

## **Item No. 7**

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|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER</b>                | <b>CB/17/00478/FULL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>LOCATION</b>                          | <b>The Sugar Loaf, 25 High Street, Meppershall, Shefford, SG17 5LX</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>PROPOSAL</b>                          | <b>Alterations and extensions in regard to Change of use of public house (Use Class A4) to convenience store (Use Class A1). To include installation of 2 No. satellite dishes on the roof / elevations for use with the ATM, Lottery and TCG radio. Location of Plant equipment area. Installation of shopfront and ATM. Reconfiguration of car park to facilitate servicing/deliveries. (Amendment to application CB/16/02868/FULL)</b>                                                                                                                      |
| <b>PARISH</b>                            | <b>Meppershall</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>WARD</b>                              | <b>Shefford</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Birt &amp; Brown</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>CASE OFFICER</b>                      | <b>Donna Lavender</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>DATE REGISTERED</b>                   | <b>30 January 2017</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>EXPIRY DATE</b>                       | <b>27 March 2017</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>APPLICANT</b>                         | <b>Hawthorn Leisure Ltd</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>AGENT</b>                             | <b>WYG</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Ward Councillor Call In request (Cllr A Brown) on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Loss of the last public house in the village</b></li><li>• <b>Highway Safety issues throughout the day due to increase in vehicles moving within a small area in the centre of the village</b></li><li>• <b>Additional parking problems due to the hours of use</b></li><li>• <b>Major development proposals for the village will change the size and number of residents who will be left without a community centre</b></li></ul> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Recommended for Approval</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

### **Reason for Recommendation**

The proposal for the change of use of the Public House, would allow the retention of community facilities with the provision of a retail element thereby retaining suitable uses of community benefit in accordance with policy DM8. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be significant or demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and the Council's adopted Design Guidance (2014).

## **Site Location:**

The application site consists of a public house known as "The Sugar Loaf" and associated parking facilities located at the junction with Fildyke Road and accessed off High Street within the village of Meppershall. The site is flanked by to the South east by a parcel of open space and an access track which serves the back of properties 27 - 37 High Street. The streetscene consists of a mixture of residential and small scale village shop and commercial premises.

The site is located within the village core of Meppershall and as such within the designated settlement envelope of Meppershall however is not located within any other designation.

## **The Application:**

Permission is sought for the change of use from A4 (Drinking Establishment) to A1 (Retail) and for associated extensions, parking and facilities to be used in conjunction with the proposed change of use such as ATM machine and satellite dishes for operations in connection with the ATM and lottery. The proposed extension would provide 105m<sup>2</sup> of additional floor space. Parking spaces are indicated at 7 with 1 x spaces proposed wheelchair accessible.

The application has been accompanied by the following statements:

- Phase 1 Ecological Assessment
- Acoustic Testing Report
- Planning Statement
- Design & Access Statement
- Transport Statement
- Delivery & Servicing Plan
- Marketing Report
- Viability Report
- Heritage Statement

Planning permission was previously applied for which included a larger extension under planning permission CB/16/02868/FULL which was refused on highway grounds only and is the subject matter of an outstanding appeal. The proposal herein results in a reduced extension to resolve those highway related concerns.

Whilst this change of use would normal constitute permitted development, as the property is listed as an asset of Community Value, permitted development rights are removed for the duration of its listing.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

Section 1: Building a strong, competitive economy

Section 3: Supporting a Prosperous Rural Economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

## **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
CS3 Healthy & Sustainable Communities  
CS9 Providing Jobs  
CS12: Town Centres & Retailing  
CS14 High Quality Development  
CS16 Landscape & Woodland  
CS18 Biodiversity & Geological Conservation  
DM3 High Quality Development  
DM8 Village Shops & Pubs  
DM14 Landscape & Woodland  
DM15 Biodiversity

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Supplementary Planning Guidance/Other Documents**

1. Central Bedfordshire Design Guide (March 2014)
2. The Localism Act (2011)

### **Relevant Planning History:**

|                    |                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number | <b>CB/16/02868/FULL</b>                                                                                                                                                                                                                                                                                                                                                                  |
| Description        | Alterations and extensions in regard to Change of use of public house (Use Class A4) to convenience store (Use Class A1). To include installation of 2 No. satellite dishes on the roof / elevations for use with the ATM, Lottery and TCG radio. Location of Plant equipment area. Installation of shopfront and ATM. Reconfiguration of car park to facilitate servicing / deliveries. |
| Decision           | Refused (Appeal in receipt and yet to be determined)                                                                                                                                                                                                                                                                                                                                     |
| Decision Date      | 19/12/2016                                                                                                                                                                                                                                                                                                                                                                               |

|                    |                                                                                   |
|--------------------|-----------------------------------------------------------------------------------|
| Application Number | <b>MB/90/01625/FULL</b>                                                           |
| Description        | Full: provision of side porch, extension to toilet block and internal alterations |
| Decision           | Full Application - Granted                                                        |
| Decision Date      | 23/01/1991                                                                        |

### **Parish Council:**

Meppershall Parish  
Council (01/03/16)  
(*Verbatim*) -

I am writing this letter as Chairman of Meppershall Parish as unfortunately our clerk is on long term sick leave.

I must bring to your attention an issue that must be addressed before I make comment on behalf of the Parish Council on the above application.

As occurred with CB/16/02868/FULL the documentation upon which comment was invited was sent, in error yet again, to Shefford Town Council, resulting in unnecessary delays and delivery effort. Could you please ensure that all documentation relating to planning applications in this parish of MEPPERSHALL is carefully checked and sent here and not elsewhere, whatever is indicated by postcode software.

On behalf of the Parish Council I am writing to register, and repeat Councillors concerns and objection to this application. CB/17/00478/FULL is similar to CB16/02868/FULL but with a smaller retail footprint and a reduced parking provision. As you are aware the Sugar Loaf is listed as an Asset of Community Value and whilst the Owners, Hawthorne Leisure have appealed this listing initially to Central Bedfordshire which was not upheld and now to the First Tier tribunal, the listing remains.

Councillors remain appalled at the prospect of this application for a change of use being granted.

Its effect would be catastrophic to the community and village in many ways. The Sugar Loaf is the only public House within the village and has been at the centre of the village since 1870. There is no alternative within walking distance; the nearest being 1.8 miles away via unpaved and unlit roads. To remove this facility would remove a fundamental of village community and against Central Beds Council's reluctance to endorse the closure of the only public house in the village. The public reaction and opposition to the proposal has been universal demonstrated by a petition of over 500 signatures and 171 objections submitted to you for CB16/02868/FULL. We understand that the public have continued to post objections to you for this application and this is in excess of 90 as at today.

We are concerned that Hawthorne Leisure continues to portray the Sugar Loaf as not a financially viable use of the site to justify their stated commercial objective of achieving monetary gain from achieving change of planning use. Several councillors have questioned the narrow and biased financial assessment, prepared by their agents used to support their assertion that it is not viable. The council is aware that the community group Save the Sugar Loaf 2016 have prepared an alternative financial plan that suggests financial viability of the Sugar Loaf if it were freed from the constraints of a Tied Tenancy that the current tenant has to operate under. Based on this, the group have approached the owners to purchase the Sugar Loaf but the owners have refused. The Council is also aware that the existing tenant has offered to purchase the freehold of the property but this

too has been rebuffed.

Equally concerning to the council is the assertion that the change of business use to a convenience store would be a solution. There is an implied expectation that the new site would be financially more viable if operated as a convenience store but this is not proven. The marketing report produced by the owner's agents also demonstrates that success is not guaranteed. A councillor has referred the council to paragraph 8.5 of the said report that "given its location, demands for both retail and office uses are limited to say the least." This lack of market interest and demand in retail outlets in the area may suggest that the proposal may also not be financially attractive/viable. This has been conveniently ignored by HL and their advisers.

The revised application continues to cause huge tension within the community and Councillors are very concerned at the effect of this application would have on the village and its residents, if it were successful. The existing retail outfits are suitable and appropriate for the communities' needs and would be threatened should this unnecessary and unwelcome second convenience store within the village. There is already healthy alternatives with the Tesco's Extra operating 24 hours per day 7 days a week on the bypass less than one mile away and a mid-sized Morrison's supermarket less than 2 miles away.

#### Site Changes

The new application CB/17/00478/FULL merely addresses the reason for rejection of CB16/02868/FULL but the Council wish to stress the fact the site has changed since that refusal.

Two planning applications have been approved since that date that will severely impact vehicular access to, and traffic flow past the entrance of, this proposed development. In the opinion of the Councillors, the impact of these new approvals largely invalidates the traffic survey evidence and the conclusions drawn in the report. The site and its environment are not the same.

The reason for rejecting CB16/02868/FULL would have been based on the environment and situation at that time (2nd August 2016) but the transport implications of CB/17/00478/FULL should be measured and assessed against the context now in February 2017, not what it was then.

The two approved developments are:

- CB/16/04896/FULL 4 High Street directly opposite the Sugar Loaf site entrance is for 7 dwellings. This development will include a new access road that will generate more traffic onto an already dangerous and congested area. Leaving the new road will be considerably more dangerous with delivery vehicles entering and leaving the Sugar Loaf site opposite. The width of this new site road is such that any on-street parking on it will make access significantly more dangerous and give rise to a significant loss of amenity to the new properties. On street parking in this new access road will make it difficult to turn parked vehicles round and unsafe reversing onto the crowded junction may result.
- CB/16/01769/FULL Development comprising of the demolition of the existing Meppershall Village Hall, a new Meppershall Village Hall, play pitches, public open space, a neighbourhood equipped area of play and 78 new residential dwellings. This development will generate a significant amount of extra traffic from both the new residential houses and the enlarged community village hall and will increase the traffic and worsen the safety environment in the immediate area. The entrance to this development is within 35m of the convenience store entrance and would generate a significant number of traffic movements in close proximity.

The Council still have grave concerns as the safety of the proposed site layout, particularly with the suggestion that delivery vehicles would perform complicated reversing manoeuvres in a public car park that would presumably require trained “guardians” to shepherd the delivery vehicles in and out. It is suggested that the proposed turning area is not large enough for the proposed delivery vehicles. It is also clear that the parking spaces would be restricted during such manoeuvres which are contrary to the Local Transport Plan. This plan is quite specific in its requirement that all parking spaces need to be accessible at all times. Furthermore the Plan is equally specific in that areas for circulation and turning must also be kept clear at all times.

Councillors and residents are almost 100% opposed to the concept of a convenience store being forced upon them when such a facility is not required, is unwanted and will change the appearance and the way of life in the

village for all time. There have been many examples pointed out to you by both this Parish Council and by responsible residents who object to seeing policies and standards being wantonly abandoned. We look to the members of the Planning Committee to support Meppershall's fight against this potential disaster for our village by refusing to sanction the application.

**Consultees:**

1. CBC Archaeology (21/02/17) - No Objection, subject to the imposition of a condition to secure a written scheme of archaeological investigation.
2. CBC Ecology (24/02/17) - No Comments
3. CBC Highways Officer (24/02/17) - No Objection, subject to the imposition of conditions to secure parking and access provisions and a service management plan.
4. CBC Pollution Team (23/02/17) - No Objection, subject to the imposition of a condition to prevent roll cage movements in association with deliveries outside of prescribed hours. Furthermore, all conditions such as hours of operation and plant noise controls as recommended on the previous application remain applicable to this submission.
5. CBC Community Engagement Manager (10/02/17)- An Asset of Community value, that should be given weight in the decision making process.
6. CBC Waste Services (24/02/17)- Private waste collection requirements would be required.
7. CBC Economic Development Officer (05/04/17)- No reason to contest results as previously advised on past application. We do note Meppershall village's dependence on this community facility (<https://www.meppershall.org/index.php/mag> section 3 of the report) but we appreciate that this application is for a convenience store which will also be a useful local amenity and provide employment.

**Other Representations:**

Neighbours x 170  
 Objections received by the following addresses: *(Duplication numbers shown in brackets, this are as a result of reconsultation and as a result of number of occupants per unit)*

Objections on the following grounds in summary:

- Substandard parking
- Delivery issues in terms of turning and blocking of parking provision
- Pedestrian and highway safety issues
- Transport information supplied doesn't account for new developments in locality

|                                                                                                                                       |                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3, 4, 7, 10 (x2), 13, 16,<br/>18, 19, 20, 23, 24 (x2),<br/>34, 73, 74, 80 (x2), 81,<br/>90, 92, 98, 112, 116<br/>Shefford Road</p> | <ul style="list-style-type: none"> <li>• Increased traffic generation</li> <li>• Unsustainable Form of development</li> <li>• Inadequate roads to allow for delivery</li> <li>• Inaccuracies of the noise report in terms of collection of data</li> </ul>                                                  |
| <p>7, 9, 19, 20 (x2), 22, 26,<br/>27, 47 Hoo Road</p>                                                                                 | <ul style="list-style-type: none"> <li>• Noise concerns as a result of hours of operations, deliveries and use of ATM</li> <li>• Loss of social facility failing to accord to policy DM8</li> <li>• Additional store surplus to requirements</li> </ul>                                                     |
| <p>1, 4 Gregory Close</p>                                                                                                             | <ul style="list-style-type: none"> <li>• Anti social behaviour concerns</li> </ul>                                                                                                                                                                                                                          |
| <p>2, 3, 5(x3), 7, 10,11,16<br/>(x2) Buxton Close</p>                                                                                 | <ul style="list-style-type: none"> <li>• Village hall no substitution for public house and also invites a fee for social activities</li> <li>• Viability issues as a result of neglect</li> </ul>                                                                                                           |
| <p>4, 12, 14, 17, 23, 33<br/>Coneygate</p>                                                                                            | <ul style="list-style-type: none"> <li>• Loss of existing local stores as a result of this larger store</li> <li>• Lack of need for additional store</li> <li>• Disproportionate scale extension</li> </ul>                                                                                                 |
| <p>1, 3 (x2), 3a, 4, 5, 8,<br/>11, 26, 37, 38, 45, 51,<br/>53, 63, 67, 67a, 84, 104<br/>Fildyke Road</p>                              | <ul style="list-style-type: none"> <li>• Shopfront and development as a whole out of character</li> <li>• Increased traffic generation and congestion</li> <li>• Loss of asset of Community Value</li> </ul>                                                                                                |
| <p>1, 2, 14 (x2), 15,16, 26,<br/>28 (x3), 30 (x2), 33, 34<br/>Brookmead</p>                                                           | <ul style="list-style-type: none"> <li>• Asset should have been sold to the community</li> <li>• No similar local facilities within walking distance</li> <li>• More appropriate faculties that the unit could be converted to such as restaurant, doctors surgery, office or affordable housing</li> </ul> |
| <p>7 (x2), 10 Brookside</p>                                                                                                           | <ul style="list-style-type: none"> <li>• Concerns for children's safety using bus stop</li> </ul>                                                                                                                                                                                                           |
| <p>100 Meppershall Road</p>                                                                                                           | <ul style="list-style-type: none"> <li>• Loss of local group meeting ground (Evergreens, darts groups)</li> </ul>                                                                                                                                                                                           |
| <p>71 Elgar Drive</p>                                                                                                                 | <ul style="list-style-type: none"> <li>• No community benefit</li> <li>• Unsustainable public transport to other public houses</li> </ul>                                                                                                                                                                   |
| <p>6 (x2) Churchill Way</p>                                                                                                           | <ul style="list-style-type: none"> <li>• Bus service issues</li> <li>• Loss of employment</li> </ul>                                                                                                                                                                                                        |
| <p>2, 4, 18, 22, 27, 32, 37,<br/>39, 40 (x2), 42, 45, 46<br/>Orchard Close</p>                                                        | <ul style="list-style-type: none"> <li>• Light pollution (adverts)</li> <li>• Historical asset</li> <li>• Impact on rural character (urbanisation)</li> <li>• Loss of residential above public house</li> <li>• Economic Competitiveness</li> </ul>                                                         |
| <p>1, 2, 6 (x2), 11, 14, 17,<br/>18, 23, 23a, 30, 39,<br/>53a, 64, 77, 94, 96 High<br/>Street</p>                                     | <ul style="list-style-type: none"> <li>• Investments required by future major developments towards road network, affordable housing and social facilities.</li> </ul>                                                                                                                                       |
| <p>2 Saxon Close</p>                                                                                                                  | <ul style="list-style-type: none"> <li>• Inaccuracies of marketing report, bids have been made by community group</li> </ul>                                                                                                                                                                                |
| <p>5 (x2) Church Road</p>                                                                                                             | <ul style="list-style-type: none"> <li>• Pub just needs some investment</li> </ul>                                                                                                                                                                                                                          |
| <p>3 Crackle Hill Road</p>                                                                                                            |                                                                                                                                                                                                                                                                                                             |

5 The Acres

3 St Marys Place

11 Taylors Close

1 Lyspitt Common

St Marys Church

4 Stondon Road

Outside of Meppershall:

53 Heron Way, Stotfold

78 Tritton Fields,

Ashford

9 Felstead Way, Luton

Old Orchard View,

Henlow

57 High Road,

Shillington

1 Derwent Road,

Henlow

25 River View, Shefford

63 Gainsborough Road,

Liverpool

375 High Street West,

Glossop

Chequers Lane,

Preston

15 Oak Crescent, Upper

Caldecote (x2)

8 Collenswood Road,

Stevenage

Poland

192 x signature petition

**Determining Issues:**

The main considerations of the application are;

1. **Principle**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

## **Considerations**

### **1. Principle**

- 1.1 This application is a revision of a previous application for a similar proposal under planning reference CB/16/02868/FULL. This previous application was refused on highway grounds only and is the subject matter of an ongoing appeal. The reason for refusal of this previous application is material to the determination of this application.
- 1.2 In summary, the application site is located within the large village of Meppershall. The site is within the defined Settlement Envelope for Meppershall (as set out within the Core Strategy and Development Management Proposals Maps) and is therefore regarded as a Sustainable location, therefore the principle of new development is appropriate provided it reflects the size and character of the settlement.
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 1.4 Paragraph 28 of The National Planning Policy Framework (NPPF) states that support should be given to the sustainable growth and expansion all types of business and enterprise in rural areas through conversion of existing buildings and further goes on to state that promotion should be given to the retention and development of community facilities within a village such as shops which is iterated within local policy CS12 of the Core Strategy for the North.
- 1.5 Paragraph 69 of the NPPF states that consideration should be given to proposals which allow social interactions within communities allowing opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity. Paragraph 70 of the NPPF goes further to state that the decision maker should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day need.
- 1.6 This is supported in local Policy DM8 of the Core Strategy of the North states that planning permission will not be permitted for the change of use or redevelopment of shops or pubs in villages which would result in the loss of such facilities unless there are other facilities performing the same function within easy walking distance of the village community, and the applicant provides evidence that there is no prospect of the use continuing even if permission is refused.
- 1.7 The Sugar Loaf is listed as an Asset of Community Value which is a material consideration in accordance with the Localism Act 2011. Whilst the applicant has indicated this matter is being appealed at the time of determination this listing is relevant and material. There is overwhelming local support for the retention of the public house , however the application has been supported with a viability report which demonstrates that the public house is economically unviable. This viability report has been assessed by the Councils Economic Development Team and they have confirmed that there is

no reason to doubt the conclusions contained within the report which suggested that there was a predominant struggle in "wet led" trading and due to the lack of hot food facilities or space for serving. Furthermore a marketing report was supplied which identified that marketing of the unit was carried out for 6 months in relation to the public house and found little viable interest in its retention as a public house. As such, whilst concerns have been expressed by the local residents and the Parish Council alike about the loss of a valuable and needed local facility, it is concluded that even if permission was refused, the retention of this facility is unlikely on the basis of the economic information supplied. Therefore it is difficult to demonstrate an appropriate need which would lead to its retention which is fundamentally relevant and is a matter that has been considered in a number of recent planning appeal decisions.

- 1.8 There is no other public house within the core of Meppershall, however it is acknowledged that an application has been submitted under reference CB/16/1769/FULL for a temporary and enhanced replacement village hall within Meppershall which would provide social facilities similar to a public house with provision for social functions, and community clubs and events which is within walking distance from the core of Meppershall. Whilst this is relevant, planning permission has not been yet obtained for this facility however there are existing facilities by way of a village hall available in Meppershall and the above application reference relates to a more appropriate replacement.
- 1.9 Furthermore, whilst this public house in question is the only within the village core, it has been demonstrated that the public house is not viable and the proposal would result in the replacement of one community facility with another.
- 1.10 Concerns have been expressed by the Parish Council and local residents in the respect of the impact on the existing village facilities such as the Post Office store and village bakery as a result of the introduction of a larger convenience store on this site. However section 1 of the NPPF seeks to promote economic competitiveness and there has been no evidence supplied that demonstrates that the viability of the existing facilities would be affected by the new use nor any evidence to suggest that the proposed new use would be compromised or unviable due to the existing facilities within the locality. Determinations can only be made on the basis of the facts presented and cannot be determined on predictive outcomes and competition itself is not a legitimate planning objective. In addition to this, it has been raised by local residents that an additional store is not needed however it is not the purpose of the planning system nor is there any overarching policy to determine whether or not another convenience shop is needed.
- 1.11 Concerns have also been expressed that a more appropriate re-use should be considered. The Planning statement and viability report supplied indicates that consideration was given to converting the premises to a restaurant however it was not considered to be economically viable.
- 1.12 NPPF para 49 states that the presumption for granting permission should be in favour of sustainable development. There are three dimensions to sustainable development which require consideration such as economic,

social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.

- 1.13 There would be some economic benefits as a result of the proposal in terms of supporting a level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than 1 year and also associated employment benefits for the local store. In addition, the planning balance should take into account the social benefits which include providing an additional local store with additional choice. The development site would not result in environmental implications and therefore the proposal would accord with the NPPF in this regard.
- 1.14 The proposal would also result in the loss of residential occupation within the public house however this accommodation is offered to the tenant for the running of the public house and therefore it is reasonable to conclude that the loss of the public house as a result of its unviability would lead to the same level of residential accommodation loss. Furthermore the loss of 1 residential unit does not significantly or demonstrably outweigh the economic and social benefits surrounding the proposal.
- 1.15 As such, it is considered, that the public house is unviable and in any event would be unlikely to remain in operation irrespective of the outcome of this application and the proposal herein would result in the creation of a local facility which offers some community value and economic benefits which is in accordance with the objectives and aims of the NPPF.

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

- 2.1 The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting. This is iterated in policy DM3 & DM4 respectfully.
- 2.2 The current building boasts a variety of extensions and alterations which are not seen as an enhancement to the overall appearance of the building and site as a whole and provide little interaction within the streetscene. The proposed extensions have been reduced in scale since the previous application and they remain of a single storey nature, follow the established building lines and would provide greater continuity in design and scale than the existing extensions to the building. Furthermore, the proposal would result in a reasonable of the amount of glazing providing a greater level of active frontage along the High Street. Concerns have been expressed by local residents that the scale of the development is disproportionate to the scale of the settlement as a whole or the site itself. However the site coverage with built form does not amount to a cramped form of development and the level of built form has been indicated by the applicant as a result of required viable floor space and there are no design grounds which would contribute to the refusal of this scale of development as buildings within the vicinity have comparable footprint coverage.
- 2.3 Paragraph 135 of the NPPF states that consideration should be given to the impact of development on a non designated heritage asset. Whilst some references have been made by local residents about the loss of a historic asset,

the building is not listed as a designated or considered to be of a quality design that could be regarded as a local non designated historic asset. It is acknowledged and local archives conclude, that a public house has been present on the site since 1870 and the internal of the premises is quintessentially a traditional English public house. However there have been a number of alterations to the building since its first license as a public house such that there are no historical external features which require protection for its retention and the Heritage Desk Based Assessment supplied in support of the application identifies the building as an asset with limited importance.

- 2.4 However Paragraph 134 of the NPPF states that where proposals would result in less than significant harm to an historical asset, the harm should be weighted against the public benefits of the proposal. The proposal herein would result in the improvements and extensions of a building to be used in conjunction with providing local services which would provide social and economic benefits which is considered to outweigh the harm to the asset. Therefore the proposal would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and sections 7 & 12 of the NPPF.

### **3. Neighbouring Amenity**

- 3.1 A noise report was supplied with the application and indicated that if the installed plant were similar to plant utilised at another store there would be a requirement for noise mitigation measures to the plant to ensure CBC noise standards would be met at neighbouring residential properties. At this stage the details for the plant to be installed are not known and the hours of operation for the air conditioning plant is also not specified. However the Councils Pollution Officer is satisfied that a plant noise scheme condition could be imposed that would ensure plant noise is not detrimental to residential amenity.
- 3.2 The delivery hours are stated as after 0700 hrs and through the day but it is not clear at what time they will cease later in the day. The Councils Pollution Officer advised that a delivery/collection hours condition should be attached to any approval because noise from deliveries would be detrimental to amenity at night. A further condition to restrict the use of roll cages and other delivery mechanisms outside of prescribed hours and an opening hours condition should be attached to any approval to limit the impact of customer and car park use noise on neighbours. The applicant was advised of these restrictions and has raised no objection to the imposition of these restrictive conditions.
- 3.3 In terms of the extensions itself, due to their siting and the low rise nature of the extensions there would be no amenity impact in terms of loss of light or overshadowing. There is some glazing and openings proposed on the elevation facing 27 High Street however again the glazing is on a ground floor level with openings at 27 High Street at a first floor level and therefore would not give rise to mutual overlooking concerns.
- 3.4 Concerns have been expressed by local residents in terms of antisocial behaviour however no concerns or comments have been raised by the Police Architectural Liaison Officer in this regard. Furthermore the operational hours of the store will be restricted and therefore this will be preventative measure against any predicted antisocial behaviour and the glazing surrounding the

main core of the store will afford some surveillance of activities in the car park by shop workers. In addition, the ATM is located on the main highway which offers natural surveillance from surrounding residential properties and passing traffic. Therefore the proposal would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and sections 7 & 8 of the NPPF.

#### **4. Highway Considerations**

- 4.1 The application proposes alterations and extensions to the existing public house and its change of use from a public house (Use Class A4) to a convenience store (Use Class A1). This is an amendment to the previous scheme which was refused under application CB/16/02868/FULL. In order to address the previous reason for refusal which was that the proposal would have resulted in delivery vehicles manoeuvring in a way that would be prejudicial to highway safety by resulting in a conflict between reversing vehicles and pedestrians either on the footway or within the car park together with other vehicles on High Street, the size of the single storey extension has been reduced and a small section of the existing building will now be demolished. This results in the provision of additional manoeuvring space for delivery vehicles within the site and provides a larger delivery/unloading area at the rear of the site.
- 4.2 As before there are no changes proposed to the existing means of vehicular access to the highway. However there are changes to the pedestrian means of access as the existing access to the front of the public house is to close and a new pedestrian access is shown to the front of the proposed shop. The existing doorway providing access onto Fildyke Road is to be bricked up and a new access created mid-way along the side of the building.
- 4.3 The level of visibility available at the existing/proposed site access is compliant with the standards required in Manual for Streets for traffic approaching on the nearside in a south-westerly direction but given the slight curvature in the road, is below standard when measured to the nearside kerb for vehicles approaching on the off-side in a north-easterly direction. However on-street parking is permissible in marked bays across the frontages of the properties to the south-west and as these are well used, vehicles are highly unlikely to be driving along this section of road on the off-side. Therefore in this instance it is reasonable to accept that visibility can be measured to the centre line of the road. In such circumstances the level of visibility available at the existing/proposed site access can be deemed acceptable.
- 4.4 The existing car park will be reduced in size to accommodate part of the extension and the remaining area reconfigured to provide 7 no. car parking spaces, including one for use by those with disabilities and the proposed turning area.
- 4.5 The existing building has a total floor area of 239.5m<sup>2</sup> (GIA) comprising 175m<sup>2</sup> on the ground floor and 64.5m<sup>2</sup> on the first floor. If permission is granted the extended building would have a total floor area of approximately 356m<sup>2</sup> (GIA) comprising 264m<sup>2</sup> on the ground floor of which 184m<sup>2</sup> would be for retail sales and 92m<sup>2</sup> on the upper floor. The Council's parking standards for retail units

below 1000m<sup>2</sup> is 1 space per 35m<sup>2</sup>. Thus with a retail floor space of 184m<sup>2</sup>, the provision of 7 spaces can be deemed acceptable.

- 4.6 The application is accompanied by a Transport Statement prepared by Transport Planning Associates which includes the results of Parking Beat Surveys undertaken on Friday 13<sup>th</sup> and Saturday 14<sup>th</sup> January 2017. These results would suggest that there is spare capacity, in terms of potential on street parking spaces along the frontage of the High Street, to accommodate additional parking should the car park be full.
- 4.7 The Transport Statement includes an assessment of the likely increase in traffic movements that will occur during the early afternoon and typical evening peak hours (12:00-13:00 and 17:00-18:00) if the development is permitted. Whilst the trip rates used in the assessment are not all from sites located in rural villages, they do indicate that the traffic movements to/from the site will increase significantly. Furthermore it should be noted that traffic movements to/from the site will increase during each hour of the day, not just those reviewed by TPA.
- 4.8 However it is accepted that the majority of these trips will not be new to the road network and that most will either be pass-by (i.e. someone who would otherwise be travelling along the High Street and stops off along their journey) or diverted (i.e. someone who would otherwise be travelling to another convenience store and diverts to the new store).As a result it is accepted that the likely increase in traffic would not be severe and could be satisfactorily accommodated on the local road network.
- 4.9 The Transport Statement also includes a track plot at Appendix D which shows that a 10m rigid vehicle can enter the site, turn and leave in forward gear without impacting upon the car parking provision or the need to undertake multiple manoeuvres within the site. The Transport Statement states that a Servicing Management Plan will be produced and provided to all suppliers servicing the site. The contents of this plan will need to be agreed with the Council in order that it can ensure, so far as is reasonably practicable, that the site can be properly serviced and any issues addressed.
- 4.10 In conclusion, it is considered that the amendments undertaken in respect of this proposal can be considered acceptable in highway terms and therefore the Councils Highways Officer has not wished to raise an objection to the granting of this permission subject to imposition of conditions. The proposal therefore is considered to accord with policy DM3 of the Core Strategy and Section 4 of the NPPF.

## **5. Other Considerations**

### **5.1 Archaeology**

The proposed development has the potential to contain archaeological remains relating to the origins and development of Meppershall in the Saxon and medieval periods. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70). Paragraph 141 of the NPPF states that Local Planning Authorities should require

developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). While there may have been some truncation of archaeological deposits as a result of past use and development of the site, it is now well proven that archaeological deposits do survive such successive periods of use within village settlements.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works which can be controlled by condition. Consequently, the Councils Archaeologist has raised no objection to this application on archaeological grounds. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

## 5.2 **106/Obligations**

Current advice contained within the National Planning Practice Guidance sets out the Government's position that tariff-style planning obligations and affordable housing provision should not be sought for small developments of 1,000 square metres of gross floor space. As such despite concerns expressed by residents that this and other schemes within the locality should contribute to local infrastructure, none is required to be sought for this scheme due to its scale. All other applications are treated on their own merits and contributions sought in line with what is appropriate to make the scheme acceptable in planning terms.

## 5.3 **Human Rights issues**

The proposal raises no Human Rights issues.

## 5.4 **Equality Act 2010**

Appropriate level access is proposed into the building and acceptable heights have been considered for the ATM machine. Therefore the proposal raises no surmountable issues under the Equality Act but an informative to advise of the responsibilities of the applicant could be attached to any approval.

### **Recommendation:**

That Planning Permission be **Approved** subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: Materials are required to be ordered in advance of the construction stage and in the interest of controlling the appearance of the building in the interests of the visual amenities of the locality. (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)**

- 3 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.**

- 4 Before the development hereby permitted is first occupied or brought into use, the scheme for parking, servicing and manoeuvring shown on Drawing No 15.2091.110 Rev P1 shall be laid out, drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise conditions of danger, obstruction and inconvenience to users of the adjoining highway. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF).

- 5 Before the development hereby permitted is first occupied or brought into use, a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- The maximum size of vehicle to be permitted onto the site;
- The arrangements to be put in place to ensure that no more than one delivery vehicle is permitted on site at any given time;
- The arrangements to be put in place to minimise the potential conflict between service vehicles and customer vehicles when manoeuvring on site;

- The arrangements to be put in place to ensure that no goods, containers or trollies are stored or placed on the public highway; and
- the responsible person who can be contacted in the event of a complaint.

The use of the building shall be in accordance with the approved plan.

Reason: In the interests of highway safety.(Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 6 No goods, pallets or roll cages shall be moved and/or stored in the external open areas between the hours of 1800 hrs to 0700 hrs Monday to Saturday, 1800 hrs Saturday to 1000 hrs Sunday and 1600 hrs Sunday to 0700 hrs Monday.

Reason: To protect the amenity of neighbouring residents.

- 7 Prior to first use, commencing details, including acoustic specifications, of all fixed plant, machinery and equipment to be installed, located or used on the site shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include a noise attenuation scheme, as appropriate, to ensure that noise resulting from the use of the plant, machinery or equipment shall not exceed a noise rating level of -5dB when measured in accordance with BS4142:2014 at any noise sensitive premises. The approved plant noise scheme shall be fully implemented before the use commences and thereafter maintained in accordance with the approved details.

Reason: To protect the amenity of neighbouring occupiers. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF)

- 8 Deliveries, collections, loading and unloading of commercial vehicles to/from or at the premises shall only be permitted between the hours of 0700 to 1800 hrs Monday to Saturday and 1000 hrs to 1600 hrs on Sundays, Bank and Public Holidays.

Reason: to protect the amenity of neighbouring occupiers. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF)

- 9 The premises shall not be open to serve customers except between the hours of 0700 hrs to 2200 hrs Monday to Saturday and 1000 hrs to 1800 hrs Sundays, Bank and Public Holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.  
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Heritage Desk Based Assessment (August 2016), 15.2091.110 Rev P1 (Site Layout), 15.2091.113 Rev P1 (Proposed Elevations),

15.2091.111 Rev P1 (Proposed Ground Floor Plan), 15.2091.112 Rev P1 (Proposed first floor plan), 15.2091.114 Rev P1 (Proposed Elevations Section), 4958/01 (Topo Survey), 4958/02 (Existing Survey), Marketing Report (Oct 2016), Acoustic Testing Report (July 2015), 15.2091.115 Rev P1 (Block Plan), Transport Statement (Jan 2017), Phase I Ecological Assessment (July 2016), Design & Access Statement (Jan 2017).

Reason: To identify the approved plan/s and to avoid doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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 applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
  - The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
  - The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including cellars, foundations and surface water hardware shall be erected or installed in, under or overhanging the public highway and no window, door or gate shall be fixed so as to open outwards into the highway.
  - The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.
  - The applicant is advised that there is an area of public highway maintainable at the public expense within the red edge of the application site. Development shall not be commenced unless and until the area of public highway shall have been stopped up by order of the Secretary of State under Section 247 of the Town and Country Planning Act 1990 as amended.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

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) Order 2015.

**DECISION**

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