

## Item No. 09

<b>APPLICATION NUMBER</b>	<b>CB/15/04918/REG3</b>
<b>LOCATION</b>	<b>Land at Thorn Turn, Thorn Road, Houghton Regis, Dunstable, LU6 1RT</b>
<b>PROPOSAL</b>	<b>Regulation 3 - OUTLINE APPLICATION: Erection of up to 61,336m of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access from Thorn Road.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Andrew Horner</b>
<b>DATE REGISTERED</b>	<b>22 December 2015</b>
<b>EXPIRY DATE</b>	<b>22 March 2016</b>
<b>APPLICANT</b>	<b>CBC Assets</b>
<b>AGENT</b>	<b>Woods Hardwick Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan Council Application that has attracted objections</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 and subject to conditions.</b>

### 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 and subject to conditions:

### RECOMMENDED CONDITIONS

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called 'the reserved matters') of the development shall be obtained in writing from the local planning authority prior to development is commenced in that Development Parcel. The development shall be carried out in accordance with the approved details.

Reason: To comply with Article 5 (1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 2 Application for approval of the reserved matters, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 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 more than 61,336 sqm of gross non-residential floor space (to include mezzanines) within Classes B1, B2 and B8 (Employment) (of the Town and Country (Use Classes) Order 1987, as amended) shall be constructed on the site pursuant to this planning permission.

Reason: For the avoidance of doubt and to define the planning permission.

- 4 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.**

**The CEMP shall comprise;**

- 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) **Works affecting rights of way including route diversions, extinguishments or temporary closures**
- f) **Details of site compounds, offices and areas to be used for the storage of materials;**
- g) **Utilities and Services;**
- h) **Emergency planning & Incidents;**
- i) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- j) **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**
- k) **Detailed phasing plan to show any different phasing, different developers and/or constructors;**
- l) **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).**

**The works shall be implemented only in accordance with the details**

approved.

**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 the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with development.

- 5 **Part A:** No development shall take place within any phase of the development until a written scheme of archaeological investigation for that phase has been submitted to and approved in writing by the Local Planning Authority.

The written scheme of investigation shall include the following components:

- A method statement for the investigation of any archaeological remains present at the site;
- A outline strategy for post-excavation assessment, analysis and publication

**Part B:** The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- The completion of all elements of the archaeological fieldwork, which shall be monitored by the Archaeological Advisors to the Local Planning Authority;
- The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority;
- The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report

**Reason:** In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.

- 6 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable principles and a**

**detailed site specific assessment of the hydrological and hydrogeological context of the development. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The approved scheme shall be implemented in accordance with the approved timetable and detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF). Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.**

- 7 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.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF.

- 8 The final design shall be undertaken in adherence to the identified tree constraints, as shown in the "Arboricultural Impact Assessment", dated December 2015, and the preliminary "Tree Protection Plans" (Dwgs No's 5134801-ATK-CD-ZZ-DR-2-001 and 5134801-ATK-CD-ZZ-DR-2-002 - Rev. P2), as prepared by Atkins, supplied in the Outline Application. The final design shall then be supported by an "Arboricultural Method Statement", and detailed, "Tree Protection Plans" to demonstrate that both maximised tree and hedgerow retention, and tree and hedgerow protection measures, have been appropriately considered in the design process. The approved "Arboricultural Method Statement" and "Tree Protection Plans" shall be implemented both prior to and during development, in strict accordance with the stipulated tree protection requirements and recommendations, as shown on the approved documents and plans.

Reason: To ensure that trees have been duly considered in the design process, in order to retain as many tree and hedgerow specimens as possible within the design scheme, and to successfully accommodate and protect both the existing landscaping, and areas designated for new planting, in the interests of providing visual amenity, protection of landscape habitat and biodiversity.

- 9 **No development shall commence until a Biodiversity Mitigation Strategy & Management Plan has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved**

## **Mitigation Strategy & Management Plan.**

**The scheme shall include details of ecological surveys and suitable habitat mitigation, including lighting strategies and monitoring including details extent and type of new planting and new habitat created on site.**

**Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impacts which could occur in connection with development.**

- 10 The details required by Condition 1 of this permission shall include a scheme of detailed landscaping proposals. The scheme shall detail structural landscaping proposals reflecting the character of existing landscape structures around the application site to enhance the landscape setting and visual amenity of the Ouzel Brook corridor, including the route of Public Bridleway No. 49 and maximise the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To protect the landscape character and visual amenity of the locality in accordance with the NPPF.

- 11 No part of the development shall be brought into use until a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site. The Rights of Way scheme 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: To ensure that the public bridleway route within the site is protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 12 **No development shall take place until an appropriate noise assessment has been undertaken and any relevant scheme for mitigation and/or management of noise has been submitted to and approved by the Local Planning Authority. Any scheme or management plan hereby approved shall be implemented prior to any uses becoming operational and operated in accordance with the approved details unless alternative arrangements are agreed in writing by the Local Planning Authority.**

**Reason: In the interests of local amenity in accordance with the NPPF. Details must be approved prior to the commencement of development to ensure the development is constructed in a way which ensures a satisfactory standard of local amenity.**

- 13 The rating level of sound emitted from any fixed plant and/or machinery associated with the development or educational activities at the use hereby approved shall not exceed a level of 5dB(A) below the existing background level at the boundary of the nearest noise sensitive premises. All measurements and calculations shall be made in accordance with the methodology of BS4142:2014 (Methods for rating and assessing industrial and commercial sound.)

Reason: In the interests of local amenity in accordance with the NPPF.

- 14 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways etc. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) in accordance with the NPPF.

- 15 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 including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping 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 the NPPF.

- 16 No part of the development shall be brought into use until a detailed waste audit scheme has been submitted to and approved in writing by the Local Planning Authority. 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 the NPPF.

- 17 Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road, in accordance with the NPPF.

- 18 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway, in accordance with the NPPF.

- 19 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

- 20 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;
- Existing site location plan 17384\_SK01B
  - Existing site location plan 17384\_SK10
  - Existing site plan 17384SK02A
  - Site constraints plan 17384SK03A
  - Site parameters plan 17384SK07A
  - Topographical survey 20985/1
  - Topographical survey 20985/2
  - Arboricultural Impact Assessment dated December 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001P2 and 0002 P2.

Reason: For the avoidance of doubt.

- 22 Before any building is occupied a 3.0m wide footway/cycleway shall be constructed on the south side of Thorn Road for the entire length of the site frontage in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement, in accordance with the NPPF.

- 23 Before any property is occupied bus stop provision shall be delivered on each side of Thorn Road in the location of the application site in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and improvements to sustainable modes of transport, in accordance with the NPPF.

- 24 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

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 the NPPF.

- 25 Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.

Reason: To ensure that the proposed highways are adequately lit, in accordance with the NPPF.

26. No development shall take place until a scheme for the programme of works and actions to provide a replacement rifle range shall have been submitted and approved in writing by the local planning authority. The replacement rifle range shall be of similar size and specification to the existing facility (including access parking and other facilities) and shall be located within Central Bedfordshire within a reasonable travel distance of the existing rifle range. The programme to be submitted for approval shall include details of the proposed location, specification (including number and length shooting lanes; calibre, size and ammunition type of rifles and other firearms to be supported), all safety bunding, access and parking facilities, any buildings and anticipated delivery programme.

Reason: To ensure that the existing rifle range facility is replaced by a similar facility in accordance with paragraph 74 of the NPPF.

## **INFORMATIVE 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 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR), and the NPPF.
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 the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
5. The applicant is advised that if it is the intention to request the Central Bedfordshire County 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 Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. 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.
6. 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 Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
7. Anglian Water has assets close to or crossing this site or there are assets subject to and adoption agreement. Therefore the development should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any a amendment thereto.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses as detailed in the Late Sheet from the following:
  - a. 451 Bideford Green Linslade 03/05/2016
  - b. CBC Highways Development Management 05/05/2015
  - c. Bank End Cottage, Chalk Hill, Dunstable 09/05/2016
  - d. Bedford Small-bore Shooting Association 09/05/2016
  - e. Additional / amended conditions 17, 18, 22, 23, 24, 25 as above.
  - f. Additional / amended informatives 4, 5, 6 and 8 as above.]