

## **Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/12/03575/FULL</b>
<b>LOCATION</b>	<b>29 Steppingstones, Lancot Drive, Dunstable, LU6 2AP</b>
<b>PROPOSAL</b>	<b>Demolition of existing care facility and construction of new building with associated works. Proposed ground floor 8No x studio bedrooms with ensuites and associated communal and staff facilities. First floor assisted living 4No x two bedroom flats and 2No x one bedroom flats.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Green &amp; Murray</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>24 October 2012</b>
<b>EXPIRY DATE</b>	<b>23 January 2013</b>
<b>APPLICANT</b>	<b>Macintyre Housing Association</b>
<b>AGENT</b>	<b>Kyle Smart Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application site is owned by CBC and an objection has been received which cannot be overcome by conditions.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Site Location:**

The application site is located on the northern side of Lancot Drive, Dunstable. Lancot Drive is a no-through road accessed from Lancot Avenue. The application site is opposite Lancot Lower School and is within a primarily residential area. The site was previously used as a care home with 16 places for people with mental disorders within a secure environment with help with day to day living, the building is vacant and the site overgrown. The site is bounded to the south east by a cycle way and to the north east by a Byway Open to All Traffic (BOAT) known as Green Lane which runs from West Street northwards towards Sewell. To the north west of the site, beyond a small housing development lies a County Wildlife Site.

### **The Application:**

The application seeks consent for the demolition of the existing care facility and the construction of a new building with associated works. The new building would contain 8 ensuite studio flats at ground floor level with associated communal and staff facilities. At first floor level it is proposed that there are 4 x two bed flats and 2 x one bed flats which would form assisted living accommodation.

The application plans also show the provision of 14 car parking spaces, 2 disabled parking spaces and a minibus parking space. There would also be two communal gardens and landscaping within the site.

The accommodation would be for adults with mental disorders who require varying

levels of care. The residents of the ground floor flats would require a high level of care and would share communal facilities. The residents of the first floor flats would be more independent but would live with some assistance from staff. The existing dwelling on the site would be used by residents who are living fairly independently preparing to move into the community to live with limited support. The dwelling is not included in this application as neither its use or appearance would change.

## **RELEVANT POLICIES:**

### **National Policies**

National Planning Policy Framework

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 - Promoting Healthy Communities

Section 11 - Conserving and Enhancing the Natural Environment

### **South Bedfordshire Local Plan Review Policies**

SD1 - Development Strategy

BE8 - Design Considerations

T10 - Controlling Parking in New Developments

*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 policy BE8 is broadly consistent with the Framework but less weight should be attached to policy T10.*

### **Development Strategy for Central Bedfordshire Pre-Submission January 2013**

27 - Car Parking

43 - High Quality Development

44 - Protection from Environmental Pollution

*Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.*

### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development

Central Bedfordshire Local Transport Plan: Appendix F - Parking Strategy

Planning Obligations (south) Supplementary Planning Document

### **Planning History**

SB/75/0559

Permission granted for hostel for mentally ill adults.

### **Representations:**

**(Parish & Neighbours)**

Dunstable Town Council  
Neighbours

No objection

One letter of objection has been received. The reasons for the objection are:

- on-street parking in front of the application site on both sides of the road and on the verges in connection with the school
- the road is not adopted and therefore parking restrictions are unenforceable
- the proposal would make the parking situation worse during and after construction

The writer states that they would be happy to support the proposal if:

- the road was adopted by CBC and a no parking zone enforced
- wooden bollards were installed in the verge on both sides of Lancot Drive around Steppingstones to prevent parking around the school entrance

### **Consultations/Publicity responses**

Ecology

I have read through the Phase 1 habitat survey and associated bat and reptile surveys for Lancot Drive. The bat survey identified a small Pipistrelle roost in building 1 and as such it will be necessary to obtain a European Protected Species licence from Natural England prior to undertaking any demolition works. The report states that mitigation measures will be required as part of this process but does not indicate what these would be. The obtaining of such a licence and informing the ecologist at CBC of the mitigation measures proposed should be a condition of any planning permission granted.

A green lane runs along the north east boundary of the site, this will be a useful wildlife corridor allowing passage out from Dunstable into the wider / open countryside. As part of the proposals some of the existing vegetation / shrubs will be lost along this corridor. The bat survey identified a number of bats commuting through this area and I am concerned that lighting of the new building could impact on this route at night. I would seek to ensure that any lighting used on the building should not intrude into this corridor which could otherwise have an impact on bats in the area.

No reptiles were found to be using the site at the time of survey but recommendations R1, R2 and R3 in 5.2 of the report should be conditioned.

Tree and Landscape Officer

It was observed that the trees within the site interior are of low quality, and it would be preferable to remove specimens indicated for retention, where

clearly they would be vulnerable to damage during both the construction operations and proximity to areas providing new parking spaces. This would allow an opportunity to plant new trees of superior form, more suited to the constraints of the site.

However, I am concerned that the north eastern block of this building will be too close to the boundary with Green Lane, with no landscape buffer being accommodated along this boundary. The existing hedging on the Green Lane side is poor with much of the hedgerow plants heavily encroached in Ivy growth, and in poor vigour.

I therefore recommend that the layout design is considered for reconfiguring to allow for supplementary buffer planting to be provided along the northwestern boundary, which will retain the visual integrity of the Green Lane and its amenity value.

In light of these comments the building has been moved further forward on the site. The officer made further comments on the revised plans as follows. The officer remains concerned that the north eastern block is too close to the boundary with Green Lane, especially when the applicant intends to remove a section of hedgerow and to replant. It is my view that the existing hedgerow should be left intact and any encroachment avoided.

Public Protection

No response received

Waste Services

No response received

Highways Development  
Control

The site is accessed from unadopted highway which is not controlled by the Council as the Highway Authority. Detailed comments on the proposal will be provided on the late sheet.

## Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of the Area
3. Impact on Amenities of Residents
4. Ecology and Landscape
5. Highways and Other Issues

## Considerations

### 1. Principle of Development

The application site is within the built up area of Dunstable where residential development is acceptable in principle. In addition the building currently on the site is vacant but unsuitable for re-use as it stands. The demolition of the existing building and construction of an appropriate purpose-built structure

would re-use a brownfield rather than a greenfield site.

South Bedfordshire Local Plan Review policy SD1 sets out the development strategy for the area. The order of preference for sites starts with previously developed sites and vacant land within urban areas. The application site is a previously developed site and therefore accords with policy SD1.

Some concern has been raised by the school regarding the appropriateness of the proposal opposite a lower school setting. A meeting has been held with the school and MacIntyre Housing Association during which the needs of the proposed residents were discussed. The adults who would be living in the proposed care facility would be those moving through preparations to live independently and should not be a cause for concern of the school. Following the meeting the school were satisfied with the proposal and have not objected to the application.

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

South Bedfordshire Local Plan Review policy BE8 requires that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings.

The existing building is a mix of single and two storey sections which occupies the majority of the application site. The current site layout accommodates limited car parking provision with some landscaping to the front and rear of the buildings.

The proposed building would be "L-shaped" and would be located in line with the building line of 1 Lancot Place. The building would be barn-like in appearance with pitched roofs. The building would have a gable-end facing the street with the main entrance set within a gable-end at the corner of the building visible along Lancot Drive.

The building then extends away from the road back into the site. The building forms two sides of the enclosure of the rear communal garden with a further garden and bin store located to the south east of the building.

To the front of the building would be a landscaped parking area.

The ridgeline of the building has been lowered to be similar to those of the neighbouring dwellings. The building would be finished in brick and dark stained timber cladding. The neighbouring dwellings are brick with pitched tiled roofs. Whilst the appearance of the proposed building does not match that of the neighbouring dwellings it is considered to complement them and is judged to be appropriate.

The size of the building is larger than those dwellings surrounding the application site however the gaps between the building and neighbouring dwellings are similar to the those between other dwellings. It is considered that the rhythm of development in the area would be maintained even if the footprint of the building would be larger.

Overall it is considered that the character and appearance of the area would not be adversely affected by the application proposal and therefore accords with the relevant parts of SBLPR policy BE8.

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

South Bedfordshire Local Plan Review policy BE8 requires that the proposed development has no unacceptable adverse impact on general or residential amenity and privacy.

The closest dwelling to the proposed building would be 6 metres away to the north west. There would be a similar distance between the new building and the dwelling as there is at present. There would not be any views between the dwelling and the proposed flats at ground floor level due to boundary treatment. At first floor level windows serving two kitchens and a bedroom would face the neighbouring dwelling. These windows would look towards the side elevation of the dwelling which does not appear to have any windows at first floor level. There would be some windows in the rear elevations of the proposed building however the orientation of the building would either mean that no clear views into the rear garden of the neighbouring property would be possible or would be long distance views over 20m. The location of the building and windows would not cause any loss of light to the neighbouring dwelling.

The closest dwelling to the proposed building to the south east would be over 30m away and it is not considered that there would be any adverse impact on the amenities of residents as a result.

Overall it is not considered that the proposal would have an adverse impact on the amenities of neighbours by reason of overlooking, loss of privacy, loss of light or loss of general amenity and therefore accords with the relevant parts of policy BE8 of the SBLPR.

### **4. Ecology and Landscape**

The Ecologist notes that the bat survey identified a small Pipistrelle roost in building 1 and as such it will be necessary to obtain a European Protected Species licence from Natural England prior to undertaking any demolition works. The report states that mitigation measures will be required as part of this process but does not indicate what these would be. The submission of details of the mitigation measures proposed can be secured by condition. It is not necessary to condition the licence as this is controlled by separate legislation, however an informative will be added to any planning permission granted to highlight this issue to the applicant.

A green lane runs along the north east boundary of the site, this will be a useful wildlife corridor allowing passage out from Dunstable into the wider / open countryside. The Ecologist wishes to ensure that any lighting does not impact on this wildlife corridor which is used by bats. A condition can be added to any planning permission granted requiring the submission of lighting details prior to installation.

No reptiles were found to be using the site at the time of survey but recommendations R1, R2 and R3 in 5.2 of the report should be conditioned. These recommendations are that if any reptiles are discovered during works that all works cease and an ecologist or Natural England are contacted to determine a way forward; that rough grassland is strimmed back short before works commence and that if works do not commence by April 2014 the reptile survey be updated as colonisation may have occurred.

The Tree and Landscape Officer commented that the trees within the site interior are of low quality, and it would be preferable to remove specimens indicated for retention, where clearly they would be vulnerable to damage during both the construction operations and proximity to areas providing new parking spaces. This would allow an opportunity to plant new trees of superior form, more suited to the constraints of the site.

The officer also raised concern that the north eastern block of this building would be too close to the boundary with Green Lane, with no landscape buffer being accommodated along this boundary. The existing hedging on the Green Lane side is poor with much of the hedgerow plants heavily encroached in Ivy growth, and in poor vigour. In response to these comments the building was moved forward on the site to allow more planting along the boundary with Green Lane. The officer remained concerned about the removal of part of the hedgerow due to the conflict with the building and its replanting. A further amended plan has been submitted as discussions with the applicant's agent resulting in the agreement that the boundary hedgerow can and should be retained. It is considered that this concern is now overcome as the whole of the boundary hedgerow can be retained.

The boundary between the application site and Green Lane appears to run within the hedgerow. The original planning application drawings showed a new fence along the boundary line however it would not be possible to erect this fence without removing the hedgerow. The plans have therefore been amended to remove the fence and show railings erected along the pathways within the site. The hedgerow planting would therefore be unaffected.

## **5. Highways and Other Issues**

The part of Lancot Drive on which the application site is located is unadopted and therefore is not the responsibility of the Council as Highway Authority. The Local Authority is therefore unable to require works to the road or to implement or enforce parking restrictions. One objector comments that they would be happy to support the application if the road were adopted and parking restrictions enforced. It is not possible to require the adoption of the road as part of the planning permission or to require the owner of the road to implement parking restrictions. The situation with the highway will remain the same whether or not planning permission is granted.

There are zig zag road markings outside of the school to discourage parking and a sign which reads "No unauthorised parking. Emergency Vehicle Access Route" located between 1 Lancot Avenue and Steppingstones. Investigations into the ownership situation with the road are ongoing and an update will be provided on the late sheet.

The Parking Strategy, Appendix F of the Central Bedfordshire Local Transport Plan sets out the required parking provision for developments. The closest development type in the Strategy to the proposed use of the site would be a nursing home which would require 1 parking space per 4 beds plus 1 space per 2 members of staff. The proposed building would accommodate 18 bed spaces requiring 5 parking spaces. This would leave 9 car parking spaces for staff equating to 18 staff. There are no details within the application regarding the number of staff who would be employed but it is considered that 18 would be a reasonable assumption particularly as the aim of the facility is to help people to live more independently and this level of staffing would equate to one-to-one

care. The building would be staffed 24 hours a day however there would be less staff during the night-time hours.

Overall it is considered that the proposal provides sufficient parking and would not cause any highway safety issues.

The proposal is for residential development however it would be for a very limited sector of the population who require at least some assistance with day to day living. The proposal has therefore been considered as a nursing home for the purposes of the Planning Obligations Supplementary Planning Document and therefore no financial contributions are required.

## **Recommendation**

That Planning Permission be approved subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall commence unless and until a scheme setting out the details of the materials to be used for the external walls and roof has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally. (SBLPR BE8 & DSCB 43)

- 3 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R & DSCB 43).

- 4 **Development shall not commence until a scheme detailing provision for on site parking for construction workers 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: To ensure adequate off street parking during construction in

**the interests of road safety.**

- 5 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaners shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

- 6 No development shall commence unless and until a temporary turning space for construction vehicles has been provided and maintained throughout the construction period in a position to be approved in writing by the Local Planning Authority.**

**Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.**

- 7 No development shall commence unless and until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

- 8 No development shall commence, including any ground clearance or excavation, unless substantial protective fencing, the details of which shall first be approved in writing by the Local Planning Authority, has been erected in such a manner as to protect all trees and hedgerows to be retained as shown on plan 09023 wd2.01 rev B and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.  
(Policy BE8 S.B.L.P.R & DSCB 43)**

- 9 No development shall commence until details of mitigation measures to be undertaken to safeguard protected species and protection of the habitats during the proposed works have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

**Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.**

- 10 In the event that works do not commence prior to April 2014 the development hereby permitted shall not commence until the reptile survey has been updated and submitted to and approved in writing by the Local Planning Authority as colonisation may have occurred during this time.

Reason: In order to ensure that there are no reptiles on site which would be affected by the development.

- 11 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

- 12 No part of the hedgerow demarcating the north eastern boundary of the site is permitted to be removed, trimmed or lowered without the prior written agreement of the Local Planning Authority.

Reason: In order to retain the hedgerow for its screening and ecological benefits.

- 13 No external lighting shall be installed unless and until a scheme of lighting including details of the location, design, lux level and light spill of all lights has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented solely in accordance with the scheme.

Reason: To protect the amenity of neighbouring properties and/or highway safety.  
(Policy BE8, S.B.L.P.R & DSCB 43).

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 09023 lp.01, 09023 wd2.01 rev C, 09023 wd2.02, 09023 wd2.03, 09023 wd2.04, 09023 wd2.05 rev A, 09023 wd2.06 rev A, 09023 wd2.07A & 09023 wd2.08

Reason: For the avoidance of doubt.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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) (Amendment No. 2) Order 2012.

**Reasons for Granting**

The proposed development would not detrimentally impact upon the character and appearance of the area 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, South Bedfordshire Local Plan First Review policy BE8 and policies 43 & 44 of the emerging Development Strategy for Central Bedfordshire. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development" and the Parking Strategy, Appendix F of the Central Bedfordshire Local Transport Plan.

**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 National Planning Policy Framework, the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
  
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 Council's ecologist supports the recommendations set out in the Reptile Survey and advises that any areas of rough grassland must be strimmed back short prior to the commencement of development and that this should be done in one direction away from the buildings on site in order to allow animals to escape. In addition if prior to or during demolition or construction works on the site any reptiles are discovered, all works must cease until the Council's ecologist or Natural England has been contacted and a way forward has been agreed.

**DECISION**

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