

Item No. 10**SCHEDULE B**

APPLICATION NUMBER	SB/09/00074/VOC
LOCATION	FORMER TRICO SITE, HIGH STREET NORTH, DUNSTABLE
PROPOSAL	VARIATION OF CONDITIONS 20 AND 31 OF PLANNING PERMISSION SB/TP/07/0248 (ERECTION OF DWELLINGS), RELATING TO ACCESS DUNSTABLE
PARISH	Dunstable – Northfields
WARD & COUNCILLORS	Cllrs M Hearty, J Murray and Mrs B Coleman
CASE OFFICER	James Clements
DATE REGISTERED	11th February 2009
EXPIRY DATE	13th May 2009
APPLICANT	J S Bloor (Northampton Limited)
AGENT	J S Bloor (Services) Limited
REASON FOR COMMITTEE TO DETERMINE	ADVERTISED AS A MEMBERS DECISION
RECOMMENDED DECISION	GRANT PLANNING PERMISSION

Site Location:

The former Trico site is a 7.2ha area of land situated in north west Dunstable adjacent to High Street North (A5), to the north west of its junction with Brewers Hill Road. The site has permission for 378 dwellings (ARM/TP/07/0248) and includes an area of land to the southeast which is earmarked for employment uses. The site has been cleared of its former industrial uses and is currently undergoing remediation works.

The site is predominantly flat and has an open frontage on its boundaries with High Street North and Brewers Hill Road. To the north and north west the site is bound of by modern residential developments and bounding the west is a Council depot and the former Luton-Leighton Buzzard railway line. There is also residential development on the adjacent side of High Street North to the northeast of the site, predominately built in the first half of the twentieth century. To the southeast of the site adjacent Brewers Hill Road is the former Fire Station site.

The Application:

Planning permission is sought to vary conditions 20 and 31 of planning permission SB/TP/07/0248 (erection of 378 dwellings). Condition 20 relates to the requirement for an emergency access onto Brewers Hill Road. Condition 31 relates to design details for the main access onto High Street North.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review

H2 "Fall-in" Sites

Planning History

SB/TP/01/0709 Approval of Reserved Matters for the erection of 109 dwellings.

OUT/SB/03/0435 Refusal for Outline approval for residential, business use (excluding B1), sports fields and open space. Granted on Appeal, subject to Section 106 Undertaking.

SB/TP/07/0247 Approval of Reserved Matters for the erection of 167 dwellings.

SB/TP/07/0248 Planning Permission granted for the erection of 378 dwellings, subject to Section 106 Agreement.

Representations: (Parish & Neighbours)

Dunstable Town Council Objection to both conditions. (No reasons have been given.)

Consultations/Publicity responses:

Highway Officer No objection.

Beds CC Planning No comment.

Environmental Health Officer No comments.

EEDA Considered that site will contribute to the renaissance and regeneration of Dunstable. Therefore continue to support the

delivery of the site and in principal do not object, providing relevant statutory authorities concur with access alterations.

- Highways Agency No objection subject to developer contacting Highways Agency to agree traffic management measures to be implemented during the contribution works.
- Sport England No comments at the stage. Supportive of development that will help deliver new, high quality sports facilities for community.
- Environment Agency No comments.

Determining Issues

The main considerations of the application are;

1. Principle of development.
2. Highway issues.
3. Cycle and pedestrian access via the emergency access.
4. Use of the emergency access by other users.

Considerations

1. Principles of development

The former Trico site is a residential redevelopment infill site within the settlement envelope of Dunstable. The principle of residential development on the site has already been determined. This application only relates to the variation of conditions 20 and 31 (access).

Policy H2 ("Fall-in" Sites) is the most appropriate Local Plan Policy to assess the proposed variation of the access conditions. It states that, "within built up areas excluded from the Green Belt provision of new housing by development of infill sites...will be approved where it would (amongst others) be acceptable in terms of highway safety and traffic flow". The variation of conditions 20 and 31 will therefore be acceptable provided that their variation does not detrimentally impact on highway safety and traffic flow.

2. Highway issues

Condition 31 is a pre-commencement condition and relates to the main site access onto High Street North. It states: "Before the development commences there shall be submitted to and approved in writing by the District Planning Authority a scheme including the following design details relating to High Street North (A5 Trunk Road) and the proposed access serving the development. The scheme thus approved shall be implemented in full before the access is brought into use. The design details are:

- i) how the access interfaces with the existing highway alignment and carriageway markings including lane designations;

- ii) full construction details of any alterations to the highway, to include any modification to existing structures and proposed structures;
- iii) full signing and lighting details;
- iv) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations); and
- v) an Appraisal Summary Table (A.S.T.).

REASON: In the interests of highway safety".

The Highways Agency had no objection to planning application SB/TP/07/0248 subject to condition 31, and although the plans granted approval show that the access onto High Street North would be a right turn lane/ghost island, the Highways Agency has now objected to this method of traffic management.

Discussions between the Highway Agency and Bloor Homes have been ongoing since September 2008, however, due to the complex nature of the junction, the access arrangements have not been agreed. Bloor Homes has therefore requested variation of the condition so that the access arrangements are agreed prior to the occupation of the first dwelling, rather than, "before the development commences". This would allow development to take place whilst the junction details are finalised. The Highway Agency has no objection to the proposal.

Condition 20 relates to the requirement of the Brewers Hill emergency access and states:

"The secondary access road between Brewers Hill Road and the development and the associated junction with the highway shall be constructed in accordance with details previously agreed in writing with the District Planning Authority and no building shall be occupied until that junction and access road have been provided to the satisfaction of the District Planning Authority. REASON: In order to minimise danger, obstruction and inconvenience to users of the highway".

Bloor Homes are requesting the variation of the condition so that it would not be necessary to construct the emergency access until the 150th dwelling has been occupied. Existing highway guidance (Bedfordshire County Council) is that developments of up to 150 dwellings do not require an emergency access. The Highway Officer has stated that given this advice he has no objections to the variation of condition.

3. Cycle and pedestrian access via the emergency access

As part of the Reserved Matters application it was envisaged that the emergency access would also be used as an additional access route for pedestrians and cyclists. Although it is now proposed that the emergency access would not be provided until after the 150th dwelling has been occupied, this is not an unreasonable request in terms of pedestrian and cyclist access.

If the emergency access was constructed after the occupation of the first dwelling, the access would not actually lead anywhere because that particular part of the site would not have been developed. The developer will only construct the infrastructure on site necessary to serve properties occupied and under construction, and it would be inappropriate for potential users of the emergency access to pass over a building site. Given the economic climate, it is not known when the 150th dwelling would be built or occupied. Whilst this could affect the timing of the access being brought forward this is likely to only be in the short term.

4. Use of the emergency access by other users

The land surrounding the emergency access has been earmarked for employment uses, and there is concern that the construction of the access prior to the 151st dwelling being occupied could affect future occupiers and users.

Bloor Homes has stated that they do not own the land over which the emergency access passes, which will remain in the possession of Pedrables. Bloor Homes do however have 'step-in' rights to construct the emergency access if it has not been constructed by the time required. However, if a user requires the access before Bloor Homes the user will have to construct it. Any party that needs to construct this access must do so in accordance with the approved plans, so there is no potential for one party prejudicing the development proposals of the other.

Reasons for Granting

In light of the above considerations, and in line with highway guidance, it would be appropriate to vary condition 20 to allow up to 150 residential occupations prior to the implementation of the emergency access. Given that the Highways Agency has no objection to the variation of condition 31 this is also considered to be acceptable.

The proposal is therefore considered to be in conformity with Policies H2 of the South Bedfordshire Local Plan Review (2004) and Planning Policy Guidance PPS1, PPS3 and PPG13

RECOMMENDATION

Grant Planning Permission for the application set out above subject to the following conditions:

1. The development 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. The secondary access road between Brewers Hill Road and the development

and the associated junction with the highway shall be constructed in accordance with details previously agreed in writing with the District Planning Authority and no more than 150 dwellings shall be occupied until that junction and access road have been provided to the satisfaction of the District Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway.

3. No dwelling shall be occupied until a scheme including the following design details relating to High Street North (A5 trunk road) and the proposed access serving the development has been submitted to and approved in writing by the District Planning Authority. The scheme thus approved shall be implemented in full before the access is brought into use.

The design details are:

- i) how the access interfaces with the existing highway alignment and carriageway markings including lane designations;
- ii) full construction details of any alterations to the highway, to include any modification to existing structures and proposed structures;
- iii) full signing and lighting details;
- iv) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations); and
- v) an Appraisal Summary Table (A.S.T.).

REASON: In the interests of highway safety.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

South Bedfordshire Local Plan Review

H2 (Making Provision for Housing via 'Fall-in' Sites)

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), 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).
3. 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
