

Item No. 10

APPLICATION NUMBER	CB/13/03499/FULL
LOCATION	Russell House, 14 Dunstable Street, Ampthill, Bedford, MK45 2JT
PROPOSAL	Erection of 16 no. residential dwellings, a 63 bedroom Care Home with ancillary buildings, associated landscaping and car parking to include demolition of existing buildings and removal of trees.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllrs Duckett, Blair & Smith
CASE OFFICER	James Clements
DATE REGISTERED	15 October 2013
EXPIRY DATE	14 January 2014
APPLICANT	Lochailort Ampthill Ltd & Lochailort Ampthill Retirement Living
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Officer call-in due to public interest
	Full Application - recommended for approval

Summary of Recommendation

The proposal is in accordance with chapters 4, 6, 7 & 8 of the NPPF and Core Strategy and Development Management Policies CS1, CS2, CS3, CS5, CS9, DM3, DM4 and DM13. The proposed carehome would provide 63 bedroom spaces and would help achieve the Council's 'Central Bedfordshire Together - Sustainable Community Strategy 2010-2031'. The proposed carehome and 16 dwellings would provide a high quality development and there would be no undue harm to residential amenity. The high quality design and public benefits of the carehome would outweigh the loss of the existing building which is identified as an important building within the Ampthill Conservation Area.

Site Location:

The proposal site is located at Russell House, Dunstable Street, Ampthill which is partly within the Ampthill Conservation Area. The site is rectangular shaped and measures 1.076ha in area.

The site includes a 3-storey late Victorian/Edwardian building with single-storey steel clad rear extension set back approximately 25m from the highway. To the rear of the site is a two-storey brick building last used as a children's nursery.

The boundary of the site is characterised by existing deciduous and evergreen mature trees, hedging and planting which is visually permeable in places.

To the south the site shares a common boundary with The Limes which is a former council offices that has been converted into flats. To the west of the limes, also sharing a common boundary with the proposal site, is an area of land which has an extant permission for 14 dwellings planning reference CB/12/03223. Development has not commenced.

To the north Russell House shares a common boundary with Alameda House, no's 16 & 22 Dunstable Street, no's 39-45 Alameda Close and 4 The Pines. This boundary includes a length of brick wall (including workshop building), coppiced hazel and a mature evergreen tree/hedge line, including holly and laurel.

The site was previously owned by Central Bedfordshire Council and Mid Bedfordshire District Council. The site was last used in 2007 and was sold by CBC to the developer in 2012

The Application:

Planning permission is sought for the erection of 16 no. residential dwellings, a 63 bedroom Care Home with ancillary buildings, associated landscaping and car parking to include demolition of existing buildings and removal of a number of trees. The carehome services would include residential care and dementia care.

The application includes the following documents:

- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan;
- Tree Survey, Arboricultural Impact Assessment;
- Visual Structural Inspection Report;
- Archaeological Project Design & Archaeological Evaluation Report;
- Landscape Statement;
- Section 106 Report;
- Flood Risk Assessment;
- Preliminary Protected Species Risk Assessment;
- Design Statement
- Character Analysis
- Photographic Record
- Heritage Statement
- Transport Statement

- Boundary Landscape Management Plan
- Demolition and Refurbishment Asbestos Survey
- Design, Planning and Access Statement
- Historical Building Appraisal
- Phase One Desk Study Report

The Carehome

The carehome element of the application as originally submitted was for 67-bedrooms. This was reduced to 63 beds with a side wing partly reduced from three to two-storey following concerns raised regarding the impact on neighbours.

The carehome would employ approximately 65 members of staff overall which would be on three 8 hour shifts. There would therefore usually be approximately 22 members of staff on site at any one time.

The proposed carehome has a deep F-shaped plan form with 3-storey main building to the front measuring approximately 12.2m to ridge height, deep 2-3 storey rear block and two 2-3 storey projecting wings to the north. Taken as a whole the carehome would measure between 6.1m and 12.2m in height, between 11.5 and 30.5 in width, and 65m in overall depth, with the main frontage being set back approximately 22m from the highway, approximately 3m closer to the highway than the existing building.

The proposed design of the replacement building in part relates to the design of the existing Victorian house with projecting splayed bays, faux timber framing, red brick in Flemish bond, diamond Tudor diaper patterning and tall chimney stacks, whilst also introducing other eclectic influences. This continues with the rear blocks and wings, though in a plainer, more restrained Neo-classical/ Arts & Crafts form. Architectural detailing and materials would include: hand-made red stock bricks, rubbed and gauged brick arches, natural slate, lead weathering edgings to all flat roofs and rolls to ridges/ hips/ valleys, cast iron railings to frontage block and metal railings elsewhere, granite kerbs and setts to entrance area, Yorkstone paving and gravel surfacing.

The site has two existing in-out accesses from Dunstable Road which would be retained for use by the carehome and proposed residential development, with an improved and lengthened access road located adjacent to the southern boundary leading down the site to the proposed housing area.

26 parking spaces are proposed for the Carehome. Nine of the spaces including 3 disabled spaces would be located to the front of the main building. The remaining 17 spaces would be located adjacent to the southern boundary adjacent to the Limes parking area.

16 Dwellings

The proposed 16 dwellings include 10 detached and 6 semi-detached dwellings:

- 13 3-bed dwellings
- 1 4-bed
- 2 5-bed

There are 6 distinct house types proposed all of which are designed with classical Georgian/Victorian detailing including, gauged brick headers and stone cills, eaves brick detailing, casement doors with fanlight and back bracketed porch hoods. The dwellings would have floor height proportions more usually found in formal Georgian/Victorian houses giving ridge heights of between 8.3 - 9.4m. The 5-bed properties would have attached garages. The majority of properties would have parking to the front of the dwellings.

The proposed dwellings would be located around the private access road adjacent to the north, south and western boundaries of the site. The semi-detached dwellings to the north of the access road with rear elevations facing the boundary would be between 7.3 & 7.8 from the northern boundary. The dwellings to the south of the access road with rear habitable rooms facing the boundary would be between 8 & 10m from the boundary.

The parking provision indicated on the layout plan include 44 spaces, including 2 visitor parking spaces. There is sufficient space on parts of the access road for some informal vehicle parking.

Landscaping and Strategy

There are no tree preservation orders on the site but there is a large number of mature trees, groups of trees, hedging and planting on the boundaries and within the site. It is proposed to retain the vast majority of the existing trees and landscaping. Root protection areas are proposed to ensure that existing trees/landscaping would not be damaged during construction.

A landscape strategy has been submitted with the application to replace and supplement planting particularly on the boundaries of the site where there are gaps in existing screening and where landscaping has to be removed. The strategy advocates the use of pre-fabricated/grown ivy screens, hedge planting and mature tree planting between 5.5-6m.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 9. Conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS1 - Development strategy

CS2 - Developer contributions

CS3 - Healthy and sustainable communities

CS5 - Providing homes

CS9 - Providing jobs

DM3 - High quality design

DM4 - Development within and beyond settlement envelopes

DM13 - Heritage in Development

Development Strategy for Central Bedfordshire (pre-submission version 2014)

Policy 1 Presumption in favour of sustainable development

Policy 7 Employment sites and uses

Policy 26 Travel plans

Policy 27 Car parking

Policy 28 Transport assessments and travel plans

Policy 31 Supporting an ageing population

Policy 43 High quality development

Policy 44 Protection from environmental pollution

Policy 47 Resource efficiency

Policy 48 Adaptation

Policy 49 Mitigating flood risk

(Having regard to the NPPF, significant weight is given to the policies contained within

the emerging Development Strategy for Central Bedfordshire, which is consistent with

the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013).

Supplementary Planning Guidance

Design in Central Bedfordshire

Central Bedfordshire Local Transport Plan: App. F, Parking Strategy

Planning History

New Reference: MB/94/00933/CC

Old Reference: TL 03200 37600

Location: Land To The Rear Of Russell House, Dunstable Street, Ampthill

Description: COUNTY COUNCIL: FORMATION OF 24 NO. PARKING SPACES ON DISUSED AREA OF LAND

Decision:

Date: 22/08/1994

New Reference: MB/93/00983/CC

Old Reference: TL 03300 37600

Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT

Description: COUNTY COUNCIL: RECLADDING OF EXISTING WORKSHOPS AND INSTALLATION OF FIRST FLOOR

Decision:

Date: 15/10/1993

New Reference: MB/93/00841/FA
Old Reference: TL 03300 27600
Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT
Description: FULL: EXISTING WORKSHOPS CLADDING TO BE REMOVED AND REPLACED WITH NEW COLOUR COATED STEEL AND NEW WINDOWS ETC. INCLUDING NEW FIRST FLOOR
Decision:
Date: 02/08/1993

New Reference: MB/92/01013/CC
Old Reference: TL 03200 37400
Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT
Description: COUNTY COUNCIL: EXTERNAL RESURFACING AND PARKING IMPROVEMENTS
Decision:
Date: 01/12/1992

**Representations:
(Parish & Neighbours)**

Parish/Town Council

22/11/2013

Resolved: That the Town Council support the above application subject to:

- The applicant revisiting car parking spaces for the Care Home as we believe twenty spaces will not be enough for staff, healthcare visitors and residents' visitors. There is no off site parking available and therefore it is crucial that this development has sufficient parking on site to meet its proposed and future needs.
- Central Bedfordshire Council planners should look at both the Russell House and The Limes sites to safely manage vehicle movements in and out of the sites onto Dunstable Street which is already a heavily used road.

The Care Home should meet the standards of Central Beds Council's Older Persons strategy.

21/02/2014

Resolved: That the revised application be supported subject to:

- a) The supply of a northern elevation comparison drawing for the residents of Alameda House and 22 Dunstable Street if it is required.

b) The Town Council would like to be involved in the approval of the landscaping scheme as part of the reserved matters to ensure that the needs of the adjoining residents are considered.

c) The Town Council welcome the developer's consideration of boundary treatment options (i.e. landscaping and fence heights) for the benefit of Alameda House.

d) If it is possible for the developers to reduce the roof height to lessen the loss of light on 22 Dunstable Street this would be welcomed.

e) The Town Council would like to be involved in the discussions for the proposed Section 106 condition to provide or fund additional car parking spaces in Bedford Street.

Neighbours

Alameda House

Harm to residential amenity with regard to loss of light, loss of privacy, overbearing impact and light pollution. Building out of keeping with the conservation area and overly large.

No.22 Dunstable Street

Object to the overall height and massing of the care home and ask that this be reduced in order to mitigate impact; 2 rather than 3 storey would be more appropriate; Loss of light particularly in the winter months. Current view of the building is a varied roofscape whereas the proposed is a monotonous and significantly higher expanse of roof with taller chimney.

41 Alameda Road

Loss of well established trees; loss of privacy; increase in noise pollution; Plans do not reflect existing boundary with no.41; Removal of trees and ancient hedgerow pre-planning; Ecology should be taken into account; layout should be altered with similar properties backing on to similar properties on Alameda road; Russell House is of great historical value in keeping with the Georgian market town and should be retained.

43 Alameda Road

Disappointing that trees were felled prior to BS5837 tree survey. Consequently there is no record of the trees removed. Amenity has therefore been harmed by loss of established species; Support mix of large family homes and support view that there is no justification for imposing affordable housing; Demolition of Russell House would result in the loss of a heritage asset with Conservation area. Proposed building too large and dominant.

45 Alameda Road	To maintain the development in keeping with adjacent dwellings we request that plots 10,11,12,13,14,15 (possibly16) are relocated to the south of the proposed access road; plots 2,3,4 (possibly 5) relocated to the north side of the access road.
Westover, Alameda Walk	Loss of light; loss of privacy; request the height of the building is limited in particular the north facing wings; remove 4th floor windows; shorten the length of wings
Apartment 13 The Limes (2nd floor)	Privacy will be severely affected due to the removal of existing trees and bushes leaving only 3 or 4 large trees with leaves only at 45-50 foot or 4 large trees.

Consultations/Publicity responses

Environment Agency	No objection subject to conditions
Anglian Water	No objection subject to conditions
Public Protection	No objection subject to conditions
English Heritage	There would be harm to the significance of the conservation area, albeit less than substantial, which should be weighed against the public benefits as required by the NPPF paragraph 134. The decision making powers lie with your authority and as part of that process you must carry out this balancing exercise, however we have advised that we are 'not convinced the harm is justified by the public benefits of the proposal.'
Tree & Landscaping Officer	Comments to follow
Highway Officer	Comments to follow
Conservation and Design Officer	No objection subject to conditions
Housing Officer	Comments to follow
Archaeology	No objection

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Conservation and design considerations
3. Trees & landscaping
4. Residential amenity
5. Parking and highway matters
6. Planning obligations and viability assessment
7. Other matters

Considerations

Human Rights issues

No significant issues raised

Equality Act 2010

No significant issues raised

1. Principle of development

The proposal site is within the settlement framework of Ampthill, which is a Major Service Centre, where new residential properties and care homes are acceptable in principle subject to compliance with the National Planning Policy Framework (2012) sections 7 & 12, Central Bedfordshire Core Strategy Development Management Policy DM3: High Quality Development, Policy DM4: Development within and beyond Settlement Boundaries and Policy DM13: Heritage and Central Bedfordshire Design Guide. Policy DM3 states:

Policy DM3: High Quality Development

- All proposals for new development, including extensions will:
- be appropriate in scale and design to their setting.
- contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.
- use land efficiently.
- use energy efficiently.
- respect the amenity of surrounding properties.
- enhance community safety.
- comply with the current guidance on noise, waste management, vibration, odour, water, light and airborne pollution.
- incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport.
- provide adequate areas for parking and servicing.
- provide hard and soft landscaping appropriate in scale and design to the development and its setting.
- incorporate public art in line with the thresholds determined by the Planning Obligations Strategy.
- ensure that public buildings are accessible for all, and comply with current guidance on accessibility to other buildings.
- respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

The proposal site is also within the Ampthill Conservation Area. Development Management Policy DM13: Heritage in Development and section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2012) are of particular relevance to this proposal.

Development Management Policy DM13: Heritage states:

The Council will ensure that:

- Proposals for development relating to Listed Buildings and registered Parks and Gardens will pay particular attention to the conservation of local distinctive features and uses;
- Planning applications for development within Conservation Areas will be assessed against the Conservation Area appraisals and inappropriate development will be refused.

Policy DM4: Development Within and Beyond Settlement Envelopes states:

Within Settlement Envelopes, the Council will support schemes for community, education, health, sports and recreation uses or mixed community and other uses

where a need for such facilities is identified through the Infrastructure Audit or up to date evidence. Where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission.

Such development should make the best use of available land and lead to more sustainable communities. Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre.

National Planning Policy Framework 2012 Chapter 12 - Conserving and enhancing the historic environment

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Central Bedfordshire Together - Sustainable Community Strategy 2010-2031

The applicant refers to *Central Bedfordshire Together - Sustainable Community Strategy 2010-2031* in which is set out a priority for supporting and caring for an aging population and those who are most vulnerable. An increasing demand for care provision would be addressed by integrating care and support to people

with dementia and their carers...'. *Delivering your priorities - Our plan for Central Bedfordshire 2012-2016* reflects this in the priority 'Promoting health and wellbeing and protecting the vulnerable'. An expanded social care market that provides choice is envisaged and dementia care is a focus for support. Policy 31 of the emerging Development Strategy directly supports this proposal as it not only provides appropriate accommodation for an ageing population but is in a sustainable location and has a flexible range of services.

2. Conservation and design

Russell House is a late Victorian/early Edwardian two-storey building located within Ampthill Conservation Area and adjacent to the Grade II listed The Limes (former Mid Beds Council Offices) and in close proximity to No.10. The main block is an attractive asymmetrical building which retains many details. This block has heritage value for its architectural qualities and is a fairly prominent building on Dunstable Street. It has been identified as an undesignated heritage asset which makes a positive contribution to the character and appearance of the Conservation Area as highlighted in the 2013 Conservation Area Appraisal.

Proposed Carehome

The scale of the proposed rear and side wing is relatively large and the massing and bulk of the proposed buildings in total is considerable, which is emphasised by the deep plan form and wide spans; although the scale and massing of the former Council Offices - The Limes - to the south of the application site is similar. Although the overall size of the building is substantial, this does not detract from the high quality of the design, materials and detailing and it would not appear excessively large or incongruous in the streetscene/conservation area. Existing and proposed landscaping will aid in softening the appearance of the building.

English Heritage have stated that, 'there would be harm to the significance of the conservation area, albeit less than substantial, which should be weighed against the public benefits as required by the NPPF paragraph 134. The decision making powers lie with your authority and as part of that process you must carry out this balancing exercise, however we have advised that we are 'not convinced the harm is justified by the public benefits of the proposal.'

Russell House has been empty for many years and it appears that there was substantial vandalism and theft including lead and water tanks from the roof. English Heritage have queried whether willful neglect of the building has taken place, which would give weight to the retention and restoration of the existing building.

Evidence has been submitted with the application that indicate the poor state of the building when purchased from the Council in 2012. There is no substantive evidence to suggest that the applicant has willfully neglected the building and it would appear that damage to the structure has taken place over the last 8 years. Indeed, the site was not secure until hoarding was erected by the applicant.

The quality of replacement building and public benefits of the carehome should be weighed against the harm of loss of the existing building which is identified as an 'important building' within the Conservation Area. It is considered that the combination of the high quality design and the clear public benefits from the carehome spaces identified in '*Delivering your priorities - Our plan for Central*

Bedfordshire 2012-2016' weigh in favour of the development.

Design of the 16 dwellings to the rear of the site

The design of the proposed 16 dwellings are also considered to be high quality. The design is Georgian in character with classical proportions which is in-keeping with character of Ampthill and its Conservation Area. The dwellings would be accessed via a private driveway to the rear of the carehome and would not be widely viewable to public views.

Trees and landscaping

3. A Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan and landscape strategy have been submitted with the application. A number of consultation responses from adjoining neighbours raised concern that a number of trees had been removed prior to a planning application being submitted which had detrimentally affected the site and its screening.

The Tree & Landscape Officer's comments are to follow this report.

4. Residential amenity

It is considered that the proposed development would not unduly harm the residential amenity of adjoining neighbours with regard to loss of light, loss of privacy or overbearing impact.

Alameda house

Alameda House is the closest property to the existing buildings and is orientated side-on to the application site with its front elevation facing east (with garden area, parking and turning to the front) and garden area to the rear. The main habitable room windows face east and west. A habitable room window on a front projecting element faces the application site.

The existing buildings adjacent to Alameda House include a 3-storey side extension to the main house approximately 8m from the boundary and a steel clad rear extension sited approximately 5 & 8m from the shared boundary measuring approximately 5.2m to eaves and 9.5m to ridge height.

The proposed building elements adjacent to the shared boundary would include two projecting wings. The closest to the main house being a flat roofed 2-storey wing (reduced from 3-storey) approximately 4-6m from the boundary measuring 6.1m in height (a 3-storey element is set back a further 10.75 - 13.5m). The western wing is 2-storey and is located approximately 4-6m from the boundary approximately 13m from the rear elevation of Alameda House, measuring 5.6m to eaves and 8.3m to ridge height (with hipped gable).

The shared boundary between the proposal site and Alameda House is characterised by mature evergreen tree, holly and laurel hedgeline which provides good screening between the side and rear of Alameda House. To the front of Alameda House there is an existing brick wall (with workshop building on the proposal site). Visualisations and elevation comparisons have been

submitted to indicate the differences between the existing buildings and the proposed building.

The existing 3-storey side extension has an impact on the property in terms of dominance and its removal would clearly be an improvement. The owners of Alameda House are however concerned about the overbearing impact of the new elements on their property and a loss of light.

Given the range of existing buildings, the orientation of the two proposed buildings i.e. predominantly side-on, the separation between the 3-storey element and Alameda House, the existing landscaping (to be protected during construction) and the proposed landscaping strategy, it is considered that there would be no undue harm to the amenity of Alameda House. The separation distance (26m) between the Alameda House's habitable room and the eastern wing is sufficient to ensure that its amenity in terms of overbearing impact would not be unduly harmed. Although there would be some loss of light during winter months this is not considered to be unduly harmful.

No.16 & 22 Dunstable Street

There is sufficient separation distance between the proposed carehome and 16 & 22 Dunstable Street (18 & 36m respectively) to ensure that there would be no undue loss to amenity with regard to overbearing impact. The separation distance combined with the location of windows would ensure that there would be no undue loss of privacy.

The owner of no.22 has raised concern that they would suffer a loss of light during the winter which is indicated on the submitted solar study. While it is accepted that there would be loss of light during winter months it is considered that this would not be unduly harmful.

No's 39-45 Alameda Close

The separation distances of the plots 8 - 15 are sufficient, combined with existing and the proposed landscaping strategy, to ensure that there would be no undue harm to the amenity of no's 39-45 in terms of overlooking, loss of light or overbearing impact

The Limes and consented site to the west

The separation distance between The Limes, the consented scheme to the west of the Limes and the proposed carehome and plots 1- 6 are sufficient to ensure there would be no undue harm. Additional planting/screening on the southern boundary will reduce potential overlooking.

5. Parking and highway matters

The site has two existing in-out accesses from Dunstable Road which would be retained for use by the carehome and proposed residential development, with an improved and lengthened access road located adjacent to the southern boundary leading down the site to the proposed housing area.

The carehome would employ approximately 65 members of staff overall. The staff would be on three 8 hour shifts with approximately 22 members of staff on site at any one time.

26 parking spaces are proposed for the Carehome. Nine of the spaces including 3 disabled spaces would be located to the front of the main building. The remaining 17 spaces would be located adjacent to the southern boundary adjacent to the Limes parking area. The 16 dwellings have a parking provision of 44 spaces overall.

The Highway Officer has no objections in principle. Negotiations are ongoing and an update will follow this report.

6.

Planning obligations and viability assessment

A viability Assessment has been submitted with the application. The following contributions are proposed:

Education	£134,308
Indoor sports	£6,281
Rec Open space	£24,668
Outdoor sport	£11,458
Informal POS	£3,706
CRS and GI	£17,967
Marston Vale	£12,685
Sustainable transport	£8,603
Community facilities	£9,382
Community cohesion	£304
Waste Management	£736

Car parking contribution (or works in lieu) to TC £40,000

Total £270,098

The applicant proposes to reallocate the emergency services and health contribution, and to reduce the Green Infrastructure contribution by around £10k with the money redirected to the Town Council, providing £40,000 for car parking. The argument for redirecting the contributions is due to the identified need for additional parking by the Town Council and due to the lack of evidence for the identified contributions.

Information regarding the viability of providing affordable housing and an assessment of the proposed contributions are to follow this report.

7. **Other matters**

The Town Council has requested that it be consulted with on the final detailed landscape design to protect the amenity of neighbours. This would form part of the s106 negotiations and does not form part of a consultation process. Officers will ensure that the final detailed design will reduce any undue impacts upon residential amenity.

The Town Council has also requested that it be consulted with on the s106 and new parking within Ampthill Town Centre. The applicant has proposed a contribution towards new parking provision (see above).

Recommendation

To authorise the Head Director Development Management to issue the grant of PERMISSION subject to planning conditions outlined in this report and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions towards infrastructure, affordable housing (subject to viability) and a landscaping scheme and management plan.

RECOMMENDED 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 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 and all 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: To protect the amenity of adjoining neighbours

- 3 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property.

Reason: To protect the amenity of adjoining neighbours

- 4 **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 DM3).**

- 5 **Before development begins, a tree protection plan shall be submitted to an agreed in writing by the Local Planning authority. The agreed shall thereafter be implemented in full and the tree protection shall remain in place until the development has been completed.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.
(Policy DM3)**

- 6 **Before development/work begins and notwithstanding the details submitted with the application, details of the materials to be used for the external windows, doors, walls, roofs, rainwater goods, railings and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.**

**Reason: To ensure that the development/work is in keeping with the existing building.
(Policy DM3 & 13)**

- 7 **Before development/work begins and notwithstanding the details submitted with the application, detailed drawings of the proposed new external windows and doors showing fenestration, sections, mouldings, the relationship with the external envelope of the building, and cill / head details shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.**

**Reason: To ensure that the development/work is in keeping with the existing building
(Policy DM3 & 13)**

- 8 **Before development begins, a scheme for screen walling and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of the area and to preserve and enhance the character and appearance of the Conservation Area.
(Policy DM3 & DM13)**

9 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

10 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 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 and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

11 Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line

with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 12 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2012/29 - 25 J, 2012/29, 2012/29 26b, 2012/29 - 27b, 2012/29 - 28b, 2012/29 - 29a, 2012/29 - 30b, 2012/29 -31a, 2012/29 - 32b , 2012/29 - 33a, 2012/29 - 34b, 35 Revision D, 101 Revision E, 220 Revision 3, 221 Revision 3, 222 Revision 3, 223 Revision 4, 224 Revision 4, 302 Revision K, 305 Revision C, 3375-D Revision B, 202 Revision G, 203 Revision F, 200 Revision H, 201 Revision G, 302 Revision K, 30 Revision A 5683 Sketch (B), 1206-400A, 1206-402A, 1206-404 & 28-01-14 Revision A. .

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.