

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 care home would provide 63 bedroom spaces and would help achieve the Council's 'Central Bedfordshire Together - Sustainable Community Strategy 2010-2031'. The proposed care home 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 care home would outweigh the loss of the existing building which is identified as an important building within the Ampthill Conservation Area.

Recommendation

To authorise the Head Director Development Management to issue the grant of PERMISSION subject to no further planning objections being received agreement of 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 plan 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 fencing 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 Before the development is brought into use details of the signage including location, at the means of ingress and egress at the access/junction and directional signage for heavy goods vehicles within the site shall be submitted to and approved in writing by the Local Planning Authority and the signage shall be constructed in accordance with the approved details

Reason: To avoid vehicle waiting in the highway whilst another leaves the site and for the avoidance of doubt.

- 14 Before development commences details of how the turning area and passing bays will be kept free of parked vehicles shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the 'keep clear' measures have been implemented in accordance with the approved details.

Reason: To allow vehicles to turn and leave the site in forward gear and allow the two way flow of vehicle within the site.

- 15 Any structure or planting at the frontage of the properties no. 1 to no. 5 shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriageway level. Any structure or planting on the south side of the access from the eastern bay of plot no.1 to the southern site junction, at the frontage of the carriageway between plot no. 15 and 16, plot no. 13 and 14 and plot no. 11 and 12 and east of the access of plot no. 16 for 6.0m in an easterly direction; measuring at least 2.0m from the nearside edge of the adjacent road carriageway, shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriageway level

Reason: To provide adequate visibility between the carriageway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 16 The north and south existing vehicular access/junctions shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 6.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 18 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 19 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, turning area, parking provision illustrated on the approved drawing No. -25I and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times

- 20 No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

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

- 21 Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom for the residential units and 2 short stay spaces per residential unit, and secure and covered cycle parking provision for the care home 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.

(See Notes to the Applicant)

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.

- 22 Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

- 23 The development shall not be commenced until a site wide travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use;
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks;
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport;
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible;
- Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority;
- Details of provision of cycle parking in accordance with Central Bedfordshire Council Guidelines.

Details of marketing and publicity for sustainable modes of transport to include site

specific welcome packs. Welcome pack to include:

- Site specific travel and transport information;
- Details of sustainable incentives (e.g. travel vouchers);
- Maps showing the location of shops, recreational facilities, employment and educational facilities;
- Details of relevant pedestrian, cycle and public transport routes to/ from and within the site;
- Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase;
- Details of the appointment of a travel plan co-ordinator.

- 24 No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

- 25 The Carehome hereby granted permission shall only be used for a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (Amended) or as subsequently amended.

Reason: To ensure that the building is used for an appropriate use in the interests of residential amenity and highway safety.

- 26 The first floor window on the northern elevation of the Carehome's western projecting wing shall not form part of this permission. No development shall commence until a scheme for the removal of this window has been submitted to and confirmed in writing by the Local Planning Authority. The agreed details shall thereafter be carried out in full.

Reason: To protect the amenity of the adjoining neighbours

- 27 All areas on the submitted plan no. 2012/29 Revision -251 indicated as "existing hard surfacing to be replaced" shall not be carried out in any manner or form that involves the removal of the existing hard surface. All new surfacing is to be constructed on top of existing surface. The boundary walls on the site that front with Dunstable Street are to be retained throughout with no removal to facilitate any resurfacing.

Reason: to avoid damage to tree roots that will have encroached beneath the existing surface and ensure the health and longevity of trees on site into the future.

- 28 No development shall commence until the existing site levels, including site levels on adjoining land, and proposed slab/finished floor levels have been submitted to and agreed in writing with the Local Plan Authority.

Reasons: In the interests of residential amenity and to ensure a satisfactory appearance to the development.

- 29 Notwithstanding the details submitted with the application, no development shall commence until full architectural detailing at a suitable scale has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

- 30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Photo Montage – “as is”, Photo Montage – “proposed”, 2012/29 - 25 L, 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, 2012/29 - 40a Craft Building, HC1206 – 010A (existing elevations), A01-005 sheet 1of3 (existing floor plans), A01-005 sheet 1of3 (existing floor plans), A01-005 sheet 1of3 (existing floor plans), 1206-400A, 1206-401A, 1206-402A, 1206-403, 1206-404, 5683 Sketch (A), 5683 Sketch (B), HC1206-35 D, HC1206-101 Revision E, HC1206-220 Revision 3, HC1206-221 Revision 3, HC1206-222 Revision 3, HC1206-223 Revision 4, HC1206-224 Revision 4, HC1206-302 Revision K, HC1206-305 Revision C, HC1206-307 Revision C, 3375-D Revision B, 321-01G, Visual impact assessment 22 Dunstable Street & Visual impact assessment Alameda House.

Reason: For the avoidance of doubt.

Informative

The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

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.

The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Note 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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional information advising that adjoining neighbours and the Town Council were re consulted on 11 March 2014 due to a number of revised plans being received. Subsequent comments were set out in the Late Sheet. Additional comments from the Highways Officer, Tree and Landscape Officer and a viability assessment. The Committee were also advised of additional conditions.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.