

Item No. 15**SCHEDULE B**

APPLICATION NUMBER	MB/07/01869/FULL & MB/07/01876/LB
LOCATION	The Limes, Dunstable Street, Ampthill
PROPOSAL	FULL and LB: Restoration and alteration of the listed former town hall, demolition of link to the 1990s extension, re-use of the former town hall as offices, refurbishment and extension of 1990s extension for residential use, construction of new residential development comprising 34 no. units, and associated parking and external works.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr G Summerfield and Cllr P Duckett
CASE OFFICER	Julia Ward/Anne Sammé
DATE REGISTERED	26 October 2007
EXPIRY DATE	25 January 2008
APPLICANT	Storey Property Developments Ltd
REASON FOR COMMITTEE TO DETERMINE	To update members following the resolution of the Development Control Committee of Mid Bedfordshire District Council on 16 January 2008
RECOMMENDED DECISION	Full Conditional Approval subject to Section 106 Agreement and Listed Building Consent

Reason for Report:

The former Mid Bedfordshire District Council resolved on 16 January 2008 to grant planning permission and listed building consent for a scheme to enable the restoration to its original format of the historic front portion of the former Council offices in Dunstable Street, Ampthill, the residential conversion of the modern office block to the rear, and the erection of a new scheme of flats and houses on the land to the rear. The permission was to be subject to a Section 106 agreement.

Though progress was made on that agreement, it has yet to be signed, and the applicant has now sought to make further changes to the scheme in an attempt to make the project more attractive given the economic downturn. The changes are relatively minor, and officers have expressed a willingness to consider them in the context of the current planning applications. They will be considered in detail later in this report.

Given the timescale since the original decision it is also considered appropriate to seek the ratification of members to the original resolution. It is hoped that the Section 106 agreement may then be swiftly concluded so that the planning permission and listed building consents can be issued.

Copies of the previous reports are appended for information.

The Changes to the Application:

The developer has re-examined their scheme to see how the site might be subdivided in development terms. They now wish to enable its division into three distinct phases, such that the renovation of the original building at the site frontage to offices could take place independently of the conversion of the modern office block to residential, and of the new build scheme to the rear.

In order to do this the affordable housing apartments would all be located in the converted office block. These comprise 2 no 1 bed apartments and 4 no 2 bed apartments for rent, 3 no 1 bed and 4 no 2 bed apartments for shared ownership. Three no 3 bedroom and one no 4 bedroom houses would be provided in the new build scheme at the rear. Thus 13 units in the converted block would be affordable homes, which still complies with the supplementary planning guidance on Affordable Housing which seeks a concentration of no more than 15 units.

The changes have led to a reordering of accommodation in this block, and in effect four no two bed roomed and one no one bed roomed units are replaced with one no three bed roomed and four no 1 bed roomed apartments. The total number of units remains unchanged, and there is therefore considered to be no impact either externally or in terms of amenity on neighbouring properties.

Alongside this reallocation of housing, the scheme is revised in its layout so that the access off Station Road serves only the new build housing, while the access off Dunstable Street serves the offices and the residential conversion. While a pedestrian access is retained running through the site (which will also serve as a Safe Route to School with a new footbridge over the brook into the adjacent school site) the change to access arrangements enables a greensward to be created between the converted and new build residential units.

The subdivision into three phases will also require the reassessment of details of both conditions and 106 details. However, these will simply enable the breakdown of elements and would not remove any of the specific requirements or benefits of the original resolution.

A copy of the previous committee reports is attached for information. It should be noted that as a matter of good practice the listed building consent has not been issued pending the issue of the planning permission.

Members are also advised that a further listed building consent MB/08/01805/LB had a resolution to approve by the Development Control Committee for Mid Bedfordshire District Council on 11 February 2009 for the subdivision of the original building at the front of the site into three office units. The decision has not been issued pending the grant of full planning permission for MB/07/01869/FULL.

Consultation on the Amendments

Following receipt of these amended plans consultation has been undertaken with the following:

Tree and Landscape Officer – due to hardsurfacing under tree crowns condition required to control details of construction. *Condition 31 added to address this.*

Housing Officer – No objection to proposed revisions.

Highways Officer – Comments to be reported.

Amphill Town Council – Will meet to discuss on 8 July 2009, comments will be reported.

Neighbours – Any comments received will be reported. Consultation period expires 8 July.

Changes to Conditions

As a result of the intended phasing of this development, the format of conditions has been revisited in order that details may be submitted and/or implemented in phases. This has led to revised wording being necessary. Those affected conditions are listed below, the remainder being appropriate in their original format. Notes to applicants also remain as previously set out.

Changes to the Section 106

Similarly in terms of the detail of the draft Section 106 agreement, it is necessary to consider how the liabilities of the scheme may be broken down to meet the requirements of the potentially three separate phases of development. The heads of terms will remain as set out in the earlier report (see section 19) but individual triggers will be renegotiated with the applicant.

Conclusion

The changes requested by the applicant do not affect the external appearance of the buildings, and therefore officers believe the revisions can be dealt with in the context of the current planning application. However, the attendant changes to conditional details do require the approval of members, and also as a matter of good practice the Committee needs to be made aware of the delays in concluding the 106 negotiation.

It is hoped that members will ratify the actions of officers and the earlier resolution of Mid Bedfordshire District Council so that this matter might be concluded and the relevant planning permission and listed building consents issued.

Recommendation

That members confirm the earlier resolution to GRANT Planning Permission for the application set out above subject to a Section 106 agreement, and to the conditions as set out in the original report and as amended/supplemented below:

2. No development shall take place on any part of the site until full details of both hard and soft landscape works for that area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - Proposed finished levels or contours;
 - Materials to be used for any hard surfacing, to include attention to the requirements of the visually disabled and impact of the hard surfacing on the character and appearance of the listed building and conservation

- area;
- Minor structures (eg, furniture, signs, etc)
- Proposed and existing functional services above and below ground level;
- Planting plans, including schedule of size, species, positions, density and times of planting;
- Cultivation details including operations required to establish new planting;
- Details of existing trees and hedgerows on that part of the site, indicating those to be retained and the method of their protection during development works.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. Any phasing of the development shall be agreed in writing with the Local Planning Authority, and the works shall be carried out prior to the first occupation of that phase of the site to which the detail relates unless an alternative timescale has been agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

5. No development shall take place on any part of the site until full details of boundary treatments for that area have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positions, design, materials, and type of boundary treatment to be erected, and shall include full elevational and sectional drawings of the wall and railings to be erected at the frontage to Dunstable Street. The boundary treatments shall be completed in accordance with the approved details before the building to which it is related is first occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

8. No development shall take place on any part of the site until the applicant has submitted to the Local Planning Authority for its written approval a suitable exterior lighting design scheme for that part of the site, devised to complement the setting of the listed building, to provide illumination to shared areas and to eliminate any detrimental effect caused by obtrusive light or glare on proposed or existing neighbouring residential occupiers. All exterior lighting at the development shall be constructed and installed in accordance with the approved scheme before the building or area to which it is related is first occupied.

Reason: In order to protect the amenity of proposed and neighbouring residential occupiers from the adverse impact of obtrusive light or glare arising from exterior lighting on the development and to ensure that the appearance of such works is appropriate to the historic fabric of the site.

9. Prior to the commencement of development, the developer shall submit in triplicate:
 - (a) A phase 2 site investigation report documenting the ground conditions of the site with regard to potential contamination, and incorporating

chemical and water analysis and consideration of all receptors as identified as being appropriate by the already submitted Phase 1 environmental desk study report (Tendrel Services Limited, May 2006) and following its recommendations.

- (b) A detailed scheme for remedial works and measures to be taken to mitigate any risks to human health and the wider environment posed by any contaminants and/or gases identified by the Phase 2 report.

Any remediation scheme shall be agreed in writing by the Local Planning Authority prior to the commencement of works on the site, and shall include information on any phasing or subdivision of the site for development purposes. Any remediation scheme, as agreed in writing, shall be fully implemented before the development hereby permitted is first occupied, or in accordance with any alternative timescale that may have been agreed in writing in an alternative programme of phasing. All variations to any remediation scheme shall be agreed in writing by the Local Planning Authority.

On completion of any and each phase of the development the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a validation report, which shall include measures for maintenance, further monitoring and subsequent reporting to the Local Planning Authority.

Any changes to these agreed elements will require the express consent of the Local Planning Authority.

Reason: To protect human health and the environment.

10. No development shall take place on any part of the site until details of the method of disposal of foul and surface water drainage for that area has 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 brought into use until the approved drainage scheme for that area 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.

11. No development shall take place on any part of the site until a scheme for the provision of surface water drainage works for that area, including a comprehensive survey of the existing drainage on the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that discharge rates to Sweetbriar Brook (to the west of the site) are kept equal to or below the existing levels. The approved drainage works shall be completed prior to the first occupation of any of the buildings in that defined area.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

12. No development shall take place on any part of the site until a scheme for the ownership and maintenance of the surface water system for that area has been submitted to and agreed in writing by the Local Planning Authority. The approved works/scheme for that area shall be constructed and completed prior to the first occupation of the buildings in that area.

Reason: To ensure the satisfactory long-term operation of the system and prevention of the increased risk of flooding.

13. No building hereby approved shall be occupied until a revised Waste Audit for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The revised Waste Audit(s) shall include the following:-

- (a) figures used to assess the waste storage requirements of the proposal;
- (b) clarification of which bin storage areas serve which particular properties;
- (c) further information on re-use of waste arising from construction/ demolition processes.

The development shall be implemented in accordance with the submitted Waste Audit and the Revised Waste Audit(s) as required above.

Reason: To ensure that waste is managed sustainably during the construction and lifetime of the development in accordance with the objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

14. No development shall take place on any part of the site until details of the materials to be used for the external finishes of development on that part of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing buildings and the visual amenities of the locality.

16. No development shall take place on any part of the site until full details of the final ground and slab levels of the dwellings in that area have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and adjoining properties, the location of which shall first be agreed with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings.

17. No development shall take place on any part of the site until a scheme of works to address security risks within that area of the site, and to include control of access into undercroft parking areas, cycle stores and communal areas of buildings, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of details for the placing and maintenance of CCTV cameras at key locations within the site. The scheme shall be implemented in accordance with the approved details prior to the occupation of any units within that area of the site.

Reason: In order to ensure the development adequately addresses issues of community safety.

18. No work shall be undertaken on any part of the site until a bat survey of the existing buildings and suitable trees within that area has been undertaken by an experienced person holding a relevant licence. Subsequent works shall only be

carried out in accordance with the findings of the survey and shall incorporate any necessary mitigation measures.

Reason: To protect features of recognised nature conservation importance.

20. No development shall commence in respect of the new build residential units until details of safe pedestrian crossing facilities across the junction of the proposed vehicular access with Station Road have been approved by the local planning authority and no building in that part of the site shall be occupied until the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to pedestrians and users of the highway.

22. None of the new build residential units shall be occupied until a footway has been constructed on the eastern side of the access road from Station Road in accordance with details shown on the approved drawings or an alternative scheme to have been submitted to and approved in writing by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

23. No development shall commence until a phasing plan has been submitted to and agreed in writing with the Local Planning Authority. No premises shall be occupied in any phase until all on site vehicular areas associated with that part of the development have been 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.

25. No development shall be undertaken without a wheel cleaning facility being provided at all site exits used by construction traffic. The facility shall be 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 to that part of the site 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 of the area and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

26. No development shall be undertaken unless on-site parking is available for construction workers. Provision shall be in accordance with a scheme or schemes to be submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented throughout any construction period.

Reason: To ensure adequate off-street parking provision during the construction period in the interests of road safety.

27. No development shall commence until a phasing plan has been submitted to

and agreed in writing with the Local Planning Authority. Development shall not be undertaken in any phase until a scheme detailing access provision to and from that part of the site for construction traffic, including details of arrangements for the restriction of vehicles to approved points of access and egress, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction works.

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

28. Visibility splay improvements shall be provided at the junction of the vehicular accesses with the public highway. The splay improvements (cutting back of hedges) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development served by that vehicular access. The vision splays so described shall be maintained free of any obstructions to visibility at all times.

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.

29. Prior to the commencement of development on the new build residential units, full details of the proposed access bridge over the brook at the western end of the site, including details of long term maintenance and timed access facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the bridge and pedestrian route through the site made available for use prior to the occupation of any of the new build units. There shall be no occupation of the residential converted units without provision being made for the necessary pedestrian link to the west, the extent of which shall have previously been agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory pedestrian access through the site and in the interests of the Safe Routes to Schools Scheme.

30. No development shall commence until a phasing plan has been submitted to and agreed in writing with the Local Planning Authority. Prior to the commencement of development of any phase full details of cycle storage, to include secure covered facilities, for that part of the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the phase to which the facility relates.

Reason: To encourage use of alternative means of transport other than the private car.

31. No development shall commence in any part of the site until details have been submitted to and approved in writing by the Local Planning Authority of any works to be undertaken under the crowns of existing trees within that area. The details shall include information on the method of construction and materials to be used such that appropriate protection is put in place to avoid compaction and damage to tree roots.

Reason: To ensure the protection of trees to be retained and in particular to

avoid unnecessary damage to their root systems.

DECISION

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