

Item No. 8**SCHEDULE A**

APPLICATION NUMBER	CB/11/03025/FULL
LOCATION	Formerly The Priory PH, High Street North, Dunstable, LU6 1EP
PROPOSAL	Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Mrs Green & Murray
CASE OFFICER	Vicki Davies
DATE REGISTERED	29 August 2011
EXPIRY DATE	28 November 2011
APPLICANT	McCarthy & Stone Retirement Lifestyles Ltd
AGENT	The Planning Bureau Ltd
REASON FOR COMMITTEE TO DETERMINE	At the request of Ward Member on the basis that the proposal would satisfy demand for sheltered housing.
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site is known as 'The Priory' and was formerly a public house. The building has been vacant for some time and is boarded up and in a poor state of repair. The site is located on the corner of High Street North and Chiltern Road. The site is within the built up area of Dunstable but is located outside of the defined town centre boundary. The site is not subject to any specific planning constraints.

The Application:

Planning permission is sought for 22 no. 1 bedroom apartments and 10 no. 2 bedroom apartments for the elderly with a communal lounge, laundry room, battery car charging point, internal refuse store and private garden. The proposal also includes 13 car parking spaces and internal mobility scooter charging points.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Development
PPS23 - Planning and Pollution Control

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations

T10 - Controlling parking in new developments

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development
Central Bedfordshire Council, Planning Obligations Strategy

Planning History

CB/11/01619/FULL Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking. Refused 2/8/11. Appeal pending.

Representations: (Parish & Neighbours)

Dunstable Town Council No objection. In approving this application the Town Council would like to be notified of any potential S106 negotiations, especially if there is a possibility of any recreation contributions.

Neighbours 14 responses have been received from nearby residents.

12 of the residents are in support of the proposal for the reasons set out below:

- the proposal would enhance the visual appearance of the area;
- the development would be just the type of development the supporter would like to live in;
- there is a need for more quality retirement housing in Dunstable;
- proposals would be beneficial to the area;
- it would reduce anti-social behaviour;
- if this proposal is not approved an Indian restaurant would be opened there;
- the proposal would benefit the neighbourhood;
- the current site is an eyesore;
- having a new building would stop any more vandalism;
- the facility would be close to shops and other amenities;
- would increase house prices;
- pensioners living nearby feel threatened by the groups of youngsters who congregate on the site;
- people have been sleeping rough on the site;
- there would not be any overlooking;
- the elderly do not normally indulge in rave parties.

2 letters making comments were received, raising issues set out below:

- traffic noise may be a drawback but there are ways to overcome this;
- concern over the dangerous junction of Chiltern Road and High Street North;
- traffic lights should be installed at the junction of Chiltern Road and High Street North to reduce the speed of traffic and enable pedestrians to cross the road easily

Consultations/Publicity responses

Highways Agency

As the application will not adversely affect the A5 trunk road at this location, the Highways Agency does not intend to issue a direction.

Highways

The officer does not consider that the parking and access arrangements have changed since the previous application and therefore reiterates his previous comments.

The proposal is for independent living for the over 55. However, an inspector has recently declared that a restriction for the occupation due to age is unacceptable and for that reason I recommend that a reduction in parking due to age is not appropriate. Further, the arch leading to the parking area and access to some of the main doors of the apartments is too low to accommodate a vehicle which is likely to need to access this area such as an ambulance type delivery vehicle. This is exasperated further by the lack of turning within the parking area.

In a highway context I recommend that planning permission be refused for the following reasons:-

The proposed development would make inadequate provision for the parking of cars and would lead to an increase in on street parking thereby resulting in unacceptable traffic congestion and additional hazards for highway users and the local residents;

and

The proposed development makes inadequate provision for a satisfactory vehicular access to serve the development and is likely to lead to an increase in congestion and additional hazards for highway users;

and

The proposed development fails to provide a turning area which is suitable for a light goods vehicle and as a result would lead to service/delivery vehicles having to manoeuvre from or to the highway in reverse gear leading to additional hazards for highway users.

Environment Agency

Object as insufficient information has been submitted to demonstrate that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be risk not only where the risk is known. Under PPS23 the application should not be determined until the information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Public Protection

No objections however comments as follows:

“To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB_LA_{eq}, 23:00 - 07:00 and 45dB_LA_{max}, 23:00-07:00 for bedrooms and 35dB_LA_{eq}, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_LA_{eq}, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.’

Where the noise is identified as arising solely from traffic and not from industrial or commercial sources then windows do not need to be fixed closed in order to meet the above condition.

I would ask that 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.

With respect to air quality, PPS 23 states that air quality

is particularly important when the development is proposed inside, or adjacent to, an Air Quality Management Area (AQMA) as designated under Part IV of the Environment Act 1995. The proposed development is adjacent to the AQMA that includes High Street North. However PPS 23 also advises that not all planning applications for development inside or adjacent to AQMAs should be refused if developments would result in a deterioration of local air quality, it would appear that the development would not impact on the AQMA.

Waste Services

From drawing No 1759/2/05 I can see that the applicant has proposed an internal bin store, and has proposed to have four communal waste bins. Normally for a development of this scale the Council would require six communal bins, due to the nature of the end use proposed for this development. We are willing to reduce this number to five x 1100 litre communal bins. Therefore the applicant will need to revisit the plans and accommodate five x 1100 litre bins. The access door that is intended to be used by the Council's collection crew will need to have an opening of 1500mm to allow removal of the bins.

Due to the size of the development a Site Waste Management Plan (SWMP) addressing any waste anticipated during the construction and subsequent occupation of the development shall be submitted to and approved in writing by the Local Planning Authority, the SWMP shall include details of:

1. Anticipated nature and volume of waste that the development will generate.
2. Measures to maximise the re-use of waste arising from demolition, engineering and landscaping.
3. Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, where appropriate, the provision of waste sorting, storage and recovery and recycling facilities.
4. Any other steps to be taken to minimize the generation of waste throughout the process of demolition and during construction of the development.
5. Provision for monitoring the implementation of 1-4 above.

Can the applicant be made aware that it is now Council policy to charge all new developments for the provision of all waste receptacles and that they will need to make contact with the Council prior to occupation of any dwelling to pay for said receptacles.

Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact Upon the Character and Appearance of the Area
3. Impact Upon Neighbouring Amenity
4. Other Considerations

Considerations

1. Principle of Development

The principle of development is acceptable in this location as the application site is within the built up area of Dunstable and within a generally residential area. However, the proposal would only be considered to be acceptable subject to a satisfactory S106 Legal Agreement or Unilateral Undertaking in accordance with Central Bedfordshire Council's adopted Planning Obligations Strategy. (See Section 4 below).

In addition the proposal would need to be acceptable in terms of impact upon neighbouring amenity, its impact upon the character and appearance of the area and would need to be satisfactory in highway terms. These matters are discussed later within the report.

To summarise the principle of this nature of development would be acceptable in this location subject to the acceptability of other material planning considerations.

2. Impact upon the Character and Appearance of the Area

The proposal is for development of a three storey flat block (with an area of four storey development) to provide 22 no. 1 bedroom apartments and 10 no. 2 bedroom apartments for the elderly with a communal lounge, laundry room, battery car charging point, internal refuse store and private gardens.

Pre planning application discussions were held with the applicant prior to the submission of the first planning application. The advice given at the time by Central Bedfordshire Council was that the proposal for a building three stories in height or of the general magnitude proposed would not be considered to be acceptable in the general streetscene. One of the reasons for the refusal of the previous application was the height and general massing of the development.

The height of the tallest part of the building has been reduced, by amending the lift shaft, to similar to that of 1 Chiltern Road however this is a small reduction and does not reduce the overall massing or bulk of the building.

However, it should be noted that these comments have not been addressed prior to the submission of the application and as such it is still considered that the proposal in terms of its height and general massing would result in overdevelopment of the site.

In summary it is considered that the proposal would result in a detrimental impact upon the character and appearance of the area. The building is not felt to be in keeping with surrounding properties in terms of its massing or ridge height and as such is not felt to be acceptable and conflicts with Local Plan policy BE8.

3. Impact upon Neighbouring Amenity

The proposed development has been designed so that the built form would directly interface with both Chiltern Road and High Street North.

It is noted that the proposal has generated a large amount of support from nearby residents. However, even though this is the case it is felt that the size of the building would result in a detrimental impact in terms of loss of light and privacy to the neighbouring properties whom have their rear gardens adjacent to the site. In addition it should be noted that there are habitable rooms at first floor level directly looking into the rear gardens of no 22, 24, 26 & 28 Beale Street.

In addition it should be noted that the application site is not located in close proximity to areas of open space within Dunstable and therefore sufficient amenity space would need to be provided as part of the overall scheme. It is not considered that the proposal would provide sufficient amenity space for 32 new residential units for the elderly.

In summary it is not felt that the proposal is acceptable either in terms of its impact upon existing neighbouring amenity in terms of loss of light and privacy or in terms of future neighbouring amenity as insufficient amenity space would be provided on site.

4. Other Considerations

Highways

The proposal is not considered to be acceptable in terms of highways. It is considered to be deficient in terms of car parking spaces, access for light goods vehicles or equivalent in size and height to an ambulance and insufficient room has been provided for the turning and manoeuvring of light goods vehicles within the site. This amended application has provided an additional drop off space for delivery vehicles or ambulances in front of the drivethrough arch. This would however mean that the vehicle had to reverse into or out of the space to the detriment of highway safety.

In summary this proposal is not acceptable in highways terms and therefore this would be a reason for refusal.

Planning Obligations

A satisfactory unilateral undertaking or S106 Agreement has not been entered into in relation to the proposed development in accordance with the adopted Planning Obligations Strategy. As such this is not considered to be acceptable.

No legal agreement has been submitted however a viability statement accompanied the application. The viability statement seeks to demonstrate that the development would be unviable financially if affordable housing were to be provided. The assessment shows that the site value is reasonable and does not

indicate that the site cannot financially provide affordable housing.

The Housing Development Officer has commented that the proposal meets the size threshold criteria for affordable housing provision and 35% of the units should therefore be affordable. The officer comments in detail that he would expect to see 35% affordable housing or 11 affordable units. This should be split 69% for social rent and 31% for shared ownership. The units should be dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. All units should be expected to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, the officer would support this application.

PPS23

The Environment Agency originally objected to the application as insufficient information has been submitted. They comment that the application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be risk not only where the risk is known. Under PPS23 the application should not be determined until the information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

The applicant has submitted additional information to address this objection and confirmation has been received from the Environment Agency that they remove their objection subject to a condition regarding contaminated land being added to any planning permission granted.

Conclusion

The proposed development is not considered to be satisfactory in terms of its impact upon the character and appearance of the area, neighbouring amenity or in terms of parking provision or highway safety. As such it is recommended that planning permission be refused.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 The proposal would result in overdevelopment of the site by reason of the bulk, massing and height of the building, and therefore create an undesirable and unacceptable form of development such that it would have an adverse impact on the character of the area and the amenities, outlook and privacy of the occupiers of nearby residential properties in particular those in Beale Street; the future amenity of the proposed residential properties; and as such the proposal is contrary to the principles of good design as set out in national policy in PPS1, Policy BE8 of the South Bedfordshire Local Plan Review and technical planning guidance Design in Central Bedfordshire: A Guide for Development.

- 2 The proposal incorporates inadequate vehicular access to serve the development for emergency vehicles and/or light goods vehicles and provides inadequate provision for the parking and manoeuvring of vehicles (to include light goods vehicles) clear of the highway which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of the safety and convenience of users of the highway; as such the proposal is contrary to Policies BE8 & T10 of the South Bedfordshire Local Plan Review.

- 3 The proposed development would result in an additional demand on local infrastructure. The proposal does not provide the required contributions towards local infrastructure in the form of a satisfactory legal agreement. In particular the application proposes no level of affordable housing despite the development being shown as viable. The proposal is therefore contrary to Supplementary Planning Document - Planning Obligations Strategy.

DECISION

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