

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/17/01827/FULL</b>
<b>LOCATION</b>	<b>The Old Maltings, Church Street, Biggleswade, SG18 0JS</b>
<b>PROPOSAL</b>	<b>Change of use from former bar/ restaurant and single dwelling to form 10no. New dwellings and B1 office.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Michael Huntington</b>
<b>DATE REGISTERED</b>	<b>15 May 2017</b>
<b>EXPIRY DATE</b>	<b>14 August 2017</b>
<b>APPLICANT</b>	<b>Mr J McCann</b>
<b>AGENT</b>	<b>Gary Johns Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Town Council objection to a major development</b>
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

### **Reason for recommendation:**

The proposal for a change of use from restaurant / pub to residential development is considered to be acceptable in light of the Core Strategy and Development Management Policies Document 2009. The site is in a sustainable location and the development would enhance the character and appearance of the conservation area. There would be no material amenity harm to existing residents. The scheme proposes a shortfall in on plot parking but in this instance this is not considered to be significant and demonstrable harm from this given its town centre location.

### **Site Location:**

The site is located along Church Street, within the centre of Biggleswade and within the town centre conservation area. The site is accessed off Church Street, which runs alongside the site to the south. A footpath / cycleway known as Chapel Fields runs alongside the eastern boundary of the site, beyond which lies a car park serving an ASDA superstore. To the north and west lie other relatively old buildings which have changed their uses over time and are mostly currently in B1 employment use.

A Weatherspoon's pub is currently being renovated on the other side of Church Street from the site, and this is due to open this summer.

The building is currently unoccupied, but was formally a bar and restaurant.

### **The Application:**

The application is made for a change of use from a former bar/restaurant and a single dwelling to form 10 new dwellings and a B1 office.

The application is accompanied by:-  
Design and Access Statement  
Heritage Asset Impact Assessment  
Noise Impact Assessment  
Structural Appraisal

## **RELEVANT POLICIES:**

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

Section 6 – delivering a wide choice of high quality homes  
Section 7 – requiring good design  
Section 12 – conserving and enhancing the historic environment

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

CS3: Healthy and Sustainable Communities  
CS5: Providing Homes  
CS14: High Quality Development  
CS15: Heritage  
DM3: High Quality Development  
DM4: Development Within and Beyond Settlement Envelopes  
DM13: Heritage in Development

## **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**

Biggleswade Masterplan (July 2011)  
Central Bedfordshire Design Guide (March 2014)  
Central Bedfordshire Sustainable Drainage Guidance (updated May 2015)

## **Relevant Planning History:**

Application Number	CB/09/00786/FULL
Description	Change of use to mixed A3 (Restaurant and café) and A4 (drinking establishment)
Decision	Granted
Decision Date	9th June 2009

## **Consultees:**

Town Council	It was <b>RESOLVED</b> that the Town Council <b>OBJECT</b> on the grounds of insufficient parking.
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## CBC Archaeology

### No objection

The site contains an important, if altered, industrial building and has the potential to contain archaeological deposits relating to the origins and development of the town of Biggleswade. The proposed development will have a negative and irreversible impact upon the historic buildings at the site and any surviving archaeological deposits present, and therefore upon the significance of the heritage assets they represent. 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 and historic built environment heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the historic buildings at the site; the post-excavation or post-recording analysis of any archive material generated and the publication of a report on the works. Planning conditions will be required to secure this.

## CBC Ecology

### No objection

The NPPF looks for development to deliver net gains for biodiversity and the design & access statement shows the scheme to include planting which would support such gains but further enhancements should include integrated bird bricks at a rate of 1 per dwelling.

## CBC Highways

### No objection

The design will allow for improved levels of visibility for both vehicles and pedestrians.

The proposed parking equates to one space for the proposed office, one space per dwelling and one visitor space. Such provision is therefore below the Council's usual standards for two bedroom residential dwellings.

The site is well located however in terms of the range of shops, amenities and facilities available in the town centre; it is within easy walking distance of a number of bus stops which provide routes to Bedford, Hitchin, Milton Keynes and surrounding towns; and is only some 560m (i.e. less than 9 minutes' walk) from the Rail Station which provides ready access to Peterborough and points north and London to the south.

The site is therefore well-located to discourage car use in favour of other modes and the size and type of dwelling is suited to those who do not have access to a car or who choose not to own a car.

Refuse stores are shown to be located under the office building on either side of the relocated access. This will enable kerb-side collection to take place and hence the refuse vehicle does not need to enter the site.

The proposed development has the potential to result in a net increase in traffic movements to/from the site particularly in the traditional peak periods. However such increases are likely to be small and not severe enough to result in an adverse impact on the local road network.

#### CBC Pollution

##### Object to the application

Notwithstanding the findings of the submitted Noise Assessment the Pollution team wishes to object to this application on the grounds that the submitted noise assessment does not persuade us that internal amenity will be protected with openable bedroom windows in view of the soon to be reopened Public House adjacent to the application site which has the benefit of operating hours to 0130 three days a week and a beer garden backing on to the Church St. boundary (now to be bounded by a new kitchen structure, albeit single storey). The noise modelling of the likely impact of pub noise may be inadequate and that given there will soon be an opportunity to measure the actual impact when the pub reopens in the summer.

If permission is granted against the recommendations of Public Protection the conditions are requested to be inserted on any permission.

#### CBC Drainage

##### No objection

Concerns regarding the proposed drainage discharge method and require that details be provided to demonstrate that infiltration system is viable and that any infiltration system has been designed based on the site specific ground conditions and will operate sufficiently to manage surface water up to and including for the 1 in 100 year event (plus +40 climate change allowance).

Should infiltration not prove to be viable, a connection to the foul or combined system should be avoided. Storage of surface water run off to achieve the proposed discharge rate must be provided and must be sufficient for the likely impacts of climate change and incorporate sustainable drainage principles. This is to ensure capacity of the receiving network is not put under increased pressure as a result of the development going ahead.

There is scope to improve the design of the proposed drainage system to incorporate additional sustainable principles (SuDS). We strongly advise that the proposed drainage system be revised to maximise the opportunities for landscaped / vegetated SuDS. This is in keeping with the adopted standards in the Central Bedfordshire Sustainable Drainage Guidance (updated May 2015).

Further details will need to be provided to demonstrate the final detailed design of the surface water scheme and its future management, as well as the concerns highlighted above. This can be achieved through applying an appropriately worded condition.

CBC Sustainable  
Construction

Policy CS13: Climate Change requires all new development to consider impacts of climate change (e.g. increase in temperatures and rainfall insensitivity). Dwellings should be design to reduce risk of summer overheating and flooding.

For more information on sustainability design issues please refer to the Central Bedfordshire Design Guide.

### **Other Representations:**

Neighbours and others

One letter of objection received, and comments are summarised below:-

Entrance to site not wide enough or major enough to cope with 10 dwellings.

Parking issues will be worsened in the town

Heritage and fabric of building will be harmed

Restaurant should be kept in use

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Effect on the Character and Appearance of the Area and the Historic Environment
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

### **Considerations**

#### **1. Principle of development**

- 1.1 The scheme proposes re-use of an existing developed site for residential development and policy DM4 of the CSDMP states that, within the settlement envelope of Major

Service Centres such as Biggleswade, residential development of appropriate scales are considered to be acceptable in principle.

- 1.2 The provision of 10 dwellings will make a limited contribution to the Council's housing land supply. A site within the settlement envelope and within the town centre, close to services and transport links is considered to be a sustainable location.
  - 1.3 The Biggleswade Town centre masterplan was approved in 2011. Its purpose was to identify, promote and guide new retail and housing led development opportunities in the town centre. While this site was not specifically identified in the masterplan, the proposals are generally in accordance with those purposes identified within the masterplan, and by ensuring more residential units within the town centre, this will contribute to making the town centre a more vibrant place in accordance with the aims of the NPPF.
2. **Effect on the Character and Appearance of the Area and the Historic Environment**
    - 2.1 The site lies within the Biggleswade Conservation Area. In terms of the historic context, policy CS15 states that the Council will protect, conserve and enhance the district's heritage including its Conservation Areas and their setting and policy DM13 states that applications within Conservation Areas will be assessed against the relevant Conservation Area Appraisal and inappropriate development will be refused.
    - 2.2 The Old Maltings have been adapted over time as they have changed their uses, and it is considered that the proposal to change its use again, adding new windows and doors, and closing up others, is a continuation of that process of adaptation, adding interest to the buildings' history. The upgrading of the building as part of this proposal will enhance the conservation area. Conditions will be required to ensure that high quality materials appropriate to the conservation area will be used.
3. **Neighbouring amenity and of future residents**
    - 3.1 The site does not abut any residential properties. The nearest properties are all commercial uses and there would be no significant harmful impact on any existing neighbouring residential amenity.
    - 3.2 All the proposed dwellings have been provided with small private outdoor spaces, and this is considered to be a benefit for the future residents in this town centre location.
    - 3.3 The Pollution Officer has raised objection on the grounds that there is insufficient detail to assess the noise from the nearby Weatherspoon's pub that is soon to open. It is considered however, that in this location, town centre living is compatible with other town centre uses such as pubs and restaurants. The Pollution Officer has recommended that a condition requiring appropriate noise mitigation can be included on any approval to address this matter.
4. **Highway Considerations**
    - 4.1 The proposal sees vehicles enter from Church Street. The access can be considered acceptable and will not lead to congestion on the site.
    - 4.2 The proposal shows an under-provision of parking and the Town Council have objected to this. Under the Design Guide standards the development would necessitate 2 on plot

parking spaces per unit and 3 visitor spaces, 23 in total. The application proposes 12 spaces, one per dwelling, one for the office and one visitor space. Justification was provided by the applicant for the shortfall citing the sustainable location of the site in the town centre reducing the need for the private car. The justification provided is considered to be appropriate. The site is in a wholly sustainable location close to public transport links. The under-provision is unlikely to lead to problems of on street parking as the immediate roads in the area are subject to parking controls. There are nearby car parks available for short term visitor car parking.

- 4.3 It is considered in this instance that the application is acceptable in spite of an under-provision of parking spaces. The town centre location is wholly sustainable and reliance on the car is lessened. The proposal is therefore considered acceptable in highway terms.

## **5. Other Considerations**

### **5.1 Human Rights issues:**

No issues have arisen in relation to the Human Rights Act or Equality Act 2010.

### **Recommendation:**

That Planning Permission be APPROVED subject to the following:

## **RECOMMENDED CONDITIONS / REASONS**

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers  
16-345 G001 Site plan  
16-345 G011 Block Plan  
16-345 G020B Proposed ground floor (01 of 02)  
16-345 G021C Proposed ground floor (02 of 02)  
16-345 G022C Proposed first floor (01 of 02)  
16-345 G023C Proposed first floor (02 of 02)  
16-345 G024C Proposed second floor (01 of 02)  
16-345 G025C Proposed second floor (02 of 02)  
16-345 G030C Proposed elevations  
16-345 G031 Proposed alterations  
16-345 G040 GA Sections  
  
Reason: To identify the approved plan/s and to avoid doubt.
- 3 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls, roofs, eaves, windows, doors and rainwater goods 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: To control the appearance of the building in the interests of the visual amenities of the locality and to ensure that the development is carried out in a manner that safeguards the historic character and appearance of the Conservation Area. This is a pre-commencement condition as it is important to agree materials before development begins.  
(Section 7 and 12, NPPF)**

- 4 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles storage for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place and retained thereafter.

**Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).**

- 5 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

**Reason: To control the external appearance of the building/s in the interests of the amenities of the area.  
(Section 7, NPPF)**

- 6 The development shall not be occupied until a noise attenuation scheme including fixed bedroom windows for protection of the proposed dwellings from noise associated with the nearby Licensed Premises has been submitted and approved in writing by the local planning authority. None of the approved new dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details. The scheme shall be retained in accordance with those details thereafter.

**Reason: To ensure that suitable levels of amenity are provided for future residents.  
(Policy DM3 Core Strategy Development Management Policies)**

- 7 The development shall not be occupied until a scheme for ecological enhancement of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**Reason: To ensure that the development provides for a net increase in biodiversity.  
(Section 11, NPPF)**

- 8 Notwithstanding the submitted details no development shall take place above base course level until a landscaping scheme to include all hard and soft landscaping, boundary treatment, public art, and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Sections 7 & 11, NPPF)

- 9 **No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF. This is a pre-commencement condition as the detailed design of the drainage systems needs to be approved prior to construction of the dwellings and then installed accordingly.

- 10 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

- a) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) **Details of site compounds, offices and areas to be used for the storage of materials;**
- c) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

**Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.**

**The development hereby permitted shall be carried out only in accordance with the approved CEMP.**

Reason: To safeguard the amenity of existing and future residents. This is a pre-commencement condition as this detail needs to be agreed before the start of construction. (Section 7, NPPF)

- 11 **No development shall take place until a written scheme of archaeological investigation; that includes provision for 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. (Section 12, NPPF)

- 12 **No development or demolition of any buildings or shall take place until a written scheme of historic building recording; that includes post recording analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved historic building recording scheme.**

**Reason:** To record and advance understanding of the archaeological and historic resource which will be unavoidably destroyed 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. (Section 12, NPPF)

- 13 **The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that 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 danger, obstruction and inconvenience to users of the adjoining highway. (Section 7, NPPF)

- 14 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at the vehicular site exit and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**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. This is a pre-commencement condition as this detail needs to be agreed before the start of construction. (Section 7, NPPF)

## **INFORMATIVE NOTES TO APPLICANT**

1. 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.

- 2.
- The applicant is advised that in order to comply with conditions within this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated footway improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contracts team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
  - The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
  - The applicant is advised that parking for contractors 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 Councils 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.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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