

Item 8

SCHEDULE B

APPLICATION NUMBER	CB/10/02067/REN
LOCATION	Central Bedfordshire College, Kingsway, Dunstable, LU5 4HG
PROPOSAL	Extension to the time limit for implementation of planning permission SB/OUT/04/0166 - Part demolition, alterations and extensions to existing college, including provision of amenity space and 192 parking spaces, and construction of residential development with associated parking, landscaping and public open space. (outline)
PARISH	Dunstable
WARD	Dunstable Downs
WARD COUNCILLORS	Cllrs Paul Freeman & Tony Green
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	10 June 2010
EXPIRY DATE	09 September 2010
APPLICANT	Central Bedfordshire College
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Major application contrary to policy
RECOMMENDED DECISION	Rep PP - New Time Limit - Granted

Recommendation

That Planning Permission be GRANTED subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- 1 Before development of the College Phase or the Residential Phase begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
 - access**
 - appearance**
 - landscaping**
 - layout; and**
 - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.**

Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 2 (a) Application for the approval of the reserved matters for the college phase**

or the residential phase shall be made to the Local Planning Authority within three years from the date of this permission.

(b) The development shall begin not later than whichever is the later of following dates:

- five years from the date of this permission, or
- two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **Before development of the College Phase or the Residential Phase begins, a landscaping scheme for that phase to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the relevant development phase (a full planting season means the period from October to March). 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 and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).

- 4 **Before development of the College Phase or Residential Phase begins, a Tree Survey and Arboricultural Implication Assessment shall be carried out and submitted to the Local Planning Authority, conforming to the requirements of BS 5837 : 2005 "*Trees in Relation to Construction*", identifying the importance of the boundary planting along the northern and south-eastern boundary, and which calculates the Root Protection Areas (RPA) and existing canopy clearance needed to prevent damage to the retained trees.**

Reason: To accurately identify and make provision for adequate protection measures on all strategically important boundary trees.
(Policy BE8, S.B.L.P.R.).

- 5 **Before development of the College Phase or the Residential Phase begins, a Tree Protection Plan shall be submitted which clearly shows the position and design specification of protection measures of all retained trees on the northern and south-eastern boundary of the site. The protection measures shall enclose the area of root protection (RPA) and canopy spread, as identified in the Tree Survey and Arboricultural Implication Assessment, thus creating a Construction Exclusion Zone. The protection measures shall conform with British Standard 5837 : 2005 "*Trees in Relation to Construction*" (Section 9)**

and built to the specification shown in Figure 2 of this Standard.

**Reason: To ensure the adequate protection of the rooting medium and canopy of strategically important trees.
(Policy BE8, S.B.L.P.R.).**

- 6 **Before development of the College Phase or the Residential Phase begins, a planting scheme shall be submitted to the Local Planning Authority for approval, which clearly shows the species and sizes of appropriate trees and shrubs suitable for the size and scale of the development, along with the appropriate planting and maintenance specification.**

**Reason: To ensure the satisfactory replacement of trees felled in the course of the development and to visually soften and integrate the scheme into the urban landscape.
(Policy BE8, S.B.L.P.R.).**

- 7 **Before development of the College Phase or the Residential Phase begins, a scheme for the parking of vehicles associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before development on the relevant phase is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure provision for car parking clear of the highway.
(Policy T10, S.B.L.P.R.).**

- 8 **Before the development of the College Phase or the Residential Phase is first occupied or brought into use, space shall be provided within the site of that phase for the loading, unloading and parking of vehicles in accordance with the standards of the Local Planning Authority and thereafter retained for this purpose.**

**Reason: To ensure provision for car parking and servicing clear of the highway.
(Policy T10, S.B.L.P.R.).**

- 9 **Before development of the College Phase or the Residential Phase begins, a scheme for screen fencing and/or screen walling for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the relevant phase of development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of the area.
(Policy BE8, S.B.L.P.R.).**

- 10 **This permission does not extend to the sketch layout and/or elevations submitted with the application.**

**Reason: To avoid doubt.
(Policy BE8, S.B.L.P.R.).**

- 11 The overall density of housing on the Residential Phase shall be not exceed 144 one or two bedroom units in total and shall not exceed five storeys in height, including any undercroft parking, unless otherwise approved by the express permission of the Local Planning Authority.

Reason: To ensure that the residential development takes place at no higher a density than is compatible with the characteristics of the site and its surroundings.

(Policy BE8, S.B.L.P.R.).

- 12 **Before development of the College Phase or the Residential Phase begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings.

(Policy BE8, S.B.L.P.R.).

- 13 **Before development of the College Phase or the Residential Phase begins, details of the arrangements to be made for the collection, storage and disposal of solid waste emanating from the college premises and from the residential units shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure control over the development in the interests of amenity and public safety.

(Policy BE8, S.B.L.P.R.).

- 14 No external lighting systems for either phase of development shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality and of neighbouring properties and highway safety.

(Policy BE8, S.B.L.P.R.).

- 15 The college premises hereby permitted to be altered and extended shall only be used for the purposes of non-residential education and training and ancillary purposes and for no other purpose in Class D 1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the permission and to avoid doubt.

(Policy BE8, S.B.L.P.R.).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests

of the amenities of the area.
(Policy BE8, S.B.L.P.R.).

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of any dwelling within the Residential Phase of any building or enclosure, swimming or ornamental pool required for purposes incidental to the enjoyment of the dwelling, or the alteration of such a building, enclosure, swimming or ornamental pool, shall not be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R.).

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the Residential Phase without the prior written approval of the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R.).

- 19 **Before development of the College Phase or the Residential Phase begins, details of the proposed surface and foul water drainage systems for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage works shall be constructed in accordance with the approved details before that phase of the development is first occupied or brought into use.**

Reason: To prevent pollution of the water environment.

- 20 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to the building envelope of the houses and flats hereby permitted as is necessary to achieve as a minimum standard an internal noise level of 30dB LAeq (23.00 to 07.00) and 45dB LAmax (23.00 to 07.00) for bedrooms and 35dB LAeq (07.00 to 23.00) for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB LAeq, 1hr in outdoor amenity areas. Unless otherwise agreed in writing, the effectiveness of the noise attenuation measures shall be demonstrated through validation noise monitoring with the results submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards. Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for those rooms affected.

Reason: To protect occupants from externally generated noise.
(Policy BE8, S.B.L.P.R.).

21

In respect of the College Phase, equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.
(Policy BE8, S.B.L.P.R.).

22

The kitchen ventilation system approved in accordance with Condition 21, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.

23

Prior to the commencement of the College Phase or the Residential Phase of development approved by this planning permission the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:

- a) **A Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
- b) **Where shown to be necessary by the Phase I Desk Study, a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
- c) **Where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
- d) **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 Phase IV validation report to incorporate photographs, material transport tickets and sampling.**

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works.

This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission. The site is located on a major aquifer and therefore the Environment Agency should be consulted.

Reason: To protect human health and the environment.

- 24 No development of the College Phase or the Residential Phase shall take place within the site of the relevant phase until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should be undertaken by the Local Authority Archaeological Service or other competent archaeological organisation approved by the Local Planning Authority.**

Reason: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.

- 25 No development of either the College Phase or the Residential Phase shall begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building on either phase shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 26 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 33m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.**

Reason: To provide adequate visibility at road junction in the interest of road safety.

- 27 No development of either the College Phase or the Residential Phase shall begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal for that phase have been submitted to and approved in writing by the Local Planning Authority and no building on either phase shall be**

occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 28 A 3.0m wide footway/cycleway shall be constructed into and through both the College Phase and the Residential Phase of the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority, prior to the first occupation of any building on either phase. Any statutory undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and to promote sustainable modes of transport.

- 29 Before any building on the College Phase or the Residential Phase is first occupied all on site vehicular areas for the relevant part of that phase 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 buildings/site.

- 30 If any proposed main distributor road for either the College Phase or the Residential Phase is not constructed to the full length and layout to be approved, 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.

- 31 The detailed layout plans to be submitted for approval of reserved matters in connection with the development of either the College Phase or the Residential Phase shall illustrate a vehicular turning area within the curtilage of all buildings taking access directly from the public highway.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 32 **No development of either the College Phase or the Residential Phase shall commence until wheel-cleaning facilities have been provided at all site exits for the relevant phase in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development of the relevant phase commences and the site developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the relevant phase of the development has been substantially completed or until such time as the Local Planning**

Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 33 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted Site Location Plan, Drawing No. 1038/10/1.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed refurbishment and enhancement of facilities at Central Bedfordshire College's Kingsway site represents a welcome investment in the community infrastructure of Dunstable and the surrounding area. The proposed residential scheme is acceptable as 'enabling development' to part fund the improvements to the College. The consequent loss of open space will be mitigated by improvements to recreational facilities within the local area and therefore constitutes an acceptable exception to national guidance and Development Plan policy.

Notes to Applicant

1. For the avoidance of doubt the College Phase includes the part demolition, alterations and extensions to the existing college, including the provision of amenity space and 192 parking spaces; and the Residential Phase includes the construction of residential development with associated parking and landscaping and public open space.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS3 - Key Centres for Development and Change: Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

SS6 - City and Town Centres.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision.

H2 - Affordable Housing.
T4 - Urban Transport
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
T14 - Parking.
ENV1 - Green Infrastructure.
ENV3 - Biodiversity and Earth Heritage.
ENV7 - Quality in Built Environment.
ENG1 - Carbon Dioxide Emissions and Energy Performance.
ENG2 - Renewable Energy Targets.
WM1 - Waste Management Objectives.
WM6 - Waste Management in Development.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

SD1 - Sustainability keynote policy.
BE8 - Design and environmental considerations.
T4 - Public transport services along former Luton/Dunstable Rail Line.
T7/8 Controlling supply of public car parking.
T10 - Controlling parking in new developments.
T11 - Securing contributions for alternatives to parking.
H2 - Making provision for housing via 'fall-in' sites.
H3 - Meeting local housing needs
H4 - Providing affordable housing.
R10 - Children's play area standard.
R11 - Provision of new urban open space in new residential developments
R12 - Protection of recreational open space.

3. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
4. 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.
5. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or

fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.

6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions.
7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse.

For Informatives 5, 6 and 7 please contact the Water Quality Consents Team on 01707 632300 for further details.

NOTES

- (1) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.