

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



please ask for Helen Bell  
direct line 01462 611040  
date 27 March 2009

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 8 April 2009 2.00p.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Jaki Salisbury  
Interim Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs A Shadbolt (Chairman), Mrs C F Chapman MBE (Vice-Chairman),  
A R Bastable, R D Berry, M Freeman, D J Gale, Mrs R B Gammons, B J Golby,  
R W Johnstone, J Murray, T Nicols, A Northwood, A A J Rogers, J Street,  
G Summerfield, Mrs C Turner, B Wells and J N Young

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING**

No Strategic Planning or Mineral Matters to be considered at this meeting therefore the start time will be 2.00p.m.

# AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members.

2. **CHAIRMAN'S ANNOUNCEMENTS**

3. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item
- (c) Membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

## Report

Item	Subject	Page Nos.
4	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	4.1 – 4.8

To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken (Contact Officer: Sue Cawthra Tel: 01462 611369)

### **Planning and Related Applications**

To consider the planning applications contained in the following schedules:

**Schedule A - Applications recommended for refusal**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
5	<b>Planning Application No. MB/09/00251/FULL</b>	5.1 – 5.8
	<b>Address:</b> Land to rear of 91 High Street, Clophill	
	Full: Demolition of existing garage, store, greenhouses, boiler house and outhouse and replace with new double garage and single detached dwelling with garage.	
	<b>Applicant:</b> Mr & Mrs Palmer	

**Schedule B - Applications recommended for approval**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<b>Planning Application No. MB/08/02409/FULL</b>	6.1 – 6.10
	<b>Address:</b> Barn at 19A High Street, Pulloxhill	
	Full: Change of use to residential and alterations to change of roof form.	
	<b>Applicant:</b> Mr Sherry	
7	<b>Planning Application No. MB/09/00032/FULL</b>	7.1 – 7.20
	<b>Address:</b> Land at Bonds Lane & Foundry Lane, Biggleswade	
	Full: Demolition of existing vacant warehouse and derelict buildings and erection of mixed development comprising of 39 residential apartments and 801sqm of commercial space combined use class A1 to A3	
	<b>Applicant:</b> Southfield Hathway Properties Ltd	

- 8      **Planning Application No. MB/08/02412/FULL**      8.1 – 8.13
- Address:**    Rising Sun, Sun Street, Biggleswade
- Full: Demolition of existing public house to facilitate the erection of part two and part one storey building comprising of No. 12 one and two bedroom temporary family dwellings (Use Class C2) with associated landscaping and parking
- Applicant:**    Aragon Housing Association
- 9      **Planning Application No. MB/09/00215/FULL**      9.1 – 9.9
- Address:**    12 Ivel Road, Sandy
- Full: Conversion of barn to create a single dwelling and provision of additional accommodation to the existing cottage.
- Applicant:**    Mr West
- 10     **Planning Application No. MB/09/00195/FULL**      10.1 – 10.13
- Address:**    Land at 16 Oliver Street, Ampthill
- Full: Erection of 1 No. two bedroom dwelling, parking, drainage and ancillary works.
- Applicant:**    Mr Lester
- 11     **Planning Application No. SB/TP/09/0050/FULL**      11.1 – 11.5
- Address:**    Land adjacent 61 Corbet Ride, Linslade, Leighton Buzzard
- Full: Erection of detached garage
- Applicant:**    Mr Nash
- 12     **Planning Application No. MB/09/00217/CAC**      12.1 – 12.6
- Address:**    Land at Old Bridge Way, Shefford
- CAC: Demolition of former laundry and associated buildings.
- Applicant:**    Daniel Bros (Shefford) Ltd
- 13     **Site Inspection Appointment(s)**
- In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 29 April 2009 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice.



<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
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<b>8 April 2009</b>
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<b>SUBJECT</b>	<b>PLANNING ENFORCEMENT CASES WHERE FORMAL ACTION HAS BEEN TAKEN</b>  (To provide a monthly update of planning enforcement cases where formal action has been taken)
<b>REPORT OF</b>	<b>Director of Sustainable Communities</b>
<i>Contact Officer: Sue Cawthra (Tel: 01462 611369)</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	None
<b>LEGAL</b>	None
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None
<b>HUMAN RIGHTS</b>	None

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
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None
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<b>RECOMMENDATION(S):</b>
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<b>To receive the bi-monthly update of Planning Enforcement cases where formal action has been taken</b>
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1. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
2. There are currently 16 cases in the North area and 31 cases in the South area where notices have been served and action is outstanding. The list briefly describes the breach of planning control, dates of action and further action proposed.
3. For the North area actions since the March report are highlighted in bold text. Two new Notices have been served, numbers 10 and 16 on the list.
4. In line with the adopted Planning Enforcement Policy which is published on the Council's web site, members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 01462 611369.

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## Planning Enforcement formal action (DM Committee 8th April 2009)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
C/04/0242	Land known as Old Acres, Barton Rd, Pulloxhill	Change of use agriculture to gypsy site. Enforcement Notice	20-Jan-05	2-Mar-05	2-Sep-05	1-Mar-05	28-Feb-07	07/00290/Full to be determined	Await outcome of planning application, to be decided by Committee
C/04/0282	Land at Etonbury Farm, A507, Ailesey	Unauthorised dwelling. Enforcement Notice	6-Dec-06	10-Jan-07	10-Apr-07	12-Dec-06	5-Dec-07	Appeal dismissed. High Court upheld Inspectors decision	Enforcement Notice has not been complied with. Full assessment made of alternative further action. Direct action to be taken after 20/4/09 if building not demolished.
C/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn 3/9/08		Compliance period extended to 9 months.	Check compliance after 20/5/09
C/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - Kitchen extractor fan duct, & 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09	await appeal	Appeal received 4/2/09			Await outcome of appeal
C/06/0274	Asda, Church St, Biggleswade	Breach of condition delivery hours. Breach of Cond. Notice	17-May-07	17-May-07	14-Jun-07			Further breaches, delivery to ATM	<b>Court Hearing adjourned to 9/4/09</b>
C/06/0313	Land at Hope Farm, Cobblers Lane, Ridgmont	Change of use to storage of vehicles and vehicle equipment & waste. Enforcement Notice	2-Jan-08	2-Feb-08	2-May-08	Appeal received. Hearing 22-Jul-08	30-Apr-09	Appeal dismissed & uphold enforcement notice	08/02063/full granted 10/2/09 for extension to storage building. Enforcement Notice still applies, <b>outside storage to be removed by 30/4/09.</b>
C/06/0321	Land at 188 Hitchin Road, Stotfold <b>Case closed</b>	Change of use from residential to mixed use (car sales business). Enforcement Notice	20-Dec-07	17-Jan-08	17-Feb-08			Not complied	<b>Court Hearing 13/3/09, found guilty and fined. Case closed</b>

## Planning Enforcement formal action (DM Committee 8th April 2009)

ENC/06/0336	Land at Sun Valley Works, Wood End, Marston Moretaine	Enforcement Notice - change of use of land to a quad bike track and ancillary vehicular parking area.	11-Feb-09	11-Mar-09	10-Jun-09				Check compliance after 10/6/09
C/07/0085	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal received. Hearing 14-Oct-08	29-Apr-09	Appeal dismissed & uphold enforcement notice	Check compliance after 29/04/09
IC/07/0189	<b>Land at Langford Road, Biggleswade</b>	<b>Breach of Condition Notice - Pre-commencement conditions relating to 07/01181/FULL not complied with.</b>	<b>6-Mar-09</b>	<b>6-Mar-09</b>	<b>5-Apr-09</b>				<b>Check compliance after 5/4/09</b>
C/07/0405	51 High Street, Wrestlingworth	Breach of Condition No. 3 Noise attached to planning permission 08/00412/Full	9-Oct-08	8-Nov-08					Check compliance after 8/11/08. Site now vacant, no action while vacant
C/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Enforcement Notice and Breach of Condition Notice landscaping and outside storage, 02/00553.	22-Nov-06	29-Dec-06	1-Mar-07			some landscaping carried out	Landscaping to be reassessed. Waste material to be removed.
C/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Planning application 08/01465/full refused.	Not fully complied with Enforcement Notice. Prosecution case being prepared.
C/08/0373	Land at Silver Lake Farm, Stanford Lane, Clifton	Enforcement Notice-change of use to residential and change of use as self contained dwelling.	9-Feb-09	9-Mar-09	9-Sep-09	Appeal received 25-Feb-09			Await outcome of appeal Inquiry, enforcement and LDC
C/08/0381	Land and Buildings on the West side of Foundry Lane, Biggleswade	Enforcement Notice - change of use to hand car wash	22-Dec-08	22-Jan-09	await appeal decision	Appeal received			Await outcome of appeal, not yet recorded by PINS

**Planning Enforcement formal action (DM Committee 8th April 2009)**

ENC/08/0404	Land at Harlington Post Office, 8 Lincoln Way, Harlington	Enforcement Notice - change of use of part of the shop premises for keeping privately owned birds and pets	4-Mar-09	4-Apr-09	4-May-09			Check compliance after 4/5/09
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## Planning Enforcement formal action (DM Committee 8th April 2009)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
F/01/0003	Land at 1 Grangeway, Houghton Regis	Unauthorised erection of fence and wall	17-Jan-01	16-Feb-01	16-Mar-01	23-Feb-01	27-Aug-01	Appeal dismissed & enforcement notice upheld	Notice deemed complied with by direct action by Council. Costs being recovered by charge on property.
F/01/0004	Land at 1 Grangeway, Houghton Regis	Change of use of amenity land to private garden	17-Jan-01	16-Feb-01	16-Mar-01	23-Feb-01	27-Aug-01	Appeal dismissed & enforcement notice upheld	Notice deemed complied with by direct action by Council. Costs being recovered by charge on property.
F/04/0002	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372
F/04/0003	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372
F/04/0004	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372
F/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Awaiting appeal decision for refusal of planning application SB/TP/76/1372
F/04/0007	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of Timber Clad Building for residential purposes & laying of hardcore surface	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance
F/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn 02 Oct 2006	SB/TP/05/1217 & Section 106 Agreement approved 11 Aug 2006 allowing 2 years for compliance

## Planning Enforcement formal action (DM Committee 8th April 2009)

F/05/0004	Anacabri, Harlington Road, Toddington	Construction of a roof to building on land	9-Feb-05	11-Mar-05	11-May-05	None	No change	Not applicable	SB/TP/06/1400 approved 01 Feb 2007 requiring completion of works within 2 months. Property since repossessed
F/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld	Magistrate proceeding under preparation
F/06/0001	Land at 34 The Rye, Eaton Bray	Construction of an area of hardstanding	4-May-06	6-Jun-06	6-Sep-06	25-Jun-06	25-Dec-06	Appeal dismissed but period of compliance extended	
F/05/0007	Long Yard, Dunstable Road, Studham	Unauthorised stationing of mobile home for residential use	29-Jul-05	1-Sep-05	1-Dec-05	28-Sep-05	28-Dec-05	Appeal dismissed & enforcement notice upheld	Magistrate Court hearing 24 October 2008 - Occupier fined £1000 with costs of £150. Mobile home remain in-situ
F/07/0006	Dunedin, Harlington Road, Toddington	Change of use of buildings to bedsit accommodation	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended	
F/07/0007	Dunedin, Harlington Road, Toddington	Erection of building and alteration and extension of two other buildings	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended	
F/07/0008	Dunedin, Harlington Road, Toddington	Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended	
F/07/0009	12-14 North Street, Leighton Buzzard	Installation of Shopfront on front elevation of premises	17-Aug-07	19-Sep-07	11-Dec-07	None	No change	Not applicable	Revised planning application SB/TP/08/0828 approved 30 September 2008
F/07/0012	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Nov-07	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended	
F/07/0014	Rear of 129 High Street North, Dunstable	Change of Use of garage building to a use for residential purposes	10-Dec-07	15-Jan-08	11-Feb-08	Invalid	No change	Not applicable	To be prepared for Magistrate court proceedings

## Planning Enforcement formal action (DM Committee 8th April 2009)

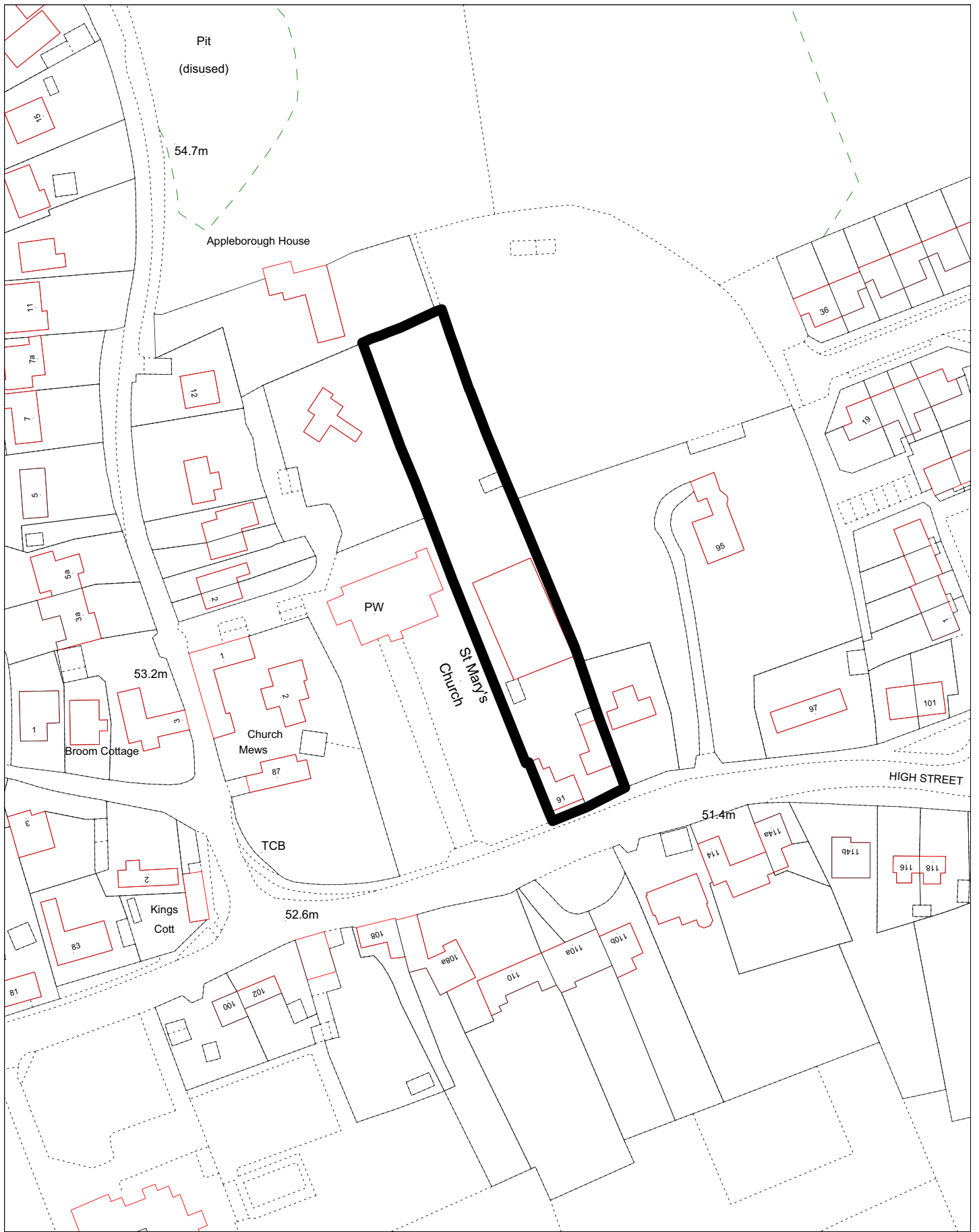
ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	3-Mar-08	4-Apr-08	20-Jun-08	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months	
F/08/0004	Bury Spinney, Thorn Road, Houghton Regis	Unauthorised construction of road and erection of gates in excess of 2m height	3-Mar-08	4-Apr-08	20-Jun-08	7-May-08	15-Apr-09	Appeal dismissed and notice upheld	Hard surfacing deemed to be permitted development
F/08/0008	Lavang Indian Cuisine, High Street, Eggington	Change of use from restaurant to mixed use of restaurant and hot food takeaway	14-Mar-08	16-Apr-08	13-May-08				Magistrate Court proceedings under preparation
F/08/0006	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure of land by fence and hedge	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	
F/08/0007	Land adjacent Hillside, The Green, Whipsnade	Enclosure of land and laying of hedge & construction of gravel topped hardsurfacing	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended	
F/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08			Public Inquiry arranged for 19 May 2009
C/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn 3/9/08		Compliance period extended to 9 months.	Check compliance after 20/5/09
F/08/0012	Valley View, Hemel Hempstead Road, Dagnall	Change of Use of building from use for storage purposes to use for residential purposes	25-Jul-08	25-Aug-08	5-Oct-08	12-Aug-08			Public Inquiry arranged for 25 March 2009
F/08/0013	24 Church Road, Studham	Erection of fence and brick piers	30-Jul-08	29-Aug-08	25-Sep-08	25-Aug-08	26-Jun-09	Appeal dismissed with period of compliance extended to four months	
F/08/0014	Land adjacent 15 Radburn Court, Dunstable	Erection of Dwelling	30-Jul-08	29-Aug-08	27-Nov-08	26-Aug-08			Enforcement Notice quashed 16 March 2009 - Costs awarded to appellant
F/08/0020	5 Albion Street, Dunstable	Change of use of ground floor unit from retail to use for a taxi business	1-Dec-08	7-Jan-09	3-Feb-09	28-Jan-09			

**Planning Enforcement formal action (DM Committee 8th April 2009)**

ENF/09/002	8 Fisher Close, Barton-le-Clay	Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence	2-Feb-09	4-Mar-09	29-Apr-09		
F/09/0001	7 Fisher Close, Barton-le-Clay	Change of use of amenity land to private residential garden, enclosure of land by removal of hedge, and erection of fence	11-Feb-09	13-Mar-09	7-May-09		

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Date: 26 March 2009

ITEM NO. 5



Scale: 1:1250

APPLICATION NO. MB/09/00251/FULL

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Mid Bedfordshire District Council.

1 and to rear of 91 High Street Clophill

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**Item No. 5****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>MB/09/00251/FULL</b>
<b>LOCATION</b>	<b>LAND TO THE REAR AND SIDE OF 91, HIGH STREET, CLOPHILL</b>
<b>PROPOSAL</b>	<b>FULL: DEMOLITION OF EXISTING GARAGE, STORE, GREENHOUSES, BOILER HOUSE AND OUTHOUSE AND REPLACE WITH NEW DOUBLE GARAGE AND SINGLE DETACHED DWELLING WITH GARAGE.</b>
<b>PARISH</b>	Clophill
<b>CASE OFFICER</b>	Mary Collins
<b>DATE REGISTERED</b>	24 February 2009
<b>EXPIRY DATE</b>	21 April 2009
<b>APPLICANT</b>	Mr & Mrs T J Palmer
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>APPLICANT EMPLOYEE OF CENTRAL BEDFORDSHIRE COUNCIL. ALSO AT REQUEST OF CLLR HAWKINS BECAUSE OF NEARNESS TO THE CHURCH WHICH IS GRADE II LISTED AND THE PERCEIVED EFFECT THE DEVELOPMENT WILL HAVE ON THE LOCATION AND ITS AMENITY</b>
<b>RECOMMENDED DECISION</b>	<b>REFUSE</b>

**Site Location:**

91 High Street, Clophill is a detached property which fronts the High Street. To the side/rear of the existing dwelling is a detached brick built garage. The plot is long and the site contains a number of derelict horticultural buildings, a derelict greenhouse and redundant boiler house and chimney. The site is next to the Grade II Listed Church and is partly within the conservation area.

This part of Clophill is characterised by development close to and on the pavement edge with boundary walls providing a sense of enclosure. There is little backland development.

**The application**

Planning permission is sought for the erection of a single detached dwelling with double garage and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPG 15	Planning and the Historic Environment

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

DPS5	Protection of Amenity
DPS9	Open Space for New Dwellings
LPS2	Large Villages
H06	Location of New Residential Development
CHE11	New Development in Conservation Areas

### **Supplementary Planning Guidance:**

Design Guide for Residential Areas in Mid-Bedfordshire  
Planning Obligations Strategy February 2008

### **Planning History**

None

### **Representations: (Parish & Neighbours)**

Clophill PC	Clophill Parish Council strongly objects to the boundary treatment to the western boundary which should remain as a beech hedge and not be hidden by a fence. Otherwise consider that the application is satisfactory and fully supports the application
Adj Occupiers	112 High Street Clophill - Support. Will improve visual situation in High Street and provide home on under used land.  95 High Street Clophill - No objection to principle but concern that the size and position of the proposed dwelling will have an impact on the environment (including noise and vibration) and appearance of the surrounding area, particularly its proximity to St Mary's Church being a Grade II listed building.

### **Consultations/Publicity responses:**

Beds CC (Highways)	Concern regarding requirement for pedestrian visibility at the existing access as it is obstructed on both sides by the existing brick walls. Request revised plan showing triangular vision splays. Alternatively confirm that this requirement can be dealt with by the imposition of conditions.
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Site Notice posted      Response to be reported verbally  
Application              Response to be reported verbally  
advertised 06/03/09

## **Determining Issues**

The main considerations of the application are;

- Principle of development
- Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church
- Impact upon neighbouring residential amenity
- Access
- Unilateral Undertaking

## **Considerations**

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

Clophill is a large village as defined by Policy LPS2 of the Mid Bedfordshire Local Plan First Review 2005. The site is within the Settlement Envelope as defined by the proposal map and Policy HO6 states that development is acceptable in principle within the Settlement Envelope.

### **2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church**

The proposed dwelling is to be sited to the rear of the existing dwelling. The proposed dwelling is two storey and has a double pile form with a pitched roof and a central valley gutter. The dwelling is 11.2 metres deep by 12.8 metres wide. The dwelling has a formal appearance with windows spaced evenly either side of an open porch.

The front of the proposed property is set back behind the listed church by a distance of 9 metres. The dwelling is set in from the boundary by 5.7 metres. There will be views of the dwelling across the open churchyard but the view will be recessive and distant.

The proposed garage to the proposed property is set forward of the church with its rear wall being in line with the front of the church. However the garage is set in by 10 metres with the ridge line parallel to the boundary and is to be constructed in traditional materials in a traditional design. A tree is proposed to be planted which will partially obscure views of the garage and the dwelling. The proposed garage to the existing dwelling is also set in from the boundary with the church. The siting of the dwelling and garages is not considered to have a detrimental impact on the setting of the listed church.

The size of the rear garden meets the minimum requirement given in supplementary planning guidance Design Guide for Residential Areas in Mid Bedfordshire 2004. Adequate garden area has been retained for the existing dwelling.

The setting back of the dwelling from the rear elevation of the church means that the side elevation of the church is still unimpeded and will be in view to occupiers of the new property. Although there are no public views of this side of the church, this aspect does contribute to the appearance of the Conservation area.

Concern has been raised from the Parish Council regarding the use of 1.8 metre high timber close boarded fencing to the western boundary with Lavender House in Great Lane and especially to the Church. There is an existing beech hedge along this boundary which is highly visible when viewed across the churchyard and is an important feature in this part of the conservation area. It is considered that a post and rail fence would be more appropriate on this boundary with supplementary planting to the hedge and this could be overcome by the imposition of a condition.

The siting of the dwelling is considered to be acceptable in principle subject to a sensitive design which reflects the local character and identity of the conservation area and is of a form and scale that does not cause harm to the listed building.

As the dwelling will occupy a backland plot, it is essential that the dwelling is subservient in scale and form. The site is on rising land making the development more prominent in the vicinity. If permission is granted this will be subject to a condition requiring details of the finished levels of the property and any change of levels and excavation required.

The proposal is not considered to be subservient in scale or form, and is significantly larger than the principle house on the High Street. Its scale would be out of keeping with backland buildings. In addition the design is not of a cottage scale and does not relate to the small scale units usually associated with the conservation area. This is not a 'Formal House' setting since it is not High Street frontage and associated with the linear settlement.

The long linear driveway also fails to terminate with positive building form and the two detached garages create a pepper pot pattern of development not respecting a traditional form of layout or grouping which is often characterised by linking outbuildings together. The proposed garage for the existing dwelling would relate better to the existing dwelling if it were sited in closer proximity to the dwelling it is to serve.

The proposal does not relate well to the street frontage and would leave a substantial gap with two large driveways set back from the pavement and road frontage, thereby destroying any sense of enclosure. The conservation area is characterised by building frontages and/or screen walling and although the existing garage is set back from the street frontage not sited on the frontage, this proposal does not represent an opportunity to enhance the appearance of the conservation area.

### **3. Impact upon neighbouring residential amenity**

A distance of over 21 metres has been achieved between the rear of the existing property at 91 High Street Clophill and the front of the proposed dwelling. Adequate garden land has been allocated to each property. As such it is considered that the proposal will not have a detrimental impact on the amenities of the occupiers of 91 High Street.

Due to the relationship between the position of the new dwelling and the property at Lavender House in Great Lane to the rear, it is considered there will not be a detrimental loss of privacy through direct looking into first floor windows given a distance of 19 metres between the properties and the oblique views. However there will be potential for overlooking into the private garden to this property especially as the land rises. Given the proposed property is set in from the boundary by 5.4 metres and the only window at first floor level to the side elevation where there would be potential to directly overlook the garden serves an ensuite, it is considered that a detrimental loss of privacy should not occur as a result of the proposal.

93 High Street and 95 High Street are not considered to be detrimentally affected by the proposal due to their separation from the proposed dwelling and the proposed garages. The window in the first floor side elevation that overlooks the garden to 95 High Street is to serve an ensuite.

If permission is recommended a condition restricting the addition of further openings in the side elevations of the dwellings should be imposed to ensure privacy.

### **4. Access**

Bedfordshire County Council (Highways) have concern regarding the requirement for pedestrian visibility at the existing access as it is obstructed on both sides by the existing brick walls. As the site is fronting the High Street where pedestrian movement can be heavy at certain times such as during school opening and closing times, it is imperative that the required pedestrian vision splays of 1.8m x 1.8m are provided on both sides of the access. This could be done without affecting the existing brick walls, particularly the one on the eastern side of the access, which is at the boundary of third party land. The provision of pedestrian vision splays will not affect the access width and would still retain a width of 6.8m which is quite within the required standards. The area between the vision splay triangles and the east and west gate pillars of the two accesses should ideally be at a slightly higher level than the access drive and paved in a material different to that of the access.

## **5. Unilateral Undertaking**

The Planning Obligations Strategy, wherein the construction of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by the Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

The Supplementary Planning Document is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has not been received in respect of this application.

### **Conclusion**

In light of the above considerations it is recommended that planning permission be refused.

### **RECOMMENDATION**

REFUSE Planning Permission for the application set out above for the following reason(s):

- 1        XD09    The proposal constitutes an inappropriate form of backland development by reason of its size and design and is considered out of keeping with the character and appearance of the area. As such the proposal is contrary to Policy DPS5 of the Adopted Mid Bedfordshire Local Plan First Review 2005.
  
- 2        U        The application site lies partly within the Clophill Conservation Area and the proposal by reason of its size and design would neither preserve nor enhance the character and appearance of this part of the Area; as such the proposal is contrary to PPG15 and Policy CHE11 of the Adopted Mid Bedfordshire Local Plan First Review 2005.

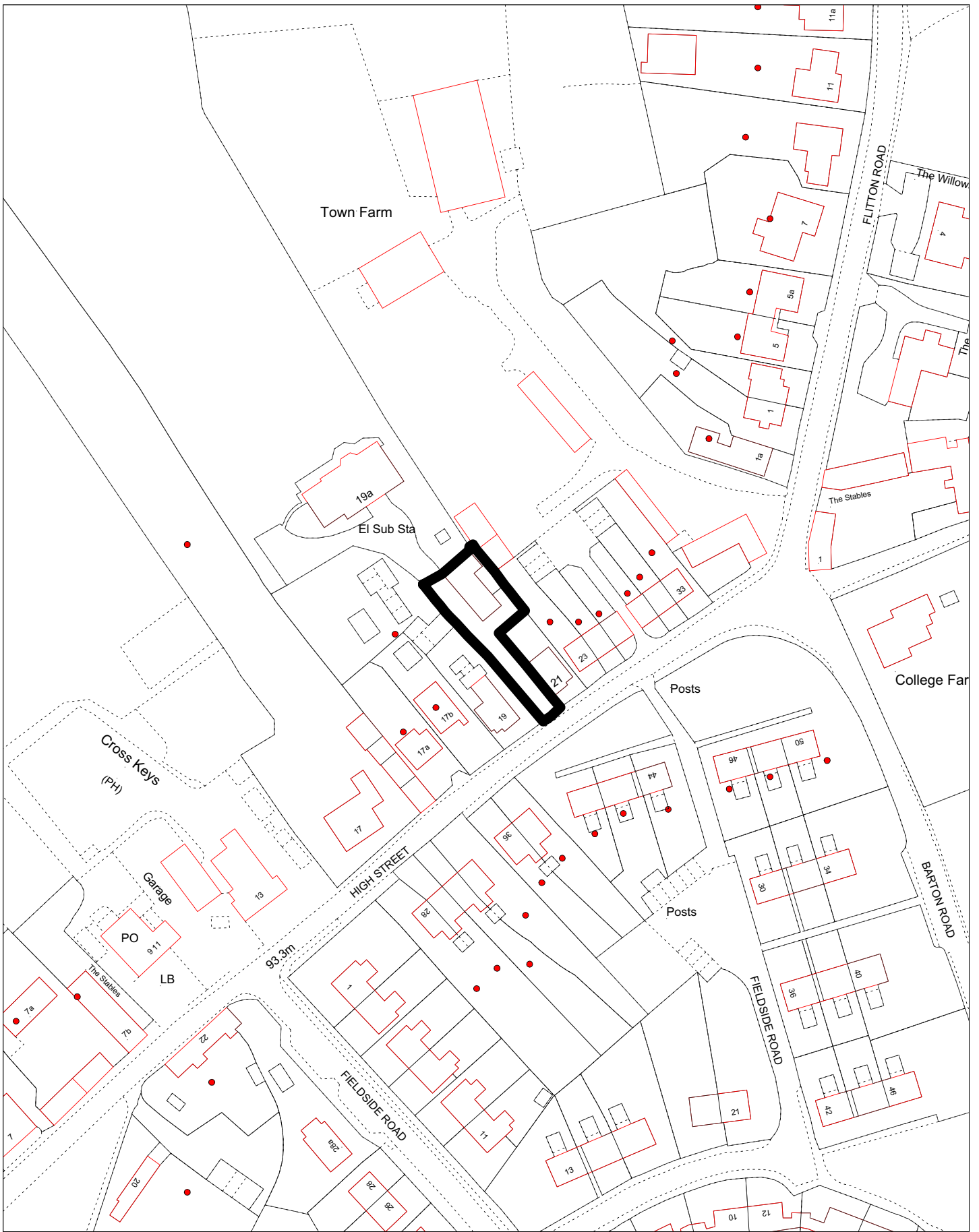


- 3 U The proposal by reason of its size and design would detrimentally harm the setting of the listed St Mary's Church; as such the proposal is contrary to PPG15 Planning and the Historic Environment 1994.
- 4 U The applicant has failed to submit a Unilateral Undertaking, as such the application fails principles established in PPS1: Delivering Sustainable Development and Council's adopted Guidance: Planning Obligations Strategy, 2008.

**DECISION**

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Date: 26 March 2009

ITEM NO. 6



Scale: 1:1250

APPLICATION NO. MB/08/02409/FULL

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Barn at 19A High Street Pulloxhill

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**Item No. 6****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/08/02409/FULL</b>
<b>LOCATION</b>	<b>BARN AT 19A, HIGH STREET, PULLOXHILL</b>
<b>PROPOSAL</b>	<b>FULL: CHANGE OF USE TO RESIDENTIAL AND ALTERATIONS TO CHANGE ROOF FORM</b>
<b>PARISH</b>	Pulloxhill
<b>CASE OFFICER</b>	Duncan Jordan
<b>DATE REGISTERED</b>	19 January 2009
<b>EXPIRY DATE</b>	16 March 2009
<b>APPLICANT</b>	Mr Sherry
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>CLLR ELLIS REQUEST - AFFECT ON CONSERVATION AREA AND AMENITY CONCERNS</b> <b>S106 PENDING</b>

**Update to Report for Meeting of Development Management Committee of 8 April 2009**

This application was considered at the meeting of the Mid Bedfordshire District Council Development Control Committee on 11th March 2009, when Members resolved to defer the matter in order that a site inspection may be undertaken.

In reporting the matter to the March meeting, members were advised that amended plans had been received showing an enclosed stairwell, thus avoiding the need for independent fire escapes from bedrooms (a point of concern from a neighbouring resident), and that a draft unilateral undertaking had been received. The detail of this undertaking is presently being negotiated with the applicant and a further update will be given at the meeting.

The remainder of this report is unaltered from that presented to the meeting on 11 March.

**Site Location:**

19a, High Street, Pulloxhill is a detached weather boarded outbuilding. It is set behind the existing street frontage, sandwiched between 21, High Street to the front and 19a, High Street to the rear. Both 21 and 19a, High Street are shown within the ownership of the applicant.

The application building is a single storey structure with high eaves and a low pitched roof finished with timber boarding and asbestos roof. A single storey flat roof projection sits at the rear which abuts an existing electricity sub-station.

The access to the site within the designated Conservation Area while the whole site is within the designated Settlement Envelope.

## **The Application:**

For the change of use to residential and alterations to change roof form. Removal of ground floor section abutting electricity sub station and removal of sub station.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS15 Planning and the historic environment

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

DPS6 Criteria for Extensions  
DPS9 Open Space for New Dwellings  
CHE11 New Development in Conservation Areas

### **Supplementary Planning Guidance**

Planning Obligations Strategy, 2008

### **Planning History**

07/01746	Conversion of storage barn to form two semi-detached cottages. Refused 21/1/08. Appeal Refused 10/9/08
07/00550	Conversion of storage barn into two semi-detached cottages. Withdrawn 14/6/07
07/00551	CAC: Demolition of part of storage barn. Withdrawn 21/6/07
06/02103	Conversion of barn into two semi-detached cottages. Withdrawn 26/02/07
06/02105	CAC: Demolition of part of storage barn. Withdrawn 26/02/07

### **Representations: (Parish & Neighbours)**

Pulloxhill Parish Council	<ul style="list-style-type: none"><li>– at the appeal for this site, 07/01746, the Inspector stated: “Though outside the Conservation Area, it (the proposed development) nevertheless has an effect on its (the CA’s) character and appearance ... consider that it detracts from the character and appearance of the area.</li><li>– The increase in ridge height of 1.5m will make the end view of the proposed dwelling imposing when viewed from the High Street and therefore have an increased effect on the Conservation Area’s character and appearance and impact upon nearby properties.</li></ul>
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- Garden depth would be inadequate
- What is being proposed constitutes a barn conversion... trust that this application will be viewed as a 'barn conversion and that any relevant building regulations, such as ridge height issues will be applied.
- The rear of the building is to remain timber clad which, combined with the increase in the ridge height of the roof will make this proposal even more overbearing for the residents of 23, 25 High Street.
- If the application is approved – expect to see planning conditions to:
  - Removal the electricity sub station
  - And require safe removal of the asbestos roof.
- Inadequate car parking provision

**Adjoining Occupiers**

33 High Street Pulloxhill - Strongly object. Will overlook adjoining houses. Two parking spaces insufficient. High Street cannot cope with more houses.

19 High Street Pulloxhill - Object. Building is an eyesore. Raising roofline will only make it more prominent. Garden inadequate in size and form. Sub Station will need to be moved. Visual impact on 23 unacceptable. Upstairs windows do not meet requirements for fire escape and will need to be amended. Submitted photographs are misleading. Building is being reduced by 5m at rear - this should have been to front. Parking and manoeuvring in High Street will be aggravated. Cramped and out of place.

23 High Street Pulloxhill - Object. Photographs are misleading. Where will substation be moved to? Increased height should not be allowed in conservation area. Will cause loss of sunlight to adjacent garden area. Where will drains be located? Inadequate space for car parking. Parish Council has been unable to comment. Pulloxhill does not need more development.

25 High Street Pulloxhill - object. Parking and access are already a critical problem. Historically multiple proposals for this barn. Will overlook property. Cramped and harmful to conservation area.

**Consultations/Publicity responses:**

Beds County  
Highways  
Env. Agency

Prepared to accept two car parking spaces and recommends appropriate Conditions.  
No Comment

Beds & River IDB      No Comment  
County Council        No Objection  
Archaeology Officer

## **Determining Issues**

The main considerations of the application are;

- 1. Principle of Development**
- 2. Visual impact on the character and appearance of the area**
- 3. Amenity Impact on Proposed Dwelling**
- 4. Impact on neighbouring residential amenity**
- 5. Other**

## **Considerations**

### **1. Principle of Development**

The barn lies behind 21, High Street, occupying a backland location. Policy LPS3 of the Mid Beds Local Plan, First Review, Adopted December 2005, designates Pulloxhill as a small village and Policy H06 restricts further residential development in small villages to infill only.

The report to 07/01746 addressed the principle of development and it concluded that "... given the building has a large dwelling to the rear and is surrounded by residential accommodation, the village's character will remain intact [and that] furthermore the building already exists and therefore there is no additional built development." Concluding that the proposed conversion is acceptable in principle. This application was refused at Development Control Committee. The subsequent appeal decision did not challenge that the principle of development was acceptable.

On balance, because a backland property already exists and this property lies in between the property at the street frontage and this backland property and that the Inspector did not raise the principle of development as an issue, then it is considered the principle of residential conversion on this site is acceptable.

### **2. Visual impact on the character and appearance of the area**

The inspector to the aforementioned appeal included the statement that; " the barn is of simple form and this together with its relatively shallow pitched roof gives it a utilitarian appearance, akin to a large garage, rather than a traditional barn and further considered that " on balance I consider that it detracts from the character and appearance of the area, given its form and overall appearance and the extent to which its present cladding draws attention to its presence." In response to this statement this application proposes raising the ridge height of the roof by 1.5m in order to achieve a pitch to the roof comparable to other buildings nearby.



The changes proposed; to raise the ridge height by 1.5m and consequently the pitch, and the use of brick to the south east side elevation facing the road and south west elevation, would reduce the 'utilitarian appearance' of the building referred to by the Inspector and provide greater interest to the design of the property.

Other alterations of the building include blocking up the high level windows and insertion of new ground floor windows and an entrance door to the front south west elevation. Four velux style windows are also proposed to the front. To the rear, north east elevation, ground floor windows are proposed as are a further 5 velux windows in the roofline. The roof is proposed to have the asbestos removed and replaced with grey slate tiles, windows proposed wooden & painted white, no details have been given to the velux style rooflights proposed. An existing single storey 'extension' is proposed removed.

In terms of the impact on the character and appearance of the area, it is evident that the Inspector to the appeal, considered there was room for betterment of the building, in particular with the relationship to the adjacent Conservation Area. It is considered the changes now sought would reduce the adverse impact identified by the Inspector on the adjacent Conservation Area and create a building akin to those existing within the streetscene, thus benefiting the adjacent Conservation Area.

### **3. Amenity Impact on proposed dwelling**

Adopted Technical Planning Guidance : Design Guide for Residential Areas in Mid Bedfordshire indicates that the rear garden area of a new dwelling should be:

- (a) Normally a minimum 100 sq m if an established suburban area.
- (b) 10.5m minimum from the rear boundary, if backing onto other properties
- (c) No less than twice the footprint of the proposed house and garage depending on the character of the context

In regard to the appeal to 07/01746 for 2 residential units the inspector recognised that a more flexible approach could be taken to a conversion and was also satisfied that the small sub-station could be removed to an acceptable location on land elsewhere with the applicant's ownership. The relocation of the sub-station has been offered to be removed as part of the application "if reasonably required to be removed". The inspector considered the rear gardens for two units would be cramped and of limited usefulness but did not preclude the conversion to one residential unit.

Although the depth of the garden proposed in the submitted plans only indicate a depth of 4.1m, plans do indicate an area of 74m sq, which is considered acceptable for one dwelling despite the restricted depth. The applicant proposes the height of the garden to be reduced by 300mm to allow for greater privacy to the garden area of 23, High Street, without having to increase the height of the existing boundary wall. It is essential that this be controlled by condition.

The electric sub-station will be required to be re-located by condition in order to ensure that the overall garden area is achievable.

#### **4. Impact on neighbouring residential amenity**

It is considered that the distance between properties and the barn concludes that there should be no concern of the barn being overbearing, despite the ridge height being raised by 1.5m. In relation to overshadowing, again, because of the distances involved this should not present a reason for refusal.

In regard to overlooking, there should be no concern from overlooking from the proposed new ground floor front windows to the property, as these would face the driveway. In regard to the ground floor windows to the rear, these would look into the proposed garden and should not have views above the existing rear garden wall. In relation to the roofline velux windows proposed, details supplied by the applicant illustrate that the height of the windows is such that no overlooking can take place ie; visibility above 1.7m. This applies to windows in both the front and rear elevations. No first floor windows are proposed in either gable end.

Impact on the amenity of neighbouring occupiers is considered acceptable.

#### **5. Other**

The applicant has proposed two car parking spaces for future occupiers of the dwelling. County Council highways have indicated that this is acceptable with conditions.

This application is also subject to contributions under the council's adopted Planning Obligations strategy totaling £9,966. A signed Unilateral Undertaking is currently awaited from the applicant.

A representation received referred to the reduction in length of the building, this is an incorrect assumption, the building length remains unaltered.

A further representation referred to the size of velux windows being employed being unsuitable for fire escape. The council's building control officer confirmed that the velux windows were unsuitable for fire escape, upon liaising with the applicant's agent it was agreed that a protected stairwell would be a suitable alternative. The Building Control Officer has confirmed this is an acceptable solution.

#### **Reasons for Granting**

The proposed conversion to a dwelling, alterations to roof form and alterations to the external appearance are considered to place an acceptable impact on the adjacent Conservation Area such as to comply with Policy CHE11, provide sufficient amenity space and place an acceptable increased impact on neighbouring residential dwellings to be in accordance with Policy DPS6 and DPS9 of the Mid Bedfordshire Local Plan, First Review, Adopted December 2005.

## RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2            RR08    Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on any elevation of the dwelling without the specific grant of planning permission.

Reason: To protect the amenities of occupiers of neighbouring properties.
- 3            RR10    Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking or re-enacting that Order with or without modification) no extension, porch, fence, wall, gate or other means of enclosure shall be erected unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of adjacent occupiers and the character and appearance of the area and in view of the restricted dimensions of the private garden area to the dwelling.
- 4            EM01    **Details of the materials to be used for the external walls, roof, windows (including roof lights) and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Such details shall include a methodology for the removal of cladding and exposure of brickwork to the south west and south east elevations.**

**The works shall be implemented solely in accordance with the agreed details.**

**Reason: To protect the visual amenities of the building and of the area generally.**

5 U **Development shall not begin until details for the relocation of the electricity sub-station have been submitted in writing to the Local Planning Authority for approval. The relocation of the electricity sub-station shall then be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.**

**Reason: In order to protect the health and amenity of residents of the proposed development.**

6 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

7 U The turning space for vehicles illustrated on the approved plan shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn

8 U The rear garden shall be excavated by 300mm before the dwelling is first occupied.

Reason: To protect the amenities of neighbouring properties.

### **Notes to Applicant**

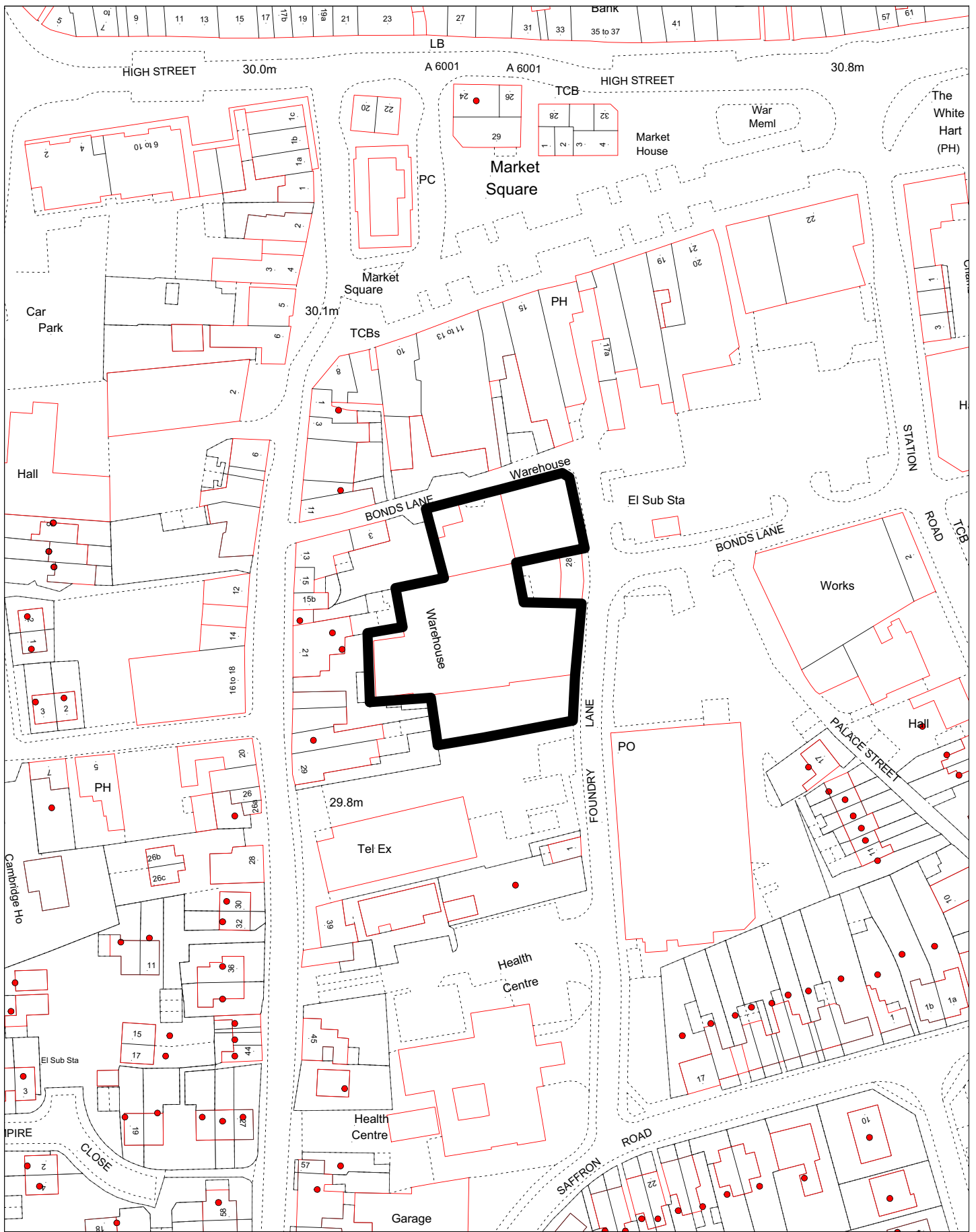
- 1 This application is subject to a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.
- 2 The applicant is advised that the health and safety risks associated with working with asbestos containing materials will need to be properly assessed and controlled during this work. The applicant will also need to ensure that any asbestos waste is removed from site and properly disposed of by an appropriate licensed waste contractor to a site licensed to receive such waste.
- 3 The applicant is advised that whilst the Council has no positive evidence to suggest that the site is contaminated, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Further information in this respect can be obtained from the Council's Contaminated Land Officer on 01462 611000.

- 4 The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

**DECISION**

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Date: 26 March 2009

ITEM NO. 7



Scale: 1:1250

APPLICATION NO. MB/09/00032/FULL

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Land at Bonds Lane & Foundry Lane Biggleswade

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**Item No. 7****SCHEDULE B**

<b>APPLICATION NUMBER</b>	MB/09/00032/FULL
<b>LOCATION</b>	<b>LAND AT BONDS LANE AND, FOUNDRY LANE, BIGGLESWADE</b>
<b>PROPOSAL</b>	<b>FULL:DEMOLITION OF EXISTING VACANT WAREHOUSE AND DERELICT BUILDINGS AND ERECTION OF MIXED DEVELOPMENT COMPRISING OF 39 RESIDENTIAL APARTMENTS AND 801SQM OF COMMERCIAL SPACE COMBINED USE CLASS A1 TO A3</b>
<b>PARISH</b>	Biggleswade
<b>CASE OFFICER</b>	Mark Spragg
<b>DATE REGISTERED</b>	08 January 2009
<b>EXPIRY DATE</b>	09 April 2009
<b>APPLICANT</b>	Southfield Hathway Properties Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>THE DIRECTOR OF SUSTAINABLE COMMUNITIES REFERS THIS TO COMMITTEE ON THE BASIS OF THE PROMINENT LOCATION OF THIS SITE AND LOCAL INTEREST</b>
<b>RECOMMENDED DECISION</b>	<b>S106 PENDING</b>

**Site Location:**

The application site comprises a vacant warehouse building and other derelict industrial buildings. The site covers an area of 0.23 hectares, within Biggleswade town centre, to the South of Market Place. The northern part of the site, which fronts onto Bonds Lane and the corner of Foundry Lane lies within the Conservation Area.

The surrounding area includes the rear of retail units fronting Market Place and retail, commercial, and residential premises on Hitchin Street. Aldi supermarket and its car park is located to the south east, on the opposite side of Foundry Lane. To the south of the site is the Telephone Exchange premises and car park.

**The Application:**

This proposal seeks full planning permission for a 2.5 storey mixed use development comprising 800sqm of retail floorspace (Classes A1 – A5) on the ground floor, with 22 no. two-bed and 17 no. one-bed apartments on the first and second floors. 11 of the units would be provided as affordable social housing.

The layout of the development would be such that one block would front Bonds Lane, another would front Foundry Lane, either side of an existing restaurant, which would remain. A shared vehicular/pedestrian access for residents and servicing vehicles would be provided off Foundry Lane. The access would lead to a central courtyard and parking area, with another two residential blocks facing inwards

towards a small landscaped outdoor communal seating/amenity area. The application proposes 14 car parking spaces (including two disabled spaces), and cycle parking for 60 cycles.

The application also includes a Planning Statement, a Design and Access Statement, and a Parking Statement. An Environmental Statement and a Drainage/Contamination Protection Assessment report has also been submitted.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1	Delivering Sustainable Development
PPS 3	Housing
PPS6	Planning for town centres
PPG13	Transport
PPG15	Historic Environment
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

LPS1	Selected Settlements
H05	Housing Density
H06	Location of New Residential Development
DPS5	Protection of Amenity
DPS9	Open Space for New Dwellings
DPS10	Highways Provision for New Developments
DPS11	Landscaping for New Developments
DPS19	Public Transport/Cycling
TCS2	Retail Development
TCS5	Land at Buildings
CHE11	New Development in Conservation Areas

### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid Bedfordshire (2004)  
Supplementary Shopfront Design Guide (1995)

### **Relevant Planning History**

05/01696                      Erection of 12 flats and 1 no. retail unit. Refused. Appeal dismissed. A copy of the appeal decision is attached as an appendix to this report.

In summary the Inspectors decision made a number of important points relevant to the consideration of the current proposal:

- The inspector had reservations about the introduction of a significant residential development on the ground floor and the balance between retail and residential uses.
- The three storey height of development was acceptable.
- The residential layout on the western end of the site with a courtyard amenity area fronting Bonds Lane would not be in keeping with the Conservation Area.
- The retail frontage with its modern approach would not reflect the historic nature of the town centre.
- Given the town centre location the limited amenity space was not a concern.
- Considered the absence of any parking to be acceptable given the town centre location.
- Concern about the lack of servicing provision for the retail unit on Bonds Lane.

91/00239/CAC

Demolition of two single storey shops, domestic garage and two storey store/workshop. Conservation Area consent granted.

91/00240/FA

Demolition of existing buildings and erection of four A1 retail units and 8 flats. Approved.

**Representations:  
(Parish & Neighbours)**

Biggleswade TC

Object for the following reasons:

Feel that a better design would be beneficial.

Adjacent Occupiers

One letter of objection summarised as follows:

- Inadequate parking provision.
- Additional traffic and congestion would result to surrounding roads.
- Problems with deliveries on Bonds Lane and Foundry Lane.
- No more drinking establishments and hot food takeaways are need in Biggleswade town centre.
- The 3 storey development would be out of keeping with its surroundings.
- A more coherent development proposal is needed embracing other vacant sites.

One letter of support summarised as follows:

- This is an exciting location for residential development.

- Such a scheme could be a catalyst for a number of other sites.

### **Consultations/Publicity Responses:**

County Highways	No objections, subject to conditions and contributions towards public transport and Safer Routes to Schools. Consider the proposed new access onto Foundry Lane to be satisfactory in terms of visibility provision. Whilst the development is likely to generate some off street parking this could be safely accommodated on surrounding streets.
Environmental Health	No objection, subject to conditions to ensure suitable noise protection from traffic noise and effective odour control of any new A5 uses.
Environment Agency	No objection, subject to appropriate conditions.
Bedfordshire and River Ivel IDB	No comments to make.
Bedfordshire Police ALO	No objection, subject to communal lighting to unadopted areas.

### **Determining Issues**

The main considerations of the application are;

1. The principle of development
2. Impact on the character of the area and Conservation Area.
3. Impact on the amenities of neighbouring residential properties.
4. Access, parking.
5. Impact of noise and the amenities of future occupiers.
6. Other issues.
7. Conclusion

## Considerations

### 1. Principle of development

The site falls within an area which presents the opportunity for significant environmental enhancement through redevelopment where the existing disused and derelict buildings represent an inefficient use of a prominent town centre location. Policy TCS5 of the Local Plan states that subject to Policy TCS2 the Council:

“Will encourage the comprehensive redevelopment of land and buildings fronting Bonds Lane and Foundry Lane. A leisure or mixed use development of retail, residential and offices would be appropriate to reflect the sites town centre location”.

In addition the policy states that:

“The Council will not necessarily oppose partial redevelopment of the overall site provided it can be assured that implementation will not compromise the eventual redevelopment of the remaining land”.

This proposal would involve a redevelopment of a large part of the area covered by policy TCS5 and would be more than two thirds larger than that forming part of the previously refused application (05/01695). The Inspector, in dismissing the related appeal referred to the wording of Policy TCS5 and did not oppose the principle of the proposed partial redevelopment of the site commenting that the mix of development met the criteria set out in Policy TCS5. The same principles are considered to apply to this current proposal.

The Inspector in the previous appeal considered the introduction of a significant residential element on the ground floor and an inappropriate balance between retail and residential as prejudicing the objectives of Policy TCS5.

By comparison, the previous proposal was for 12 flats and 272sqm of A1 retail floorspace, with the current application being for 39 flats and 800sqm of retail. Whilst the ratios are similar the residential units fronting Bonds Lane and Foundry Lane would be on the upper floors only, with the ground floor A1-A5 commercial uses, providing a link to the shops and restaurant units in Market Place and Hitchin Street, and to the Aldi supermarket on Foundry Lane. It is considered that such a layout would not prejudice and indeed would encourage redevelopment of the remaining land contained within Policy TCS5.

In terms of Policy TCS2 the location of the site within the town centre would support and enhance the retail function of Biggleswade town centre, being centrally located, accessible to pedestrians and cyclists, and conveniently situated in close proximity to public transport interchanges. Matters relating to highway considerations will be addressed later in this report.

In summary, the principle of this mixed use development is considered acceptable in the context of policies TCS2 and TCS5, subject to consideration of all other relevant matters including design, highways and amenity.

## **2. Impact on the character of the surroundings and Conservation Area**

The site is currently partly derelict and at present detracts from the character of the Conservation Area within which it is partly located. The character of the area is predominantly commercial with some residential above shops on Hitchin Street, to the west.

PPS3 focuses on making the most efficient use of such sites, an objective also reflected in Policy H05 of the Local Plan. The proposed development would result in a density of 169 dwellings per hectare, which is reflective of the development providing modest one and two beds units. Given the town centre location of the site such a density is considered appropriate.

The proposed form of buildings reinforces the urban context and building form along Bonds Lane and Foundry Lane. Although the development would on either side be higher than the retained restaurant building it has been designed to step down at this point to respect the scale of the existing building. At the junction of Bonds Lane/Foundry Lane the development has been designed to “turn the corner”, providing an interesting facade to the corner elevation.

The layout of the scheme is such that cars would be parked within the development in the courtyard area and as such would be largely screened from public view, minimising the visual impact of the parking. The layout also allows for the planting of shrubs and trees within the courtyard area.

The ground floor retail units have been designed to reflect a traditional shopfront character, according with advice given in the Councils Shopfront Guide, respecting the setting of the site partly within the Conservation Area.

The proposal has been subject to careful detailed consideration including input from the Councils Conservation Officer. It is considered that the proposal respects the characteristics of the area and would result in a redevelopment which would enhance the character of the Conservation Area and benefit the town centre environment.

On the basis of the above it is considered that the design and layout of the development satisfies policies DPS5, DPS11 and CHE11 of the Local Plan.

## **3. Amenity of adjoining properties**

The proposed development would front both Bonds Lane and Foundry Lane along which there are no residential properties directly affected.

There is an existing first floor flat at No.27 Hitchin Street to the rear of the development. Extant consents exist for a residential development comprising one flat to the rear of No.27 (08/00524) and for a conversion of No.25 to residential (08/00527). The development has been designed such that the

building closest to the residential units would be two storey, of a similar height to the existing building and as such no significant loss of light or amenity would result. The rear balcony would be enclosed by a 1.8m barrier screen to prevent any overlooking, whilst the bedroom window to flat 13 (as amended) would ensure an acceptable relationship to the first floor window of the aforementioned approved development to the rear of No.27 Hitchin Street.

On the basis of the above, it is considered that there would be no unacceptable impact on the privacy or amenity of any neighbouring occupiers.

#### **4. Highway and parking Considerations**

The application proposes the provision of 14 parking spaces for 39 flats (22 x 2 bed and 17 x 1 bed). In addition, the proposal incorporates the provision of 60 cycle parking spaces to support sustainable travel and to mitigate the minimal parking provision.

The site is in a particularly sustainable location being located centrally within the town centre, approximately 100 metres from the bus terminus at Market Place and 250m from Biggleswade Railway Station. The main shopping area, within High Street and Market Place with all its facilities and services is also close to the site.

The County Highways Authority have raised no objections to the level of parking proposed and consider that the visibility into and out of the proposed access from Foundry Lane is acceptable. Government advice in PPG13 advises that developers should generally not be required to provide more spaces than they wish.

Of particular relevance in this case is the Inspectors comment in the previous attached appeal, where the proposal for 12 flats included no parking spaces. The Inspector concluded that, “the absence of on-site car parking provision is acceptable in such a sustainable location” (para 13). The Inspector also referred to the range of car parks in the town centre and the existing on-street restrictions, concluding that the absence of parking would not be likely to cause any significant danger to pedestrians or other road users.

The application site is surrounded by roads where parking restrictions are in force and as such it is not considered that the proposal would generate any on street parking problems. Whilst on street parking may occur elsewhere it is not considered that the level of such additional parking would be significant, given the nature of development and the sustainable location. Any visitors could either utilise the town centre car parks or the restricted on street parking spaces.

It is however recognised that the provision of some parking spaces, notwithstanding the location, would still have the potential to encourage future occupiers to own cars on the basis that some parking is available. It is therefore considered appropriate to allocate parking, reducing the number of potential car owners. The applicants have agreed to include such a stipulation within a legal agreement.

The application includes the provision of a footway to serve pedestrians in Bonds Lane. In addition small delivery vehicles and refuse lorries would be able to service the retail and residential units from the rear, unlike the previous scheme. Whilst there is a possibility that large vehicles would service retail units for Bonds Lane and Foundry Lane there are day time waiting restrictions in force along Bonds Lane between 0800 and 1800 on Monday to Saturday. Other premises on the south side of Market Square currently are already serviced from Bonds Lane.

The Inspector considered that the previous proposal was unacceptable because no off-street servicing was provided. Whilst the possibility for on-street servicing would still exist, outside the highway restrictions, the ability for the retail and residential units to be serviced from within the site to the rear is considered a significant improvement on the previous scheme.

Notwithstanding the above, in order to further reduce the likelihood of significant levels of frequent deliveries, which could occur from the provision of a sizeable food supermarket, which could result from an amalgamation of a number of units. As such, a condition is requested by Highways restricting the size of a food supermarket to 120sqm,

Given the above and taking account of the considerations by the previous appeal Inspector in respect of car parking and deliveries it is considered that this revised proposal is acceptable in highway safety terms.

## **5. Other Issues**

The Councils Environmental Health Officers are satisfied that with appropriate conditions an acceptable environment could be provided for future occupiers.

Whilst a small open courtyard area would provide minimal amenity for residents it is considered that, as commented by the Inspector in the previous appeal, such a town centre location would not require any significant on site amenity provision.

With regards ground contamination and surface water drainage the Environment Agency are satisfied that the development can be carried out with the risk of pollution to controlled waters or causing flooding to third parties, subject to the imposition of appropriate conditions.

Due to the number of units being proposed and the impact on local infrastructure, contributions sought would include monies towards education, sustainable transport, public open space, outdoor sports facilities and community facilities. In addition, 11 affordable units would be provided and secured by a legal agreement which the applicant has indicated a willingness to enter into.

## **Conclusion**

In light of the above considerations it is recommended that planning permission be granted, subject to conditions and the satisfactory completion of a legal agreement.



## Reasons for Granting

The proposal is in conformity with Policy LPS1, H05, H06, DPS1, DPS5, DPS9, DPS10, DPS11, DPD19, DPS24, TCS2, TCS5, CHE11 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3, PPS6, PPG13, PPG13, PPS23, PPG24. Design Guide for Residential Area in Mid Bedfordshire (2004), Mid Bedfordshire Shopfront Design Guide (1995)

## RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
  
- 2            EM05    **Prior to commencement of development details of materials to be used for the external finishes of the development including all windows, doors and balconies shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**  
  
**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.**
  
- 3            EM06    **Prior to commencement of development details of the materials and colouration to be used for the rainwater goods to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**  
  
**Reason: To protect the character of the surrounding Conservation Area.**
  
- 4            U            **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.**

- 5 U **Before development commences details of the works to be carried out on Bonds Lane for the provision of the footway shall be submitted to and be approved by the Local Planning Authority and the approved details shall be implemented in full before any part of the site is first occupied.**

**Reason: In the interest of highway safety and for the avoidance of doubt.**

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

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

- 7 U **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

- 8 U **No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic and neighbouring land uses has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: To ensure a satisfactory standard of amenity for future occupiers.**

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**Development shall not commence until a scheme for the storage and disposal of waste which will be generated by the permitted uses (commercial and residential) has been submitted to and approved in writing by the Local Planning Authority. Any works required as part of the scheme shall be completed prior to the permitted use commencing and the approved scheme shall be adhered to throughout the life of the development.**

**Reason: To ensure a satisfactory standard of amenity for future occupiers.**

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**Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority, in both paper and electronic form where possible :**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

And prior to final completion and occupation of site;

c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.

Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Reason: To protect human health and the environment.

- 11 U **Development shall not begin until a scheme to provide surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**
- Reason: To ensure that the existing surface water drainage infrastructure has sufficient capacity to accept any additional discharge from development.**
- 12 U **No development shall take place until a scheme for protecting the proposed dwellings from odour emissions from neighbouring commercial premises has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**
- Reason: To protect the amenities of future occupiers.**
- 13 TL02 **Prior to commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**
- **materials to be used for any hard surfacing;**
  - **minor structures (e.g. furniture, bollards, play equipment, etc);**
  - **planting plans, including schedule of size, species, positions, density and times of planting;**
  - **cultivation details including operations required to establish new planting;**
- The development shall be carried out in accordance with the approved details.**
- Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.**
- 14 U **Prior to any commercial premises permitted by virtue of this permission (A1, A3 and A5) being used for the purposes of food preparation or cooking a scheme for protecting residential units from fumes/odours shall be submitted to and approved in writing by the local planning authority. The scheme shall be shown to be effective and it shall be retained in accordance with those details thereafter.**

Reason: To protect the amenities of future occupiers.

- 15 U The commercial premises the subject of this permission shall not be open for business except between the hours of 08.00hrs and 23.00hrs Mondays to Saturdays and 08.00hrs and 22.30hrs on Sundays and Bank Holidays without the prior agreement in writing of the local Planning Authority.

Reason: To protect the amenity of future occupiers.

- 16 U Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured according to BS4142:1997, at a point one metre external to the nearest noise sensitive premises. Prior to any such equipment being installed a scheme shall be submitted in writing to the Local Planning Authority for approval to demonstrate that the above standard will be achieved and thereafter it shall be retained in accordance with those details thereafter.

Reason: To protect the amenity of future occupiers.

- 17 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 18 U Before the new access is first brought into use, any existing accesses within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 19 U The commercial units hereby approved shall not be combined to form a food supermarket exceeding 120sqm, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce the potential number of deliveries to the site, given the restricted nature of Bonds Lane, in the interests of highway safety and convenience.

- 20 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 21 SA08 The development shall be carried out in accordance with details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, which shall have been previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented prior to occupation of the site.

Reason: To provide a crime deterrent whilst protecting the visual amenities of the site and its surrounding area.

- 22 HS34 A scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

- 23 HS35 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The bin storage/collection point shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

### **Notes to Applicant**

- 1 The applicant is advised that in order to comply with Conditions. 4, 5 and 19 of this permission it will be necessary for the developer of the site to enter into an agreement with Bedfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.

- 2 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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Bedford, MK42 9AP.
- 3 The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Planning and Control Group, Bedfordshire County Council. Further details can be obtained from the Engineering Policy and Planning Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.
- 4 All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.
- 6 Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- 7 Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
- 8 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 9 Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

- 10 All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer.
  
- 11 In respect of Condition 18 the applicant is advised that Anglian Water Services Ltd. should be consulted. It will be necessary to demonstrate that the sewerage and sewage disposal systems serving the development has sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers alternative methods of disposal will need to be provided.

**DECISION**

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.....





## Appeal Decision

Site visit made on 04 July 2006

by **Raymond Michael** MBA BSc(Est Man) Dip TP  
MRTPI ARICS MiM  
an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 8372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date: 26 July 2006

**Appeal Ref: APP/J0215/A/06/2009796**

**Land at the corner of Bonds Lane, Biggleswade, SG18 8DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Luscombe Limited against the decision of Mid-Bedfordshire District Council.
- The application Ref 05/01696/Full, dated 4 October 2005, was refused by notice dated 19 January 2006.
- The development proposed is the erection of 12 no. flats over retail unit.

**Summary of Decision: The appeal is dismissed.**

### Main Issues

1. The main issues in this case are:-

- whether the scale and design of the proposals would preserve or enhance the character or appearance of the Biggleswade Conservation Area;
- whether the lack of off-street servicing and parking within the site would compromise the safety of the occupiers and other road users.

### Planning Policy

2. The development plan for the area includes the Mid-Bedfordshire Local Plan (2005), which contains Policy TCS5 which identifies land and buildings fronting Bonds Lane and Foundry Lane as a site for comprehensive redevelopment. Policy TCS2 sets out criteria applicable to consideration of proposals for new retail development. The Plan also includes Policies DPS5 and DPS10, which relate to the character and appearance of new development and highways provision respectively, and Policy CHE11, which deals with the impact of development on the character or appearance of conservation areas.

### Scale and design

3. Biggleswade Conservation Area covers much of the town centre, focussed around the historic Market Square. It includes a range of buildings dating from the 14<sup>th</sup> Century, through substantial periods of development in the 18<sup>th</sup> and 19<sup>th</sup> centuries, and into the 20<sup>th</sup> Century.
4. Bonds Lane runs west to east from Hitchin Street for about 80m, then turns south for some 30m, and then turns again to run east until it joins Station Road. Adjacent to the site it is a very narrow one-way road running towards Hitchin Street, and has daytime waiting restrictions. It is about 4-5m wide, and has no footpath on either side. The site is located at

the corner where the lane turns south, and comprises a range of single and 2-storey buildings in a derelict condition, together with small areas of land at the rear. The buildings are of no intrinsic merit, and are of poor appearance. To the south lies a derelict factory building which is hard up against the boundary of the site.

5. The site forms part of a wider area identified in Policy TCS5 as a comprehensive redevelopment site suitable for a leisure use or a mixed-use development of retail, residential or offices. The policy indicates that the Council will not necessarily oppose the partial redevelopment of the overall site provided it will not compromise the eventual redevelopment of the remaining land. The Council is preparing a Development Brief for the wider site, but this has not yet been published. The appeal proposal provides a mix of development which meets the criteria set out in Policy TCS5, but the Council expresses concern that the introduction of residential use on the ground floor and the layout of the site generally may compromise the wider redevelopment of the area. Notwithstanding the absence of any detailed Brief for the area, I have reservations about the introduction of significant residential development on the ground floor in this town centre site, and about the balance between the retail and residential uses. I therefore conclude that the proposal would prejudice the achievement of the objectives of Policy TCS5.
6. The Council raise several detailed concerns about the design of the proposal. The development would be 3 storeys high, although the mass of the building would be reduced by incorporating the second floor flats within the roof space. The proposal would provide ground floor retail space of 244sqm on the corner of Bonds Lane with 2 floors of residential use above, and 3 floors of residential use on the western half of the site. The latter would be arranged on 2 sides of a small courtyard formed in the north-western corner of the site, with a wall about 2m high along the northern boundary incorporating a cycle store.
7. Much of the existing development in the area is of 2-storey height, but the ridge height of the proposed development would be only marginally higher, because of the incorporation of the 2<sup>nd</sup> floor flats within the roof-space, and I see no objection in this respect. However, the proposed residential layout at the western end does not reflect the general character of development in this part of the Conservation Area, which tends to align closely with back edge of footpath or roadside. The proposed courtyard would weaken this characteristic and would not be in keeping with the general character of development in the area.
8. The retail frontage reflects a modern approach with large areas of plate glass, poorly defined modern facias, and no significant stall-risers. Such a design solution does not respect the historic nature of the town centre, and fails to take account of the advice given in the Council's Shopfront Design Guide.
9. The Council also raises concerns about the adequacy of the amenity space provided by the courtyard. However, in the absence of any information on adopted standards and given the town centre location, I do not consider that to be material to my decision.
10. Overall, I consider that, whilst the scale of the scheme is satisfactory, I have concerns about the proposed layout and the design approach to the retail frontage, and about the proportional mix of uses. Although the existing townscape is poor, these factors lead me to the conclusion that the proposals would not preserve the character of the Biggleswade Conservation Area, and would conflict with Policies CHE11 and DPS5, and with the Shopfront Design Guide..

### **Servicing and Parking**

11. A number of the properties on the south side of Market Square are serviced from Bonds Lane, and in some of those cases there is no off-street servicing provision. Although there are day-time waiting restrictions along the road between 0800 and 1800 on Monday to Saturday, those arrangements are likely to lead to some conflict between servicing and other road users travelling along Bonds Lane. I note that the existing buildings on the site make some provision for off-street servicing, but the proposed development would make no such provision. Whilst that situation is true of several of the existing properties to the north of Bonds Lane, I consider that the introduction of a further retail use under those circumstances would be likely to exacerbate the current unsatisfactory situation. I note the moderate scale of the retail element but, given the narrowness of Bonds Lane adjacent to the site and the proximity of the site to the corner, I consider the lack of off-street servicing provision to be a significant material consideration.
12. The proposal makes no provision for off-street parking. However, the site is located in a sustainable location, within easy walking distance of town centre shops, bus routes and the railway station, and provides an opportunity to encourage car-free living. The Council have not identified any relevant parking standards, and PPG13 advises that developers should generally not be required to provide more spaces than they wish. There are a range of car parks in the town centre and, with the enforcement of existing on-street restrictions, I see no reason why future occupiers should cause significant danger to pedestrians or other road users.
13. Overall, whilst I consider that the absence of on-site car parking provision is acceptable in such a sustainable location, I conclude that the lack of servicing provision would compromise the safety of the occupiers and other road users, and would be contrary to the requirements of Policy TCS2 (iii).

### **Conclusions**

14. I have taken account of all other matters referred to in the representations, including the efforts made by the appellant company to discuss the Council's concerns, the previously-developed status of the land, and the substantial need to regenerate this part of Biggleswade town centre. However, none of those matters is sufficient to outweigh the conclusions which I have reached on the main issues. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

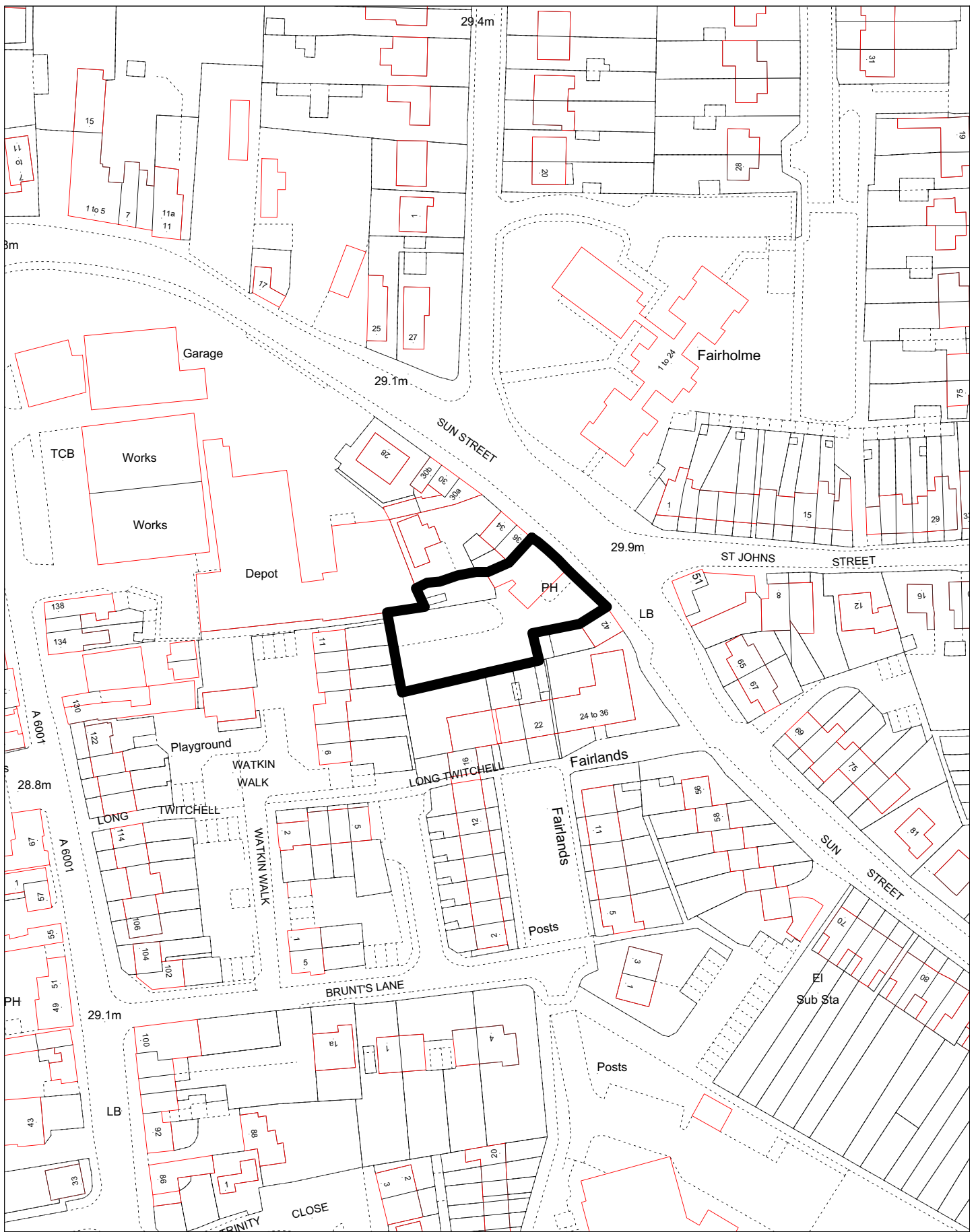
### **Formal Decision**

15. I dismiss the appeal.

*Raymond Michael*

Inspector

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Date: 26 March 2009

ITEM NO. 8



Scale: 1:1250

APPLICATION NO. MB/08/02412/FULL

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Mid Bedfordshire District Council.

Rising Sun Sun Street Rickmansworth

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**Item No. 8****SCHEDULE B**

<b>APPLICATION NUMBER</b>	MB/08/02412/FULL
<b>LOCATION</b>	<b>THE RISING SUN, SUN STREET, BIGGLESWADE, SG18 0BP</b>
<b>PROPOSAL</b>	<b>FULL: DEMOLITION OF EXISTING PUBLIC HOUSE TO FACILITATE THE ERECTION OF PART TWO AND PART ONE STOREY BUILDING COMPRISING OF NO. 12 ONE AND TWO BEDROOM TEMPORARY ACCOMMODATION (USE CLASS C2) WITH ASSOCIATED LANDSCAPING AND PARKING</b>
<b>PARISH</b>	Biggleswade
<b>CASE OFFICER</b>	Mark Spragg
<b>DATE REGISTERED</b>	20 January 2009
<b>EXPIRY DATE</b>	21 April 2009
<b>APPLICANT</b>	Aragon Housing Association
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>REQUEST BY CLLR MAURICE JONES ON THE BASIS THAT THE APPLICATION IS OUT OF CHARACTER WITH NEARBY BUILDINGS IN THE STREET.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The application site occupies an area of 0.1 hectares, and comprises a vacant Public House building and car park. The site is located on Sun Street, close to the edge of Biggleswade town centre, within the settlement envelope. The existing building is two-storey, with a slate tiled roof, single storey side elevation, and a two storey flat addition to the rear. Attached to the north west elevation of the existing building is No.36, one of a pair of Grade II Listed properties. with dormer windows in the roofspace.

The existing building has its ridge approximately 1.25m higher than No.36, with its eaves approximately 1m higher.

The car park is located to the rear of the Public House with an access located between the building and No. 42 Sun Street.

The surrounding area is predominantly residential, though includes a commercial storage building to the rear, within Shortmead Industrial Estate, and a restaurant premises on the opposite side of Sun Street.

Conifer trees extend along the western elevation whilst the south and north boundaries comprise panel fencing.

## **The Application:**

This proposal seeks full planning permission for a residential building to provide a total of 12 units of accommodation (9x 1 bed and 3 x 2bed).

The accommodation would be specifically for temporary use (Class C2 of the Use Classes Order) incorporating an element of care for its residents. However it would provide individual units with bedroom(s), living room, kitchen and bathroom, with a small communal area. The ground floor units would have small private or shared outdoor amenity areas.

The development would comprise a 2.5 storey (8.5-9.3m high) building fronting Sun Street, with pitched dormer windows within the roofspace. The proposal has been designed to appear as two buildings with the roof and eaves heights stepped and with different window detailing. The rear part of the development would be single storey, extending towards the north and western boundaries.

As amended, a gap of 4.8m would be provided from the front corner of the south elevation of the proposed building and the front corner of the north flank elevation of No.42. This would facilitate a 4.1m wide access drive leading to a vehicular gate and a parking area for 6 vehicles, cycle parking and a bin store, within the enclosed central part of the site. Pedestrian access would be provided along the side of the building with the shared surface being delineated and a secured card entry pedestrian gate provided at the rear of the building.

The application also includes a Planning Statement, a Design and Access Statement, and an Arboricultural Assessment.

## **RELEVANT POLICIES:**

### **National Policies (PPG and PPS)**

- PPS1 Delivering Sustainable Development
- PPS 3 Housing
- PPG13 Transport
- PPG15 Historic Environment
- PPG24 Planning and Noise

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

- LPS1 Selected Settlements
- H05 Housing Density
- H06 Location of New Residential Development
- DPS5 Protection of Amenity
- DPS9 Open Space for New Dwellings
- DPS10 Highways Provision for New Developments
- DPS11 Landscaping for New Developments
- DPS19 Public Transport/Cycling



## Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

### Relevant Planning History

None relevant

### Representations: (Parish & Neighbours)

Biggleswade TC

Object to the application on the grounds of height, size and general bulk of the development. The entrance onto the street, and cars waiting to enter the property would be dangerous. The noise would also cause a disturbance. The two storey entrance archway should not be attached to the detached cottage, no.42 as it is a Grade II listed building.

Adjacent Occupiers

12 letters of objection summarised as follows:

- Would increase traffic congestion on Sun Street
- Inadequate parking provision
- Unsuitable access
- Overlooking towards Watkin Walk
- Increase in noise and disturbance
- The temporary nature of the accommodation would detract from the area.
- Development too large for its surroundings and overbearing.
- Loss of daylight to 3 St Johns Street
- Visual impact from loss of trees
- Proximity of bins to neighbouring properties
- Right of way exists to No.42.
- Security concerns.
- The development should provide for a mix of residents.
- concern about the impact on the part wall of No.36 Sun Street.

A petition signed by 138 people has also been received. The objections raised by the petition relate to:

- size of the buildings
- impact on the listed buildings
- increased traffic generation on a main school walking route and busy junction

## Consultations/Publicity Responses:

County Highway Authority No objection subject to conditions. The amended plans satisfactorily deal with previous concerns.

Environmental Health No objection.

Environment Agency No objection, subject to appropriate conditions.

Bedfordshire and River Ivel IDB No comments to make.

Police Architectural Liaison officer No objection subject to segmented rear garden areas and lighting of communal areas.

Archaeology and Community Heritage The site lies within an area of archaeological significance. A condition to ensure the investigation and recording of any archaeological remains is requested.

## Determining Issues

The main considerations of the application are;

1. The principle of development
2. Impact on the character of the area and the setting of the adjacent Listed Building.
3. Impact on the amenities of neighbouring residential properties.
4. Access, parking.
5. Other issues
6. Conclusion

## Considerations

### 1. Principle of development

The site falls within the Biggleswade settlement envelope wherein the principle of residential development is acceptable. There is no policy objection to the loss of a Public House in this location.

The provision of such temporary accommodation, which would be short term, from a few weeks, up to 9 months, would enable residents time to find alternative permanent accommodation. There is a recognised provision of such facilities in Bedfordshire and within the Eastern region, and is therefore a priority within regional and sub regional housing strategies. The provision of this facility would satisfy the advisory number of bed spaces required in Central Bedfordshire.

## **2. Impact on the character of the area and setting of the adjacent Listed Building**

The existing Public House building is of no particular architectural merit, with large modern windows on its frontage and with a two-storey flat roofed addition at the rear.

The proposed building has been designed to provide a more traditional appearance, in terms of the window design and detailing, including chimneys on the roof and brick arches over windows. Whilst the new building would extend towards the rear of the site this would be a single storey pitched roof element which would be partly screened by the frontage buildings.

The ridge of the proposed building, being at two levels would range from approximately 0.2m-1m higher than the existing Public House building, with the eaves approximately 0.2–0.6m higher. It is considered that the proposed increase in height is minimal and that the difference in heights reflects the differing heights of buildings within the surrounding area. The submitted street elevation drawing illustrates the context of the site within its surroundings and demonstrates that the development as proposed would sit comfortably within its locality.

The amended design significantly includes a removal of the link to No.42 (not a listed building). The revised layout incorporates a gap of 4.8m between the proposed building and its neighbour, providing a substantial visual gap between buildings and reducing the overall bulk of the proposal.

Whilst the proposed density of the site would be relatively high this does reflect the predominantly flatted nature of the development. However, given the location of the site close to the town centre and with other flatted development nearby, it is not considered that the density would be out of keeping with the area.

The existing Public House building currently adjoins the Grade II Listed Building, No.36 Sun Street. The proposed building has been designed as mentioned above, to appear of traditional form, respecting the historic characteristics of the listed building. The design of the proposed building has been subject to various changes following consultation with the Councils Conservation Officer and it is considered that with conditions to ensure appropriate materials and window detailing that the resultant proposal would not harm the historic interest and setting of the adjacent listed building.

## **3. Amenity of adjoining properties**

The use of the current building as a Public House, together with the ancillary use of the car park and beer garden, would have the potential to cause noise and disturbance to the properties surrounding the site.

The proposed use, being residential, is one which would better reflect the neighbouring residential uses. Whilst the use would provide temporary rather than permanent accommodation it is not considered that this would necessarily result in any material difference in terms of the amenity of

neighbouring residents. It is noted that the accommodation would provide a care element, thus enabling some ongoing monitoring of the premises. The proposed development would be enclosed by a gated pedestrian and vehicular entrance, and would as such result in a more controlled environment than the existing use.

The rear two storey part of the building would extend to approximately the same position as the existing building and as such it is not considered that the impact on light to the rear of the neighbouring property would be significant. The only windows above ground floor level on the north elevation would be a secondary obscure glazed window and a rooflight. As such it is not considered that any overlooking of No. 34 or 36 Sun Street would result.

No.32 Sun Street is a modern detached house located 4.5m beyond the northern boundary of the site. The part of the development building closest to No.32 would be the single storey element serving units 3 and 4, which would be located 3-4m from the boundary and the small amenity areas for those units. There is currently a 1.6m fence to the boundary, however subject to a replacement 1.8m high boundary fence no overlooking from the ground floor windows would result. Given the single storey height of the building, with a 2.8m eaves and a pitched roof sloping away from the neighbours, it is not considered that the building would be overbearing or harmful to the occupants of No.32. The layout of units 3 and 4 has been amended to reduce any loss of privacy to future occupiers from the existing rear first floor windows of No.32.

To the rear of the site, 7m beyond the western boundary is located No's 9, 10 and 11 Watkin Walk. These are two storey houses which face towards the site boundary, and which currently has a group of Leyland cypress trees, approximately 6m high. The trees are not protected, and are of no particular individual merit. Indeed, due to their potential height, if neglected, they could result in significant overshadowing of neighbouring properties. They do however provide a valuable landscape screen between the site and the houses in Watkin Walk. The applicants have submitted a tree protection method statement and have indicated that the rear part of the building closest to the boundary would be constructed using no dig construction methods. It is intended that the trees, whilst being reduced in height and pruned to increase natural daylight, would still be retained and as such would provide an effective natural boundary screen.

The only windows in the rear elevation of units 1 and 2 would be a single bedroom window and a small bathroom window. No useable amenity space would be provided at the rear of the units and as such it is not considered that any loss of privacy or amenity would result to the occupiers of Watkins Walk. It is considered that subject to the trees being retained at a minimum height of 2m an acceptable degree of privacy would be maintained.

No. 42 Sun Street abuts the southern boundary of the application site and its occupants apparently have a pedestrian right of way to the rear garden of their property. The application has been amended to incorporate an unimpeded right of way via the proposed access.

Whilst the rear part of the neighbouring garden would be overlooked by a kitchen window at first floor level (unit 9) and a dining room window in the roofspace (unit 12) it is not considered that such a relationship is unacceptable, given that the private amenity area closest to the house would retain its privacy. Two windows proposed in the south facing elevation of units 7 and 10 would be secondary obscure glazed.

On the basis of the above, taking account of the existing use it is considered that the proposed development and its use would result in no unacceptable additional impact on the privacy or amenity of any neighbouring occupiers.

#### **4. Highway and parking Considerations**

The application proposes the provision of 6 parking spaces. Given the type of use, it is considered unlikely that residents would have their own cars, and as such the parking would generally be for visitors and visiting care workers. In addition, the site is located in a relatively sustainable location close to the town centre and public transport links. Furthermore, the proposed cycle parking provision would assist in encouraging sustainable non-car travel.

Given the limited number of parking spaces and the type of use it is therefore likely that the traffic generation to the site would be small and in any case less than that potentially attributable to a Public House use.

The County Highway Authority raises no objection to the level of car parking provision and are satisfied that, as amended, the access is acceptable in highway safety terms.

#### **5. Other Issues**

Due to the specific nature of the proposed development, providing much needed temporary accommodation it is considered that in this particular case no infrastructure payments are to be sought.

#### **6. Conclusion**

In light of the above considerations it is recommended that planning permission be granted, subject to conditions

### **Reasons for Granting**

The proposal is in conformity with Policies LPS1, H05, H06, DPS5, DPS9, DPS10, DPS11, DPS19 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3, PPG13, PPG15. Design Guide for Residential Areas in Mid Bedfordshire (2004).

## RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
  
- 2            DG17    The permission shall extend only to the application as amended by drawings 0897-10E,11E,12G and 13B.  
  
Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.
  
- 3            EM05    **Prior to commencement of development details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**  
  
**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to complement the visual amenities of the locality.**
  
- 4            TL07    **No work shall commence on site until all trees to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**
  - **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
  - **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
  - **for other natural features along a line to be approved in writing by the Local Planning Authority.**

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason: To safeguard the existing trees on the site in the interests of visual amenity.**

- 5 AN03 **Details of a scheme of archaeological investigation of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The said development shall only be implemented in accordance with the scheme thereby approved.**
- Reason: To safeguard any material of archaeological interest which exists on the site.**
- 6 EM06 **Prior to commencement of development details of the materials and colouration to be used for the rainwater goods to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.**
- 7 U **Before development commences, details of the alterations to the footway surfacing should be submitted to and approved by the Local Planning Authority and no building shall be occupied until the approved details have been implemented in full.**
- Reason: In the interest of highway safety.**
- 8 U The residential premises shall only be used for Class C2 of the Town and Country Planning (use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification).
- Reason: To control the future use of the site in the interests of amenity and highway safety.
- 9 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.

10 TL02 **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**

**The development shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.**

11 TL26 The rear part of units 1 and 2 shall be constructed using a “no-dig” method of construction as outlined in the submitted tree protection plan and statement.

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

12 U A scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained as such.

Reason: to ensure the provision of adequate cycle parking in the interests of encouraging the use of sustainable modes of transport.

13 TL28 A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied in accordance with a timescale agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

14 SA08 Details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the buildings.

Reason: To protect the visual amenities of the site and its surrounding area.



- 15      EM10      The south facing windows to units 7 and 10 of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No further windows or other openings shall be formed in the elevation.
- Reason: To safeguard the amenities of occupiers of adjoining properties
- 16      U              All windows to the street frontage and the flank elevation of the frontage building shall be sliding sash timber windows.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 17      U              All brickwork on the front building shall be flemish bond unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 18      U              The door on the highway frontage shall be timber panelled, the details of which shall be first agreed in writing with the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 19      HS35        Details of bin storage shall be submitted to and approved by the Local Planning Authority. The bin storage shall be implemented in accordance with the approved details prior to the occupation of any dwelling.
- Reason: In the interest of highway safety.
- 20      U              The rooflight on the street frontage shall be a Conservation style rooflight, the details of which shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.

21 U The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 6.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

22 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

23 U Before the new access is first brought into use, any redundant length of the existing access of the land to be developed, shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

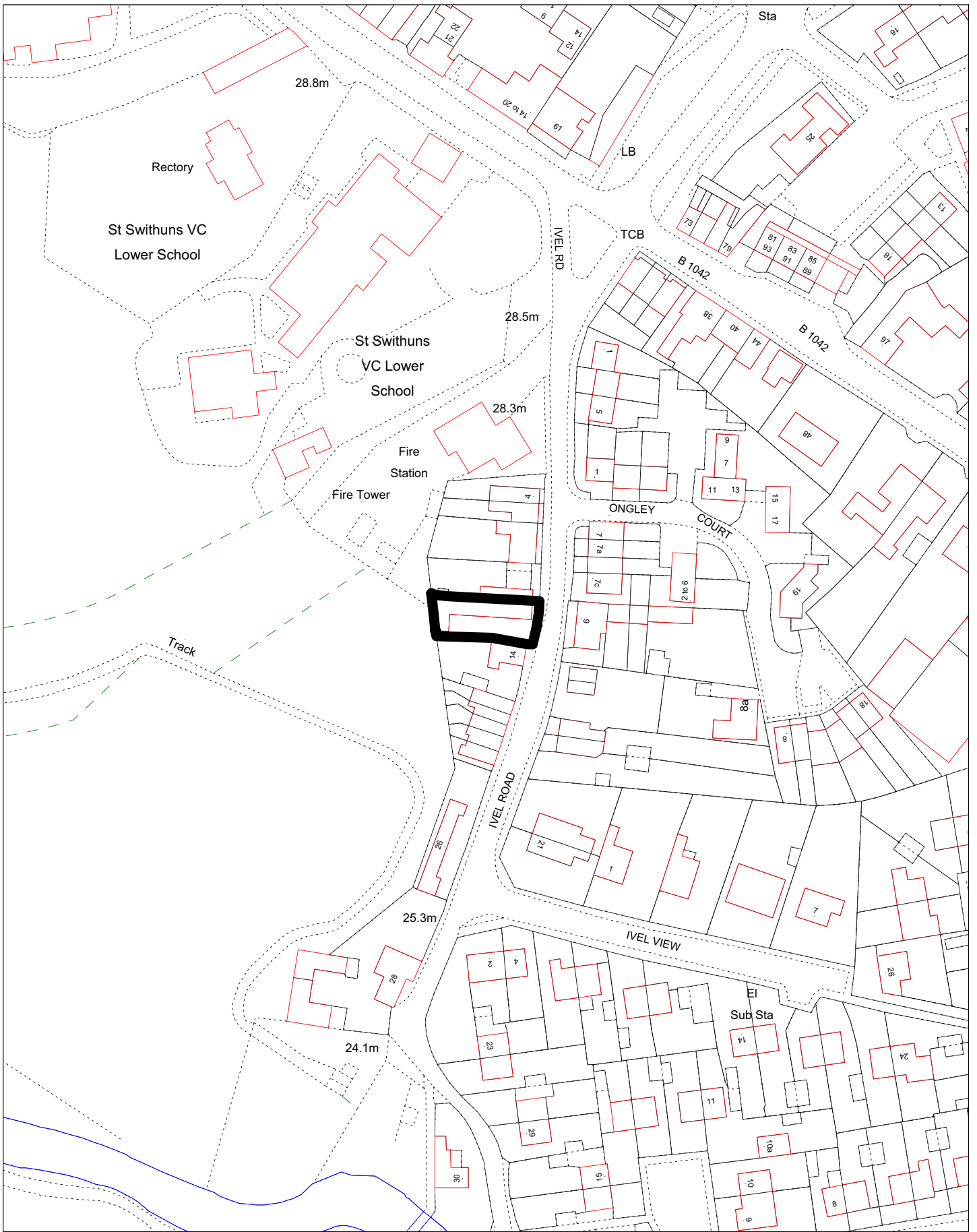
**Notes to Applicant**

1 The applicant is advised that in order to comply with Conditions 8 and 23 of 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 closure of the redundant length of the access and the resurfacing of the footway. Further details can be obtained from the Development Planning and Control Group, Central Bedfordshire Council, P O Box 1395, Bedford, MK42 5AN.

2 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 Central Bedfordshire Council, Highways, P O Box 1395, Bedford, MK42 5AN

**DECISION**

.....  
.....



Date: 26 March 2009

ITEM NO. 9



Scale: 1:1250

APPLICATION NO. MB/09/00215/FULL

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Mid Bedfordshire District Council.

12 Ivel Road Sandv

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**Item No. 9****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/09/00215/FULL</b>
<b>LOCATION</b>	<b>12 IVEL ROAD, SANDY, SG19 1AX</b>
<b>PROPOSAL</b>	<b>FULL: CONVERSION OF BARN TO CREATE A SINGLE DWELLING AND PROVISION OF ADDITIONAL ACCOMMODATION TO THE EXISTING COTTAGE.</b>
<b>PARISH</b>	Sandy
<b>CASE OFFICER</b>	Samantha Boyd
<b>DATE REGISTERED</b>	04 February 2009
<b>EXPIRY DATE</b>	01 April 2009
<b>APPLICANT</b>	Mr A West
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>CLLR REQUEST - CLLR ALDIS - SITE IS WITHIN CONSERVATION AREA AND LOCAL CONCERNS ABOUT DEVELOPMENT</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The application site is 12 Ivel Road Sandy; a semi detached two storey dwelling on the west side of the road. To the front there is a parking area and approximately 7m into the side wooden gates enclose the rear of the dwelling and its range of outbuildings. The premises fall within the Conservation Area.

**The Application:**

Planning permission is sought for the conversion of the existing barns to form a separate two bedroom residential unit and to provide some additional accommodation for the existing dwelling.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development
- PPG15 Planning and the Historic Environment
- PPS3 Housing

**Mid Bedfordshire Local Plan First Review 2005 Policies**

- DPS6 Criteria for Extensions
- CHE11 New Development in Conservation Area
- HO6 Location of New Residential Development

## **Supplementary Planning Guidance:**

Supplementary Planning Document: Planning Obligation Strategy (2008)

### **Planning History**

08/00615/Full                      Conversion of barn into single dwelling and to provide additional accommodation to existing cottage and increase in width of existing dropped kerb. Refused 25/06/08

### **Representations: (Parish & Neighbours)**

Sandy Town Council	Object - access from property on narrow road which could be dangerous, parking on site is limited.
Adjacent Occupiers	No comments received
Site notice displayed	19/02/09
Application advertised	20/02/09

### **Consultations/Publicity responses:**

Beds CC Highways	No objections - conditions recommended
Sandy Historical Research Group	No comments received

### **Determining Issues**

The main considerations of the application are;

1. Policy.
2. The effect upon the character and appearance of the conservation area.
3. The impact upon the amenities of the adjacent properties.
4. Highway considerations.
5. Planning Obligation Strategy

### **Considerations**

#### **1. Policy**

The site falls within the Settlement Envelope for Sandy. For the purpose of the Local Plan, Sandy is categorised as a Selected Settlement under Policy LPS1. Policy HO6 states that new development within settlement envelopes will be considered acceptable in principle provided that there is no conflict with any other relevant policy.

## **2. The effect upon the character and appearance of the conservation area.**

The application seeks permission to convert the existing outbuildings to a two bedroom dwelling with a private courtyard and one parking space. The conversion would involve the refurbishment of the existing outbuildings.

The existing one and half storey brick building is attached to the rear of the existing cottage and once formed stables and storage buildings. It runs along the length of the northern boundary of the property and has a single storey section along the rear boundary, parallel to the road. It is proposed to refurbish the existing buildings, which are in a state of disrepair by raising the roofline on the one and half storey section by approximately 1m and rebuild the single storey section. From site inspection it is clear that the buildings require extensive repair work. The single storey section would be moved closer towards the front of the site by 2.5m however the overall footprint of the buildings has not been increased.

The conversion would provide two bedrooms and a bathroom at first floor level and a lounge, dining room and kitchen on the ground floor. The conversion would also provide an extended kitchen area on the ground floor and an ensuite on the first floor of the existing dwelling.

In order to subdivide the site the existing two bedroom cottage would have a small courtyard garden approximately 30m<sup>2</sup>. The new dwelling would have a small garden area approximately 30m<sup>2</sup> located centrally between the dwellings and an additional private garden area to the rear of the site.

Although the garden areas are considered to be small, given the size of the dwellings it is considered that the amenity space provided would be acceptable level. It provides small courtyard gardens that require low maintenance. The property to the rear would have some additional private amenity space at the rear of the site. The surrounding area is mixed in character with a number of small terraced dwellings that have small gardens in particular those to the south of the site therefore the garden size is a characteristic of the area.

Given that the existing buildings are to be converted, the footprint remains the same therefore the conversion could not be considered as overdevelopment of the site. However the subdivision of the site to create a further dwelling would lead to the intensification of the use of the site. Given that this area of Sandy is entirely residential it is not considered that the additional use of the site would be detrimental to the area. It is considered that re-use of the existing buildings would constitute an efficient use of previously developed land within the settlement envelope.

Provided that sensitive materials are used for the refurbishment works it is considered that the proposal would enhance the character and appearance of the conservation area given the current state of the buildings.

The removal of the front boundary wall is regrettable and could not be retained as visibility splays are required at the access entrance, however it is a small section of the wall which also forms part of the front boundary of the neighbouring property, therefore it is considered that its removal would not be detrimental to the character and appearance of the area.

### **Previous application**

Application 08/00615/Full for the conversion of the existing barns into a two bedroom dwelling was refused on 05/06/08 because the proposal was considered to be a cramped form of development to the detriment of the character and appearance of the conservation area. Following this refusal the current proposal has been amended in a number of ways. These include:

- the re-siting and lowering of the single storey element to the proposed property at the rear;
- the deletion of the single storey extension to no 12 Ivel Road;
- the deletion of the single storey timber cycle shelter.

These amendments provide more usable space around the buildings. Although the changes are minor it is considered that with no additional development within the site, the proposal could not be considered as overdevelopment as the buildings are already in situ.

A further concern of the proposal is the provision of one two parking spaces, one for each dwelling. This issue will be discussed fully in section 4.

### **3. The impact on the neighbouring amenities.**

No. 10 Ivel Road adjoins the application site and the rear section of the outbuildings forms the boundary between the dwellings. The raising of the roofline of this section of the building by 750mm would not have a significant impact on the amenities of this neighbouring property. No windows are proposed in the elevation facing this neighbour.

No 14 Ivel Road is separated from the application site by 1.8m fencing. The proposed conversion works would not result in any adverse impact upon this dwelling. The proposed new windows which face this property serve a landing and could therefore be obscurely glazed, a further window which serves the bedroom is a velux window as such no adverse overlooking would occur.

A mock loft door has been inserted in the southern elevation. It is not clear from the plans if this is to be an opening window/door therefore a condition should be used to prevent the door being used as a window which would overlook the neighbouring properties garden.

The windows in the existing building would not adversely overlook the garden area of the proposed property to the rear, furthermore the small private area at the rear provides complete privacy.



No windows are proposed overlooking the existing property's garden area which in any event is overlooked from the houses on the opposite side of street by some degree due to its location to the side of the property.

The proposal would not have an adverse impact upon the amenities of the adjacent neighbouring properties or the future occupants of no. 12 and the proposed property to the rear.

#### **4. Highway considerations.**

Beds County Council Highways Authority have been consulted on the proposal and have raised no concern regarding the amount of parking provided. Two parking spaces have been provided on the frontage of the site, one for each property. The surrounding roads do not have any parking restrictions and are heavily used for on street parking. The existing dwelling currently has one parking space. The majority of the small terraced properties within the vicinity have no off street parking therefore the proposed parking provision is considered acceptable.

Conditions have been recommended regarding visibility splays and surfacing of the access. The Highways Authority recommend that cycle storage and a bin collection point should also be provided and attached as a condition however bin storage is shown on the submitted plans and due to the constraints of the site cycle storage facilities, to the specification required by Beds County, would restrict the amenity space around the site therefore whilst the comments are noted it is considered that these conditions are not necessary for the development.

#### **5. Planning Obligation Strategy**

The proposed conversion of the existing building to form one two bedroom dwelling falls within the criteria of the Planning Obligation Strategy therefore contributions for Local Infrastructure is required and takes place in the form of a Unilateral Undertaking submitted by the applicant.

At the time of writing the Unilateral Agreement has not been submitted however the applicant is aware of the requirements and has confirmed that the Agreement is currently being prepared.

### **Conclusion**

The conversion of the buildings to residential use is acceptable in policy terms and whilst the site is small, it does provide some amenity space for the future occupants along with off street parking. No adverse overlooking or loss of amenities to the neighbouring properties or future occupants of the converted buildings would occur and given that the buildings already exist and most of the proposed alterations are to the rear there would be no adverse impact upon the character and appearance of the conservation area. Overall the proposal is considered to be acceptable and is recommended for approval subject to the submission of a Unilateral Undertaking as part of the Planning Obligation Strategy.

## Reasons for Granting

The proposal is in conformity with Policy DPS6, CHE11 and HO6 of the Mid Bedfordshire Local Plan First Review 2005. The proposal is further in conformity with PPS 1 Delivering Sustainable Development, PPS3 Housing, PPG15 Planning and the Historic Environment and Supplementary Planning Document: Planning Obligation Strategy.

## RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2            EM01    **Prior to the commencement of the development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect the visual amenities of the building and of the area generally.**
- 3            TL28    A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
- 4            RR08    Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the Northern elevation of the building.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 5 RR07 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension or material alteration of the building, or the erection of any building or structure within its curtilage, until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and the character and appearance of the area.

- 6 EM11 Prior to the first occupation of the building the first floor window in the south elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority. No further windows shall be formed on the south elevation of the building.

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 7 HS06 Before the access is first brought into use a triangular vision splay shall be provided on the north side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.5m measured into the site at right angles to the same line along the side of the new access drive and a triangular vision splay shall be provided on the south side of the new access and shall measure 1.3m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive.. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level at all times.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 8 HS15 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 0.5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 9 U The mock loft door on the south elevation of the building shall be of a design of which is non-opening.

Reason: To protect the amenities of the adjacent properties.

**Notes to Applicant**

- 1 The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council, PO Box 1395, Bedford, MK2 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

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 Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford, MK42 5AN.

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's 'Cycle Parking Guidance - August 2006'.

**DECISION**

.....  
.....



Date: 26 March 2009

ITEM NO. 10



Scale: 1:1250

APPLICATION NO. MB/09/00195/FULL

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Mid Bedfordshire District Council.

1 and at 16 Oliver Street Amnthill

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**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/09/00195/FULL</b>
<b>LOCATION</b>	<b>LAND AT 16, OLIVER STREET, AMPHILL</b>
<b>PROPOSAL</b>	<b>FULL: ERECTION OF 1 NO. TWO BEDROOM DWELLING, PARKING, DRAINAGE AND ANCILLARY WORKS.</b>
<b>PARISH</b>	Amphill
<b>CASE OFFICER</b>	Clare Golden
<b>DATE REGISTERED</b>	04 February 2009
<b>EXPIRY DATE</b>	01 April 2009
<b>APPLICANT</b>	Mr Lester
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>COUNCILLOR SUMMERFIELD: TOWN COUNCIL REQUEST. OVERBEARING AND ACCESS/HIGHWAYS.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The 0.05ha application site is located on the northern side of Oliver Street which is a relatively narrow highway having a carriage way width of 5m. The surrounding area is predominantly residential in character with a mixture of dwelling types and styles. The character of the area is mainly of red brick, Victorian buildings. To the north of the site lie Victorian dwellings with the rear gardens backing on to the site. To the west of the site lies a Baptist Chapel which has a prominent presence within the streetscene and is located 1.5metres from the side boundary with the application site. This building has a depth of approximately 17.5metres. To the north of the chapel and west of the rear garden of No.16 is No. 10 Oliver Street, a bungalow, constructed as infill development in the late 1950s, early 1960s. To the east of the site is No.18, adjoining and contemporary with No.16.

The site comprises of No. 16 Oliver Street, a two storey, end of terrace dwelling which was originally two dwellings. No. 16 was constructed in the 1930s and is constructed of half brick and half smooth render under a slate hipped roof. The property presently has a good sized rear garden with a depth of 35metres from the rear building line and a width of 14metres. The rear garden area presently accommodates a single storey, flat roof double garage located approximately 11metres to the north of the dwelling, along the west side boundary. Also accommodated is a single storey summer house in the north west corner of the plot. A smaller, store building is also located close to the dwelling along the east side boundary.

The rear garden is partly covered in tarmac which extends from the access drive off Oliver Street to the south, with the remainder being grass and planting. The site presently provides at least three car parking spaces.

## **The Application:**

This application seeks permission for the erection of a one and a half storey, two bedroom dwelling at the land to the rear of No. 16 Oliver Street.

The proposed dwelling would be sited approximately 19metres to the north of No.16 and would have a floor area of 80.5sqm. It would accommodate two first floor bedrooms, a dressing room and en suite, a lounge, dining room, kitchen, bathroom and integral car port. The applicant states that the proposed dwelling would be used for his mother who suffers from limited mobility. However, the scheme is not intended to be limited to an annex style development.

A distance of 19metres would separate the proposed dwelling with No.16. Two parking spaces for No.16 and one for the proposed dwelling would be located between the two dwellings with a shared driveway also. An integral carport would provide the second on site car parking space required for this proposal. A rear garden area of 10metres in depth and 11metres in width would remain for No. 16.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG15 Planning and the Historic Environment

### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

- DPS5 Protection of Amenity
- DPS6 Criteria for Extensions
- DPS9 Open Space for New Dwellings
- DPS10 Highways Provision for New Developments
- CHE11 New Development in Conservation Areas
- HO5 Housing Density
- HO6 Location of New Residential Development

### **Supplementary Planning Guidance**

Design Guide for Residential Areas Adopted Technical Guidance 2004

Planning Obligations Strategy 2008



## Planning History

08/00932/FULL

Erection of single dwelling for residential purposes, along with car parking, drainage and all ancillary works. **Refused for the following reasons:**

- Proposed development would be detrimental to the character & appearance of the conservation area by reason of the scale & massing of the roof, particularly the span of the main roof
- The proposal will result in an overdevelopment of the site resulting in resulting in harm to the amenity of adjoining occupiers
- Failure to provide a Unilateral Undertaking
- The proposal would be out of character with the area resulting in a cramped form of development with inadequate amenity space for the existing and proposed dwellings and inadequate landscaping

MB/77/1177  
1919/65

Double Garage. **Approved.**

Extension to kitchen and new conservatory. **Approved.**

## Representations: (Parish & Neighbours)

### Ampthill Town Council

Object to the proposal on the following grounds:

- The proposal would lead to an intensified use of the very narrow vehicular access into the site with a lack of adequate vision splay
- Lack of inadequate on site parking manouverability which could result in vehicles backing out on the road and causing potential harm to other road users and pedestrians especially as this part of Oliver Street is a safer route for the three local schools
- Loss of privacy and overlooking of neighbouring properties, especially no. 18 Oliver Street
- Proposed development of a one and a half storey dwelling would be detrimental to the character and appearance of the conservation area as the proposal fails to preserve or enhance the areas special interest

### Adjacent Occupiers

The Occupier of No. 45 Oliver Street objects to the proposal on the following grounds:

- Detrimental impact on the traffic problems currently endured and conflict with ambulance and fire stations
- Detrimental impact on the current level of parking
- Lack of parking provision for guests or additional cars

- The driveway does not look wide enough for cars to enter and leave the premises safely
- The Church wall directly next to the driveway will limit visibility for cars coming up and down the road, also making this spot very dangerous for pedestrians

The Occupier of No. 27 Oliver Street objects to the proposal on the following grounds:

- Current volume of traffic and parking and the danger it causes
- The impact of lorries and diggers accessing the site
- Restricted visibility as a result of the chapel wall and parked cars either side
- Oliver Street, because of its age and listed properties and original function for horse and carts should not be considered for house building applications
- Continuous traffic flows cause constant spray on the existing cottages

The Occupier of No. 18 Oliver Street objects to the proposal on the following grounds:

- The proposed two floor dwelling will be overbearing and out of character with the conservation area
- Overbearing when viewed from the rear of No. 18
- The first floor windows will overlook No. 18 and properties to the rear in Arthur Street
- The design as now submitted is even wider coming even closer to the boundaries on the east and west
- The trees and conifers which border the boundary with No.18 are to be removed with this application, whereas they were left in place previously resulting in further loss of privacy
- Overshadowing to No. 18
- Loss of outlook to No. 18
- Increase in traffic volume, noise and disturbance
- 'Garden In-fill Development' will not be in keeping with the immediate environment and historical character of the conservation area
- Further erode the pockets of greenery and garden areas
- Lack of a precedent
- Access too small and narrow with poor visibility to pedestrians and oncoming traffic

- Present access is a dangerous accident black spot and conflict with ambulance and fire stations

The Occupier of No. 10 Oliver Street objects to the proposal on the following grounds:

- Front elevation is too close to the boundaries of properties to the east and west
- Overlooking of No. 10
- Loss of sun and day light
- Potential for an increase in overlooking should additional windows be inserted

The Occupier of No. 20 Oliver Street objects to the proposal on the following grounds:

- Detrimental to the character and appearance of the conservation area
- Overdevelopment of the site
- Detrimental loss of landscaping
- Loss of light to No. 10 Oliver Street
- Vehicle access will change the character of the local gardens
- Parking and vehicle movements will increase the noise and pollution to adjacent properties
- Access is hazardous

The Occupier of No. 8 Oliver Street objects to the proposal on the following grounds:

- The proposed development will add further strain to an already overburdened infrastructure
- The only access is potentially hazardous

## **Consultations/Publicity responses**

### **Highways**

No objections subject to conditions in respect of on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

## **Determining Issues**

The main considerations of the application are;

- 1. Policy and Background**
- 2. Impact on the visual amenities of the surrounding area**
- 3. Impact on the residential amenities of neighbouring properties**
- 4. Highway Safety**
- 5. Other Considerations**

## **Considerations**

### **1. Policy and Background**

The proposed development is located within the settlement envelope of Ampthill which is a selected settlement and therefore falls within Policy LPS1 wherein new residential development will be acceptable in principle.

Policy H06 of the Mid Bedfordshire Local Plan 2005 states that tandem development, whereby one dwelling is sited to the rear of another, will be permitted where it does not have an adverse impact on the amenity of adjoining dwellings or the character of the area, and that a satisfactory standard of access can be achieved.

The present application is a re-submission following a refusal to grant planning permission in July 2008. The reasons for refusal comprised of; a detrimental impact on the character and appearance of the conservation area, in respect of the scale and massing of the roof; over development of the site resulting in harm to the amenity of the adjoining occupiers; and failure to provide a Unilateral Undertaking.

The present application has simplified the overall form of the new building creating an L-shape which is more reflective of a traditional outbuilding in an urban setting. As a consequence of the simplified form, the overall roof span of the building has also been reduced and the height of the roofline lowered, thereby helping to reduce the dominance of the roof. The revised plan of the building has also created a greater area of amenity space to the front and rear of the dwelling.

The main issues in this application therefore, will be the impact of the proposed development on the visual amenities of the surrounding area, the impact on the residential amenities of neighbouring properties and the impact on highway safety, each of which will be discussed in detail.

### **2. Impact on the visual amenities of the surrounding area**

The application site lies within the Ampthill conservation area where all new development must preserve or enhance the character and appearance of the conservation area in line with Policy CHE11 of the Mid Bedfordshire Local Plan 2005 and guidance in PPG15: Planning and the Historic Environment.

Views of the proposed dwelling would be limited from within the streetscene, although it would be visible from the rear gardens of surrounding properties.

The overall grain of the surrounding area is considered to be varied with high density Victorian terraces to the south of Oliver Street, in contrast to the lower density mock Georgian dwellings to the north west of the street and the Victorian dwellings with deep rear gardens to the north on Arthur Street. There are examples of dwellings set to the rear of existing buildings without a frontage to the main street. Such examples include, No. 10 Oliver Street which lies directly west of the site and dwellings in Ossory Place, just off Arthur Street to the north west of the site. There are examples of residential infill development close to the site which include No.s 4 - 6 Oliver Street to the west and No. 50 Arthur Street to the south east.

There is also a lot of variation in the plot sizes in this area. The principle of siting a dwelling to the rear of an existing dwelling is therefore considered to be acceptable in the context of the existing urban grain in this area.

The proposed dwelling would sit slightly forward of the adjacent front building line of No.10, however it would not project beyond the rear building line of this dwelling and the roofline would relate well with the ridge line of No.10. Whilst it would be set close to either side boundary, this type of relationship, whereby the dwelling is within 1metre of the side boundaries, is repeated on other plots close to the application site. For example, No.s 6 and 20 Oliver Street and dwellings in Ossory Place. With the increased level of amenity space and distance from No.16, it is not considered that the proposed dwelling would result in an over development of the site.

The overall design and detailing of the proposed dwelling is considered to be typical of an urban outbuilding which would be set further to the rear of the streetscene. The proposed use of materials to appear in-keeping with the locality will help ensure the proposed new dwelling preserves the character and appearance of the surrounding area. Should permission be granted, it is recommended that the proposed materials are carefully controlled by a condition requesting samples.

Overall, the proposed new building is considered to be modest which will not appear unduly prominent within the streetscene. The proposed design is considered to be reflective of an urban outbuilding and its siting within the plot is considered to be acceptable with sufficient space around the building. It is therefore considered that the proposal will preserve the character and appearance of this part of Ampthill conservation area in compliance with Policy CHE11 of the Mid Bedfordshire Local Plan and guidance in PPG15.

### **3. Impact on the residential amenities of neighbouring properties**

The neighbouring properties potentially most affected by the proposal are considered to be No. 10 Oliver Street, directly to the west, No.16 to the south, No. 18, to the east and No.s 26, 24, 22, 20 and 46 Arthur Street.

In terms of the impact of the proposed development on the residential amenities of neighbouring properties, the main issues are considered to be; whether the proposed dwelling would result in a loss of privacy to adjoining properties; have an overbearing impact on adjoining properties; result in a loss of light to neighbouring properties and create an unacceptable danger to highway safety. Also considered will be whether the proposed development would provide for a sufficient level of amenity space for both No. 16 and the proposed dwelling.

In terms of the impact of the proposal on the existing property, No. 16 Oliver Street, there would be a back to front separation distance of a minimum of 19metres, an increase of 2.7metres from the last application. Whilst the 21 metre distance between facing habitable rooms is a useful conventional measure, the Council's Supplementary Planning Guidance advises that this should be taken as general guidance and it is still equally important to consider the relationship of the buildings with each other and the design and location of windows. In this case, there are only ground floor windows

proposed on the front elevation of the proposed new dwelling which as result of the 19metre distance and the screening proposed to be provided for the rear boundary of No. 16, will not result in any loss of privacy to the occupiers of No.16. Furthermore, the separation distance to No.16 at first floor level complies with the 21metre guidance.

The development achieves the minimum 10.5metre garden depth for No.16 as outlined in the Council's Supplementary Planning Guidance as well as providing a minimum of 100m<sup>2</sup> useable amenity space for the proposed new dwelling within a suburban area. Whilst the proposed dwelling would be sited close to both side boundaries, a minimum of 1metre remains and this type of layout is reflected in the pattern of surrounding development. It is therefore not considered that this proposal would result in an overdevelopment of the plot.

With respect to the neighbouring property directly to the west, No. 10 Oliver Street, the proposed dwelling would be sited 1metre away from the side boundary, and 4metres from the flank wall of this property. There are no windows proposed on the carport wall closest to this property, however one dormer window serving bedroom 2 would be positioned 4.7metres away from No.10. Views from this first floor window would be mainly limited to the roof of No.10 (which would project a further 5.5metres to the rear) and it is not considered any direct overlooking resulting in a loss of privacy would occur.

A 1.8metre high boundary fence aligns this side boundary which will screen views of No.10 from the proposed ground floor windows, as is the present relationship. The roof height of the proposed dwelling has now been reduced to be in line with the ridge height of No.10, and with the existing 1.8metre fence, it is not considered the proposed dwelling would result in a loss of light to this property. The reduction in the ridge height and simplification of the roof form, and the 4metre separation with No. 10, will ensure the proposed dwelling does not have an overbearing impact on this property.

With respect to the impact of the proposed development on No.18 Oliver Street, directly to the east, the proposed dwelling would be sited a minimum of 1metre from the side boundary of the rear garden of this property. There are no first floor windows proposed which would overlook the rear garden of this property. The rear elevation of No.18 would be just over 20metres away from the proposed dwelling and thus would not impact on the amount of privacy or light afforded to this property. However, the loss of some of the existing landscaping along the side boundary would reduce the sense of enclosure for the occupiers in this part of the rear garden. Part of the existing line of conifers, (approximately 8metres) is proposed to be retained and the bulk of the proposed dwelling at single storey, will reduce the prominence of the new dwelling within the outlook of both No.18 and No.20 Oliver Street. The applicant has stated that he intends to introduce new landscaping at the north east corner with No.18 to provide new screening. Should permission be granted, it is recommended that a condition be imposed requiring details of all new landscaping on the site.

In relation to the residential properties directly to the north of the application site, there would be a separation distance of at least 45metres from the rear elevations of these properties to the proposed dwelling. The proposed dwelling would have an impact on the outlook afforded at the very rear of the gardens of these properties, however at one and a half storey level, it is not

considered that this would have an overbearing impact within the outlook from these properties. Due to the separation distance, it is not considered the proposal would have a detrimental impact on the level of privacy or light afforded to these properties.

#### **4. Highway Safety**

Concerns have been raised in respect of the impact of the proposed development on highway safety, principally in respect of the proposed shared vehicular access off Oliver Street and parking provision in the local area.

The parking requirement for this proposal would be for two spaces for each dwelling which has been achieved. With respect to the concerns raised regarding the safety of this access, it is recognised that pedestrian visibility splays are only achievable to the east of the access but it is not considered that the proposed additional vehicular movements per day to be hazardous in this instance as the access is already in use, and historically has served two dwellings in the past.

The Principal Highways Officer at Bedfordshire County Council has raised no objection to the proposed development subject to conditions relating to on site car parking surfacing, restriction of the use of the car port and the construction of the turning space.

#### **5. Other Considerations**

Following the adoption on 20th February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a Unilateral Agreement is required for this proposal prior to the granting of planning permission. The Planning Obligations Strategy has been fully operative since 1st May 2008 and thus is a material consideration within the decision making process. Proposals including those for one dwelling are required to enter into a Unilateral Agreement to secure contributions to make acceptable those development that would otherwise be unacceptable in planning terms. This applies to proposals for single dwellings due to the cumulative impact of smaller developments creating significant additional demands for new infrastructure, services and facilities within an area.

This contribution would go towards local infrastructure such as educational facilities, sustainable transport, health facilities and recreational open space in the Ampthill area.

This application has been accompanied by a unilateral undertaking which is in the process of being checked by the Council's Legal team.

## Conclusion

**In light of the above considerations, it is recommended that permission be granted subject to conditions.**

## Reasons for Granting

The proposal is in conformity with Policy DPS5, DPS6, DPS9, DPS10, CHE11, HO5 and H06 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1 Delivering Sustainable Development, PPS3 Housing, PPG15 Planning and the Historic Environment and Technical Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004); Planning Obligations Strategy 2008.

## RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
  
- 2            U            **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof and windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with these approved details.**  
  
**Reason: To safeguard the appearance of the completed development and preserve the special character and appearance of the Conservation Area in accordance with Policy CHE11 of the Mid Bedfordshire Local Plan 2005.**
  
- 3            TL02    **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**
  - **proposed finished levels or contours;**
  - **materials to be used for any hard surfacing;**
  - **proposed and existing functional services above and below ground level;**
  - **planting plans, including schedule of size, species, positions, density and times of planting;**



- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

**Reason:** In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 4 U **Prior to the first occupation of the building, the eastern first floor window to the master bedroom in the rear, north elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

**Reason:** To safeguard the amenities of occupiers of adjoining properties.

- 5 HS20 Before the new dwelling is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 6 HS22 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port on the site shall not be used for any purpose, other than as parking accommodation, unless previously agreed in writing by the Local Planning Authority.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 7 U The turning space for vehicles illustrated on the approved Plan (No 16259/1006) shall be constructed before the development is first brought into use.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

8 U The front elevation of the proposed car port shall not at any time be built up or filled in and the rear elevation of the proposed car port shall have doors that swing outwards only.

Reason

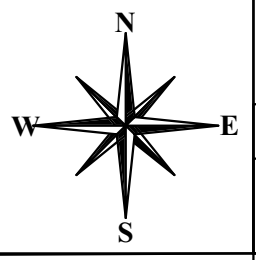
To ensure adequate off street parking in the interests of traffic safety

9 U Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for extensions or alterations, including new windows, and structures within the residential curtilage of the approved new dwelling until detailed plans and elevations which form a valid planning application have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

**DECISION**

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Date: 26:March:2009

Map Sheet No

ITEM NO. 11

APPLICATION NO. SB/TP/09/0050

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**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>SB/TP/09/00050</b>
<b>LOCATION</b>	<b>LAND ADJOINING 61 CORBET RIDE, LINSLADE</b>
<b>PROPOSAL</b>	<b>ERECTION OF DETACHED GARAGE</b>
<b>PARISH</b>	Leighton-Linslade
<b>SBDC WARD &amp; COUNCILLORS</b>	Linslade Cllr M. Freeman and Cllr K. Sharer
<b>CASE OFFICER</b>	Richard Castro-Parker
<b>DATE REGISTERED</b>	03/02/09
<b>EXPIRY DATE</b>	31/03/09
<b>APPLICANT</b>	Mr P Nash
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>OBJECTION FROM LEIGHTON-LINSLADE TOWN COUNCIL DUE TO THE SCALE, DESIGN AND SITING OF THE GARAGE BEING OUT OF KEEPING WITH ADJACENT GARAGES</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The site comprises part of a garage compound located at the southern end of Corbet Ride immediately to the east of No. 61, with properties in Soulbury Road to the south and land to the rear of St. Mary's Way to the east. It is located at the entrance to the garage block and has a depth of 11.5m and a width varying between 9.0m and 12.0m.

**The Application:**

Permission is sought for the erection of a detached garage measuring 5.2m in depth, 2.9m in width with a ridge height of 2.2m. The garage, which would be of painted galvanized steel construction, would be positioned 1.0m to the north of the existing block of prefabricated concrete garages and 7.7m from the entrance to the garage compound.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

PPS1 Delivering Sustainable Development

## **Regional Spatial Strategy**

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

ENV7 Quality in the Built Environment

### **Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) South Bedfordshire Local Plan Review**

BE8 Design Considerations

## **Planning History**

None relevant

## **Representations: (Parish & Neighbours)**

Leighton-Linslade Town Council	Object due to the scale, design and siting of the garage being out of keeping with adjacent garages.
Adjacent Occupiers	No representations received.

## **Consultations/Publicity responses:**

Beds County Council (Highways)	No objections.
SBDC Property Services	Confirm do not anticipate development would adversely effect any Council landholdings. Garages serve houses 54-61 Corbet Ride and therefore garage users will have rights over all the land, including where the garage is to be built. Advised that this would need to be addressed if application approved.

## **Determining Issues**

The main considerations of the application are:

1. Design and impact on the visual amenity of the area
2. Impact on neighbours
3. Access and parking

## **Considerations**

### **1. Design and impact on visual amenity**

The proposed garage would be sited adjacent to a block of 1960's built pre-fabricated concrete garages, and although of steel construction would not be out of keeping in terms of its appearance. The building would be largely screened from public views by the high boundary wall which defines the entrance to the garage court.

## **2. Impact on neighbours**

The nearest residential property, No. 61 Corbet Ride, is separated from the site by the wall which forms the boundary of the garage court and which would effectively screen the proposed garage from that property.

## **3. Access and parking**

Part of the site already provides two car parking spaces for the applicants use and the proposed garage would occupy one of those spaces. The garage would be served by the current access to the garage court and the County Highways Officer considers that this arrangement is satisfactory and raises no objection.

## **Conclusion and Reasons for Granting**

The proposed garage, although being 0.5m wider than the existing garages, would not be unduly out of keeping with the appearance of those buildings and would in any event be fairly well screened from general public view. The siting of the garage would not restrict access to the remainder of the garage court. The proposal is therefore in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Planning Policy Guidance PPS1

## **RECOMMENDATION**

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

- 1 The development shall begin not later than three years from the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Before development begins, and notwithstanding the details submitted with the application, details of the colours of the walls and roof of the proposed garage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control the appearance of the building.

3. This permission relates only to the details shown on the Site Location Plan and Drawing Nos. PN09ONE and PN09TWO received 26/01/09 or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved plans and to avoid doubt.

**Notes to Applicant**

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

**Regional Spatial Strategy  
East of England Plan**

ENV7 - Quality in the Built Environment

**South Bedfordshire Local Plan Review**

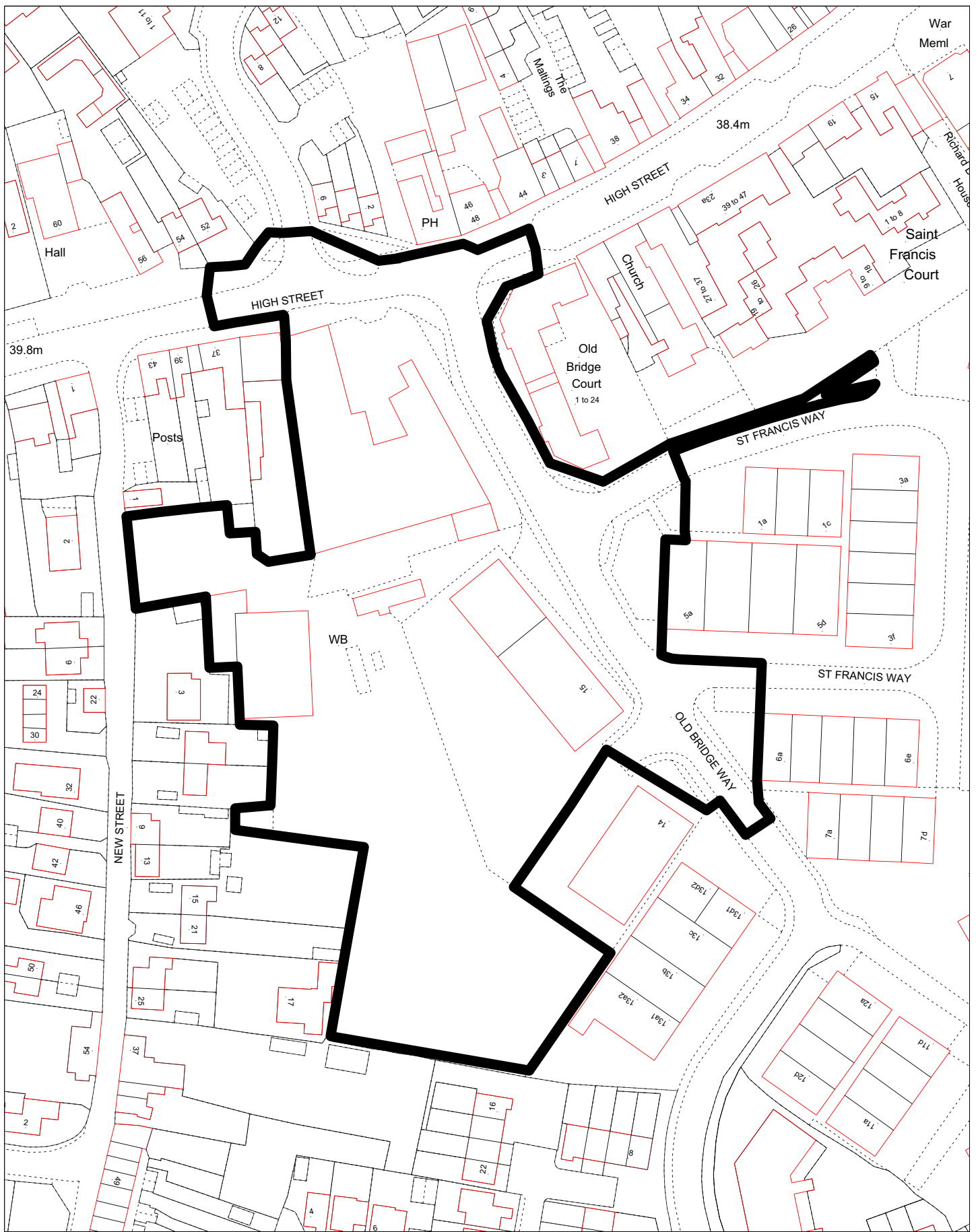
BE8 - Design Considerations

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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Date: 26 March 2009

ITEM NO. 12



Scale: 1:1250

APPLICATION NO. MB/09/00217/CAC

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Mid Bedfordshire District Council.

1 and at Old Bridge Way, Shefford

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99/60/OUT	OUT: demolition of existing buildings & erection of retail foodstore with car parking and highway improvements works (all matters reserved except siting and access). Approved 14.1.04
99/59/CAC	Conservation area consent: demolition of former laundry and associated buildings. Approved 14.1.04
98/1779	OUT: Demolition of existing buildings and erection of retail foodstore with car parking and highway improvement works. Withdrawn 21.6.01
98/666	OUT: demolition of existing buildings and erection of retail foodstore with car parking and highway improvements. (all matters reserved). Withdrawn 22.10.99
98/664/CAC	Conservation area consent: demolition of former laundry and associated buildings. Refused 30.3.99

**Representations:  
(Parish & Neighbours)**

Shefford Town Council	Objects: Includes public highway & description of site is inaccurate. - Would like to see demolition of old laundry site
Neighbouring Occupiers	No response

**Consultations/Publicity responses:**

MBDC Env Health	No objection
Beds County	No comment
Highways	

**Determining Issues**

The main considerations of the application are;

**1. Impact on the designated Conservation Area**

**Considerations**

**1. Impact on the designated Conservation Area**

Planning application 06/1418 was a Section 73 application, seeking an extension of time in regard to the original application 99/00060/OUT. This application was approved at Development Control Committee on 11 March 2009. Tied to the original 1999 outline permission was a previous conservation area Consent, 99/00059. This was approved on 14/1/04 and which has since expired. It is considered the Council has previously accepted both the principal of a new foodstore and the siting of the foodstore on the area of land within the Conservation Area, and, Conservation Area consent for the demolition of the former laundry and associated buildings.

The buildings proposed demolished are the same buildings as were in situ when the last 1999 Conservation Area Consent was approved. Significant Government Guidance, in the form of Planning Policy Guidance: 15 Planning and the historic environment was published in 1994 and remains the relevant guidance today. Therefore the basis for decision making remains consistent for both the previous Conservation Area Consent application and this 2009 application. Regardless, it is worth reviewing the pertinent points of PPG 15:

PPG15, para 4.26 states:

*"In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole."*

The former laundry and its associated buildings are not considered to place a positive impact on the conservation area. In Shefford's Conservation Area leaflet, this area is highlighted wherein enhancement is to be encouraged.

PPG 15, para 4.27:

*"the general presumption should be in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings... in less clear cut cases for instance, where a building makes little or no such contribution, the local planning authority will need to have full information about what is being proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area."*

In this instance, the council has already approved the principle of a new retail foodstore and its siting in this part of the Conservation Area. This provides a strong case for the demolition of the laundry and associated buildings which are not considered to place a positive impression on the Conservation Area

Para 4.29 of PPG15 goes on to state:

*"It will often be appropriate to impose on the grant of consent for demolition a condition... to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. In the past, ugly gaps have sometimes*

*appeared in conservation areas as a result of demolition far in advance of redevelopment."*

With a relatively large area of the Conservation area involved and in relation to its prominent location in the streetscene, a suitably worded Condition must be attached to any approval so that demolition works are carried out in tandem with the site's redevelopment as to permit the demolition in isolation would lead to serious harm to the appearance of the area.

Having regard to the above guidance and that the Council has already approved a new retail foodstore and its siting in principle at its last Development Control Committee, it is considered that Conservation Area Consent should be granted for the demolition of the former laundry and associated buildings with appropriate Conditions.

### **Reasons for Granting**

Given the above considerations it is considered that granting this Conservation Area Consent would accord with Planning Policy Guidance: 15, Planning and the Historic Environment and Policy CHE11 of the Mid Bedfordshire Local Plan, First Review, Adopted December 2005.

### **RECOMMENDATION**

APPROVE Conservation Area Consent for the application set out above subject to the following condition(s):

- 1            DG03    The development hereby approved shall be commenced within three years of the date of this permission.  
  
                 Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.
  
- 2            U            The demolition works hereby approved shall only be carried out in connection with the redevelopment of the site as permitted by planning permission 06/01418 approved 12th March 2009 and the two permissions shall be implemented as a single continuous development scheme.  
  
                 Reason: To ensure that an unsightly cleared site is not created to the detriment of the character and appearance of the area.
  
- 3            DC07    The demolition works hereby approved shall be completed within 2 months of their commencement and all of the materials and fabric from the demolished building(s)/structure(s) shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.  
  
                 Reason: In the interests of the visual amenities of the area.

- 4 U The Copper Beech Tree, located on the western boundary of the site is subject of a Tree Preservation Order. As such, protective fencing will be required in accordance with BS55837 and shall be put in place prior to any commencement of demolition on this site.

The protective fencing will need to be erected at twelve times trunk diameter when measured 1.5m above ground level.

Reason: To prevent any damage to existing important trees

- 5 U Within the canopy spread of the Copper Beech Tree located on the western boundary of the site, subject to a Tree Preservation Order (TPO), there shall be no storage of materials, no fires on site and no pruning of the tree without the written consent of the Local Planning Authority.

Reason: To prevent any damage to existing important trees.

**Notes to Applicant**

- 1 Please ensure that adequate notice be given to the Local Authority's Tree and Landscape Manager before work commences in order for on site supervision to take place to ensure the well being of the retained tree.

**DECISION**

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