

Item No. 11

APPLICATION NUMBER	CB/12/01650/FULL
LOCATION	Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA
PROPOSAL	Construction of training/education and demonstrator centre with a set of business incubation units, training and parking area.
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Mrs Green & Murray
CASE OFFICER	Abel Bunu
DATE REGISTERED	08 May 2012
EXPIRY DATE	03 July 2012
APPLICANT	CBC
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Nigel Young as the Portfolio holder due to the Council's interest in the development
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is land which previously accommodated the Dunstable Fire Station, which has now been moved to a new location along Brewers Hill Road. The site is now currently in use as an overflow car park for Council employees. (Replacement car parking for the Council is to be sought on alternative land at Brewers Hill Road). The land is bounded on its eastern side by High Street North(A5) and on its western side by Brewers Hill Road. To the south east of the site is the Central Bedfordshire Council Dunstable Offices. To the east of the site is the Mulberry Bush Public House. To the north west of the site is the former Trico site which is currently being developed by Bloor Homes. The site is part of several derelict or underused pieces of land that the Council has identified in the Brewers Hill Road Planning and Development Brief for re-development. It is a prominent location at the junction of a major intersection and gateway into Dunstable. To the east of the site are two mature trees which are both protected by Tree Preservation Orders (TPOs). The site is roughly rectangular measuring approximately 100m deep along the northeast to southwest boundary and 50m wide.

The Application:

The application seeks planning permission for the construction of a building for use as an education and demonstration centre with a set of business incubation units, training facilities and associated parking area. The building would be two storey high with a ridge height of approximately 10 metres at the highest point and would have a gross internal floor area of about 2124.78 square metres. Being trapezium shaped, the building would have a north facing orientation towards the A5/Houghton

Road intersection and would be set back from the adjoining Mulberry Bush Public House by about 6.6 metres. A roughly triangular piece of amenity space would be retained to the front of the building together with a Beech Tree which is protected by a Tree Preservation Order (TPO). The north west elevation fronting onto Brewers Hill Road would zigzag to maximise internal light levels. The Willow Tree which currently stands next to the Beech Tree would be removed to accommodate the proposed development.

The existing access off Brewers Hill Road would be retained and would form the sole vehicular access shared with the gritting compound to the immediate south west of the site. Car parking spaces numbering 47 including 4 disabled spaces and 20 covered bike racks would be provided to the south west of the building and an external teaching area would be situated next to the building. It is also proposed to plant trees along Brewers Hill Road.

Ground Floor

The ground floor of the building would contain :

4 classrooms
2 meeting rooms
demonstration area
1 cafe and
ancillary space

First Floor

20 incubator units
4 break out zones
kitchen and
ancillary space

Supporting information has been submitted with the application and is contained in the following documents :

1. Design and Access Statement
2. Planning Statement
3. Statement of Community and Stakeholders Involvement
4. Tree Report
5. Energy Statement
6. Building Research Establishment Method (BREEAM)
7. Transport Assessment
8. Travel Plan
9. Heritage Statement
10. Ecological Report
11. Desk Study and Ground Investigation

Background to the application

- The application follows recommendations made by consultants commissioned by the Council in 2010 to explore the feasibility of developing an enterprise centre in Dunstable or surrounding areas. The report focused on assessing the nature of any market failure with respect to the provision of space and services for the creation of enterprise and growth in Dunstable and the surrounding area. Once

the market failure had been understood the report went on to look at and broadly appraise the optimum solution.

- The research found that an enterprise culture needs to be fostered in Dunstable and the surrounding area to support regeneration and stimulate job growth and that a number of market failures exist in the area. However evidence shows that a well managed enterprise facility can create demand for start up business/enterprise units and stimulate a local entrepreneurial culture as it becomes an enterprise destination and the centre for wider business growth activities. These factors combine to increase the level of new business start ups and resulting job growth in an area. Such a centre would provide a step change in the type and quality of commercial premises available in Dunstable and surrounding areas.
- The research considered that in addressing the wider market failures there would need to be a number of fundamentals (“must haves”) that the centre would need to provide such as easy-in/easy-out terms; flexible space for business units; shared, community facilities; high quality facilities that can help to increase the footfall through an awareness of the centre beyond the tenants and across a wider network of businesses; fast internet connections and an effective programme of business support.
- The research findings were shared with Central Bedfordshire College, who at the time were developing a European Regional Development Fund (ERDF) Axis 3 Priority project focusing on the provision of a new enterprise facility and a low carbon technology demonstrator space in sustainable construction, to help support the growth agenda and meet local skill needs. Priority Axis 3 funding is part of the €110.9 million 2007-13 East of England ERDF approved programme and seeks to identify and implement best practice in reducing the carbon footprint of businesses, communities and settlements, focusing efficient use of resources, development of clean or renewable energy sources and support for eco-friendly design. The Priority project will also seek to improve overall competitiveness and economic performance.
- This proposed Incuba Centre would provide specialist facilities, start up advice and support, accommodation and wider environment for business growth, whilst demonstrating state-of-the-art renewable energy technologies, low carbon construction and energy efficiency

The Council at its Executive on 23 August 2011 agreed to support the project by putting its land into the development. This would be by way of a long lease at a nominal rent, without capital receipt but to receive a return on the land value from a share of the income from the completed development.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and replaced the previous national planning policy documents, PPGs and PPSs.

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development.

SS3 - Key Centres for Development and Change.

SS5 - Priority Areas for Regeneration.

E1 - Job Growth.

E2 - Provision of Land for Employment.
T4 - Urban Transport.
T6 - Strategic and Regional Road Networks.
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
T14 - Parking.
ENV7 - Quality in Built Environment.
ENG1 - Carbon Dioxide Emissions and Energy Performance.
ENG2 Renewable Energy Targets

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of policy T10, and significant weight should be attached to them.

BE8 Design Considerations
T10 Parking - New Development
SD1 Keynote Policy

Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

Planning Obligations Strategy, 2010

Brewer's Hill Road Dunstable, Planning and Development Brief, Adopted 15 May 2012

Planning History

CB/10/04499/REG3	Withdrawn. Installation of 10 metre high lighting columns in car park.
CB/10/03736/REG3	Withdrawn. Installation of 10 metre high lighting columns in car park.
SB/TP/06/00733	Appeal dismissed. Installation of a 12.5 metre high telecommunications column and equipment cabinet. Land adjacent to the Fire Station.

SB/TP/04/00988 Permission. Erection of a 12.5 metre high telecommunications street furniture sectored column incorporating antennas and equipment cabinet and ancillary ground level development.

**Representations:
(Parish & Neighbours)**

Town Council	Will be reported at the meeting.
Neighbours 21 Lancot Drive	Objection A 2 metre strip of the road should be taken to eliminate the bottleneck and traffic jams at this location.

Consultations/Publicity responses

Economic Policy Manager	Provided detailed comments about the background to the Incuba project and the economic benefits to be had.
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Tree and Landscape Officer	I refer to the arboricultural report in respect of the impact on trees at the proposed development of the Incuba Centre Site, Brewers Hill Road, Dunstable (Report Ref TC/1-38-2883), as prepared by John Cromar's Arboricultural Company Limited and dated 29th February 2012.
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It is noted that Section 05.02 of the report discredits the existing Willow tree by referring to the fact that the main branches fork at 2m above ground level, rendering it to be of inferior form. The report also suggests that previous heavy pruning of this tree has been made in an attempt to address the "very poor form" of the tree, and recommends that even further heavy pruning will now be required to prevent biomechanical failure.

I consider that this recommendation is a somewhat extreme and unwarranted response to the characteristics of this tree, since it is observed that the two main trunks do not form a tight fork union, so has no inherent structural weakness associated with this type of defect. I also consider that the previous pruning has not exposed large wounds, and therefore I would not interpret such previous pruning treatment as "extreme crown reduction" that requires it to be considered under the recommendations found in Annex C.4.1 of BS 5837 : 2005, which relates to addressing problems under the heading "*Extreme crown reduction, topping and re-coppicing*".

I also believe that the reference to Section 7.7.3 of BS 3998 : 2010 Tree Work -Recommendations, headed "*Follow-up work after crown reduction or re-shaping*"

suggests a somewhat negative interpretation of this part of the British Standard, as Section 7.7.3 actually refers to a number of crown pruning objectives that can be implemented following previous crown reduction of a tree, many of which allow the tree to retain its natural appearance and desired shape.

It was also noted that Section 05.03 of the report refers to the opportunity to provide generous tree planting between the High Street North elevation and the public footway, suggesting the use of a *Metasequoia glyptostroboides* and *Crataegus lavalleyi* 'Carrierei'. It should be recognised that these trees are not of the same stature or spreading habit of the Willow, and will not provide the same degree of crown size that is such an influence on amenity value (Ref. Arboricultural Association Guidance Note 4 - "Visual Amenity Valuation of Trees and Woodlands", by R Helliwell).

In summary, I do not accept that the report justifies the felling of the Willow tree on the basis of its growth form and previous pruning management, and consider that the loss of this tree will not be compensated by the proposed replanting of trees recognised as having less stature and crown size, thereby leading to a loss of visual amenity on the street scene.

Highways Officer

The proposal is for a facility as an extension to the educational offering of the college. The facility will provide around 2,200m² GIA, with a further 1,200m² of external education/innovation space.

The new Centre will provide a combination of classrooms, rental 'Incubator' office spaces, flexible meeting/conference rooms, a large multi functional demonstrator area, cafe, break out collaboration areas, an outdoor training area as well as administration offices.

It is stated that in relation to parking it is intended that this will be allocated partly to the different component uses; a division of car parking spaces will occur and will provide for the users:- of the ground floor of the building; of the Incubation Units and for teaching staff.

The layout shows 47 parking spaces and a further 4 disabled spaces, although due to the innovative nature of the application there is not any evidence of how much parking would be required and for that reason I would not recommend refusal on the grounds of insufficient parking. There are a total of 20 covered bicycle parking spaces. This is insufficient and should be increased and conditioned in the travel plan that if required should be increased further.

Access is by way of a simple junction from Brewers Hill Road some 100m from its junction with the A5 (High Street North).

Within the Transport Assessment (TA) a total vehicle trip rate in the AM and PM peak is predicted to be 70 and 54 respectively. The TA states that due to the existing flows on the network at this point the increase is immaterial. I do not consider this to be an acceptable approach, however regardless of this statement a model was completed for the A5/Brewers Hill Road junction. I could take issue with this but the implications could be considered marginal and if accepted by the Highway Agency and considering this road is under the jurisdiction of the Highway Agency I will not comment further.

However, the proposed junction into the site from Brewers Hill Road has not been modelled and considering that this junction would experience a total flow of 70 in the AM peak (as well as the high flow on Brewers Hill Road) I am concerned about this and have required the applicant to carry out modelling to demonstrate if there would be a need to install a simple junction with a right turn lane. We will report on this matter further at the Committee and if necessary, the improved junction could be provided through a Section 106 Agreement.

Having looked at the drawing there is not a proposal to close off the existing accesses from the site to Brewers Hill Road (which served the old fire station). This is an oversight and must be done. However it is noted that there is quite an expanse of existing accesses to be closed off and it may be more appropriate to convert part of these old accesses to either a bus stop lay-by or lay-by for setting down and picking up. It may be that this may require alterations to the existing Traffic Regulation Order. This could be covered by way of condition and/or within the Section 106 Agreement.

There is a new pedestrian controlled crossing point proposed in the location of the site and it will need to be ensured that this does not interfere with the proposed new junction. This can be dealt with by way of a condition.

There is a cycle way/footpath along the new Luton/Dunstable bus way and it would be appropriate to promote this route and for that reason there should be a contribution towards upgrading the link from this site to this facility.

Sustainable Transport

There is no bus service serving the proposed development at this time and it is unlikely that the existing service would be diverted as it would then no longer serve the existing market. However plans are currently being drawn up for the new services associated with the guided busway which will offer the potential for a service along this section of Brewers Hill Road. It is therefore desirable that a bus stop and lay by capable of taking guided busway passengers is provided as part of this development. The busway is planned to open in 2013 at which time service patterns will be clearer which should tie in with the opening of the Incuba site. We also need to consider pedestrian access to the site in the context of the planned crossing of Brewers Hill Road and also pedestrian access to the busway. The proposed pedestrian/cycle route from the A5 north to the busway is not of the best possible standard and therefore this is a material consideration when access by sustainable modes is considered. It is also important that cyclists have a safe route to the development site and until the cycle route is delivered along its length from Brewers Hill Road through the site to A5 North there is a need for a shared use path along the site frontage.

Highways Agency

Recommends conditions for the submission of a revised Travel Plan.

Sustainable Growth Officer

The Energy statement does not seem to be adequate, it has quite a few shortcomings:

- no information provided how the annual energy demand for the building was calculated (Table 2) and therefore I cannot verify whether what is proposed will actually achieve the required 10% energy from renewable or low carbon sources;
- conversion factors used in Table 1 are from the previous Building Regs (PART L 2006), this should be updated to 2010;
- no information on how the costs and benefits of considered energy solutions were calculated (the cost of energy seems to be out of date - the quoted prices are very high);
- there is no information on why the PV and solar hot water has been recommended.

In regards to any potential conditions attached to a planning permission I can think of 2:

1. The building should achieve BREEAM Excellent rating.

2. 10% of energy demand of the building should be supplied from low or zero carbon sources.

Building Control

The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.

Some of the information provided may be part M compliant but from the limited information provided it is hard to determine.

Archaeologist

The proposed development fronts on to Watling Street (HER 5508) on the line of the present A5. Watling Street was one of the main arterial routes of Roman Britain running from London to the north west of the Province. It is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*. There is also evidence for extensive prehistoric, Roman and Saxon occupation in the broader surrounding area and the Roman and medieval towns of Dunstable lie to the south east partly on the alignment of Watling Street.

Policy 128 of the *NPPF* says that local planning authorities should require an applicant to describe the significance of any heritage assets affected by the proposed development. Where the proposal includes or has the potential to include heritage assets with archaeological interest the applicant should submit an appropriate desk-based assessment or where necessary a field evaluation. A *Heritage Statement* has been submitted as part of the application so it conforms to the requirements of Policy 128 of the *NPPF*.

The *Heritage Statement* refers to the Development Brief for the site, a desk-based assessment prepared some years ago on behalf of EEDA and pre-application discussions with the Archaeology Team. It concludes that the proposed development site has low archaeological potential and that as that as no heritage assets with archaeological interest will be affected by development of the site no further archaeological investigations will be required.

The site's location beside a major Roman road just beyond the limits of a Roman town in an area known to contain extensive remains of prehistoric, Roman and Saxon occupation mean that it does have archaeological potential. However, previous uses of the site, including as fire station and the surrounding industrial uses such as a gas works mean that the ground is likely to be heavily

disturbed, which will probably have had a substantial impact on the survival of archaeological remains. This is borne out by the geotechnical report included in the application which shows that there is a considerable depth of made ground following extensive ground disturbance. As site conditions mean that archaeological deposits probably will not survive to any extent the proposed development is unlikely to have a serious impact on archaeological remains that would result in a loss of significance to heritage assets with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.

Environmental Health
Officer

No objections. The applicant's consultants have carried out a desk study ground investigation and have recommended:

- Discussions with the local authority with regards to ground gas and human health risks
- Discussions with the Environment Agency with regards to the risk to controlled waters
- Soil infiltration rate testing in trial pits in accordance with BRE 365
- The writing of a Remediation Method Statement
- Remediation of the site (cover system) and
- Validation of remediation works

A condition tying these issues in the permission is therefore appropriate.

The Design and Access Statement states that the use of the building will not create any significant noise disturbance to adjoining properties and that no other pollution emissions are identified. A B1(c) use is one of the uses proposed therefore a separate noise condition should not be necessary.

Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted if the appropriate planning conditions are imposed as recommended by the Agency. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Advice to LPA (1)

The site is located on the chalk principal aquifer (part of the Upper Bedford Ouse Chalk groundwater body, a Water Framework Directive drinking water protected area). Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow

on a strategic scale. The overlying soils at the site are classified as having a high leaching potential, meaning they can readily transmit a wide variety of pollutants to the groundwater.

The regional use of groundwater in this area makes the site highly vulnerable to pollution.

Potential sources of contamination have been identified to include former fuel tanks. Contaminants associated with this source include hydrocarbons. Hydrocarbons have the potential to move from the soil into the groundwater at this site. Although elevated levels of hydrocarbons were not found to be present on site, the nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered. See also Reason 1.

Advice to LPA (2)

It is important that remediation works, if any, are verified as completed to agreed standards to ensure that controlled waters are suitably protected. If the works to comply with our Condition 1 find no contamination or that the risks from any such contamination are acceptable, then works to comply with this condition will not be required. See also Reason 1.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on the character and appearance of the surrounding area
3. Impact of the development on the preserved trees
4. Impact on residential amenity
5. Impact on the provision of sustainable modes of transport and highway safety
6. Other material considerations

Considerations

1. Principle of the development

The principle supporting the re-development of the site is clearly established in the recently published National Planning Policy Framework (NPPF) which carries a presumption in favour of sustainable development. At the heart of the NPPF is a commitment by the Government to secure economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meeting the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should therefore be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities are therefore required to plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The Incuba project reflects these national objectives in many ways which have been articulated in the Brewers Hill Planning and Development Brief. The brief was adopted by the Council's Executive on 15 May 2012, with the aim of guiding and promoting the regeneration of a number of opportunity sites in Brewers Hill Road. Ancillary development on adjoining sites at Brewers Hill could include grow-on space for the small and start-up businesses once they become more established and have a need to grow.

The new centre would provide training and demonstration space and lettable incubation space within 26 business units. The demonstration space would include a number of low carbon technologies for their adoption by businesses or for training to individuals on these new technologies. Within the ERDF Business Case it is estimated that the Incuba project would deliver 125 new direct jobs and support 205 businesses to either start up or grow by 2013, in addition to wider skills development and business innovation activities stemming from the centre, stimulating further local jobs and business growth. These figures are based on experience from similar historic projects, expected employment densities from floor space available and through consultation with business support providers. The project will play a significant part in attracting new private sector investment to the area and developing an enterprising culture in the Dunstable/Houghton Regis area.

Summary of the Economic benefits

The project addresses the findings of the Council's Local Economic Assessment (January 2011) relating to the need to stimulate business growth and take up of business support.

This will be achieved through providing local access to dedicated support and funding programmes, providing business networking and best practice learning opportunities and offering a step change in the quality and quantity of business start up accommodation in the area. Through the provision of targeted business support the Incuba project seeks to support women and black and minority ethnic communities to maximise business start up in these groups.

The project directly supports the Council adopted Economic Development Plan (November 2011) through positively contributing to the following work streams:

- **Setting the direction:** The Incuba project directly demonstrates the Council's commitment to supporting economic growth and support partners to deliver jobs and skills growth locally, in addition to providing new high quality commercial facilities.

- **Maximising Investment:** The Incuba project has secured £1,934,000 from ERDF funding with Central Bedfordshire College providing £2,495,000 of funding from their own resources, for the construction and operation of the centre, representing a significant capital investment into the area. This external investment and the potential longer term impact of the investment in terms of significant private sector investment and multiplier effects would support the on going regeneration of Dunstable
- **Business Support and Sustainable Growth :** Encouraging businesses to seek and access advice and support is essential to business success. The Incuba project will directly provide business support to local business, enhancing and building on nationally available support services. Furthermore, the project will specialise in the Low Carbon economy and supporting Central Bedfordshire businesses respond to the challenge of adapting to climate change. In addition it would strengthen the local economy through supporting the development of this key growth sector in Central Bedfordshire and help address local business concerns over higher energy costs, through the adoption of more efficient process and reducing waste. The Incuba project seeks to save 14.2 tonnes of CO2 emissions within Central Bedfordshire.
- **Promoting Enterprise and Career Opportunities:** Helping people to be more entrepreneurial in developing their careers is underpinned by promoting local success and celebrating achievement of all our people and local businesses. The Incuba Centre will provide high quality information, advice and guidance on the opportunities to develop skills and start business, addressing the highlighted market failure.
- The Incuba project through its focus on the provision of skills and engagement with local businesses, will also address the Council's work streams on meeting business skills needs and employer engagement.
- The project also supports the wider Council objective of educating the local community and providing young people with opportunities, through supporting the College's ambitions for the area and the provision of additional high quality demonstrator space for learning opportunities and promoting business and education collaboration. Furthermore, the project aligns with the Central Bedfordshire University Technical College in the area, complementing Dunstable and Houghton Regis's growth educational offer and importantly further meeting government and local priorities to support business engaging and vocational training opportunities.
- In terms of future growth aspirations for the area, the North Houghton Regis growth area will provide 7,000 homes and 40ha of employment land, providing future students and businesses to access the Centre's support services. This development at Brewers Hill Road complements the wider work taking place to regenerate Dunstable Town Centre through the Masterplan to guide and encourage future regeneration and investment in the area.

- Data from Jobcentre Plus on the type of jobs available locally through their offices in Dunstable, Leighton Buzzard and Biggleswade, shows that at the end of 2011 around 600 construction jobs were advertised in Central Bedfordshire, but only 10 people were seeking this type of work. This demonstrates the importance of a centre to train students in sustainable construction skills to meet local demand in an area with high levels of unemployment.
- Central Bedfordshire Council's support for the project will enable the delivery of a new exemplar Enterprise facility to stimulate the local economy, deliver jobs and training and support the developing low carbon sector. Support will realise £4.5million of externally secured funding, and help stimulate new business growth and enterprise within the Dunstable and Houghton Regis area, thus making an essential contribution to the delivery of the Council's adopted Economic Development Plan.

2. Impact on the character and appearance of the area

South Beds Local Plan policy BE8 states that proposals should complement and harmonise with local surroundings. In terms of its overall height and siting in a prominent location, the building would be an appropriate landmark feature when approaching Dunstable town centre from the north. The building is also designed to achieve maximum energy efficiency ratings. However, the building would result in the need to remove one of the protected trees which makes a significant contribution to the character and appearance of the area. The importance of the Willow tree and indeed the Beech tree which stands close to it is recognised in the Design Brief which was recently adopted by the Council. This Brief is a material planning consideration. The Tree and Landscape Officer advises on the need to resist any development that would result in the loss of the tree. Whilst it is acknowledged that the removal of the tree would cause detrimental harm to the character and visual appearance of this prominent site, it is considered that this harm would be mitigated by replacement trees that could be planted in different positions along Brewers Hill Road. Furthermore, the proposed building would be aesthetically pleasing and hence would add interest to this prominent site.

3. Impact on the preserved trees

The Brief identifies the need for new developments to take into account the retention of the existing protected trees on site which are considered to provide a valuable natural asset that adds character to an otherwise monotonous road junction. The development proposals should recognise the importance of the protected trees in this corner location and landmark buildings provided on the corner of Brewer's Hill Road would also aid this. The application is accompanied by a tree report which concludes that the Willow Tree is not of a good enough quality to merit retention. The report also considers that replacement trees could be planted to mitigate any visual harm arising from the loss of the tree. The Council's Tree and Landscape Officer has however refuted the conclusion of the Tree Consultant. The tree was protected for its benefit to the visual appearance of the surrounding area. While this is an important consideration, it has to be weighed against the benefit to be had from the development. As discussed above, the proposed development offers immense economic and educational benefits and in design terms, the building would improve the appearance of this prominent gateway site. Although the replacement trees would not afford the

same level of visual amenity as the Willow Tree to be removed, a condition requiring the implementation of a landscaping scheme would ensure that adequate mitigation is available.

4. Impact on the amenities of nearby residents

South Beds Local Plan policy BE8 states that proposed development should not have an unacceptable adverse effect upon general or residential amenity and privacy.

The closest residential property to the proposed development would be the residential accommodation at the public house which would be separated from the building by about 6.6 metres. There are also residential properties on the opposite side of High Street North around 100 metres from the lighting columns. The former Trico site currently being developed on the opposite side of Brewers Hill Road has the residential element of the development around 900 metres from the site and the original proposal includes employment premises between the residential properties and Brewers Hill Road.(The Brewers Hill Development Brief does not provide for residential development of that land either).

It is considered that due to the distances between the proposed building and existing and proposed residential properties and the proposed use of the building there would not be an adverse impact on the residential amenities of nearby residents. It is considered that the proposal is in accordance with policy BE8.

5. Impact on the provision of sustainable modes of transport and highway safety

The scheme makes provision for 47 off-street parking spaces, 4 disabled spaces and 20 covered cycle storage racks. The site is highly accessible by public means of transport. The Planning and Development Brief identifies the site as one that is well served by different modes of public transport. There are bus stops along the A5/High Street North, Houghton Road and Brewers Hill Road. These routes provide a link to the Dunstable town centre and the surrounding settlements like Houghton Regis, Luton, Leighton Buzzard and Milton Keynes. All the roads surrounding the application site have footpaths although it is noted that there are no formal pedestrian crossing facilities at the A5/Houghton Road/Brewers Hill junction. National Cycle Network 6 Route runs close to the site. Furthermore, the Luton Dunstable Busway which is under construction will run close to the site and will terminate at the Portland Ride Stop, approximately 600 metres from the site. The Busway will aim to provide a frequent and dependable high quality bus service linking Dunstable, Houghton Regis and Luton. It is therefore considered that appropriate conditions and a Section 106 Agreement to secure improvements of the site access and the revision of the Travel Plan and financial contributions to upgrade the cycle and pedestrian network would ensure an adequate provision of sustainable modes of transport. With the implementation of measures contained in the Section 106 Agreement and Travel Plan, the development would not be prejudicial to highway safety.

6. Other material considerations

The proposed development has been the subject of pre-application discussions and consultations which pre-dated the publication of the National Planning Framework. During discussions and in exchange of correspondence with the

applicant's agent, the Council's position with regard the need to explore alternative solutions that would preserve the Willow Tree remained consistent. An alternative scheme which would have saved the tree was presented but was faulted on several design grounds. The NPPF which came into force on the 27th March requires that having regard to the benefits to be had from a proposed development, local planning authorities should adopt a presumption in favour of sustainable development.

The objection received from a local resident is noted. However, it is considered that this concern is adequately addressed in the Planning and Development Brief under the heading, 'Traffic Impact' in paragraphs 13.5 -13.10. The Brief recommends that any new development should be extremely sustainable. As already discussed, the site is well placed to promote sustainable modes of transport. Travel planning is also identified in the Brief as a key factor in reducing the vehicular impact at the A5/Brewers Hill/Houghton Road junction. This will be the subject of planning conditions and an Agreement under Section 106.

7. Conclusion

Section 14 of the National Planning Policy Framework states that at the heart of the framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making. For decision - taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or
 - specific policies in this Framework indicate development should be restricted.
- It is the case that the South Bedfordshire Local Plan Review is out of date within the meaning of paragraph 215 of the NPPF.

Under the circumstances, a development proposal can therefore only be rejected after carrying out a balancing exercise and concluding that the impact would demonstrably be so adverse as to significantly outweigh the benefits of the development. In this case, the benefits of the development are :

- Employment creation
- Provision of a much needed educational facility
- Efficient use of land compared to its current use as a car park
- Revenue to be derived from the development
- Improvement of the appearance of this prominent corner site by erecting a building that would provide an iconic feature in this gateway location into Dunstable

The harm associated with the proposed development relates to the removal of the Willow Tree which is protected by a Preservation Order for the contribution that it makes to the visual appearance of an otherwise monotonous junction.

It is considered that the benefits to be had from approving the development far outweigh the visual harm resulting from the loss of one of the protected trees. It is also worth noting that there are currently two protected trees on the site and one of them will not be affected by the development. This remaining tree will continue to have a positive impact on the appearance of the surrounding area and the proposed landscaping would enhance the character and appearance of the locality.

RECOMMENDED to authorise the Head of Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act in respect of sustainable transportation measures and provision of a bus stop and lay by, and subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building 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 building/s.
(Policy BE8, S.B.L.P.R).**

- 3 **Notwithstanding the details submitted with the application, before development begins, a landscaping scheme 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 development (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 begins, the position of the building shall be pegged out on site and its position approved in writing by the Local Planning Authority. The development shall thereafter be implemented in the agreed position.**

**Reason: To enable consideration to be given to the precise layout of the building in the interests of preserving the protected tree and residential amenity.
(Policy BE8 S.B.L.P.R).**

- 5 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**
- a) **A Phase 1 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 1 Desk Study, a Phase 2 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 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
 - d) **Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation 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.

Reason: To protect human health and the environment.

- 6 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.**

Reason: To protect human health and the environment.

- 7 No occupation shall take place until a verification report demonstrating completion of works set out in an approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, particularly the Upper Bedford Ouse Chalk groundwater body, from potential pollutants associated with current and previous land uses (including the fire station as identified in submitted documents) in line with Environment Agency Groundwater Protection (GP3:2008) position statements P1-4 and P9-5 to P9-7 inclusive.

- 8 **Development shall not begin until details of 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 users of the highway and the premises.

- 9 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

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

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

- 11 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.

- 12 **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.

- 13 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 14 **No development shall take place until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following :**

The identification of targets for trip reduction and modal shift;

- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting**
- **The penalties to be applied in the event that targets are not met;**
- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the Travel Plan (until full occupation) to be agreed timescale or timescale and its operation thereafter;**
- **Mechanisms to secure variations to the Travel Plan following monitoring and reviews.**
- **Mechanisms for managing the Travel Plan and coordinating with other Travel Plans in the development area.**

The completed development shall be occupied in accordance with the approved Travel Plan which shall be retained in place thereafter unless otherwise amended in accordance with a review agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

- 15 Before the development is brought into use, the Travel Plan is to be reviewed by the Local Planning Authority in consultation with the Highways Agency to take on board conditions prevailing at the time and adjustments made to accommodate them.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

- 16 10% of energy demand of the building should be supplied from low or zero carbon sources.

Reason : To meet regional and national targets for reducing climate change emissions
(Policies, ENG1 & ENG2 E.O.E.P and BE8 S.B.L.P.R)

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1038/12/1, 1002 Rev A, 1100 Rev B, 1110 Rev A, 1111 Rev A, 1112 Rev A, 1120, 1121, 1122 &1130.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards widening employment and educational opportunities and through a section 106 Agreement, enable the improvement of the cycle and pedestrian network and would not be prejudicial to highway safety and would not harmful to residential amenity thereby conforming to the development plan comprising Policies ENV7, SS1, SS3, SS5, E1, E2, T4, T6, T8, T9, ENG1, ENG2 and T14 of the East of England Plan, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010, the Planning Obligations supplementary planning document and the Brewer's Hill Road Dunstable, Planning and Development Brief, adopted 15 May 2012.

Notes to Applicant

1. 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).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. **Model procedures and good practice:**

The Environment Agency recommends that developers:

1. Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
2. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
3. Refer to our "Verification of Remediation of Land Contamination" report;
4. Refer to our "Groundwater Protection: policy and practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>) (please note that an updated version was consulted upon in late 2011 and the revised position statements may take precedence over the existing policies when we come to review any reports or proposals);
5. Refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice'; and
6. Refer to our website at www.environment-agency.gov.uk for more information.

4. **Removal of former fuel tanks**

The Environment Agency recommends that all redundant fuel tanks are removed from site during its development to reduce the level of risk posed to controlled waters from potential contaminants associated with them.

5. **Decommissioning of redundant boreholes**

The Environment Agency recommends that all redundant boreholes on site are appropriately decommissioned to prevent them from creating preferential pathways for contaminants to move through into the underlying principal aquifer. We recommend that you refer to our "Decommissioning Redundant Boreholes and Wells" report.

6. The Environment Agency advises that any reference to controlled waters includes inland freshwaters, coastal waters and relevant territorial waters plus groundwater as may be relevant for the proposed development site.
7. The applicant is advised that it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
8. 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, Cauldwell Street, Bedford MK42 9AP.

9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
10. The building should achieve BREEAM Excellent rating.
11. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.
12. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.
13. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

DECISION

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