

Item No. 06

APPLICATION NUMBER	CB/16/03188/FULL
LOCATION	Ashton Middle School, High Street North, Dunstable, LU6 1NH
PROPOSAL	Conversion and refurbishment of Grade II listed former school building and associated curtilage listed buildings to form apartments comprising: Main School - 7No.1-bedroom and 12No. 2-bedroom apartments; Science Block - 4No.2-bedroom and 2No.1-Bedroom; Gymnasium - 5No. dwellings. Associated refuse, cycle storage, open space and landscaping proposals. Demolition of other modern curtilage listed buildings and extensions. Erection of new dwellings and apartments including: 3No. 4-bed houses fronting Ashton Road; 17No 3-bedroom houses; 23No. 1-Bedroom and 40No. 2-bedroom apartments. Vehicular and pedestrian access via High Street North and further pedestrian access via Ashton Road and Dog Kennel Path
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Freeman & Warren
CASE OFFICER	Debbie Willcox
DATE REGISTERED	18 July 2016
EXPIRY DATE	17 October 2016
APPLICANT	Trustees of the Ashton Foundation
AGENT	
REASON FOR COMMITTEE TO DETERMINE	This is a Major Application which has received objections from the Town Council
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposal would secure the optimum viable use of a vacant Grade II Listed Building and would have both positive and less than substantial negative impacts on its character. The proposal would deliver needed housing and regeneration benefits to a vacant brownfield site in the centre of Dunstable. The proposal would have a positive impact on the character and appearance of the area and would not have unacceptable impacts on the amenity of neighbouring occupiers or the surrounding highway network. The benefits of the scheme would clearly outweigh the negatives and the scheme represents sustainable development, broadly in accordance with the National Planning Policy Framework and the South Bedfordshire Local Plan Review.

Site Location:

The application site comprises the former Ashton Middle School site, located on the north east side of High Street North in Dunstable. The site lies just outside the designated Dunstable Town Centre Boundary, and the south eastern section of the site is within the designated Conservation Area. The main school building is Grade II Listed and the other buildings on the site are considered to be curtilage listed.

The site is bounded to the south east by Dog Kennel Walk, a designated right of way which runs up to Dog Kennel Down; beyond the footpath is Grove Park. To the north east are dwellings in Printers Way and Crabtree Way and to the north west is Ashton Road and the Wheatsheaf public house on High Street North.

The site has a long frontage along High Street North which is dominated by the Grade II Listed Building. There are two early 20th century buildings on the eastern side of the site and a handful of post war buildings behind the main school building. The rear of the site comprises playing fields and landscaped areas. There are two vehicular accesses and a separate pedestrian access from High Street North. There are several mature trees along the boundaries of the site and in the eastern corner of the site.

High Street North is currently also the A5 Trunk Road, however, it is anticipated that the road will be de-trunked in 2017, following the opening of the Woodside Link Road.

Within the Grade II Listed Building is a library which comprises a War Memorial, which was established to commemorate former pupils who died within the First World War and is registered as a War Memorial with the Imperial War Museum. The panelling and original bookshelves within the room all form part of the War Memorial. The room also includes a panel commemorating those former pupils who died in the Second World War. The room is lined with panels and shelves and has a Victorian hammerbeam roof and stylistic entrance doors.

The Application:

The application seeks planning permission to convert the Grade II Listed Building and the two early 20th century buildings into flats and to demolish the remaining structures on the site, including some post war additions to the buildings which are to be retained. Within the grounds a further four blocks of flats and 20 houses would be erected with associated roads, parking, open space and gardens.

The mix of accommodation that would be provided would be 3 x 4 bed houses, 17 x 3 bed houses, 61 x 2 bedroom flats and 32 x 1 bedroom flats.

The new blocks of flats would be located along the rear, eastern and front boundaries of the site. The blocks in the north western corner of the site and the south eastern corner of the site would be three storey, the block in the north eastern corner would be four storey and would include a lift. The fourth block would be two storey, comprising garages on the ground floor and two units on the first floor.

The houses would be located in the central and western portions of the site, with three of them fronting onto Ashton Road. The houses would be two or two and a half storeys in height and would all have private gardens.

A formal garden would be established immediately behind the Grade II Listed Building. An area of more informal open space would be created in the eastern section of the site, measuring approximately 0.125 hectares. The existing mature trees and memorial garden in this section of the site would be retained and incorporated into this space.

There would be three vehicular access points, one from Ashton Road, which would access a private parking court serving only the three dwellings fronting Ashton Road; the two existing vehicular access points from High Street North would be retained, with the western point only accessing a parking court serving the flats in the Listed Building and the eastern point acting as the main vehicular access into the site. The road network within the site would predominantly be of a shared surface with only access points and turning areas being tarmaced.

The existing pedestrian access from High Street North would be retained and a new pedestrian access point would be created from Ashton Road. A further pedestrian access point would be created from Dog Kennel Walk, but this would be gated and only for the use of residents of the proposed development.

An application for Listed Building Consent for the same proposal is under consideration under application reference no. CB/16/01389/LB.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-in' Sites

H3 Meeting Local Housing Needs

H4 Providing Affordable Housing

R11 Provision of New Urban Open Space in New Residential Developments

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H2 & R11 are still given significant weight. Policies H3, H4 and T10 are afforded less weight).

Development Strategy for Central Bedfordshire (June 2014)

At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 1: Placemaking in Central Bedfordshire, 2014

Design Supplement 3: The Historic Environment, 2014

Design Supplement 4: Public Realm, 2014

Design Supplement 5: Residential Development, 2014

affordable Housing guidance Note for Central Bedfordshire (South Area) (2016)

Relevant Planning History:

Application Number CB/16/01389/LB

Description Conversion and refurbishment of Grade II listed former school building and associated curtilage listed buildings to form apartments comprising: Main School - 7No.1-bedroom and 12No. 2-bedroom apartments; Science Block - 4No.2-bedroom and 2No.1-Bedroom; Gymnasium - 5No. dwellings. Associated refuse, cycle storage, open space and landscaping proposals. Demolition of other modern curtilage listed buildings and extensions. Erection of new dwellings and apartments including: 3No. 4-bed houses fronting Ashton Road; 17No 3-bedroom houses; 23No. 1-Bedroom and 40No. 2-bedroom apartments. Vehicular and pedestrian access via High Street North and further pedestrian access via Ashton Road and Dog Kennel Path.

Decision Pending on this Committee.

Decision Date N/A

Consultees:

Dunstable Town Council That Central Bedfordshire Council be advised that the Town Council has no objection in principle to the proposed development but is concerned that it constitutes overdevelopment of the site. The Town Council, having heard strong representations from residents of neighbouring streets and given full consideration to the application, do object to the inadequate parking allocation within the development and are concerned that the design layout will encourage non-resident parking with ease of pedestrian access to those surrounding streets which currently suffer from a shortage of parking provision.

Conservation Officer Development impacting upon a grade II listed building in a designated Conservation Area location, with extended grounds forming immediate listed building and Conservation Area setting.

This is a well-designed Scheme of site redevelopment following site vacancy, fully satisfying key criteria set out in paragraph 131 of the NPPF, which incorporates a significant historic and 'landmark' town centre building and associated (curtilage listed) buildings.

I consider that the developed Scheme secures the optimum viable use of these buildings and the site, and on this basis, and on the basis of the above, I lend full support to the application.

Highways Officer

I have made initial comments in relation to the planning performance submission and there have been various amendments of which I have given guidance. Subsequently, the applicant has submitted drawing number WH 182/16/P/10.01 which on the whole satisfies my concerns and observations. However, for completeness I will finalise my comments below:-

The proposal is to redevelop an existing school to form 113 dwellings and access the site by way of two existing priority junctions onto the A5 (High Street North) as well as forming a new access from Ashton Road. Along the east boundary there is a public footway cycleway.

High Street North is currently a trunk road and under the responsibility of Highways England, however, this road is shortly to be de-trunked and redesignated as the A505.

The main access is to serve the majority of the development and for clarity this will not be a vehicular through route to Ashton Road. This main access appears to utilise the existing bell mouth junction without modification. A footway has been provided along one side along with a pedestrian access beside the current brick pier which is acceptable.

This main entrance and the bell mouth appear to be to standard where it measures 4.8m with 2.0m footway/verge. This is acceptable for adoption.

The remainder of the access roads appear to measure 4.5 with a 1.5m or 1.0m path. In accordance with the authority's guidance this carriageway should be a 4.8m carriageway with 2.0m footway or verge on either side. However, mindful of the constraints of the site I am content that this standard could be relaxed with the clear understanding that this does not comply with the planning authority's standard and it will not be adopted by the highway authority.

There is a further access fronting the High Street North serving some 12 parking spaces and a number of flats. Since this is only a parking court and not one that is to be used by visitors or for deliveries I am content with this arrangement.

There is proposed to be 177 parking spaces. In accordance with the authority's standard the parking provision should be 241 spaces where 28 are allocated to visitors. This standard allows for some tandem parking which is proposed within the application.

At an early stage it was made clear to the applicant's agents that a lower provision would be considered if it could be demonstrated that this would be adequate for the demand created by the development. With that the agents were directed to the Residential Parking Research Document (RPRD) produced by Communities and Local Government.

Having gone through the RPRD myself I have made the following assumptions and determined that the required provision to satisfy the demand would be 177 spaces where 40 of which should be unallocated. While I emphasise that this unallocated provision must be adequately managed I am content that it is possible that this parking provision could accommodate the parking demand of the development.

However, this is subsequently below the authority standard and there should be a consideration that on street parking should also be increased. Further the current layout and road markings were in place to accommodate for the school which is now no longer a school.

For that reason the High Street North fronting the site should be altered as follows:-

I recommend that the space taken up with the current road markings should be better utilised by the introduction of a build out on the Ashton Middle School side which has the benefit of reducing the crossing length of the pelican crossing from 9.6m to 7.3m. This will involve the building out of the two junctions to the site with 4m and 6m radius at the minor and major junction respectfully. The TRO fronting the Public House (The Wheatsheaf) could be changed such that 3 parking spaces could be provided. There could be some tree planting in these build-outs and the over all benefit will be an increase in parking of 7 parking spaces. While there could be a discussion in relation to the introduction of a zebra in place of the PELICAN we should be mindful that this is a Sustrans route (number 6) so this will need a great deal of consideration.

Wherever feasible these spaces should be restricted between 7am-7pm to 2 hours waiting.

This section should be traffic calmed to a 20mph zone.

There is also an opportunity to alter the TRO within Union Street and Clifton Road which could increase the parking provision by between 3 and 6 spaces. A further space should be created outside number 103 High Street North. I am satisfied that this can be placed within a section 106 agreement and also understand that the developer is generally happy with the principle that it should be delivered.

In such a scenario I would not want to insist that these works are completed before occupation, however, I advise that it may be prudent to complete the junction works before house owners use it.

Highways England

No objections.

Archaeologist

The applicant has now provided the results of an archaeological trial trench evaluation.

The archaeological trial trench evaluation involved the excavation of six trenches within the school grounds, the trench locations were largely dictated by existing ground conditions, but were fairly evenly distributed throughout the site. Despite the location of the school on the edge of the Roman and medieval settlements in Dunstable, the only archaeological remains recorded dated to the 19th and 20th centuries. Of particular interest is the possible air raid shelter that was encountered in two of the trenches. The school reputedly had more than one shelter, which were constructed at the beginning of the Second World War and had the capacity to house 180 pupils.

It is now recognised that despite the fact that air raid shelters form a relatively recent part of our past, our knowledge of the defensive structures of the Second World War is limited. On a regional and local level, gaining a greater understanding of these structures is a regional archaeological research objective (Gilman, Gould and Green 2000: 33, Oake 2007: 15 and Medlycott 2011: 80).

The structures found in trenches 1 and 6 during the archaeological evaluation (Albion Archaeology 2016) correspond both with the location of the school's shelters and the materials used to build air raid shelters during the Second World War. As a consequence, if this development proceeds it is vital that this important part of the school's history is recorded.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012).

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site and particularly on the Second World War air raid shelters. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any historical and archaeological heritage assets found within the application area. This will be achieved by the investigation and recording of any historical and archaeological deposits or structures that may be affected by the development; the post-investigation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach the supplied condition to any permission granted in respect of this application.

Sport England

Summary: No objection is made to the planning application subject to a commuted sum of £200,000 being secured through a section 106 agreement towards replacement playing field provision as set out in this response. If the authority is minded to approve the application without making provision for a section 106 agreement that secure this commuted sum in accordance with our advice our position on the planning application would be an objection and the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would apply i.e. the application would need to be referred to the Secretary of State, via the National Planning Casework Unit.

Leisure Officer

With regard to the Sport England comments to secure £200,000 from Ashton School to contribute to the provision of a second 3G artificial pitch at Creasey Park, I am happy to confirm that this is acceptable and Leisure will be progressing the provision of the 3G at Creasey Park.

With regard to play facilities - as per my pre-app comments - £20k should be secured toward the enhancement of existing play facilities within the vicinity of the development, in lieu of the provision of on-site play facilities.

Ecologist

Bat activity surveys identified 2 bat roosts in a tree and the roof of Building 1. As such any works which would impact on this tree or the roof of the building would need to be licensed by Natural England. A number of mature trees which are shown in the tree survey to require removal contain potential bat roost features, therefore I would suggest that a condition be applied which requires all trees to be fully assessed for bats prior to their removal and if necessary an EPS licence can then be applied for if further bat interest is found on site.

Overall the site was found to have relatively low ecological interest and the ecological assessment indicates that the proposals could deliver a net gain for biodiversity. In order to achieve this the supplied condition would be required.

Housing Development
Officer

Thank you for sending through the BPS viability review for Ashton Middle School. With the independent review broadly reflecting the CBRE viability appraisal in terms of demonstrating that no affordable housing can be achieved on site we will have to accept this finding. It will however be interesting to see the full outcome once the full costings have been received by BPS from CBRE to fully conclude the findings. However, based on the current report we do not expect to see any affordable housing delivered on site due to viability constraints.

We would expect a full viability review upon completion of the scheme and sale of all residential units. The viability review will then reflect all the actual cost incurred including the actual land value paid and sales values achieved from the development. I expect this viability to be independently reviewed by BPS (or other independent reviewer) at the cost of the developer. If the profit in GDV is 20%+ then the Council will receive a financial contribution towards affordable housing. We would also expect a review to take place if the unit types proposed on the development change and are replaced by larger more profitable units.

Pollution Officer

Noise:

Given the location and nature of the surrounding uses, I would normally expect to see a more robust noise assessment. However, there are existing residential premises in close proximity to the commercial premises and no substantiated complaints have been received in relation to noise in recent years.

With this in mind, I recommend the supplied condition be placed on any permission.

Contamination:

I am satisfied with the conclusions of the submitted contaminated land report and would recommend a condition based on them. I have drafted three conditions.

Air Quality:

I am satisfied with the conclusions of the air quality assessment in that due to the distance from the carriageway, the air quality will meet the national air quality objectives even in the AQMA. However, please see the comments in the general section below with regards to mitigating impacts from construction activities.

General:

Given the location and scope of this proposal, I recommend that a 'Code of Construction Practice' be submitted which should address noise, dust etc during the construction process. I have supplied a condition.

Tree & Landscape
Officer

I have examined the plans and documents associated with this application, in particular the Tree Survey Report prepared by Hayden's Arboricultural Consultants, the Planting Plans Sheets 1 to 3, as prepared by Allen Pyke Associates, and the Landscape Management Plan dated August 2016 (Ref 2677-RE-01).

It should be recognised that 20 healthy trees are being felled to accommodate this development, and this figure excludes the 9 "U" Category trees being removed in respect of their poor condition. Of the 20 healthy trees being removed, 5 are classed as "B" category (moderate quality) and 15 as "C" (low quality). These "B" and "C" trees are being removed as they have been identified as being in conflict with proposed buildings, footpaths, hard surfacing, access requirements and for new garden provision. The loss of 3 of the "B" category specimens, namely 3 Yew trees in G004 is particularly regrettable, as they are located along the frontage of the site along the A5, making a positive contribution to the visual amenity and character of the streetscene.

It should also be recognised that the "U" category trees being removed on account of their poor condition are not being afforded space for adequate replacements in the scheme; most notably the large 5 mature Ash (located in G007) along the frontage with Ashton Road, where the loss of these diseased trees would be most apparent to surrounding residential properties, but where no space is

being made available for new tree planting. Therefore, the strategic value of boundary planting areas has been overlooked on the basis that certain trees presently occupying these key areas have been identified as being of poor quality and low expected life expectancy, and it subsequently appears that advantage has been taken of this, to replace them with buildings rather than to safeguard these areas for effective new tree planting, where they could be allowed sufficient space to develop natural crown spreads.

This leads on to my wider concern in that there is insufficient provision being made within parts of the scheme to replace those trees being felled, which although were of good stature, they nevertheless have structural or physiological drawbacks that would prevent them being considered a constraint to development. Regrettably, the limited planting space being allowed in the new scheme has resulted in the use of smaller replacement species that would offer insufficient size, scale and proportion within the building layout. For example, *Amelanchier lamarckii* 'Robin Hill' is being used throughout Sheet 1, and whilst this is an attractive tree, it is of limited stature in being effective in softening the built form. Whilst I appreciate that the landscape architect is only making the most of the limited planting space being made available, this suggests that the site is being overdeveloped at the expense of sufficient areas being set aside for landscape planting.

This problem is now being further exacerbated by the pressure for more parking areas, as being requested by Highway Officers, where landscaping space is being surrendered to enable an increase in the spaces being made available. In certain areas, this will result in the scheme having little effective, vertical landscaping element, and that parts of the site, especially as shown on Sheet 1 of the Planting Plan, would subsequently lose its previous spatial, landscaped quality, and its once attractive balance of treescape with the surrounding built form.

Landscape Officer

Native planting and habitat creation - The Landscape Strategy describes the design concept to create a semi rural character, using a mix of native hedge planting and 'extensive use of wildflower meadow'. The landscape planting plans do not reflect this design concept; the specified species are predominantly non native, there is a very limited area of wildflower planting. The opportunity to include more native tree and shrub species needs to be included along with more areas of wildflower meadow planting. The opportunity to describe how planting

supports and enhances biodiversity within the development and beyond would be helpful.

SuDS - It is disappointing that surface water attenuation appears to primarily rely on crate systems within highway areas; utilising landscape on site to attenuate and filter surface water runoff needs to be considered further in accordance with the CBC SuDS Guidance.

Boundary treatments - the use of brick walls and railings to define boundaries is in keeping with the character of the site and development. The proposed boundary treatment along the interface with Dog Kennel path will allow informal surveillance of the footpath and the proposed box hedging internally along this boundary will form a feature but will need to be maintained at a consistent level to retain the feature. The inclusion of 1.8m high close board timber privacy screen between residential units along this feature edge is not acceptable and I recommend an alternative design treatment is considered which complements this elevation, enables proper maintenance of the box hedging and maintains some privacy between residents' gardens.

Rights of Way Officer

Public Footpath no. 1, Dunstable, runs partially along the site's eastern boundary within Grove House Gardens. The current route of the Public Footpath on the Definitive Map stops at the edge of the Dunstable Excluded area and so is not currently mapped to High Street North, however the route is also a tarmac public footway/highway and cycleway NCN Route 6 maintained by Highways. The path is known locally as Dog Kennel Path.

Although I do not object to the proposals as the Public Footpath would appear to remain unaffected, I have a number of queries which I was unable to find the answers to within the submitted documents.

"Apart from the suggestion of the street scenes, no specific details seem to be provided regarding boundary treatments and what fencing and/or hedging is proposed along the eastern boundary. The landscape strategy plan (Figure 6.10) within the design and access statement may have some information but this is not readable.

"The submitted drainage plan (Flood Risk assessment document- Appendix J - Proposed Drainage Strategy) seems to suggest that some of the proposed soakaways to be provided will lie outside of the new property boundaries and within the route of the Public Footpath/Cycleway. If this is the case, consent would be needed from Highways for these to be installed (plus

street works licence?) and it is likely that the path will have to be closed temporarily whilst work is carried out. Information would also be needed as to who would maintain these long-term.

Other observations:-

"A temporary closure of the path may be needed whilst demolition of buildings takes place or if any scaffolding is to overhang the public footpath/cycleway.

"Detail needs to be provided as to the long-term maintenance of any trees and hedges not lying within the plots of individual properties, particularly any boundary hedges which could encroach upon the Public Footpath/cycleway and cause an issue long-term.

"Ideally all properties should overlook the Public Footpath/Cycleway. It is not completely clear from the submitted plans which properties are facing and which are not. Standard close boarded fencing alongside public rights of way should be avoided as it can make them dark and feel enclosed, discouraging use and encouraging anti-social behaviour.

Sustrans

This site is adjacent to NCR6, an important part of the National Cycle Network. I am concerned that changes to the southern boundary fencing could make the route a corridor between fence lines. This reduces the quality of the location and reduces the sense of the place as a safe place to be.

NCR6 also links to the busway cycle path (NCR606) and the wider Dunstable & Houghton Regis cycle network so permeability across this boundary would be an asset to the site.

Public Art Officer

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Key requirements are:

Public Art be integrated in the development design process and be addressed in Masterplans and Design Codes.

Where possible artists should be appointed as part of the design team.

Public Art should be site specific; responding to place and people including environment and materials.

Public Art should be unique, of high quality and relevant

to local communities.

Public Artists can include:

Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

If the application were to be approved I request a Condition be applied.

SuDS Team

We consider that planning permission could be granted to the proposed development if the supplied conditions are included as set out below to investigate and confirm the most sustainable form of managing the surface water within the site and secure the appropriate construction and future management of this.

Anglian Water

The sewerage system and Water Recycling Treatment centre has capacity for the anticipated flows.

Requests an informative be included on the decision notice.

Green Infrastructure Officer

The applicant has demonstrated some consideration of how to integrate the site's drainage with the green space (in terms of its potential to compensate for areas at risk of surface water flooding where the dwellings will be raised to minimise the risk), but otherwise, there is little integration of the proposals for the site's drainage with the green infrastructure.

The development relies on soakaway drainage, including larger crated soakaways associated with the highways. These do not deliver a range of multifunctional uses (in terms of the biodiversity and amenity benefits that at surface storage and infiltration can), and do not demonstrate the local requirements for sustainable drainage set out in CBC's adopted SPD. This requires a focus on multi-functional uses, designing for easy access and maintenance, and the enhancement of biodiversity. The reliance of crated solutions will be more difficult to maintain than surface solutions, and fail to deliver multi-functional benefits, including biodiversity.

The applicant has failed to finalise proposals for the adoption and maintenance of these features. National Policy requires Local Planning Authorities to be confident that there are clear arrangements in place for the management and maintenance of drainage features over the lifetime of the development. The applicant notes that they have not identified who will adopt the large crated storage and infiltration soakaways. We cannot therefore

be satisfied that there are clear arrangements in place. The current proposals are therefore contrary to national policy.

The failure to design in multifunctional SuDS, and the lack of clear information about management and maintenance means that the proposals are not acceptable in terms of local and national policy. The applicant should be required to re-submit their drainage proposals, demonstrating multi-functional design, and setting out clear arrangements for the maintenance of all the SuDS features. The proposals should not be permitted without this information.

Managing the
Accommodation Needs
of Older People
(MANOP)

The needs of older people should be considered as part of this proposal and we would support a significant proportion of dwellings in the scheme being suitable for older people, by incorporating some or all of the supplied design features.

Sustainable
Development Officer

The proposed development is located within south Central Bedfordshire area and development management policies are set by the saved policies from the South Bedfordshire Local Plan. Policy BE8: Design and Environmental Standards states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

The development should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

The policy does not stipulate amount of energy to be delivered from the renewable sources. The Council has undertaken review of renewable and low carbon technologies to establish a reasonable expectation for renewable energy generation. The study concluded that 10% energy demand can be met from renewable or low carbon sources on site and is both technically feasible and economically viable to achieve. The study used the

2013 Part L to determine energy demand baseline.

Energy demand in dwellings can be minimised through a careful design of construction details and application of passive house principles. I note that a small proportion of dwellings will be located in converted listed building and it's listing status may limit a choice of measures to improve energy efficiency of the fabric. Care therefore should be taken to reduce energy demand through installation of efficient services and application of renewable energy to offset some of the fabric limitations.

I also note that most of the proposed flats will have a single orientation that significantly reduces opportunities for natural cross ventilation. Dwellings with single westerly orientation are particularly at risk of overheating due to solar gains. I would recommend that efficient mechanical ventilation and appropriate solar control measures such as brise soleil, solar control glazing and external shading are installed to control thermal comfort and minimise risk of overheating.

The policy also requires efficient use of scarce resources. Central Bedfordshire is located within water stressed area as identified in the Council's Climate Change Risk Assessment study. All developments in Central Bedfordshire are required to achieve a higher water efficiency standard of 110 litres per person per day to mitigate against potential water shortages. This standard can be easily achieved through installation of water efficient fittings.

The above requirements on energy efficiency, renewable energy contribution, water efficiency and adaptation to climate change are supported by the NPPF policies in section 10: Meeting the Challenge of climate change, flooding and coastal change.

I request the supplied conditions be attached, should planning permission be granted for this development.

Waste Services

Individual dwellings will be provided with the following bins: 1 x 240 litre residual waste bin

1 x 240 litre recycling bin

1 X 240 litre green waste bin

The Council operates alternate weekly collections for individual dwellings.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin.

Swept path analysis needs to be provided to demonstrate the council's collection vehicles can access the development. The following measurements must be used as a minimum. The developer also needs to consider the impact of parked cars to ensure they do not block access for the collection vehicles.

Bin collection points will need to be provided for plots 109 & 110 and plots 23-27 as the private roadways are not accessible for our collection vehicles. Each bin collection point will need to be able to accommodate two bins per property.

Apartments

Apartments will be provided with communal bins on a weekly collection, both residual waste and recycling bins will be provided.

All bins must be paid for by the developer prior to them being delivered to site.

The Council will provide each flat with 90 litre of residual waste capacity per week and 90 litre of recycling capacity per week, the developer can use the bin sizes set out above to get as close to the required capacity as possible. The developer must ensure that the bins stores marked are sufficiently sized to accommodate the required capacity for each block and this must be demonstrated to the Council. Please be aware that the crew will under no circumstance pull bins a distance greater than 25m.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area.

A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark.

Other Representations:

Neighbours & Members
of the Public:

3, 4, 5 & 6 Ashton
Road, 15, 20 & 25
Crabtree Way, 1 & 5
Printers Way, 6 & 16
George Street, 103
High Street North, 286
West Street, 16 Richard
Street, 3 Bunhill Close,
Burr Street, Garden
Road Dunstable, 100
Westminster Gardens,
Houghton Regis
and Plymouth Close,
Luton

Object to the proposals for the following reasons:

- There are severe existing parking problems on the surrounding streets of Ashton Road, George Street, Crabtree Way and Printers Way and congestion on Ashton Road. The development, especially the new vehicular access onto Ashton Road would exacerbate these problems;
- The proposed development does not provide enough parking spaces, there should be a minimum of 2 spaces per unit. It is likely that residents and visitors would seek to park on the surrounding streets and this would be exacerbated by the pedestrian accesses onto Ashton Road and Dog Kennel Walk;
- Increased vehicle movements on Ashton Road would reduce pedestrian safety and increase air pollution;
- The development should be inward facing and no part of it should face or access Ashton Road;
- More development should be located near the park instead of near Ashton Road and open space should be located near Ashton Road;
- The proposed density is too high;
- The trees along Ashton Road should be retained as they enhance the streetscape of Ashton Road and the setting of the Grade II Listed Building;
- All the trees on the site should be retained and protected;
- The proposal would result in a loss of privacy to the occupiers of Nos. 1 & 5 Printers Way and the tree screening would be insufficient as the trees are deciduous;
- The proposal would result in a loss of light to No. 5 Printers Way;
- Light spill from standard street lighting would result in light pollution to dwellings in Printers Way;
- The proposal would increase noise pollution to dwellings in Printers Way;
- Proposed Block 1 would be overbearing on properties in Printers Way and is too large to be appropriate for the setting of a Grade II Listed Building;
- The proposal would result in a loss of privacy to properties in Ashton Road;
- The school should not be closed, there may be a requirement for more school places in Dunstable in the future and this is part of the heritage of Dunstable;
- Would like confirmation that no site traffic would come down Ashton Road or George Street;
- Would like confirmation that the car parking area at the north end of Ashton Road would not be opened to

Ashton Road;

- The proposal would destroy the town;
- The building should be converted into something for the town, like a museum;
- Object to alterations to the fabric of the Listed Building;
- The alterations to the interior of the Listed Building would be unsympathetic;
- The plaques in the main hall of the Listed Building should be retained, they may be very fragile;
- The setting of the Listed Building should be undeveloped;
- The proposed Juliet Balconies to the new dwellings should be omitted, they do not weather well and are not in keeping with the Listed Building or the wider area;
- No affordable housing is proposed;
- The development should be reserved for elderly people;
- The proposal would cause a loss of privacy to the occupiers of No. 103 High Street North;
- One of the accesses onto High Street North hasn't been used since 1980's as it is opposite Union Street and therefore unsafe. It should not be opened.

8 Falcon Close,

Made the following comments on the proposals:

- Could a new access be created through the site from the Waterlows Estate to ease pressure on George Street?

Responses to a reconsultation on amendments to the scheme will be reported on the Late Sheet

Determining Issues:

The main considerations of the application are;

1. Principle
2. The Historic Environment
3. Impact on the Character and Appearance of the Area
4. Neighbouring Amenity
5. Highways Considerations
6. Open Space and Impact on the Rights-of-Way
7. SuDS, Landscape and Ecology
8. Affordable Housing and Section 106
9. The Planning Balance
10. Other Considerations

Considerations

1. Principle

- 1.1 The application site constitutes a disused, former school, which is no longer required thus is a brownfield site located in a highly sustainable location in the

heart of Dunstable and therefore the principle of residential development on the site is considered to be acceptable.

- 1.2 However, the site contains an important, Grade II Listed Building and existing playing fields and therefore the proposal can only be considered acceptable if it has an acceptable impact on the historic environment, represents sustainable development and is in accordance with the National Planning Policy Framework (NPPF) and the saved policies within the South Bedfordshire Local Plan Review (the Local Plan). This will be examined below.

2. The Historic Environment and Impact on the Character and Appearance of the Area

- 2.1 The application site includes an important Grade II Listed Building which functions as a landmark within the Dunstable townscape. The front section of the site is located within the Dunstable Conservation Area and there are two further curtilage listed buildings on the site, the former science building and the former gymnasium, which are considered to make positive contributions to the historic significance of both the setting of the Listed Building and the Conservation Area. It is therefore imperative that the impact of the proposal in relation to the historic environment is carefully considered.
- 2.2 Paragraph 131 of the NPPF states that, in determining planning applications, Local Planning Authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.3 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 2.4 In this case, the Grade II Listed Building is vacant and there is little realistic prospect of it being utilised for its former use. As such, it is vital that the optimum viable use of the building be secured as this is the best opportunity for preserving the historic significance of the building.
- 2.5 It is considered by officers that the optimum viable use for the building and the wider site is that of residential development. The proposal would result in some positive enhancements to the historical significance of the building and the wider site, including the restoration of the building, which is in poor repair in places, and also the removal of modern and inappropriate internal and external additions which conceal original features. The proposal would also restore and retain as public space the library of the former school, which comprises a War Memorial. However, the proposal would also result in some less than significant harm to the historic significance of the building, including the alteration to its use, the sub-division of original spaces and the insertion of

new internal openings and (in some places) the insertion of mezzanine floors. More detailed consideration of the impacts of the internal changes is contained within the accompanying report provided for application reference no. CB/16/01389/LB, the accompanying Listed Building application for the proposal.

- 2.6 In terms of the impact on setting, the retention of the curtilage listed buildings, the retention of the mature trees along the front and rear boundaries of the site and the eastern section of the site, the retention of the boundary wall along the front of the site and the creation of open spaces around and near the building are all considered to be positive. It is considered that the impact of new residential development within the grounds would, in principle, have a limited harmful impact on significance, however, this would also be categorised as being less than substantial harm. The benefits of the new residential development is that it would act as enabling development to the restoration and conversion of the Grade II Listed Building, and would provide a new community in the heart of Dunstable, providing much need housing and regeneration benefits to the wider community. The phasing of the development is to be secured by way of the Section 106 Agreement
- 2.7 Having due regard to Section 12 of the NPPF, it is considered that the proposal would secure the optimum viable use for the Grade II Listed Building and the wider application site and bring positive benefits to the historic significance of the Grade II Listed Building, its setting and the Conservation Area. These benefits would outweigh the less than substantial harm to the historic significance of these heritage assets and the proposal is therefore considered to accord with Section 12 of the NPPF.
- 2.8 The comments of the Archaeologist are noted and it is considered appropriate to impose a condition requiring the investigation and recording of the archaeological features prior to the beginning of ground works. This will allow the conversion works of the Listed Building to begin while the archaeological works take place.

3. Impact on the Character and Appearance of the Area

- 3.1 The application site is located within a diverse location in Dunstable. To the south and west are predominantly Victorian and Edwardian commercial, retail and residential properties with medium-high densities, two - three storey buildings and an urban feel. To the north is a modern, suburban housing estate with lower densities and building heights of two storey and to the north east is the recent Parklands development with a density of 110 dwellings per hectare and building heights of up to four storeys. To the east is Grove Park, with Dog-Kennel Walk running along the boundary with the park.
- 3.2 The proposed layout has been formulated following pre-application consultation with officers. It was important that the proposal made the most efficient and optimum use of the site (in accordance with Policy H2 of the Local Plan and Section 7 of the NPPF) whilst complementing the character and appearance of the area and the setting of the Grade II Listed Building and the Conservation Area.

- 3.3 The proposed gross density is 55 dwellings per hectare, which is similar to that found in Ashton Road and George Street and significantly lower than the recent development to the north east. The Central Bedfordshire Design Guide states that developments in Town Centres and other accessible locations should have higher densities (over 50 dwellings per hectare). The density of the proposed development is therefore considered to be appropriate and in keeping with the character of the area and to represent an efficient use of the site.
- 3.4 The layout was designed around the constraints of the site, in particular, the requirements for the retention of the Grade II Listed Building and the more important, older curtilage listed buildings and the mature trees on the front and rear boundaries of the site and Memorial Garden in the eastern sector of the site. It meets an expressed desire from the Conservation Officer for the creation of a 'campus' feel which would be most sympathetic to the setting of the Grade II Listed Building and the former school use of the site.
- 3.5 The proposed layout proposes a mix of housing types and scales, with two and two and a half storey family dwellings with private gardens concentrated in the centre and to the west of the site, and larger blocks of flats to the eastern and rear boundaries. The highest block is positioned in the north eastern corner of the site, relating to the development to the north east on the other side of Dog Kennel Walk and away from the more suburban dwellings in Printers Way and Crabtree Way.
- 3.6 The architectural treatment of the new development would be a modern interpretation of the Grade II Listed Building and the wider Victorian character of development to the south and east of the site, taking architectural cues and using a similar palette of materials, but utilising them in a contemporary manner. The detailed design of the new residential development and the palette of materials is considered to represent high quality design.
- 3.7 Three dwellings are proposed to face Ashton Road and this element of the scheme would be self contained, with a full complement of parking in accordance with the Council's standards being provided. No access to the rest of the site is provided to these dwellings and the scale and design of these dwellings is significantly more traditional than the rest of the new residential development on the site. It is considered important that the development addresses Ashton Road, allowing it to integrate well into its surroundings, and this design solution allows this while still providing well defined boundaries to the site.
- 3.8 The proposal would result in the loss of the trees on Ashton Road, which would have a minor detrimental impact on the character of the streetscene. This is considered to be mitigated against by the quality of the design of the three dwellings, which would create an active frontage on this side of Ashton Road, in character with the traditional Victorian streets to the west of the site. Further mitigation would be provided by the proposal to plant a replacement tree on the Ashton Road frontage.
- 3.9 The loss of these trees is not considered to have an unacceptable impact on the setting of the Grade II Listed Building as they do not immediately flank the

Listed Building and are separated from it by Nos. 20-22 Ashton Road and its associated car park.

- 3.10 It is considered that the proposed development would complement and harmonise with the character and appearance of the area and be sympathetic to the setting of the Grade II Listed Building and the Conservation Area. The proposal is therefore considered to be in accordance with Sections 7 & 12 of the NPPF, Policies BE8 and H2 of the Local Plan and the Central Bedfordshire Design Guide.

4. Neighbouring Amenity

- 4.1 The development is most likely to have an impact upon those occupiers who immediately border the site, those in Ashton Road, 1-5 Printers Way, 1 & 3 Crabtree Way and in the flats above the shops on the opposite side of High Street North.
- 4.2 Dwellings in Printers Way and Crabtree Way would be impacted by the proposed three storey Blocks 1 and 2, which would be positioned along the rear boundary. At its closest point to the boundary, this block would be positioned 7.5m away from the boundary, and would have a maximum height of 9m, with a crown roof sloping away from the boundary. This separation distance is considered to be sufficient to prevent the building from appearing unduly overbearing, creating an unacceptable sense of enclosure to rear gardens or resulting in an unacceptable loss of sunlight. The biggest impact on the occupiers of Printers Way and Crabtree Way is therefore likely to be on privacy.
- 4.3 In regards to privacy, Design Supplement 5 of the Central Bedfordshire Design Guide states that, in conventional suburban environments, a 'rule of thumb' of approximately 21 metres distance between the rear of one 2 storey property and the rear of another facing it (at first floor level in both instances), is an acceptable norm, but there may be circumstances where lower distances are acceptable.
- 4.4 The occupiers of No. 1 Printers Way would be most impacted by the development. The first floor windows of this property would be located only 20m away from the first floor windows in Blocks 1 & 2, which would serve bedrooms and living rooms. The second floor windows would be located slightly further away, being set in the roof slope of the block and serving only bedrooms. This is slightly less than the suggested 'rule of thumb' separation distance, however, it is noted that the trees, despite being deciduous, would provide some degree of screening, even in winter, as a result of branches, twigs etc, and thus would not allow uninterrupted interlooking between the properties. It is also noted that a similar relationship to that proposed currently exists between the neighbouring Ashton Lodge Care Home and dwellings further along Printers Way. Finally it is noted that the proposal has been revised during the course of the application to replace proposed full height windows to the first floor to more standard cill heights. Having regard to these factors, it is considered that the impact of the proposal on the occupiers of No. 1 Printers Way would be within acceptable limits.

- 4.5 The proposed development would have less of an impact on the occupiers of No. 3 Printers Way, as the separation distance between the first floors of this dwelling and Blocks 1 & 2 dwelling would be 22m, and tree screening continues in this location. The occupiers of the dwelling of No. 5 Printers Way would be even less affected, being offset from the site and backing onto the neighbouring Ashton Lodge Care Home. As a result, views of No. 5 Printers Way from the development would only be oblique, and also masked by tree screening.
- 4.6 In regards to dwellings in Crabtree Way it is noted that the rear elevations of the dwellings do not back onto the site, but are at a 45 degree angle to the rear boundary line (and thus the rear building line of Blocks 1 & 2). It is considered that the angle is sufficiently oblique that the proposal would not give rise to interlooking between the new development and the dwellings in Crabtree Way. The impact of the proposal on the occupiers of these dwellings is therefore considered to be acceptable.
- 4.7 Block 1 would flank Ashton Lodge Care Home, the side elevation of which contains windows that serve habitable rooms. The side elevation of Block 1 would not contain any windows and therefore there would be no impact on the privacy of the occupiers of Ashton Lodge Care Home. The boundary is currently vegetated to first floor level and the separation distance between the buildings would be 5m. The eaves height of the roof would be only 6m and therefore it is considered that the proposal would not appear unacceptably overbearing or result in an unacceptable loss of sunlight to these windows. The impact on the occupiers of Ashton Lodge Care Home is therefore considered to be acceptable.
- 4.8 Dwellings on the opposite side of Ashton Road would have a front to front separation distance of 14m. This is standard for the Victorian streets which surround the site to the south and west and the same as the front to front separation distances in neighbouring George Street. It is therefore not considered that the proposal would have a harmful impact on the occupiers of the dwellings on the opposite side of Ashton Road in terms of loss of privacy or light.
- 4.9 No. 20 Ashton Road is a bungalow located in a corner created by the development site and dwellings are proposed both to the rear and northern side boundary of the small garden serving the bungalow. The proposed dwelling to the rear would be set 5.5m away from the rear boundary of the bungalow's rear garden and would have no windows looking towards the bungalow. The eaves height of the proposed dwelling would be 5m, with a roof sloping away from the bungalow and it is therefore considered this proposed dwelling would not appear unacceptably overbearing or result in an unacceptable loss of sunlight to the occupiers of No. 20.
- 4.10 The scheme has been revised during the course of the application to lessen the impact of the development on No. 20 and improve the separation distance between the side boundary of No. 20 and the closest dwelling to the northern side boundary. This separation distance would now be 4.5m and the eaves height of the proposed dwelling (which would also have no windows facing No. 20) would be 5.8m, with the roof sloping away. It is considered that this

relationship is sufficient to prevent the proposed dwelling to the north from appearing overbearing or resulting in loss of light. The impact of the development on the occupiers of No. 20 is also therefore considered to be within acceptable limits.

- 4.11 An objection has been received from occupiers of one of the flats on the opposite side of High Street North on the basis that the conversion of the Listed Building to residential would negatively impact on their privacy. However, the front-to-front separation distance is 32m and it is considered that this is more than sufficient to prevent any meaningful loss of privacy.
- 4.12 Concerns have also been raised from neighbours that the development would result in an increase in noise and activity on the site, which would have a detrimental impact on their quality of life. It is acknowledged that the development is likely to result in increased noise and disturbance at the evenings and weekends compared to the previous use of the site as a school. However, there is no reason to believe that the proposal would result in an increase in noise levels beyond that which is typical of a residential area and it is not considered that the proposal would give rise to such an increase in noise and activity as to have an unacceptable impact on the quality of life of neighbouring residents.
- 4.13 Neighbouring occupiers have also raised concerns in regards to street lighting around the development and the possible impact this could have by means of light pollution to rear windows and private residential gardens. This is considered to be a legitimate concern and it is proposed that the lighting scheme for the development be controlled by condition.
- 4.14 Subject to the above mentioned condition, it is not considered that the proposal would have an unacceptable impact on the amenities of any neighbouring occupiers. In this aspect, the proposal is considered to accord with Sections 7 and 11 of the NPPF, Policies BE8 & H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

5. Highways Considerations

- 5.1 The agent has worked with the Council's Highways Officer from an early stage in the pre-application process to produce a layout with appropriate accesses and sufficient parking that it would be fit for purpose and not have a detrimental impact on the surrounding highway network
- 5.2 The proposal would provide 113 dwellings and 177 on-site car parking spaces. This is below the Council's parking standards as set out within the Central Bedfordshire Design Guide. However, the Central Bedfordshire Design Guide does state that sites with good access to public transport and local facilities may, if supported by sufficient evidence, not require the same level of parking.
- 5.3 The application site is located in a highly sustainable location, immediately adjacent to Dunstable Town Centre and with excellent transport links, including the Guided Busway within a 200m walk from the site. Furthermore, the application was accompanied by solid evidence prepared in reference to the government's Residential Parking Research Document and amplified by

reference to local circumstances in the form of census data. This has been scrutinised by the Highways Officer in great detail and he has confirmed that the proposed level of parking for the site is sufficient to cater for the needs (including visitors) of the development.

- 5.4 However, in light of the failure to comply with the Council's parking standards, and the impact of the closure on the school, it is considered legitimate to require the developers to provide improvements to High Street North and alterations to the TROs in Clifton Street and Union Street which would result in the further provision of an additional 11-14 public parking spaces within the immediate vicinity of the development, whilst enhancing the streetscene of High Street North in safety and appearance. The developers have agreed to a programme of enhancements.
- 5.5 The proposal was revised following public consultation which originally showed two vehicular accesses onto Ashton Road, including one which would have linked through to the access onto High Street North. This was removed following representations from residents of Ashton Road. The remaining access onto Ashton Road serves only a parking court for a small self-contained section of the development comprising three family homes, which is not accessible to the rest of the development by vehicle or foot. This parking court would comply with the parking standards for the three proposed dwellings. The additional traffic generated by these dwellings would not have a significant impact upon the amount of traffic utilising Ashton Road.
- 5.6 The western access onto High Street North would also serve a limited parking court and the Highways Officer is satisfied that the access would not have a detrimental impact on the safety of the highway network.
- 5.7 It is acknowledged that there are existing parking problems within the area, particularly on Ashton Road, George Street and streets to the north of the development site, however, while it is legitimate to require the development to not contribute to these problems, the development cannot be expected to solve existing problems within the area. The provision of another vehicular access linking Crabtree Way to High Street North through the site was not considered either necessary or appropriate in light of the impact that this would have had on both the setting of the Grade II Listed Building and the potential impact of residents of surrounding streets seeking to park on the site.
- 5.8 When considering the implications of a development on the highway network, the most relevant consideration is Section 4 of the NPPF. Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the

residual cumulative impacts of development are severe.

5.9 Cycle parking would be provided throughout the development and the site is located within close proximity to local and national cycle routes.

5.10 Having due regard to the comments of the Highways Officer, it is not considered that the impact of the proposal on transport and highways considerations would be severe, particularly in light of the compliance of the scheme with the evidence provided in regards to parking demand of the scheme and the proposed mitigation improvements to the highway network. Subject to the conditions recommended by the Highways Officer and the securing of the highway improvements, the proposal is therefore considered to conform with Section 4 of the NPPF and Policies BE8 and H2 of the Local Plan.

6. Open Space and Impact on the Right-of-Way

6.1 There are currently playing pitches on the application site which would be lost as a result of the proposed development. Paragraph 74 of the NPPF states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

6.2 In this case the agent, council officers and Sport England have agreed that a financial contribution of £200,000 towards a replacement 3G pitch and associated facilities to be located at Creasey Park in Dunstable would result in the equivalent provision in terms of quantity and quality in a suitable location.

6.3 The proposal includes both a formal public garden and more informal public landscaped amenity space which is broadly in line with the requirements of the Leisure Strategy. No children's play equipment is proposed, however, the site is immediately adjacent to Grove Park, which includes children's play equipment, and the applicants have agreed a financial contribution of £20,000 towards the upgrading of this facility.

6.4 Some of the private gardens of the proposed houses are slightly below standard in terms of size, however, all are usefully shaped and the proximity of Grove Park and the provision of open space upon the site is considered to provide adequate open space for future residents of the development.

6.5 Dog Kennel Walk, a public right-of-way and cycle route runs along the eastern boundary of the site and from an early stage in the pre-application discussions it was considered important that the development enhance the natural surveillance of the footpath.

- 6.6 The proposal would provide blocks of flats of up to four stories that would overlook the footpath, including full height windows and Juliet balconies. Furthermore, private outdoor seating areas to some of the ground floor flats would face the footpath.
- 6.7 Concerns have been raised by a number of consultees about the boundary treatment of these private seating areas, however, amended details have now been submitted showing low walls with railings, which will provide surveillance of the path even from people sitting down within these seating areas. It is therefore considered that the proposal would result in an enhancement to the safety and security of users of Dog Kennel Walk. The proposed pedestrian access between the site and Dog Kennel Walk would be gated and reserved for the use of residents within the development.
- 6.8 In answer to the query of the Rights-of-Way Officer, it has been confirmed that there would not be any soakaways located outside the confines of the site.
- 6.9 In terms of open space and impact on the adjoining Right-of-Way, it is considered that the proposal would accord with Section 8 of the NPPF, Policies BE8 and H2 of the Local Plan and the Central Bedfordshire Design Guide.

7. SuDS, Landscape and Ecology

- 7.1 The proposed Sustainable urban Drainage System (SuDS) scheme was designed in consultation with the Council's SuDS team and, subject to their recommended condition regarding management and maintenance, it is considered that it would be fit for purpose.
- 7.2 It is acknowledged that the proposed scheme is not fully compliant with the Council's Design Guidance for SuDS as it is not multifunctional and this is a disadvantage of the proposal. However, on its own, this is not considered to be sufficient to justify a refusal for the development.
- 7.3 The comments of Tree & Landscape Officer and the Landscape Officer have resulted in revisions to the proposed landscaping scheme. The comments of these officers on the revised landscaping scheme will be reported on the Late Sheet.
- 7.4 Subject to the imposition of the condition recommended by the Ecologist, it is considered that the proposal would not result in harm to any protected species and would result in a net enhancement of the biodiversity on the site.
- 7.5 It is considered that, subject to the revised landscaping scheme being acceptable and the above mentioned conditions being imposed, the proposal would be in accordance with Sections 10 & 11 of the NPPF and Policy BE8 of the Local Plan.

8. Affordable Housing and Section 106

- 8.1 The application does not propose to deliver any affordable housing on the site, which is contrary to Local Plan policy H4 and the supplementary planning guidance issued in 2016.

- 8.2 However, the NPPF recognises at 173, the need to provide both land owners and developers with a competitive return to encourage land owners to release land for development. A viability assessment has been submitted with the application and independently appraised and this has confirmed that the scheme would not be viable if there was a requirement to either provide affordable housing on-site or contributions towards the off-site provision of affordable housing. The National Planning Practice Guidance instructs local planning authorities to be flexible in applying policy requirements where the viability of a scheme is in question.
- 8.3 The key benefit of the scheme is the restoration and conversion of the Grade II Listed Building and the cost of this work has significant implications on the costs of the scheme. The new residential development on the site can be considered as enabling development, which has additional benefits in delivering needed housing to Dunstable and also performing a regeneration role within the wider community. In light of these benefits, and having due regard to the findings of the appraisal of the submitted viability assessment, it is considered that the lack of affordable housing on the site is outweighed by the benefits that the scheme would bring.
- 8.4 The appraisal of the viability assessment has suggested that an out turn review mechanism be included within the Section 106 Agreement, such that moneys could be recouped for affordable housing should the development prove to be viable in practice.
- 8.5 The Ashton Schools Foundation is a registered charity who are the trustees of two other schools within Dunstable. As the capital receipt from the sale of the site will be dedicated to the provision of education, no education contributions were sought in relation to this application.
- 8.6 If planning permission were to be granted, a Section 106 Agreement would be completed with the following heads of terms:
- The out turn review mechanism on the viability of the development;
 - The phasing of the development such that the restoration and conversion of the Grade II Listed Building would take place first and the remainder of the development, including the other conversion works would be phased in accordance with a scheme to be agreed;
 - The delivery of the improvement works to the surrounding highway network;
 - The financial contributions of £220,000 towards the provision of a replacement 3G pitch at Creasey Park and the upgrade of the children's play area within Grove Park;
 - The arrangements for the ongoing maintenance and public access to the library within the Grade II Listed Building.

9. The Planning Balance

- 9.1 The above sections have identified that the proposal would not be fully compliant with the development plan, particularly in regards to the provision of affordable housing. It would result in less than substantial harm to the significance of the Grade II Listed Building and its setting. The proposal would also not be fully compliant with the Council's Design Guide in regards to parking provision and design of the SuDS system. However, it is considered

that the benefits of the scheme, would clearly outweigh the disbenefits of the scheme. The benefits would include securing the optimum viable use of the Grade II Listed Building and providing enhancements to its significance through the loss of unsympathetic modern additions; providing much needed housing, thus contributing to the Council's five year housing land supply (which is showing a negligible deficit at the time of writing) within a highly sustainable location and providing regeneration benefits to the wider area; enhancements to the security of Dog Kennel Walk; enhancements to the surrounding highway network; a significant contribution towards a replacement 3G pitch at Creasy Park and enhancements to Grove Park and the securing of the ongoing maintenance and public access to the War Memorial within the Grade II Listed Building.

- 9.2 The impact of the development on the character and appearance of the area would be beneficial and the proposal would not have an unacceptable impact on the amenity of neighbouring occupiers or on the surrounding highway network. It is therefore considered that the proposal would constitute sustainable development and would be broadly in line with the development plan.

10. Other Considerations

10.1 Waste

An updated refuse strategy and tracking diagrams have been provided to the Waste Officer in response to her comments and have now been approved.

10.2 Public Art

A draft scheme for the provision of public art on the site has been proposed and is in discussion with the Public Art Officer. An update will be provided on the Late Sheet.

10.3 Pollution

The proposed conditions recommended by the Pollution Officer are recommended to be imposed.

10.4 Accommodation for Older People

Block 3 has been provided with a lift in order to make the flats within it more suitable for older people or people with mobility issues.

10.5 Human Rights issues

The proposal raises no Human Rights issues.

10.6 Equality Act 2010:

The proposal raises no other issues other than as discussed in this report under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 No demolition or groundworks shall take place until a written scheme of heritage asset resource management has been submitted to and approved in writing by the Local Planning Authority. The written scheme of heritage asset resource management must include provision for the structural recording and excavation of the Second World War air raid shelter; a contingency for investigating and recording any other archaeological remains that may be present on the site, the post investigation analysis of any archive material generated and the full publication of the results. The development hereby approved shall only be implemented in full accordance with the approved heritage asset resource management scheme."

Reason: The scheme of heritage asset resource management must be approved and implemented as agreed in the approved scheme prior to the commencement of any demolition or groundworks, as a failure to secure appropriate historical and archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.
(Section 12, NPPF)

- 3 **No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following;**

- a) **Review of site potential and constraints.**
- b) **Purpose and conservation objectives for the proposed works**
- c) **Detailed working methods to achieve stated objectives including locations of integrated bird and boxes to be erected in accordance with RSPB and BCT guidelines on appropriate scale maps and plans**
- d) **Details of lighting considerations to prevent disturbance to bats .**
- e) **Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- f) **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- g) **Persons responsible for implementing the works.**
- h) **Details of initial aftercare and long-term maintenance.**
- i) **Details for monitoring and remedial measures.**
- j) **Details for disposal of any wastes arising from works.**

The development shall be implemented in accordance with the approved EDS.

Reason: The condition must be discharged prior to commencement to prevent harm being caused to protected species and to enable proper consideration of the impact of the development on nature conservation.
(Section 11, NPPF)

- 4 No conversion works or above ground works shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in Stansted Environmental Services Ltd report (Ref: ENV1-DUNS-041Ashton Middle School) dated 7th September 2016. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to provide an acceptable noise environment and level of amenity for future occupants of the development.
(Policies BE8 & H2, SBLPR and Section 11, NPPF)

- 5 No demolition or ground works in association with the development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the Stansted Environmental Services report (ref: CON1-DUNS-042-Ashton Middle School, Dunstable) dated 18th April 2016, has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal 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 action. No part of the development shall be first occupied until a Verification Report demonstrating the completion of the works set out in the remediation strategy has been submitted and approved by the Local Planning Authority.

Reason: To protect human health and the environment.
(Section 11, NPPF)

- 6 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.
(Section 11, NPPF)

- 7 **Prior to the commencement of the development hereby approved a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. This shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on**

the site. The Code of Practice shall include:

- **Measures to be used to control dust;**
- **Measures to be used to reduce the impact of noise and vibration arising from noise and vibration generating activities on site in accordance with best practice as set out in BS5228:2009 'Code of practice for noise and vibration control on construction and open sites';**
- **The siting and layout of any works compounds;**
- **The construction working hours for noisy works on site.**

The approved Code of Practice shall be implemented throughout the construction period.

**Reason: The condition must be discharged prior to commencement to safeguard the amenity of the occupiers of neighbouring residential premises throughout the construction period.
(Section 11, NPPF)**

- 8 No part of the development hereby approved shall be occupied until a finalised 'Maintenance and Management Plan' including a final detailed drainage layout drawing for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and confirmation that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.
(Section 10, NPPF)

- 9 The development hereby permitted shall not be occupied or brought into use and no external lighting shall be installed on the site until the details of any external lighting to be installed on the site, which shall utilise light emitting diodes (LEDs), including the design of the lighting unit, any supporting structure, the level of illumination and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To ensure the proposed highways are adequately lit and to protect the visual amenity of the site and its surrounding area, to protect the habitats of bats and to protect the amenity of neighbouring residents.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF, NPPF)

- 10 Notwithstanding the provisions of Part 1, Class A, B, C or D of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or external alterations to the buildings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the character and historical significance of the application site and to protect the amenity of neighbouring residents
(Policies BE8 & H2, SBLPR and Sections 7 & 12, NPPF)

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations to the boundary treatment to Dog Kennel Walk or the rear gardens of Plots 23, 24, 25, 26 and 27 shall be made without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenity and safety of the neighbouring public footpath.
(Policy BE8, SBLPR and Section 8, NPPF)

- 12 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.
(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 13 No construction access shall be taken from Ashton Road.

Reason: Ashton Road is a narrow residential street which is inappropriate for HGVs and other construction traffic and so the condition will ensure the safe operation of the surrounding road network in the interests of road safety.
(Section 4, NPPF)

- 14 **No development shall take place 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: The condition must be discharged prior to commencement to ensure adequate off street parking during the construction period in the interests of road safety.
(Policy BE8, SBLPR and Section 4, NPPF)**

- 15 No part of the development hereby approved shall be first occupied until a scheme for the management of the visitor parking spaces as shown on approved drawing no. WH182/16/P/10.03 rev B has been submitted to and approved in writing. These spaces shall not be allocated and, n

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.
(Policies BE8 & H8, SBLPR and Section 4, NPPF)

- 16 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and

agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers WH182/16/P/05.01, WH182/16/P/05.02, WH182/16/P/10.01 Ref B, WH182/16/P/10.03 Ref B, WH182/16/P/10.04 Ref B, WH182/16/P/25.01, WH182/16/P/25.01 Rev A, WH182/16/P/25.02, WH182/16/P/25.03 Rev A, WH182/16/P/25.05 Rev A, WH182/16/P/25.06 Rev A, WH182/16/P/25.07 Rev A, WH182/16/P/25.08, WH182/16/P/25.09, WH182/16/P/25.10 Rev A, WH182/16/P/25.11, WH182/16/P/25.12, WH182/16/P/25.13, WH182/16/P/25.14 Rev A, WH182/16/P/25.15, WH182/16/P/25.16, WH182/16/P/25.17, WH182/16/P/25.18 Rev A, WH182/16/P/25.19 Rev A, WH182/16/P/25.20, WH182/16/P/25.21, WH182/16/P/25.22, WH182/16/P/25.23, WH182/16/P/25.24, WH182/16/P/25.25, WH182/16/P/25.26 Rev A, WH182/16/P/25.27, WH182/16/P/55.01 Rev A, WH182/16/P/55.02 Rev A, WH182/16/P/55.03 Rev A, WH182/16/P/55.03 Rev A.

Reason: To identify the approved plans and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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. 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.
4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

5. In order to discharge the surface water condition as recommended, the following information shall be provided, based upon the principles contained within the 'Flood Risk Assessment' (CWA-14-305, 16.10.15) compiled by CWA:
- a) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated and proposed mitigation of blockages.
 - b) Details of the structural stability of the system, and the use of materials and/or construction techniques to ensure this during extreme events e.g. long periods of rainfall causing saturation, and management of health and safety considerations for the system.
 - c) Details of the long term operational and reasonable maintenance requirements, and which body will be responsible for vesting and maintenance of individual aspects of the drainage proposal, with confirmation of land ownership of all land required for drainage.
 - d) A final as built detailed drainage layout drawing for the entire surface water drainage system supplied to CBC flood risk /SuDS team.
 - e) Any relevant correspondence with stakeholders and drainage bodies.
 - f) CBC are unable to adopt public open space SuDS at present, the Highways team should be consulted regards to gully soakaways.

Additional advice:

Ref 6.16 of the FRA.

If permeable paving (this is better than using an interceptor) is used on car park areas the petrol/oil interceptor is not required, this could save costs in the long run. They will both require a maintenance plan, but an interceptor will require more regular maintenance by a specialist. The proper construction of the permeable paving will also mean the soakaways for that area are unlikely to be needed, due to the good drainage on site it is likely to directly infiltrate.

6. 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, Bedfordshire, SG17 5TQ.
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central

Bedfordshire (Design Supplement 7 - Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.

- 9. The applicant is advised that in order to construct the access onto Ashton Road 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 Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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