

Item No. 9

APPLICATION NUMBER	CB/16/02972/FULL
LOCATION	Former Dukeminster Estate, Church Street, Dunstable
PROPOSAL	Erection of 270 dwellings with parking and associated works.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Donna Lavender
DATE REGISTERED	18 July 2016
EXPIRY DATE	25 November 2016
APPLICANT	Persimmon Homes North London
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Major Application that is a departure from the Development Plan
RECOMMENDED DECISION	Full Application – Recommendation for Approval subject to the completion of a 106 agreement

Recommendation:

That Planning Permission be **APPROVED** subject to the completion of a Section 106 Agreement and the following conditions:

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 building shall be occupied until a phase 4 Validation report demonstrating the effectiveness of the remediation strategy, presented in the BRD 'Additional Contamination Assessment and Remediation Strategy' document (Report Ref: BRD2297-OR2-B) dated October 2015, has been submitted and approved in writing by the Local Planning Authority. Any such validation report shall include responses to any unexpected contamination discovered during works.

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.

(Policy BE8 SBLPR and the provisions of the NPPF)

- 3 **No development shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the noise.co.uk report (Ref: 16065A-1) dated 24th October 2016. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

Reason: This is a pre-commencement condition as the materials and other methods of noise mitigation are required to be pre-ordered prior to construction and to protect the residential amenity of any future occupiers.

(Policy BE8 SBLPR and the provisions of the NPPF)

- 4 **Prior to the commencement of development, including demolition, all tree protection barriers shall be erected and positioned in strict accordance with the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev E and 711 Rev E), in full compliance with the appropriate build specification as being shown on the drawings. The tree protection barriers shall then remain securely in position throughout the entire course of development.**

Reason: This is a pre-commencement condition as protection for pre-existing trees must be erected prior to construction to secure the protection of the rooting system, rooting medium and natural canopy spread of retained trees from all development activity, so as to maintain their good health in the interests of securing visual amenity (Policy BE8 SBLPR and the provisions of the NPPF)

- 5 **During the course of development, all hand excavation and root pruning being undertaken in the areas indicated as such on the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev E and 711 Rev E), shall be carried out under the direct supervision of a qualified arboriculturist, appointed by the developer to oversee these operations, in full compliance with good arboricultural practice.**

Reason: To ensure compliance with good arboricultural practice and to minimise damage to tree roots caused by construction operations being required within the designated Root Protection Area's of the retained trees, so as to maintain their good health, in the interests of securing visual amenity.

(Policy BE8 SBLPR and the provisions of the NPPF)

- 6 **No part of the development shall be occupied prior to implementation of those parts identified in the travel plan that are capable of implementation prior to occupation. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.**

Reason: In the interest of promoting sustainable transport.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 7 **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: This is a pre-commencement condition as ground works in relation to Foul Water will be required to be completed before the foundations and building of the units to prevent environmental and amenity problems arising from flooding.
(Policy BE8 SBLPR and the provisions of the NPPF).**

- 8 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.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.
(Section 4, NPPF)

- 10 **Notwithstanding the details supplied with this application, no development shall take place, until details of the materials to be used for the external walls and roofs (including the provision of birds/bat boxes) of the development hereby approved 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: This condition is pre-commencement as materials are ordered prior to construction and to control the appearance of the building in the interests of the visual amenities of the locality and in the interest of ensuring a net gain in biodiversity.
(Policy BE8 SBLPR and Sections 7 & 11, NPPF)**

- 11 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been**

submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: This condition is pre-commencement as ground levels must be agreed on site prior to construction to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.

(Policy BE8 SBLPR and Section 7, NPPF)

- 12 The dwellings hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.

(Policy BE8 SBLPR and Section 7, NPPF)

- 13 The planting and landscaping scheme shown on approved drawings 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 shall mean the period from October to March) and shall be maintained in accordance with the approved landscape management plan. 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 with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping.

(Policy BE8 SBLPR and Sections 7 & 11, NPPF)

- 14 No part of the development hereby approved shall be brought into use until a Public Art Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; strategies for pupil 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 SBLPR and the Central Bedfordshire Design Guide.

- 15 **No development shall take place until a Construction Management/Method Plan and Statement with respect to the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority. Development works shall be undertaken in accordance with the approved Construction Management/Method Statement/Plan. The details shall**

include, amongst other things, access arrangements for construction vehicles; compounds, including storage of plant and materials; details of how the road shall be kept clear of mud deposit or other extraneous material; loading and unloading areas and construction workers parking arrangements.

Reason: This condition is pre-commencement as the method of management of construction traffic and/or materials on site is required before works begin, in the interest of safeguarding the local residential amenity.

(Policy BE8 SBLPR and Section 4, 7 and 13 of the NPPF)

- 16 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.**

Reason: This condition is pre-commencement as the details and materials used in construction must be ordered in advance of construction and In the interests of sustainability.

(Section 10 of the NPPF)

- 17 **No development shall commence until a detailed surface water drainage scheme for the site and an assessment of the hydrological and hydrogeological context of the development, including a plan for long term maintenance and management, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system has been calculated as well as how it will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: This condition is pre-commencement as the surface water drainage scheme will require ground works to be carried out prior to construction, to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 38992/001 rev B Drainage Layout Sheet 1 of 2, 38992_002 E Proposed Drainage Layout Sheet 2 of 2, Drainage Strategy (38992-004) received 02.05.17, 14.100.1.100.1 rev 32 Site Layout Coloured, 14.100.100.1.SH rev 32 Storey Height Plan, 14.100.1.100.MAT rev 32 Wall & Roof Materials, 14.100.1.101 Rev A Site Location Plan, 14.100.1.101.2 rev 22 Site layout (with altered area), 14.100.1.200 rev - Single Garage, 14.100.1.201 rev -Double Garage, 14.100.1.A01 rev D**

Bickleigh House Type, 14.100.1.A02 rev B Bickleigh House Type (Contemporary), 14.100.1.B01 rev D Hanbury House Type, 14.100.1.B02 rev C Hanbury House Type (Contemporary), 14.100.1.C01 rev C Hatfield House Type, 14.100.1.C02 rev - Hatfield House Type (Contemporary), 14.100.1.D01 rev D Alnwick House Type, 14.100.1.D02 rev C Alnwick House Type (Contemporary), 14.100.1.E01 rev C Leicester House Type (Elevations), 14.100.1.E02 rev B Leicester House Type (Plans), 14.100.1.F01 rev D Moseley House Type, 14.100.1.F02 rev B Moseley House Type (Contemporary), 14.100.FL.01 rev E Flat Block 1 Plans, 14.100.FL.01.1 rev C Flat Block 1 Elevations, 14.100.1.FL.02 rev C Flat Block 2 (Plans), 14.100.1.FL.02.1 rev C Flat Block 2 (Elevations), 14.100.1.FL.03 rev C Flat Block 3 (Plans), 14.100.1.FL.03.1 rev C Flat Block 3 (Elevations), 14.100.1.FL.04 rev D Flat Block 4 (Plans), 14.100.1.FL.04.1 rev D Flat Block 4 (Elevations), 14.100.FL.05 rev E Flat Block 5 (Plans), 14.100.FL.05.1 rev E Flat Block 5 (Elevations), 14.100.1.FL.06 rev C Flat Block 6 (Plans), 14.100.1.FL.06.1 rev C Flat Block 6 (Elevations), 14.100.1.FL.07 rev C Flat Block 7 (Plans), 14.100.1.FL.07.1 rev C Flat Block 7 (Elevations), 14.100.1.FL.08 rev C Flat Block 8 (Plans), 14.100.1.FL.08.1 rev C Flat Block 8 (Elevations), 14.100.1.FL.09 rev C Flat Block 9 (Plans), 14.100.1.FL.09.1 rev C Flat Block 9 (Elevations), 14.100.1.FL.10 rev C Flat Block 10 (Plans), 14.100.1.FL.10.1 rev C Flat Block 10 (Elevations), 14.100.1.FL.11 rev C Flat Block 11 (Plans), 14.100.1.FL.11.1 rev C Flat Block 11 (Elevations), 14.100.1.FL.12 rev C Flat Block 12 (Plans), 14.100.1.FL.12.1 rev C Flat Block 12 (Elevations), 14.100.1.H01 rev - Lumley House Types (Contemporary - Plans), 14.100.1.H02 rev - Lumley House Types (Contemporary - Elevations), 14.100.1.J02 rev B Rockingham House Type (Contemporary), 14.100.1.K01 rev A - Greyfriars House Type, 14.100.1.SS.01 rev H Street Scenes 1, 14.100.1.SS.02 rev H Street Scenes 2, 14.100.1.SS.03 rev H Street Scenes 3, 14.100.1.101.3 rev 32 Cycle Parking, 054-FPD-AHS Affordable Housing, JSL2463 110 rev F Landscape Strategy, JSL2463 111 rev E Landscape Management Zones, JSL2463 210 rev D Hard Landscape, JSL2463 300 rev A Illustrative sections, JSL2463 510 rev D Soft Landscape Planting Plan 1 of 2, JSL2463 511 rev D Soft Landscape Planting Plan 2 of 2, JSL2463 550 rev G Tree and shrub palette, JSL2463 570 rev E Landscape Management Plan, JSL2463 705 rev D Tree Constraints & Shade Analysis, JSL2463 710 rev C Tree Protection Removal Plan 1 of 2, JSL2463 711 rev C Tree Protection Removal Plan 2 of 2, 17380/CHUR/5/500 rev E Refuse Vehicle Tracking, JSL2463 873 Ecology Statement, Energy Statement (May 2017), 16065A-1 Noise Assessment, 37341/5501 Rev A Residential Travel Plan, 37341/5501 Rev A Transport Assessment, Site Safety Assessment 1687C Jan 2017, 17078/002 Rev A (Access), BRD2297-0R2-B Contamination Assessment and Remediation Strategy (Oct 2015) & QTS Enviro Report 14-27284.

Reason: To identify the approved plans and to avoid doubt.

- 19 **Prior to the commencement of works an updated assessment of badger activity on site shall be submitted to and approved by the Local Planning Authority. This should inform a method statement detailing**

how ground works will proceed in preparing the LEAP and ongoing management of the area post construction to prevent disturbance to badgers.

Reason: This condition is pre-commencement as updated assessment will inform other details to be approved under this permission and to ensure proper consideration of the impact of the development on ecology in accordance with the NPPF.

- 20 **Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the subject junction has been constructed in accordance with the approved details.**

Reason: This condition is pre-commencement to ensure appropriate access can be provided before the construction phased, in order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 21 **Development shall not begin until details to include up to 5 additional unallocated parking spaces within the site have been submitted to and approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details and retained thereafter.**

REASON: This condition is pre-commencement to ensure appropriate parking can be facilitated in the site, In order to minimise danger, obstruction and inconvenience to users of the highway. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 22 **No dwelling shall be occupied until triangular vision splays have been provided on each side of all accesses on to the new roads. Such vision splays shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's / developer's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 23 **Development shall not commence until details of a scheme for the parking of cycles on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before each phase of the development hereby permitted is first occupied or brought into use and thereafter retained for this purpose.**

Reason: This condition is pre-commencement to ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport can be facilitated within the site. (Policy BE8 S.B.L.P.R and Section 7 of the NPPF)

INFORMATIVE NOTES TO APPLICANT

1. 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 National Planning Policy Framework (NPPF).
2. 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.
3. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through engagement with the applicant at pre-application stage and during the application 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.