
Meeting: Development Management Committee
Date: 20 January 2010
Subject: Outline Planning Application SB/09/00162 (14 dwellings with access road and ancillary works, Land at Kiln Way, Dunstable) at Appeal
Report of: Director of Sustainable Communities
Summary: The report proposes that the Officers' Written Representations to this Appeal against the non-determination of the Planning Application be based on the attached report and recommendation.

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Public/Exempt: Public
Wards Affected: Icknield
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Managing growth effectively.

Financial:

No addition to cost of service. Minimal risk of cost award against Council.

Legal:

Input to consideration of Unilateral Undertaking to be submitted by appellant.

Risk Management:

No issues (see under financial).

Staffing (including Trades Unions):

Within expected workload of section.

Equalities/Human Rights:

Human Rights issues unlikely to arise.

Community Safety:

No issues.

Sustainability:

Sustainability undergirds Council's case.

RECOMMENDATION(S):

- 1. That the Council's Appeal Written Representations be based on the attached draft Delegated Report and that, had the application been determined by this Council, it would have been refused for the following Reasons:**
 - 1. The proposal, by reason of the intended location, scale, size and design of the houses and their relation to adjacent properties in Jeansway, would both appear out of character with its urban setting and have an overpowering and oppressive visual impact on those properties to the extent that material harm is caused to the amenities of the occupiers of those properties and to the character of the local area. The proposal would therefore be contrary to Policy ENV7 of the East of England Plan (the Regional Spatial Strategy) and Policy BE8 of the South Bedfordshire Local Plan Review.**
 - 2. The proposed access within the site would be unsatisfactory, by reason of the straightness and nature of the proposed access likely leading to excessive speeds, the lack of a safeguarded pedestrian/service route to some dwellings and the configuration of some private accesses leading to inadequate pedestrian/vehicle intervisibility. The proposal would therefore be contrary to Policy T8 of the East of England Plan.**
 - 3. Insufficient information is provided to conclude that the proposal would deliver appropriate community infrastructure including areas of affordable housing, education, green infrastructure, and sustainable travel, having regard to the Development Brief for the site. The proposal would therefore be contrary to Policy 25 of the Bedfordshire Structure Plan 2011 and Policy H4 of the South Bedfordshire Local Plan Review as amended by PPS3 in respect of the threshold figure in (i).**
- 2. That officers exercise discretion in respect of comments on the Appellant's Unilateral Undertaking should the Appeal be allowed.**

Background

1. This application was submitted to South Bedfordshire District Council after pre-application discussions and registered on 23/3/09. Discussions continued after submission when representations were received. These were conducted in parallel with consideration of likely Planning Obligation requirements. This was complicated by the change of Council as pre-application discussions were based on previous requirements.
2. A further complication arose with costs of development and, in accordance with par.19.1 of the Central Bedfordshire Council Planning Obligations SPD for Southern Bedfordshire, it became incumbent on this Council to assess the applicant's case for a reduction in these requirements on the grounds that they would significantly harm the viability of the proposal. Work is ongoing on this aspect.

3. The applicant appealed on the grounds that a decision had not been made within 13 weeks which appeal is to be determined under the Written Representations procedure. A fresh application has also been submitted having regard to the discussions. However, the appeal has to be on the basis of the initial submission.

Explanation

4. The submitted layout is based on the indicative layout in a Development Brief prepared for this site, which is the second and final part of a larger housing allocation in the Development Plan. The first phase of this allocation site has been built out and access to phase 2 would be through phase 1. The cost of crossing land between the highway on phase 1 and phase 2 contributes to the viability issues of the proposal.
5. The actual site is slightly less deep than the land assessed when the Local Plan was adopted and the proposed development has been designed as an almost continuous length of 2-3 storey housing for much of the length of the site. The combination of these 2 factors provides short back gardens to the rear gardens of Jeansway properties abutting the site. The rise in ground levels towards the site, the continuity of the built development and the loss of outlook towards Blows Downs gives rise to a sense of oppressiveness to the occupiers of those properties notwithstanding their longer gardens. This would be contrary to Policies ENV7 of the East of England Plan and BE8 of the Local Plan.
6. The architecture of the locality is broadly traditional in the design of housing in Jeansway and phase 1 of Kiln Way. Even the Tesco superstore behind phase 1 uses traditional elevations and materials. The proposed buildings would be more angular with roofs pitched at only 5 degrees and the roofs would be metal clad. Whereas the reason for the 'flat' roofs may well include offering less visual block to Jeansway houses, they nonetheless appear incongruous in their setting. This incongruity is particularly noticed from the public access areas of Blows Downs. Furthermore, the first floor elevations facing Jeansway properties are almost blind, giving the impression that the houses have turned their backs to the neighbouring houses. This impact would be contrary to the same policies.
7. The proposed access road is of a design that would likely encourage traffic to travel too fast and linked with the inadequacy of some private accesses and carriageway margins, the access infrastructure would be unsatisfactory.
8. Until discussions are completed we cannot advise on what we would seek in the Unilateral Undertaking should the Appeal be allowed. We would assume that Members would permit officers to exercise discretion according to the circumstances when the representations are exchanged. In the meantime we would add a third reason for refusal in that the applicant did not offer a Unilateral Undertaking to ensure the scale of delivery meets reasonable requirements.

Appendices: Appendix A – Planning Officers Delegated Report

Background Papers: Planning application file.

Location of papers: Council Offices, Dunstable