minutes.

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