

Item No. 13

DESCRIPTION: FULL: RESTORATION AND ALTERATION OF THE LISTED FORMER TOWN HALL, THE DEMOLITION OF THE LINK TO THE 1990S EXTENSION, THE RE-USE OF THE LISTED FORMER TOWN HALL AS OFFICES, THE REFURBISHMENT AND EXTENSION OF THE 1990S EXTENSION FOR RESIDENTIAL USE, THE CONSTRUCTION OF A NEW RESIDENTIAL DEVELOPMENT COMPRISING 34 NO. UNITS AND ASSOCIATED PARKING AND EXTERNAL WORKS.

LOCATION: THE LIMES, DUNSTABLE STREET, AMPHILL, BEDFORD, MK45 2JU

GRID REFERENCE: TL032376
APPLICATION NUMBER: 07/01869/FULL
PARISH: Ampthill
APPLICANT: Storey Property Developments Ltd
CASE OFFICER: Julia Ward
DATE REGISTERED: 26 October 2007
EXPIRY DATE: 25 January 2008

REASON FOR COMMITTEE TO DETERMINE: WARD COUNCILLOR REQUEST

RECOMMENDED DECISION: S106 PENDING

Site Location:

The application site comprises 1.04ha of land, the bulk of which lies within the Ampthill Conservation Area. The existing buildings on the site comprise the former Mid Beds District Council offices and the Acorn Centre to the rear. The original town hall structure is Grade II listed and was designed by Sir Albert Richardson, while there are more modern structures and a large car park area to the rear of the site.

The site slopes down steeply to the west towards an open brook and is bounded by residential development in Station Road and Dunstable Street to the south, and by the Clevedon Nursery and Russell House (now vacant) to the north.

The main part of the site is now vacant but a limited degree of occupation remains in the Acorn Centre.

PPG/ PPS:

PPS1 - Delivering Sustainable Development

PPS3 - Housing
 PPG4 - Industrial and Commercial Development and Small Firms
 PPS9 - Biodiversity and Geological Conservation
 PPG13 - Transport
 PPG15 - Planning and the Historic Environment
 PPG17 - Recreation and Open Space
 PPS22 - Renewable Energy
 PPS23 - Pollution Control
 PPG25 - Flood Risk

**Policy + SPG:
(Structure Plan + Mid Beds Local Plan)**

Regional Spatial Strategy	RSS14 (East of England Plan) Milton Keynes and South Midlands Sub-Regional Strategy
County Structure Plan 2011	No relevant saved policies
Mid Beds Local Plan LPS1 First Review (2005)	<p>Amphill is defined as a Selected Settlement</p> <p>NC2 Development likely to have an adverse impact on SSSIs will not be permitted</p> <p>NC3 Development likely to have an adverse impact on County Wildlife Sites or Local Nature Reserves will not be permitted</p> <p>NC7 The Council will resist development that may have an adverse impact on animal/ plant species protected by law</p> <p>CHE1 The Council will not permit any external or internal alteration/ addition to a listed building where there would be an adverse impact on its architectural/ historic interest</p> <p>CHE1A Planning permission will not be granted for development which would adversely affect the setting of a listed building</p> <p>CHE1B The change of use of a listed building will only be permitted where it would not have a detrimental impact on the architectural/ historic interest of the building or its setting</p> <p>CHE11 Development proposals likely to have an adverse impact on the character or appearance of a conservation area will not be permitted</p>

- DPS1 Development may require the provision of various kinds of infrastructure and appropriate legal agreements will be negotiated with developers
- DPS5 New development must relate sensitively to the particular character and appearance of the locality in which it is proposed
- DPS6 Planning permission for the extension of existing buildings will be permitted subject to criteria, including impact on neighbours
- DPS9 New residential development will be required to have adequate privacy, amenity areas and open space
- DPS10 Adequate highways provision must be made within residential development
- DPS11 New development must include adequate and appropriate landscaping
- DPS14 The Council will encourage the re-use or redevelopment of vacant or under-utilised land within defined settlement envelopes
- DPS16 The Council will encourage the retention and appropriate management of open spaces, hedgerows, trees and other landscape features
- DPS17 Surface water drainage must be fully taken into account in proposals
- DPS19 Developments should be readily accessible by public transport, cycle and on foot.
- DPS20 Development should maximise energy conservation
- DPS20A Sustainable waste management options are required
- DPS21 Provision should be made for access for people with disabilities to listed buildings
- DPS23 Appropriate crime prevention measures should be incorporated into the design of new schemes
- DPS27 Public art projects will be encouraged
- PHS6 The re-use and redevelopment of contaminated land will be encouraged

- SR5 New residential development will be expected to provide for recreational open space
- H02 An appropriate level of affordable housing will be negotiated
- H05 The density of residential development should respect the particular characteristics of a site and its surroundings
- H06 Proposals for new residential development within the Settlement Envelope will be considered acceptable in principle
- TP1A A Travel Assessment should accompany major development proposals
- TP1 New and enhanced provisions for cyclists and pedestrians will be promoted
- TP5 The use of public transport will be promoted
- TP8 Appropriate traffic calming measures will be supported and encouraged

Technical Planning
Guidance

- Cycle and Walking Strategy for Mid Beds 2000
- Recreational Open Space Strategy 2005
- Mid Beds Cycle Route Mapping Project 2001
- Wildlife in Development 2003
- Affordable Housing 2004
- Design Guide for Residential Areas in Mid Bedfordshire 2004

Planning History

There have been many and various planning applications over time relating to the former use of the site as Council Offices. The most relevant planning history is as follows:

- 06/01657/FULL Internal and external alterations to office building including demolition of link to rear extension, alterations and change of use of rear extension to form 27 no. flats, erection of 39 flats in 3 no. blocks following demolition of the Acorn Centre, together with parking, landscaping and ancillary works - Withdrawn 03/01/07
- 06/01658/LB Internal and external alterations to front office building, including demolition of link to rear extension and restoration of rear elevation to its original design. Alterations and change of use of rear extension to form 27 no. flats - Withdrawn 03/01/07
- 07/00223/FULL Restoration and alteration of the listed former Town Hall,

demolition of the link to the 1990s extension, re-use of the listed Town Hall as offices, refurbishment and extension of the 1990s extension for residential use, construction of a new residential scheme comprising 34 no. units and associated parking and external works - Refused 10/07/07 due to the proposal having an overbearing impact on neighbouring residential properties, increase in overlooking, inappropriate design and harmful to character and appearance of conservation area, inadequate provision of car parking on site, and increased traffic generation on Station Road

07/00228/LB

Restoration and alteration of the listed former Town Hall , demolition of the link to the 1990s extension, re-use of the Town Hall as offices, the refurbishment and extension of the 1990s extension for residential use (26 no. flats) - Refused 10/07/07 as due to the absence of an approved scheme for the alteration and extension of the Richardson Building, the proposals constituted unnecessary alterations to the listed building.

07/01876/LB

Restoration and alteration of the listed former Town Hall, demolition of the link to the 1990s extension, re-use of the listed former Town Hall as offices, the refurbishment and extension of the 1990s extension for residential use, the construction of a new residential development comprising 34 no. units and associated parking and external works - Application pending - elsewhere on this agenda

**Representations:
(Parish & Neighbours)**

Amphill TC

Recommend refusal of the application. Whilst the Town Council feel that the amended design is more in keeping with the Georgian market town of Amphill, there are still concerns about the increased traffic movements this high density development will create along Station Road and the roundabout at the junction of Station Road and Dunstable Street and therefore the Town Council is unable to support the application. Additionally, the block of housing units at plots 6 - 10 is still out of keeping in terms of its scale, thereby creating an overbearing and dominant appearance within the streetscene

Adj Occupiers

6 letters of objection have been received to the application on the following grounds:

1. Height of buildings on Town Hall car park is unacceptable - two storey dwellings are more appropriate;
2. Additional traffic and congestion on Station Road. The Traffic Assessment is inaccurate and Station Road is already beyond its safe capacity for peak time flows;

3. Proposed bridge over Sweet Briar brook will not discourage motorists from dropping off/picking up children at the schools;
4. Proposal would involve works to trees covered by Tree Preservation Orders;
5. Lack of car parking spaces associated with the proposal;
6. Provision of cycle racks would be a waste of space which could be used for car parking;
7. Although the appearance of the proposal has improved, the proposal would be overbearing in terms of height and density;
8. Flats in converted 1900s building will overlook houses and gardens in Station Road;
9. The roof conversion from apex to flat roof will have a detrimental impact on the surrounding area;
10. The planned development is double the size recommended by Mid Beds District Council when the site was sold (30 properties was recommended);
11. Any legal agreement should restrict use of existing building to offices only;
12. On-going maintenance of landscaping and trees should be a condition of any planning permission;
13. The front car park to the east of the site has historically been used by the general public. This car park should remain available for public use out of normal business hours.

Consultations

Ampthill & District Preservation Society	Any comments will be reported
Beds CC (Highways)	Any comments will be reported
Rights of Way Officer	Any comments will be reported
Trees and Landscape Manager	Any comments will be reported
MBDC Drainage Engineer	Any comments will be reported
Beds CC (Minerals and Waste)	The Waste Audit indicates a commitment to the principles of sustainable development. However, amendments are required concerning the appropriateness of the size of the bin stores and the re-use of materials retrieved from construction/ demolition works
MBDC Waste Disposal	Refuse collection vehicle access from Station Road will be difficult and there are concerns about such vehicles turning

or reversing on site. The recycling bins located adjacent to the sub-station are of particular concern

Environmental Health	No objections to application subject to conditions regarding noise, lighting and remediation of contaminated land being attached to any planning approval
Natural England	This application is not substantially different to the previous applications with regards to nature conservation aspects. There are no objections to the application subject to an appropriate financial contribution via a S106 agreement being made to provide for some aspects of the management of Cooper's Hill SSSI and a bat survey of appropriate scope and extent to trees and buildings previously identified as having potential to support bats (via the Ecology Survey, Jacobs Babbie, August 2006) with mitigation measures as appropriate. In this instance, there is no objection to the use of a planning condition to ensure a bat survey and appropriate mitigation works are carried out prior to works commencing
Wildlife Trust	Any comments will be reported
CPRE	Any comments will be reported
Beds CC (Planning)	Any comments will be reported
MBDC Housing Officer	Any comments will be reported
MBDC Disability Discrimination Officer	Comments made previously regarding disabled access are still valid. These comments were that lift access should be constructed to Lifetime Homes standards, wheelchair access should be a minimum of 5% of properties, shared surfaces within the residential area questioned because of concern over appropriateness for visually disabled, 5% parking spaces should be for disabled, and the entrance into The Limes must be from the side to avoid discrimination under the Disability Discrimination Act 1995
MBDC Play and Open Space Officer	Any comments will be reported
Police Architectural Liaison Officer	Any comments will be reported
English Heritage	Do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and the basis of specialist conservation advice.
Internal Drainage	The Flood Risk Assessment submitted with the application

Board	has been assessed. The reduction in impermeable area of the site is supported. However, a comprehensive survey of the drainage on site should be carried out prior to the detailed design of the proposed drainage system. Reduced discharge from the site is required to provide some relief to areas downstream following maintenance of the Station Road culvert. Sufficient above ground storage of drainage flows is required. There is no objection to the proposal subject to conditions being attached regarding these matters.
Anglian Water	No objections in principle to the proposed development. There are no surface water sewers in the area and surface water will not be permitted to discharge into the foul system. Any surface water connections which connect to the foul sewer should be removed as a mitigation measure for the increase in foul flows. Therefore, conditions related to foul and surface water drainage, surface water attenuation for the site and completion of drainage works prior to occupation of the site should be attached to any approval
Environment Agency	No objection to proposal but recommends that conditions related to surface water drainage and remediation of any contamination are attached to any approval

Determining Issues

The main considerations in determining the application are:

1. The principle of the development;
2. The application;
3. The works to the listed building;
4. Visual impact of the proposal;
5. Impact of the proposal on the residential amenities of adjoining occupiers;
6. Affordable housing;
7. Accessibility;
8. Trees and hedgerows;
9. Ecological issues;
10. Waste and refuse issues;
11. Contamination issues
12. Drainage issues;
13. Traffic issues;
14. Education contributions;
15. Cycling and pedestrian activity;
16. Play and Open Space;
17. Community Safety;
18. Public Art;
19. Section 106 matters.

Environmental Assessment

This planning application has been subject to a Screening Opinion for an Environmental Assessment. It is considered that given the previously developed nature of the site, the proposed residential and Class B1 office uses within a predominantly residential area, together with the fact that the applicant has submitted a desk top contaminated land survey, ecological survey, arboricultural survey, flood risk assessment and transport assessment, together with comprehensive plans and elevations of the proposal and a design/ access statement, the application can be properly considered through the planning application process and it is concluded that the proposals will not have an undue impact on the residential amenities of adjoining occupiers. In the light of guidance contained within Circular 2/99, it is therefore considered that an Environmental Assessment is not required in this instance.

Considerations

1. The principle of the development

The site is located within the urban core of Ampthill which is defined by policy LPS1 of the Mid Beds Local Plan First Review (2005) as a Selected Settlement. Approximately two thirds of the site is located within the Conservation Area, and therefore subject to policy CHE11. Policy CHE1 encourages the continued active use of any listed building and re-use as offices would comply with this policy. The site is currently lying vacant and has scope to be better utilised, therefore meeting the requirement of policy DPS14. The scheme proposes affordable housing in accordance with policy HO2. There is therefore no objection to the principle of development of this site for a mixture of residential and office purposes.

2. The application

The application is submitted for full planning permission and is accompanied by detailed reports considered elsewhere in this report.

The scheme involves the demolition of the Acorn Centre which currently comprises 8 no. Class B1 units. Although the main office buildings at the front of the site are currently lying vacant, the Acorn Centre remains partially occupied.

This application is a re-submission of a previous scheme which was refused by Planning Committee on 10/07/07 due to the proposal having an overbearing impact on neighbouring residential properties, increase in overlooking, inappropriate design and harmful to character and appearance of conservation area, inadequate provision of car parking on site, and increased traffic generation on Station Road. The current proposals have incorporated a further reduction in height of the buildings at the rear of the site facing properties in Station Road, a reduced height of roof extension on the existing listed building and the design of the new units at the rear of the site has been amended to reflect a more traditional design rather than the contemporary appearance previously submitted.

The proposals comprise the following elements:

1. the existing front part of the listed building re-used as office floorspace;
2. the demolition of the link extension between the listed building and its 1990s extension;
3. the conversion of the 1990s block from previous office use to apartments (26 no.):
4. new-build development at the western end of the site of 29 no. apartments and 5 no. houses.

The site is not allocated under policy EMP1 of the Local Plan as an employment site and therefore there is no objection to the principle of the change of use of the modern extension building to residential use.

3. Works to the listed building

The listing of the building includes both the original 1965 frontage building and the 1990s extension to the rear, although the formal listing description very briefly dismisses the rear extension as being "not of architectural interest". Notwithstanding this, the listed applies to the whole of the building as it currently exists. Thus in planning terms there is alteration, extension, a small element of demolition and change of use involved to the listed building. Each of these is supported by policy providing the inherent character of the listed structure is preserved and maintained, and continued in useful activity.

The detail of the scheme would provide an opportunity for unsympathetic alterations to the historic part of the building to be removed, including balustrading, doors and windows, and for the Council Chamber, currently filled with a mezzanine floor, to be restored to its original open form. The connection to the 1990s office block would be demolished to reveal the original rear elevations of the building. A reinstatement of the forecourt, and of front boundary walls and railings would restore the setting of the building.

A separate application has been submitted for listed building consent (ref: 07/01876/LB) which is also on this agenda. It is considered that the proposal would positively benefit the internal and external features of the listed building.

In terms of the context of the listed building and its setting, the scheme is also considered to benefit the overall relationship of the Richardson building to the wider site. The alterations and extensions to the 1990s structure are considered to benefit the relationship between the two, giving a separation which does not exist at present., while the new buildings proposed for the rear of the site are considered to be appropriate given the context of the buildings and the relationship of the buildings on this sloping site.

It is essential that the proposed works to the listed building are achieved in association with the adjacent residential development which will help to fund the necessary expenditure. This will need to form an element of a Section 106 agreement linked to the grant of any planning permission.

It is considered appropriate to attach a condition to any approval requiring full

details of the re-instatement of the internal and external features of the listed building, together with the exposed rear wall of the frontage building following demolition of the link element, to be submitted to and approved in writing by the local planning authority.

4. Visual impact of the proposal

Following the previous refusal of planning permission, this application comprises new build properties based on a "Georgian" style of architecture. This style is more in keeping with the appearance of the listed building and has been subject to discussions with Ampthill Town Council who are generally in support of the revised appearance. Traditional materials are now proposed (brick, stone, clay tile and slate).

The new-build element of the proposal would be orientated to the south or west to benefit from solar gain. The maximum overall height of the development would be five/ six storeys closest to the listed building. However, this height is comparable to the four storeys plus pitched roof which exists on the existing 1990s block.

The application is supported by sectional plans and elevations indicating the relationship of the proposed structures to the steeply sloping nature of the site. The scheme seeks to utilise the changing levels of the site and the overall format of the buildings demonstrates a downward flow in the ridge height. The parts of the buildings closest to existing residential properties in Station Road are a maximum of three storeys in height and mainly two storeys, off set from the boundary by a minimum of 6 metres.

In addition, the works to the 1990s block involve the removal of its present pitched roof and replacement of this element with a penthouse style, flat roofed, heavily glazed area of accommodation providing flats.

It is considered, on balance, that the appearance of the proposal is acceptable and would preserve and enhance the character and appearance of the conservation area which in this locality is presently dominated by an open car park. It is recommended that a condition is attached to any approval requiring all materials to be submitted to, and approved by the local planning authority in order to ensure that the development comprises appropriate types and colours of materials.

5. Impact of the proposal on neighbours' amenities

The application proposes the retention of the Richardson building to the front and the adaptation of the 1990s office block. In terms of their overall massing, there is effectively no change to these buildings. The Richardson building would remain in office use and therefore there is no change to the typical activity on this part of the site.

The 1990s building would be converted to residential properties. Externally, the fabric of the building and its massing are to be "renovated" by the introduction of a more contemporary roofline. The change of use to residential would result in the presence of living room windows with potential to overlook

the nearby houses and gardens in Station Road. However, these have previously been overlooked by office workers to the same degree, except that the building would have been effectively unused in the evenings and at weekends. On balance, it is considered that there would not be any additional loss of amenity in this regard.

In this part of the site there would continue to be vehicular access and parking, again resulting in little change to the previous situation, except that the site will be busier at weekends. However, the nature of the traffic will remain residential in character and therefore there is no reason to assume that there should be any unacceptable noise levels or patterns of use compared to the adjacent residential activities.

The part of the application site to the west of the existing buildings is to be redeveloped. The placement of the access road is made to avoid undue impact to residents of Station Road and to retain the effective tree screen to the Clevedon Nursery.

The location of the buildings to the rear of Station Road has fully taken into account potential neighbour impact. The revised scheme indicates two and three storey development in closest proximity to properties in Station Road and the scale of the building closest to 18 Station Road has been reduced with no windows overlooking this property.

6. Affordable Housing

Affordable housing would be provided at the Council's target of 28% as required by policy HO2 and supplementary planning guidance. This would comprise 2 no. 1 bed flats, 4 no. 2 bed apartments and 2 no. 3 bed houses for rent, and 7 no. flats and 2 no. houses for shared ownership, totalling 17 units. Externally they would be indistinguishable from the market housing and would be spread across the site. This element of affordable housing within the development should be tied to the development as part of a Section 106 legal agreement.

7. Accessibility

The site is steeply sloping but all surfaces and accesses have been designed to facilitate ease of access and gradients will be eased where possible. All apartments are accessible either via ground level access or by lift. Many of the properties will be designed to "lifetime" homes standards including the provision of level access, wide doorways and internal routes, allowance for the future provision of stair and platform lifts and the facility for ground floor living. In addition, a total of 16 no. car parking spaces for disabled would be provided. It is therefore considered that the proposal would provide a high degree of access for the disabled. The disabled access around the proposal can be further enhanced by a condition to require details of hardsurfaces, to ensure that they are suitable for the visually disabled.

It is not, however, recommended that an additional ramped entrance be provided to the frontage of the Richardson building as this would have a harmful visual impact on the historic fabric of the building. As alternative

ramped entrances are available it will be for the occupier to ensure that there is no conflict with the Disability Discrimination Act. An informative will be used to advise of this.

8. Trees and hedgerows

The submitted scheme indicates the removal of 9 no. trees in and around the application site. The applicant has submitted an Arboricultural Report in support of the application. This report surveys all trees within the site and categorises 9 for removal, and 61 as being of lower value. These trees are either older trees which are of poor quality or younger trees of a stem diameter below 150mm. They are categorised under the definition provided within BS5837: 2005 "Trees in relation to construction". This definition is a guideline to inform the value of the trees when a scheme is being designed. Because of the layout of the site, most of these category C trees can safely be retained through any development phase. It is considered appropriate to attach conditions requiring the protection of trees during construction work to any approval.

9. Ecological issues

A walk-over survey has been submitted which considers the impacts of the proposal on trees, the watercourse and connected habitats, including grassland nearby and the buildings. No evidence was found of the presence of any protected species, but a further bat survey was recommended for trees close to the watercourse. Natural England have both requested the inclusion of a condition if permission is granted to ensure further survey is implemented regarding bats.

Cooper's Hill County Wildlife Site and SSSI is located to the west of the application site. Natural England and the Wildlife Trust are concerned that the development will increase public usage of this area, and require funding towards the better management of the site. Negotiations have been held with Natural England and with the Wildlife Trust, who manage this site, and a contribution towards improvements of signage, fencing, surfacing and so on will be sought from the developer. This contribution will need to be tied by the Section 106 agreement.

10. Waste and refuse issues

The applicant has submitted a Waste Audit in support of the application. Whilst a commitment to the principles of sustainable development is clearly outlined in the Audit, the County Waste Officer requires amendments/ further information in relation to waste and refuse, specifically waste arising from construction/ demolition works, and figures used to assess the waste storage requirements of the development. It is therefore considered appropriate that a condition is attached to any approval requiring this further information to be submitted and approved.

Concerns have also been raised by the MBDC Waste Team about the accessibility into and around the site for refuse collection vehicles and the location of recycling facilities adjacent to the sub-station. Comments are

awaited from the Highways Authority and will be reported at Committee. The applicant has been requested to re-assess the location of the recycling bins and any further comments will be reported.

11. Contamination issues

There is a low to medium risk that the site may have been contaminated by former commercial uses. A Desk Study has been submitted by the applicant in support of the application. This survey includes reference to areas of light industrial use and small scale fuel storage. The findings are such that further investigation will be necessary to fully assess the risk to human health and ground water. It is therefore considered appropriate to attach a condition requiring further investigations and mitigation measures to be carried out to the satisfaction of the local planning authority.

12. Drainage issues

A Flood Risk Assessment has been submitted in support of the application. This report identifies that the site is 2 km from the River Flit but bordered on its western boundary by a small stream which runs to the River Flit. The site lies outside the floodplain and has no risk from flooding, although further downstream the stream is known to flood.

Overall, the development will reduce the impermeable surface from 0.835 ha to 0.8ha. However, it is considered appropriate to attach conditions requiring the developer to submit full details of the proposed foul and surface water drainage in order to ensure that discharge rates are kept below or equal to the existing levels at the site and an appropriate ownership/ management system for the disposal of surface water is maintained. In this way, down stream flood risk will not be unduly increased.

13. Traffic issues

A Transport Assessment has been submitted with the application. This assessment has been revised to take into account the scheme now being proposed and advises that 125 car parking spaces are proposed for the site overall; 30 for the office use and 95 for the residential.

The application proposes a total of 60 no. dwellings, resulting in just over 1.5 spaces per dwelling. Cycle parking is also proposed for the residential part of the site and close to the office entrance. As the site is a 5 minute walk from the town centre, it is considered that an appropriate level of car parking would be provided, having regard also to the regular bus routes that operate in the vicinity.

The assessment states that the lettable area of the office development would be 870 sq metres and it is considered that 30 parking spaces for this amount of floorspace is acceptable.

In terms of vehicular access into the site, two way access would be achieved from both Station Road and Dunstable Street but these would not be interconnected, separation being achieved by a landscaped area, so that

effectively two cul-de-sacs would be formed.

In order to assess the possible future impact of the development, a comparison was carried out between the existing and proposed traffic figures at the site. The analysis carried out shows that the proposed redevelopment would have a neutral effect on peak hour trips and that Station Road has sufficient capacity following the redevelopment.

Comments from the Highways Authority will be reported.

14. Education issues

It is anticipated that the development will need to provide additional accommodation at middle and upper school level in the town. Comments from the County Council will be reported. Any such contributions would need to form part of a Section 106 agreement.

15. Cycling and pedestrian activity

In common with other larger scale developments in Mid Bedfordshire, the developer will be expected to contribute towards enhancing cycle and pedestrian routes in the area. Cycle parking at the site will need to be covered and secure or visually supervised. It is therefore considered appropriate to attach a condition requiring full details of cycle parking at the site to be approved.

The applicant has held discussions with local school teachers and governors and is proposing a pedestrian route through the site to a new pedestrian bridge crossing of Sweetbriar Brook. This route would provide an alternative pedestrian route to the adjacent schools from Dunstable Street and therefore reduce the conflict of pedestrians and vehicles on Station Road.

16. Play and Open Space

In terms of Play and Open Space, the creation of 60 units of residential accommodation will generate a demand for play, amenity and sport provision. In accordance with the Council's adopted Recreational Open Space standards, a financial contribution is recommended towards off-site highway works at other locations in Ampthill, including support for works currently programmed in Ampthill Park.

17. Community Safety issues

It is considered appropriate to attach conditions to any approval requiring details of controls of access into undercroft parking and cycle stores, and external lighting to be submitted and approved. The proposal is based upon much of the areas around the buildings being of communal provision, but fenced areas are defined in close proximity to the outer faces of the buildings. Its vehicular layout as two separate accesses to the business and residential elements of the scheme will avoid unnecessary through vehicular movements.

Units 10, 11, 12, 13 and 20 are houses and, together with unit 19, have their

own demarcated private gardens. Managed defensible space behind railings is proposed along the frontage of many of the remaining units.

18. Public Art

Policy DPS27 of the Local Plan encourages development proposals to further the provision of public art projects within the district. In association with this development, an item of public art will be achieved at the site frontage to Dunstable Street. The detail of this artwork is yet to be confirmed but will be tied to the development through the proposed Section 106 agreement.

19. Section 106 agreement

In order to adequately address issues of community provision and sustainability of the scheme, it will be necessary to tie the grant of planning permission by a Section 106 agreement. The following matters will need to be included as Heads of Terms in the agreement:

1. To tie the implementation of the residential elements of the scheme to the restoration of the original listed building fronting onto Dunstable Street;
2. Play provision for improvements of existing play sites in Ampthill;
3. Outdoor sport enhancement towards additional pitch provision in the town;
4. Amenity provision as a contribution towards works in Ampthill Park;
5. Enhancement of educational provision at middle and upper school levels;
6. Affordable housing;
7. Funding for footway/ cycleways enhancement;
8. Provision of public art at the frontage of the site;
9. Financial contribution to improvements at Coopers Hill SSSI to provide mitigation against increased usage;
10. Control over the future management and maintenance of open space.

Conclusion

This proposal is an unusual and complex scheme which has been revised following a previous refusal of planning permission. The appearance of the proposed new build element is now more traditional in nature and has been designed to enhance the special nature of the historic building at the site frontage and to reflect the unusually sloping nature of the site. It would comprise a major development for the town of Ampthill and would be subject to a range of conditions and Heads of Terms for a necessary Section 106 agreement. Importantly, the proposal offers an opportunity for the reinstatement of the former Ampthill Rural District Offices into their original format both internally and externally. It is considered that this revised scheme deals appropriately with the previous reasons for refusal.

Reasons for Granting

The proposal is in conformity with Policies LPS1, NC2, NC3, NC7, CHE1, CHE1, CHE1B, CHE11, DPS1, DPS5, DPS6, DPS9, DPS10, DPS11, DPS14, DPS16,

DPS17, DPS19, DPS20, DPS20A, DPS21, DPS23, DPS27, PHS6, DR5, HO2, HO5, HO6, TP1A, TP1, TP5 and TP8 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3, PPG4, PPS9, PPG13, PPG15, PPG17, PPS22, PPS23, PPG25; Technical Planning Guidance: Cycle and Walking Strategy for Mid Beds 2000; Recreational Open Space Strategy 2005; Mid Beds Cycle Route Mapping Project 2001; Wildlife in Development 2003; Affordable Housing 2004; Design Guide for Residential Areas in Mid Bedfordshire 2004; Regional Spatial Strategy: RSS 14 (East of England Plan); Milton Keynes and South Midlands Sub-Regional Strategy.

RECOMMENDATION

APPROVE planning permission subject to a Section 106 legal agreement and the following conditions and reasons:

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 TL02 No development shall take place until full details of both hard and soft landscape works 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 (e.g. 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 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 TL03 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in

accordance with a programme 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.

- 4 U All works to trees and vegetation shall be undertaken in accordance with the practice details indicated in the submitted Arboricultural Report dated 1 May 2006.

Reason: To safeguard existing trees on the site in the interests of visual amenity and the protection of the character and appearance of the conservation area.

- 5 TL28 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The submitted details of the proposed boundary treatment shall include full elevational and sectional drawings of the wall and railings to be erected at the frontage to Dunstable Street, and shall be completed before the building to which it is related is occupied. Development shall be carried out in accordance with the approved details.

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

- 6 RR07 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the buildings or any material alteration of their external appearance until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 7 U All plant, machinery and equipment installed or operated in the office building hereby approved shall be so enclosed and/ or attenuated that noise resulting from its use shall not exceed a level of 5dB (A) below the existing background level (or 10 dB (A) if there is a tonal quality) when measured in accordance with BS4142:1997, at (a) the nearest noise sensitive residential facades within the development; (b) the nearest noise sensitive facades of existing dwellings; and (c) any other residential facades where the noise could be audible due to a line of sight to the plant/plant area.

Reason: To protect the amenity of occupiers of nearby existing and proposed residential dwellings from noise from plant installed

at the office development.

- 8 U Before the development commences, the applicant shall submit to the local planning authority for approval a suitable exterior lighting design scheme 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.

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 U 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 (Tendrevell 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. Any remediation scheme, as agreed in writing, shall be fully implemented before the development hereby permitted is first occupied. All variations to any remediation scheme shall be agreed in writing by the local planning authority.

On completion 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 CD03 Details of the method of disposal of foul and surface water

drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be 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.

- 11 U No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, 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 hereby approved.

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

- 12 U Prior to the commencement of development, a scheme for the ownership and maintenance of the surface water system shall be submitted to, and agreed in writing by, the local planning authority. The approved works/ scheme shall be constructed and completed prior to the first occupation of the buildings hereby approved.

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

- 13 U Before the development hereby approved is first occupied, a revised Waste Audit shall be submitted to, and approved in writing by, the local planning authority. The revised Waste Audit 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 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 EM05 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.
- 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 building(s) and the visual amenities of the locality.
- 15 U The glazed side panels to the balconies on plots 10,11,12,13,20 and 31 shall be fitted with obscure glass of a type to substantially restrict vision through them at all times. A sample of the glazing to be used shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development. The glazing shall be implemented prior to the first occupation of these units and shall be permanently retained thereafter.
- Reason: To safeguard the amenities of occupiers of adjoining properties.
- 16 U Prior to the commencement of development hereby approved, full details of the final ground and slab levels of the dwellings hereby approved shall be 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 U No development hereby approved shall commence until a scheme of works to address security risks within the site, and to include control of access into undercroft parking areas and 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 CCV cameras at key locations within the site.
- Reason: In order to ensure the development adequately addresses issues of community safety.
- 18 U No work is to be undertaken on site until a bat survey of the existing buildings and suitable trees 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.

- 19 U No works related to clearance of vegetation shall be undertaken during the period of March - August inclusive, unless previously declared free of nesting birds by a suitably qualified ecologist.

Reason: To protect and safeguard the breeding locations of birds.

- 20 U The development hereby approved shall not commence until details of safe pedestrian crossing facilities across the junction of the proposed vehicular access with the highway have been approved by the local planning authority and no building 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.

- 21 U Notwithstanding condition 20 above, the access shall be implemented in accordance with Drawing Number M53256/001 Rev B, Station Road junction.

Reason: In the interests of road safety and for the avoidance of doubt.

- 22 U No dwelling hereby approved shall be occupied until a footway has been constructed on the eastern side of the access road from Station Road in accordance with details of the approved drawings and/ or scheme to be 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 HS20 Before the premises are occupied 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.

- 24 HS24 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the

highway in the interest of road safety.

- 25 HS29 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.

- 26 U The development hereby approved shall not commence until a scheme detailing provision of on-site parking for construction workers for the duration of the construction period has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented throughout the construction period.

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

- 27 U Development shall not commence until a scheme detailing access provision to and from 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 U 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 the development. 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 U Prior to the commencement of development, 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.

Reason: To ensure satisfactory pedestrian access through the site.

- 30 U Prior to the commencement of development, full details of cycle storage for both the residential and office developments, including secure covered 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.

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

Notes to Applicant

- 1 The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Bedfordshire County Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Bedfordshire County Council's Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
- 2 The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway surface run off generated by that development. Existing highway surface water drainage systems may be improved at the developers' expense to account for extra surface water generated. Any improvements must be approved by the County Engineer, Bedfordshire County Council. Further details can be obtained from the Maintenance Section, Network Management Group, County Engineer's Department, County Hall, Bedford, MK42 9AP.
- 3 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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Bedford, MK42 9AP.
- 4 The applicant is advised that the County Council as Highways Authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
- 5 Should bats be discovered during work on the development, the work must

immediately be halted and further advice sought from a suitably qualified and experienced ecologist, holding any licences that might be necessary. Failure to comply with this may result in prosecution and anyone guilty of an offence is liable to a fine of up to £5000 or to imprisonment for a term exceeding six months, or both.

- 6 The grant of planning permission does not absolve any owner or developer from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Circular 06/2005.
- 7 The attention of the applicant/ developer is drawn to the conditions separately imposed in respect of the grant of listed building consent for works of conversion and alteration to the existing buildings on the site.
- 8 The developer is reminded of their responsibilities and liabilities under the Disability Discrimination Act 1995 which will require that the primary access into the office building is arranged to the side of the building in order to avoid the use of the steps at the front elevation.