

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/12/01409/RM</b>
<b>LOCATION</b>	<b>White Lion Retail Park, Boscombe Road, Dunstable, LU5 4WL</b>
<b>PROPOSAL</b>	<b>Reserved Matters: Erection of four storey building comprising 24 residential units. Construction of new access (Outline)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Young</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>18 April 2012</b>
<b>EXPIRY DATE</b>	<b>18 July 2012</b>
<b>APPLICANT</b>	<b>White Lion RP Ltd</b>
<b>AGENT</b>	<b>GVA Grimley</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is for a major development of more than 10 dwellings to which the Town Council has raised concerns which cannot be overcome by condition.</b>
<b>RECOMMENDED DECISION</b>	<b>Reserved Matters - Granted</b>

### **Site Location:**

The 0.44ha application site lies on the southern side of College Drive and to the north-west of the White Lion Retail Park. Part of the site is fenced off and being used temporarily in conjunction with constructing the Luton and Dunstable Guided Busway, which will run at the foot of a shallow cutting alongside the western boundary. A bus stop on this corridor will be located adjacent to the site. The L-shaped site has a frontage to College Drive of approximately 100m and a maximum depth of 120m. The site lies primarily on an area of land previously set-aside to provide a station/terminus in connection with the guided busway but which now provides a bus layby, parking area, a short access road, and paved/grassed landscaping incorporating a direct path to the retail park. There are some trees in the soft landscaping. All nearby buildings are tall structures clad in pale coloured steel and there are few openings towards the site.

To the east and south of the site lie the retail units and the associated service areas at the Retail Park. To the west on the opposite side of the proposed busway lies residential development at The Mall and part of the Dukeminster Trading Estate. Opposite the site on the north eastern side of College Drive is the Pro Logis Park while to the north west is the Central Bedfordshire College Dunstable Campus which has prepared a scheme for residential development on that part of the site closest to the application site.

Public Footpath No. 2 Dunstable passes close to the access onto College Drive and there is an existing cycle route along this road in the vicinity of the site.

## **The Application:**

This application seeks reserved matters consent relating to the outline planning permission granted, subject to a S106 Agreement, on 21st April 2009 for the erection of 24 x 2-bed flats with access the only matter considered at that stage. This application therefore seeks approval of the appearance, scale, layout and landscaping of the development.

The indicative layout submitted with the outline application showed the access road running along the eastern site boundary to the rear of Unit 7a leading to a parking area for 26 cars with a turning area. The parameter plans showed a four-storey flat roofed building in the north western area of the site, pedestrian/cycle links to the site and boundary treatments. Additional indicative sections propose the four storey building to be approximately level with the adjacent retail development. Open space would be provided in association with the flats.

The application sets out that the proposed building would be located on the eastern side of the site with a frontage to College Drive. The building would extend back into the site away from College Drive with amenity space and car parking beyond.

The building would stand four storeys high, at approximately 13.4m, and accommodate 24 x 2-bed flats. The lift shaft and stair well block would stand higher than the main part of the building, reaching approximately 16m in height. At ground floor level 6 flats would be accommodated along with a bin store and cycle store. All the ground floor flats would have access to private amenity space directly outside of their property. On all other floors 6 flats would be accommodated, all have balconies.

The ground floor of the building would be finished in high gloss, glazed green brick slips, the upper floors would be finished in insulated render, white in colour, with timber cladding around the windows and lining the balconies. The building would be flat roofed.

## **RELEVANT POLICIES:**

### **National Policies**

National Planning Policy Framework  
Section 4 - Promoting Sustainable Transport  
Section 6 - Delivering a Wide Choice of New Homes  
Section 7- Requiring Good Design

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

SS1 Achieving Sustainable Development  
H1 Regional Housing Provision 2001 to 2021  
T1 Regional Transport Strategy Objectives and Outcomes  
T4 Urban Transport  
T8 Local Roads  
T9 Walking, Cycling and other Non-Motorised Transport  
T14 Parking  
ENV3 Biodiversity and Earth Heritage  
ENV7 Quality in the Built Environment  
ENG1 Carbon Dioxide Emissions and Energy Performance

ENG2 Renewable Energy Targets  
WM6 Waste Management in Development

**Luton and southern Central Bedfordshire Joint Core Strategy (November 2010 as amended)**

CS1 Development strategy  
CS3 Developer contributions for infrastructure  
CS5 Linking places  
CS6 Housing for all needs  
CS8 Increasing access to quality social and community infrastructure  
CS9 Quality of design  
CS12 Resource efficiency

**Bedfordshire Structure Plan 2011**

Policy 25 Infrastructure

**South Bedfordshire Local Plan Review Policies**

SD1 Sustainability keynote policy  
H2 Making provision for housing via 'fall-in' sites  
H3 Meeting local housing needs  
BE8 Design and access requirements  
T4 Public transport services along the former Luton/Dunstable railway line  
T10 Controlling parking in new developments  
R11 New urban open space

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them except policy T10.

**Supplementary Planning Guidance**

Design in Central Bedfordshire  
CBC Planning Obligations SPD (southern)  
Dunstable Town Centre Masterplan (May 2011)

**Planning History**

SB/95/00833	A1 non-food retail warehouse park and A3 fast food restaurant with ancillary car parking, service yards and landscaping incorporating a public square with bus turning facility and town centre link road, subject to a S106 Agreement. Approved 22/12/97
SB/98/00413	Revised scheme for A1 non-food retail warehouse park and A3 fast food restaurant etc. subject to a S106 Agreement. Approved 26/8/98
SB/03/01273	Repair of fire-damaged buildings including minor alterations to external elevations. Refusal and appeal allowed 16/2/04
SB/03/01580	Permission for installation of pallisade fencing and gates to the rear of Units 1 and 7. Approved 23/12/03

SB/08/00806/VOC	Removal of condition 21 of permission SB/98/00413 which required an area of land to be set aside in connection with the Guided Busway for a station/terminal building. Allowed 8/10/08
SB/08/00807/OUT	Four-storey building comprising 24 residential units, construction of new access (Outline). Approved 21/4/09
CB/11/03719/REN	Renewal of Planning Permission:SB/08/00807 - Erection of four storey building comprising 24 residential units and construction of new access (outline). Withdrawn 3/1/12

**Representations:  
(Parish & Neighbours)**

Dunstable Town Council	Comment that the impact of the appearance of the building on the streetscene should be reduced and softened by siting the building further back from the road and introducing a more extensive landscape scheme to the frontage and that the parking arrangements do not appear to meet the requirements of the CBC parking strategy.
Neighbours	No responses received

**Consultations/Publicity responses**

Environment Agency	No response received to date, any comments will be reported on the late sheet
Anglian Water	No response received to date, any comments will be reported on the late sheet
Environmental Health Officer	The applicant states that for noise attenuation, double glazing has been provided along the Pro Logis elevation to minimise any noise disturbance to residents and that affected dwellings have also been set back within the building line and the building itself has been set back from the road to provide further attenuation.

My email of 8 October 2008 in respect of SB/OUT/08/0807 following a revised noise report from Cole Jarman, noise consultants, confirmed I was satisfied with the noise report (dated October 2008). That noise report identified windows that required enhanced glazing and specified the type of glazing to be provided to achieve the criteria set out in my memo of 14 August 2008. The current application does not address the acoustic performance of the proposed windows and whether these will meet the required internal standard even though the buildings and affected dwellings have been set back from the Pro Logis site.

Ecologist No response received but has previously advised that she is satisfied that due to the urban nature of the site and through the construction of the guided busway that it is unlikely there will be an ecological impact as a result of the application. However the applicant may like to consider opportunities for ecological enhancements to the area through the development.

Highways Officer Has advised verbally that he has no objection in principle.  
Full comments to follow on the late sheet.

Sustainable Travel Officer Whilst we would not require a travel plan for a site of this size, the applicant will be promoting sustainable travel to new residents and I would comment as follows:

### **Travel Information Packs**

The applicant will be promoting sustainable travel to new residents through the distribution of travel information packs (condition 26). These will be issued to each household upon first occupation and I would recommend that they promote, in particular, the new Luton-Dunstable-Houghton Regis guided busway that will stop approximately 100m from the site.

*\* Note: the 2008 outline planning permission does not contain a condition 26, the report prepared for the renewal of the outline planning permission did include a travel information pack condition however the renewal application was withdrawn and the 2008 outline remains in place.*

### **Public Transport**

Access to the new White Lion Retail Park guided busway stop will be possible via an existing shared foot/cyclepath that runs between its proposed location and the site entrance. Access to this new stop, as well as to the existing bus stop along the site frontage, will be enhanced via the provision of a new 3m-wide footway/cycleway (condition 18) along the site frontage to facilitate improved cyclist/pedestrian movement.

### **Walking/Cycling**

(1) We also have aspirations for cyclists to be able to use the existing pedestrian link that runs north-west to south-east through the site from College Drive to the Retail Park, both to enable convenient access to the retail park from the existing shared use path on College Drive for cyclists, and to safely accommodate pedestrian/cycle movements along this route.

Further to conditions 18 and 26 – ie. providing an impetus to sustainable travel and in the interests of facilitating safe pedestrian movements – I would recommend that this pedestrian route is upgraded to a shared use foot/cycle path. This has not been considered as part of the Reserved Matters application.

(2) With regards to pedestrian/cyclist movements within the site, the site layout is suitably permeable with routes well-overlooked and thus, feeling ‘safe’ for users. This is complimented by the sensitive integration of resident car parking in an area removed from the main streetscene, thus, reducing the likelihood of parked cars dominating the streetscene and facilitating a cycle/pedestrian friendly environment.

(3) Dedicated cycle storage will be provided on-site for residents, in line with condition 20 and prior to occupation of the first unit. The Reserved Matters application confirms that this will take the form a secure cycle store located in a central location in the development, adjacent to the apartment block with provision for 48 spaces.

Whilst this is acceptable, the cycle parking specification requires further modification as ‘two-tier stand’ cycle parking is no longer recommended design guidance owing to the potential hazards to cyclists accessing the lower tiers. We would recommend instead that the “compound” cycle parking provision from Council Cycle Parking Guidance is adhered to instead – ie. single-tiered provision of 24 x Sheffield Stands within the cycle store.

Housing Development Officer	No response received to date, any comments will be reported on the late sheet
Waste management	No response received to date, any comments will be reported on the late sheet
Tree and Landscape Officer	No objection but requests a condition be added requiring the implementation of the landscaping scheme, as set out in the Landscape Statement, during the first planting season following the occupation of the first unit.

## Determining Issues

The main considerations of the application are;

1. Planning history
2. Impact on Character and Appearance of the Area
3. Landscaping
4. Impact on the Amenities of Residents
5. Highways and Sustainable Transport
6. Section 106 Matters

## Considerations

### 1. Planning history

The outline planning permission granted in 2009 explored the issues which are summarised as:

#### 1. Principle of residential development.

The site is unallocated in the Local Plan but adjoins the Busway (Policy T4) which is also a County Wildlife Site. The Busway and its construction do not require any part of the site in the long term. We accepted that the nature of the site did not lend itself to commercial development, and, with the permission for residential development granted on Central Bedfordshire College land opposite, residential would be a reasonable use, complying with Policy H2.

#### 2. Access, design, scale, massing and external appearance.

Access was determined at outline stage. The access was moved to the east to increase the practical availability of the main part of the site for development. Pedestrian access would still be available to the retail park as well as directly to the street and the new Busway bus stop, adjacent to the site boundary. A developer contribution was payable towards sustainable transport. The S106 Agreement also secured highway works, a TRO to prevent waiting in College Drive, and dedication of land as public highway. The height of the block would be comparable with the retail park buildings and it would be landscaped with a car park of about 24 spaces (1:1 provision). Density would be 55dpha, which was considered acceptable for an edge-of-centre site.

#### 3. Noise.

Additional evidence was sought on mitigation of external noise from servicing nearby commercial units. No condition was imposed.

#### 4. Open space/biodiversity considerations.

A developer contribution was sought through the S106 Agreement towards the provision and future maintenance of public open space in the vicinity of the development to compensate for shortcomings on the site. Among potential recipients would be Dog Kennel Down, Blows Downs, Houghton Hall Park and Grove House Gardens (Dunstable Town Council).

#### 5. Other matters.

Potential contamination and drainage were regulated by conditions.

It is clear from the above summary and the grant of outline planning permission that the principle of the development is accepted. This reserved matters application has taken on board the comments made during the consideration of the outline application and during pre-application discussions.

### 2. Impact on the Character and Appearance of the Area

South Bedfordshire Local Plan policy BE8 requires new development to be appropriate in terms of scale, massing, design and materials.

The building is orientated to provide an active frontage to College Drive and the access road within the site. Four of the six flats at ground floor level would be accessed from the street through garden terraces. The proposed building has been designed within the parameters set out at outline consent stage.

The building is contemporary in design. The closest buildings to the application site are the modern, metal clad retail premises on White Lion Retail Park. On the opposite side of College Drive are large warehouse buildings. On the opposite side of the busway at the end of The Mall are some 1970's style apartment blocks finished in brick and timber. The application sets out that the design of the building has been inspired by the steam trains which used to run along the railway to the rear of the application site. The design of the building is considered appropriate in its location and would introduce a high quality, modern building.

Precise details of the materials to be used for the building are required to be submitted and approved by a condition on the outline planning permission, it is therefore not necessary to add the same condition to this consent.

The building is proposed to be four storeys high which relates to the height of the nearby retail units at White Lion Retail Park. The stairwell block and lift shaft would stand higher than the main flat block but it is not considered that this would have any significant adverse impact on the character and appearance of the area. The parameter plans submitted at outline stage showed the building as a four storey structure with additional height to accommodate the lift overrun and rooftop services.

The massing of the building is different to that of the surrounding warehouse and retail units. The other buildings are large blocks whereas the proposed flat block is broken up both vertically and horizontally by the balconies, lift shaft and use of materials. It is considered that the massing of the building is appropriate.

The materials proposed would be different to those used on other nearby buildings however there would be fairly large areas of glazing which is similar to the retail units. It is proposed to use white coloured render, with timber detailing around the windows and to the balconies, with glazed green tiles at ground floor level to reflect the railway heritage of the area. It is considered that the materials although different to the surrounding buildings are appropriate.

The site would accommodate the building closest to the College Drive frontage with private amenity space beyond and the private car park to the rear of the site. The application site would introduce a residential element to the streetscene which would be continued by the residential development approved on the college site on the opposite side of the road. In addition to the development of the residential part of the site the hard surfaced area on the opposite side of the access road would be improved and landscaping introduced. This enhanced public space would improve the overall appearance of this part of College Drive which at present appears uncared for.

Dunstable Town Council comment that the appearance of the building on the streetscene should be reduced and softened by siting the building further back from the road and introducing a more extensive landscape scheme to the frontage. The building is proposed to be set back from the edge of the road by a



minimum of 7 metres increasing to 12 metres closest to the busway. There would be landscaped garden terraces measuring a minimum of 2m increasing to 7m between the back edge of the footway and the building. It is considered that it is important to provide an active frontage to College Drive which would be difficult to achieve if the building was moved further away from the road.

Details of the boundary treatment of the site and any external lighting are controlled by conditions on the outline planning permission. All pre-commencement conditions on the outline planning permission will need to be discharged prior to work starting on the site.

### **3. Landscaping**

The landscaping proposals include the removal of a degree of existing vegetation which is limited to 13 trees of varying quality and a small area of vegetation.

The planting proposals include native tree and tall shrub planting along the western boundary which will combine with the landscaping along the busway corridor. To the east of the site new tree planting and grassed areas are proposed as part of the altered public realm area together with new hard landscaping in this area which would match the existing materials. To the northern boundary ornamental shrub planting at low level combined with the planting of 9 street trees would demarcate the residential boundary. Planting and a further 9 trees would be introduced around the car parking area.

The outdoor amenity space for the flats would incorporate more ornamental planting, grassed area, pathway and benches to provide a usable private space. The Tree and Landscape Officer is satisfied with the submitted details. The Officer requests a condition requiring the implementation of the landscaping scheme however this is already controlled by the conditions on the outline planning consent and does not need to be repeated.

### **4. Impact on Amenities of Residents**

The proposed flats would not have any adverse impact on nearby residents as the closest residential properties are over 65m away on The Mall on the opposite side of the busway.

The residents of the proposed flats would have access to their own private amenity space either as a garden terrace at ground floor level or in the form of a balcony on the upper floors. The residents would also have access to a private, landscaped garden area of around 200m<sup>2</sup> including benches and a remodelled public landscaped area with a mixture of hard and soft landscaping opposite the access road covering approximately 1000m<sup>2</sup>. This landscaped area on the opposite side of the road would link to an existing public space which leads to the White Lion Retail Park thus providing a pedestrian and cycle link.

The flats could be subject to noise from the servicing of the warehouses opposite. The Environmental Health Officer comments that the noise report submitted as part of the outline application identified the windows which required enhanced glazing and specified the type of glazing to be provided to achieve the required performance. No details of the glazing proposed have been submitted with this application however a condition can be added to this consent requiring the development to be carried out in accordance with the revised noise report

dated October 2008. The application sets out that in response to previous concerns raised about noise double glazing would be installed in all flats. In addition the building has been set back within the site to minimise any impacts from noise. Subject to compliance with the previously agreed noise report it is not considered that the residents would be adversely affected by noise from Pro Logis.

## **5. Highways and Sustainable Transport**

The proposed access to the site is further east than the existing access is currently. The access would lead to a private car park which would accommodate 28 cars. There would be a turning head located immediately south east of the building close to the bin store access. Two car parking spaces are proposed at the top of the extended turning head. Unauthorised parking often takes place in turning heads resulting in them being unusable, providing authorised parking in the top of the turning head would prevent unauthorised use whilst enabling the turning head to remain in use.

The Highways Development Control Officer has advised that due to the width of the access road, on-street parking on one side of the road could be acceptable. A Traffic Regulation Order would need to be put in place to ensure that the on-street parking was only permitted on one side. The existing legal agreement provides for the developer to contribute to the creation of such an order. A total of 30 car parking spaces can therefore be provided within the application site with the provision for visitors parking on the access road. The outline application was made on the basis that the site could provide 24 parking spaces, one for each flat.

Design Supplement 7 recommends 2 parking spaces for a two bedroom property. In order to comply with DS7 a total of 48 spaces would therefore be required. DS7 recognises that sites with good access to facilities and public transport could provide a lower level of parking provision. It also states that the over provision of car parking is both wasteful of land and is less likely to encourage the use of alternative modes of transport. It is considered that the location of the site adjacent to the busway makes it a highly sustainable location where it will be possible to promote the use of public transport leading to a reduced need to use private cars. The outline planning permission requires the developer via the legal agreement to contribute financially to the provision, maintenance and management of sustainable transport. In light of this and the level of parking set out in the outline planning permission it is considered that the provision of 30 spaces plus visitors parking is sufficient.

The outline planning consent contains a number of conditions relating to highways matters including visibility splays, surfacing, the provision of a turning space and details of the junction. Any additional conditions requested by the Highways Development Control Officer will be placed on the late sheet.

48 cycle parking spaces would be provided within a cycle store located at ground floor on the north eastern elevation of the building. The Council's current cycle parking standards require one cycle parking space per bedroom which would equate to 48 spaces.

The Sustainable Transport Officer comments that the aspiration that the existing pedestrian route through the landscaped area of the site on the opposite side of the access road be upgraded to a pedestrian and cycleway has not been

addressed in this application. The footway through this area would be 3m wide through the landscaped area within the application site which links up with the existing 3m wide path. The Officer also comments positively that the site layout is suitably permeable with routes well-overlooked and thus, feeling 'safe' for users. This is complimented by the sensitive integration of resident car parking in an area removed from the main streetscene, thus, reducing the likelihood of parked cars dominating the streetscene and facilitating a cycle/pedestrian friendly environment. The proposed manner of cycle storage is however not in line with the Authority's current guidance and should be amended.

Conditions on the outline planning permission require the details of the cycle parking to be submitted and approved and the provision of the footway/cycleway along the frontage of the site before any of the flats are occupied.

## **6. Section 106 Matters**

A Section 106 was prepared and signed in connection with the grant of the outline planning permission. The Section 106 provides for £46,238 (index linked) for the provision and future maintenance and management of public open space and £12,000 (index linked) for the provision and future maintenance and management of sustainable transport measures. The legal agreement also includes requirements to undertake highway works consisting of the provision of a new vehicular access and pedestrian footway to the development from the College Drive as well as the making of a Traffic Regulation Order to prevent the waiting of vehicles on a defined area of the College Drive.

The outline planning permission was granted prior to the introduction of the Planning Obligations Supplementary Planning Document or recent policies regarding affordable housing. There is no mechanism to secure additional contributions or affordable housing at reserved matters stage.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 The noise attenuation measures implemented in the flats hereby permitted shall be in accordance with the revised Cole Jarman Noise Report dated October 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residents from unacceptable noise levels within dwellings.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 120004 (D)100 rev A, (D)101 rev A, (D)102 rev B, (D)103 rev A, (D)104 rev A, (D)105 rev A, (D)106 rev A, (D)107 rev A, (D)108 rev A, (D)109 rev A, (D)110 rev A, BDA126/01D, BDA126/02D, BDA126/03D, BDA126/04C & BDA126/05B.

Reason: For the avoidance of doubt.

## Reasons for Granting

The proposed development would not detrimentally impact upon the character and appearance of the area or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposal would not result in any highway, parking or other issues. The scheme by reason of its siting and design is in conformity with the National Planning Policy Framework and South Bedfordshire Local Plan First Review policies BE8 and H2. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
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.

## DECISION

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