

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

Recommendation:

That Planning Permission be APPROVED subject to the completion of a Section 106 agreement and 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 The development shall be carried out in accordance with the Ecological Design Strategy by Ecology Solutions dated September 2016.

Reason: To prevent harm being caused to protected species and to ensure that the development delivers a net gain to biodiversity.
(Policy BE8, SBLPR and 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.

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, 2677-LA-02B, 2677-LA-03B, 2677-LA-04B, 2677-PP-01A, 2677-PP-02B, 2677-PP-03A.

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

- 18 Prior to development, all tree protection measures and tree protection fencing shall be fully implemented in strict accordance with the document "Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan in Accordance with BS 5837 :2012" (Revision A) dated 15th July 2016, which includes the indicated positions of ground protection and protective barrier fencing as shown on the accompanying Drawing No. 5413-D Rev A. The protective fencing and ground protection shall remain securely in position throughout the entire course of development.

Reason: To secure the protection of retained trees by avoiding all forms of construction damage in the interests of maintaining good tree health.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 19 All retained and proposed soft landscaping on the site shall be maintained in accordance with the submitted Landscape Management Plan prepared Allen Pyke Associates Ltd dated 02/08/2016.

Reason: To secure the ongoing maintenance of the soft landscaping on the site in the interests of the visual appearance of the site and the residential amenity of neighbouring occupiers.
(Policies BE8 & H2, SBLPR and Sections 7 & 11, NPPF)

- 20 No hard landscaping shall be laid on site until details of the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The details shall include materials, colours, sizes, edge and surface finishes and laying patterns. The hard landscaping shall subsequently be implemented in accordance with the approved scheme.

Reason: In the interests of the visual appearance of the site and the wider area and the safety of users of the hard landscaping.
(Policy BE8, SBLPR and Section 7, NPPF)

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
10. The applicant is advised by the Development Management Committee that the Council would encourage the consideration of additional uses of the War Memorial/Library room to promote wider public access and to secure a more substantial long term viability of the upkeep of the room.

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.

NOTES:

- (1) In advance of the consideration of the application the Committee were advised of additional consultation responses received from Historic England, The Tree & Landscape Officer, CBC Ecologist, Landscape Officer, The Public Art officer and neighbours and members of the public.

In addition a petition had been received containing 2,591 signatures.

The Planning Officer advised of an amendment to the name of the Applicant as detailed in the report, amendments to the Planning history section and additional conditions.

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