

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE 24/03/10

#### SCHEDULE A

##### ITEM NO. 8 (Page 33 - 40) – CB/10/00242/Full – 66 High Street, Henlow

##### **Additional Consultation/Publicity Responses**

Received completed unilateral undertaking and the relevant fee's have been paid

##### **Additional Comments**

None

##### **Additional/Amended Conditions**

N/A

##### ITEM NO. 9 (Page 41 - 46) – CB/10/00247/CA – 66 High Street, Henlow.

##### **Additional Consultation/Publicity Responses**

None

##### **Additional Comments**

None

##### **Additional/Amended Conditions**

N/A

##### ITEM NO. 10 (Page 47 - 58) – CB/10/00482/Full – Land Adjacent Springwood House, 22 Ickwell Green, Ickwell.

##### **Additional Consultation/Publicity Responses**

A response has been received from Northill Parish Council. The main points are summarised below:

- The development would constitute backland, not “infill” because:
  - The plot is not, “at the corner of the Green” but along the Sheepwalk
  - The Sheepwalk is a narrow rural bridleway or track, not a street, or lane or a “radiating settlement limb”. The development to the East should not set a precedent because it was originally built as agricultural development.

- The proposed garden extends outside the settlement envelope onto previously undeveloped land.
- The size and appearance of the house (two storey with a basement and sunken patio area) would be out of keeping with the surrounding rural area and conservation area.
- The Sheepwalk is a narrow single track bridleway with no passing places.
- There is a water course in a culvert along the edge of the settlement envelope.
- If permitted, an easement for access and services across the Green may be required from Northhill Parish Council.

A full, written response has been received from the Council's Heritage and Design Team. The main points are summarised below:

- The site is within Ickwell Conservation Area where all new development must preserve or enhance the area. The site is at the edge of the conservation area, adjacent to a public bridleway, in a particularly prominent location.
- The character of the area is rural. The mature hedgerow makes a positive contribution to the character and appearance of Ickwell Conservation Area and the land to the south is mainly used as paddocks.
- The house would have a heavy and assertive appearance, with a weak relationship with the adjacent track. The large parking/ turning area would dominate the front of the house and would create a domestic character to the detriment of the present rural character in this part of the conservation area.
- Should the principle of a dwelling be acceptable at this sensitive site, a more modest building would be appropriate to reflect the character of many of the vernacular cottages in the surrounding area.

A response has been received from the Rambler's Association. The main points are summarised below:

- The large house would front onto and be accessed along the Sheepwalk, a public bridleway which forms part of the Council's system of circular walks in the Old Warden/ Ickwell area.
- The Sheepwalk would be the sole means of vehicular access for about 100 metres, which would conflict with the interests of walkers, cyclists

and horseriders who all use the Sheepwalk in substantial numbers for recreation and access to events at Old Warden airfield.

- The house would increase vehicle usage of the track whose width effectively precludes any effective segregation of walkers and riders from vehicles. The track could also be blocked by large vehicles. This would increase the risk of injury.
- The development would set a precedent for further development along the track, spoiling its amenity value.

Comments have been received from an additional two nearby properties and further comments have also been received from a neighbour who had already made comments by the time the committee report was written. The main points are summarised below:

- Drawing number PL02 shows an access into the site the West of the larger stable block. This is factually incorrect; there is no entrance at this point and no opening in the boundary wall at this point.
- The application states that the stables and ménage are redundant. This factually incorrect; there are currently 2 horses in the stable.
- The development would not be infilling, it would be ribbon development into unspoilt landscape.
- The proposed dwelling's garden would encroach into the countryside and beyond the accepted boundaries for development in Ickwell.
- The size, height and design of the building are inappropriate to the rural site.
- The new house would be too close to existing houses nearby.
- Noise from flying and other activities around Shuttleworth would affect future occupants of the proposed dwelling to the detriment of their residential amenity.
- The access from a well-used bridleway is unacceptable due to the increase in vehicular traffic and danger for users of the bridleway, especially children and animals.
- The application ignores the moat to the east of the site. The introduction of bends in the system would increase the risk of blockages/ flooding.
- The foul drainage details show a Klargester bio-disc treatment unit in an unspecified position. More information should be given on where it would discharge to. It would require Environment Agency consent.

### **Additional Comments**

Please note that the application was advertised in the Biggleswade Chronicle on 5.3.10.

### **Additional/Amended Conditions**

N/A

**ITEM NO. 11 (Page 59 - 66) – CB/10/00356/VOC – Land and buildings at College Farm, Bourne End, Cranfield.**

### **Additional Consultation/Publicity Responses**

Archaeological Officer: No objections

### **Additional Comments**

None

### **Additional/Amended Conditions**

N/A

### **SCHEDULE B**

**ITEM NO. 12 (Page 67 - 78) – CB/09/07065/Full – Elm Lodge, 18 Stoke Road, 20 Stoke Road and Elmside, Bossington Lane, Linslade.**

Please see email attachment.

**ITEM NO. 13 (Page 79 - 96) – CB/09/0679/REN – Dukeminster Estate, Church Street, Dunstable.**

### **Additional Consultation/Publicity Responses**

42 Kingsway – Do not relish having a road at the end of the back garden and that it will also be at least 15m higher than the garden. From this height there will be absolutely no privacy and anyone could then look into the garden and, most of all, the bedrooms. Request that the Council propose to the applicants to build a high fence between the road and the adjoining gardens. This will help reduce the noise of the traffic, pollution and give some consolation to the lack of privacy. Remember also that when the estate was first built there was a stipulation that the estate had to abide by regarding a maximum of cars/transport that could enter and exit the estate.

### **Amended Condition**

Condition 6 (page 91)

Insert “in” between “provided” and “association”.

**ITEM NO. 14 (Page 97 - 130) – CB/09/06437/OUT – Boscombe Place (Former Renault Site) Boscombe Road, Dunstable.**

**Additional Consultation/Publicity Responses**

Highways Officer – comments further in respect of:

- Abbeygate Development Limited's site access (page 117). I am unable to confirm that I would not object to an intensification of the use of the existing redundant access if an application was submitted for the redevelopment of the car park site. It is probable that intensification of the use of this access would be unacceptable in highway safety terms.
- Woodside connection. Previous applications have included contributions towards the proposed road connection between the industrial area of the town (Woodside Estate/Boscombe Road) and the A5-M1 link. In the past, contributions have been sought for the feasibility study of various options. A preferred option has now been identified (Option 1) and will go into the preliminary design stage for further consideration. I recommend that £5,000 of the amount sought for public transport go towards this preliminary design.
- Freight strategy. A consultant has been commissioned to put forward a freight strategy which is expected towards the end of May. There will then be two other stages that will be to collate evidence in relation to the highway network and the current routing of HGVs. It would be appropriate to seek a contribution of £5,000 towards this work that would be in addition to the other sums sought.

**Additional Comments**

Site location (page 99)

Sappi Nash has now moved out. Save for ICP Commercial Limited staff and security staff, Boscombe Place is now an unoccupied site.

6. Food risk (page 116)

It is important to note that the attenuation measures proposed to be introduced at Boscombe Place, primarily the construction of soakaways, would reduce surface water run-off from the site by 48%.

7. Other issues (page 117)

Underground infrastructure

In response to concerns expressed by Ridgeway Avenue residents with regard to the transfer of noise and vibration through sewer pipework running beneath the site and Ridgeway Avenue, the applicants have submitted further information. They comment as follows.

*“The source of any vibration is most likely the movement of heavily loaded lorries as their wheels cross the various manhole, access chambers, gullies and catch pits associated with the sewer pipes which cross the existing site.*

*For a facility of this age (constructed in the 50's) it is unsurprising that some of these covers have become badly seated over time – and the covers will bounce and vibrate as the wheel crosses the cover. Also it is highly unlikely the design of the existing covers took into account current heavy lorry wheel load intensities.*

*Civil Engineers are now well aware of the issues which relate to the general durability and robustness of manhole covers and surrounds and take these into account both in the selection of the cover and frame and the provision of isolated reinforced concrete surrounds to each cover. A British standard wheel load selection criteria is available such that a strong and durable cover can be selected which will be applicable to the location and anticipated vehicle traffic and loading. These measures will help to ensure that each drainage chamber cover will remain solidly seated over the lifetime of the facility and as a result significantly reduce any vibrations.*

*The construction of the new facility will require that most of the existing surface water and foul drainage infrastructure serving the current facility is broken out completely and replaced with a new drainage system. The covers and surrounds of which will be specified as described above. The main large diameter public sewer which crosses the site will need to be diverted around the new facility, although some of the manholes on this run will be retained the covers and surrounds will be new. The diagonal sewer must be diverted as the water authority would not allow an operational sewer to remain under the proposed building. As a result there will certainly be no flow in the pipe. It is envisaged that the pipe then remains abandoned under the building floor slab. However in the interests of good practice, given that we will have a high performance warehouse floor slab over the top, to pump the pipe full of foam concrete to ensure that there is no risk of collapse in future.”*

The applicants also confirm that it is intended that the existing public foul sewer located on the eastern boundary would be retained unaltered. This sewer is located within the existing maintenance channel and as such cannot be trafficked by HGVs and therefore is unlikely to be a source of vibration.

### **Amended Condition**

#### Condition 29 (page 123)

The applicants consider that the recommended wording of this condition is unsuitable. They have suggested alternative wording that is the subject of negotiation between the Environmental Health Officer and the applicants' noise consultants. Condition 29 seeks to control noise emissions from within the canopy proposed to enclose the eastern (rear) yard and would be one of the key conditions imposed on any permission granted. The Council and the applicants need to reach a consensus on the wording of this condition and it is therefore recommended that agreement on the precise wording of Condition 29 be delegated to officers should Members be minded to grant permission for the proposed development.

### **Additional Condition**

38. Before development commences and notwithstanding the details submitted with the application, further particulars of the proposed site boundary treatments, to include particulars of security fencing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed site boundary treatments shall be carried out in accordance with the approved particulars. The existing acoustic fence adjacent the eastern site boundary shall be retained.

REASON: To control the appearance of the proposed development in the interests of the amenities of the surrounding area.

(Policy BE8, S.B.L.P.R.).

Re-number Condition 38 on page 126 as Condition 39.

**ITEM NO. 15 (Page 131 - 142) – CB/07055/OUT – Land Adjacent 67 London Road, Sandy.**

### **Additional Consultation/Publicity Responses**

Received response from Natural England

They have no further comment to the proposed development in respect of legally protected sites or species as we are not aware that they are likely to be adversely affected by the proposal. They recommend a condition be attached to any consent granted to protect nesting birds.

Received further response from Internal Drainage Board

They suggest the applicant applies for consent now to building within the 7m maintenance strip. They note that the application intends to adjust the position the buildings in order to ensure sufficient clearance of the boundaries of the site so that there is no impact on the drainage contiguous with the site.

Received response from Anglian Water Services Ltd

The site is within the recommended 400.0m cordon sanitaire of Sandy Waste Water Treatment Works. They take all reasonably practical steps to prevent odour arising from the works, nevertheless its important that there should be no development within 400.0m which is potentially sensitive to odour or other nuisance arising from the location of the works. They request that this objective is supported by the Local Planning Authority in dealing with the planning application for this development

### **Additional Comments**

With regards to the objection received from Anglian Water, the Sandy Waste Water Treatment Works is located some 50.0m away from the edge of the application site. However,

it is considered that the proposed employment development is not consider sensitive to odour or other nuisance arising from the location of the works.

## **Additional/Amended Conditions**

Any removal of trees, scrub or hedgerow should take place outside of the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is use by nesting birds and the report be submitted and approved in writing by the Local Planning Authority.

Reason: To safeguard and protect nesting birds.

**ITEM NO. 16 (Page 143 168) – CB/09/06528/OUT – Land Adjacent to 192 High Street North and North West of adjoining Tavistock Street, Dunstable.**

## **Amended Recommendation**

In addition to that already set out in the main report, to include reference within the Section 106 Agreement to the parameter plan forming the basis for the application for approval of reserved matters and for all dwellings to be constructed to the Code for Sustainable Homes Level 3 as a minimum.

## **RECOMMENDATION:**

That Planning Permission be granted subject to the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to ensure provision of the affordable housing, delivery of not less than 50% of the commercial units before occupation of any of the dwellings; the parameter plan forms the basis for the application for approval of reserved matters; all dwellings meet the Code for Sustainable Homes Level 3 as a minimum; financial contributions to education, off-site open space, highways/sustainable transport measures including the Luton-Dunstable Busway and Real Time Bus Information; household waste and recycling collection and the payment to make Traffic Regulation Orders for a residential parking scheme, if required and the following:

**ITEM NO. 17 (Page 169 - 200) – CB/09/06626/Full – Land Rear of Town Farm Court and 53 High Street, Henlow.**

## **Additional Consultation/Publicity Responses**

The following additional comments have been received.

Henlow Parish Council:

This application is for a 'revised description' of an application for the same number of properties on the same site as was discussed and RESOLVED at Full Council on 11<sup>th</sup> January 2010. At that time the Parish Council RESOLVED to Object on points a) to p) – (16 reasons) and were recorded in the minutes of that meeting. The revisions now proposed were discussed and



further areas of concern expressed. It was **'RESOLVED'** that: **The Parish Council re-iterate the previous 16 reasons of objections made on 11<sup>th</sup> January 2010, but to add the following items of concern to the objections previously made:**

- 1) Confirm in the item d) relating to 'Foul Sewers' previously - that the foul sewer in the High Street had again been blocked and had overflowed during the last month, leaving raw sewerage in the area.
- 2) Turning head reduced to now be wholly within the site boundary – This was previously shown much larger to enable heavy goods vehicles to turn around. The Members are very concerned that this is not now large enough within the site for HGV to turn around.
- 3) Electronic operated gate is now noted - at the entrance to the parking area north of the affordable housing. This location is very close to the main entrance to the development off the High Street and vehicles waiting at this point for the gates to open will cause congestion, and could back up to and into the High Street.
- 4) Whilst there is a circular route within the development this apparently is not to be adopted. This is also very narrow with very sharp bends making it very difficult for HGV to manoeuvre around the site. Presumably the refuse vehicle will not travel this route, so would it mean the residents of 12 properties beyond the adopted highway would all have to leave their dustbins on the area of land next to the adopted carriageway, where the pumping station is to be sited?
- 5) The narrow carriageway adjacent to the western boundary shows a passing/parking bay. This is bound to be used for parking and cannot therefore be used for 'passing' vehicles.

Plus the comments made at Full Council on 11<sup>th</sup> January 2010:

- a) *Henlow has seen an increase of over 25% in development since 1996 and is at capacity for its existing facilities.*
- b) *The Parish Council has provided and maintains extensive playground facilities at considerable expense, and is unable to provide further facilities to cater for any increased demand.*
- c) *Schools: Capacity in the Henlow Schools is at saturation point. Raynsford VC Lower School is full and are unable to take in any more pupils. Henlow VC Middle School is full with older age groups oversubscribed, and Derwent Lower School reception ages are also oversubscribed – they would all have difficulty in accommodating any further increase in pupils.*
- d) *Foul Sewers: Drainage difficulties generally have been highlighted before, without any resolution forthcoming, and the proposed development would only add to the existing problems. Sewage has in the past overflowed in areas of the High Street and the introduction of a pumping station serving 29 dwellings would result in constant discharge at times of pumping into an already overloaded system.*
- e) *Surface Water: We are concerned about the proposed box culverts shown under the carriageways and their capabilities, and capacity to, discharge surface water away from the residential area, part of which is shown within the flood plain. The current layout now shows the carriageway moved to be adjacent to the western boundary – within the*

*flood plain. Surely it must be undesirable to have an increased impermeable area in this location?*

- f) Traffic problems – at present especially during rush hours, the High Street endures an intolerable strain of traffic jams, from the A507 north towards Langford, throughout the length of the High Street. This development would add in the region of 60 vehicles to the traffic flow which would severely add to the existing situation. The previous Parish Council requests for widening the High Street to the A507 and creating a filter lane have been completely ignored to date.*
- g) Parking in the High Street is already a major problem and will be made worse by this development, as it will increase the amount of parking required, and decrease the amount of parking available.*
- h) Access onto the High Street – the access to the development is on the narrowest part of the High Street and very close to the existing access to Town Farm Close (not shown on the plans). This is felt to be inappropriate and dangerous for the volume of traffic the development would bring.*
- i) Doctors Surgeries – are at saturation point in Shefford, Stotfold and Langford. Any further development would only exasperate this current desperate situation.*
- j) The Members feel that Henlow Parish Council have done more than their share in providing additional accommodation for Bedfordshire, including all the facilities required to sustain the residents, and the proposed development would add an intolerable strain on the existing fibre of the community.*
- k) There is a complete lack of amenity space or any focal point within the development – what looks like it may have initially been intended to be a ‘green’ has, in the revised proposal, now got three properties on it.*
- l) A ‘Noise Survey’ has not been provided, even though we understand that new developments in this area require one to be submitted. Nor have ‘noise pollution’ details been submitted with regard to the proposed pumping stations.*
- m) The ‘spur road’ is not necessary for turning as there is a circular route within the development. It’s only purpose appears to be to service completely unacceptable future development in the countryside north of the proposed development.*
- n) No details have been submitted for the demolition of the existing storage building that we understand is on the site within the Conservation Area*
- o) At the Development Strategy Task Force meeting held on 23<sup>rd</sup> October 2009, to discuss site allocations, Central Bedfordshire Council Officer’s stated that the application site was no longer one of the Council’s preferred sites, as it was felt essential to retain the ‘green’ area from Clifton to Henlow intact.*
- p) No demand for new development: With the number of properties under construction and on the market at present, and with building works having been stopped completely in Clifton, the Parish Council doubts that there is a demand or need for further development in the area.*

Henlow Village Design Association.

The Henlow Village Design Association has written to clarify the misrepresentations, which were recently published in a Newsletter by the 'saynototownfarmdevelopment' campaign, Which is being organised in the village in connection with the proposal. The full text reads as follows:

*"We have just been alerted to the fact that the Henlow Village Design Association has been misrepresented in a Newsletter circulated by the authors of 'saynototownfarmdevelopment'. Text in the petition part of the leaflet states that the HVDA is totally opposed to any development on this site. Please be assured that this is not the case; however we do have concerns regarding design and associated matters and have been responding accordingly and will continue to do so.*

*Unfortunately, other than by word of mouth, there is nothing we can do to correct what has been printed. However, we have written to the authors of the leaflet and asked them in future to clear any text appertaining to HVDA with the secretary before going into print.*

*We take this matter seriously and very much hope this unfortunate mistake by others does not in any way diminish the value, in the eyes of Central Bedfordshire Planning Department, of future HVDA planning responses".*

Further comments and objections from the Henlow Design Association are as follow:

- Incremental changes have compromised the original design and the site has been overdeveloped.
- Vehicular access problem has been created. In addition, the recent changes to provide Ivel Drainage Board (IDB) access to the west have limited access round the loop, which is narrow and remains un adopted.
- Adding the electrically operated gates at the site entrance further restricts traffic flow.

*"The Design Association feel that the issues mentioned have resulted in piecemeal changes over a period of time and the original concept and overall site limitations have not been recognised.*

*Reducing the number of dwellings, responding to an understanding of the traffic situation in this part of the village and the feelings of the residents of Henlow would be a major step forward in the demonstration of a democratic planning process.*

*We feel a traffic survey of the High Street and an access survey of the site should be made prior to the layout being approved."*

The Council's Ecologist has made additional comments and further recommendations to the previous comments made on *biodiversity issues* on the above site, together with a revision to condition (number 28) of the committee report. These are as follow:

i) **Widening of Henlow Brook Buffer Zone**, as this stands there is barely 4m from the boundary to the edge of the resin bonded gravel road. 6m is the suggested buffer strip size to be planted with a wildflower mix and maintained as a graded edge to the hedgerow, details of which can be finalised within the landscape management scheme. The passing/ parking bay is unnecessary and reduces the width of the buffer further so should be removed.

ii) A number of the original orchard tree trunks and branches remain on site, deadwood provides excellent **invertebrate habitat**, and where possible a number of **log piles** could be created within the riparian buffer zone. **Millennium Meadow** is an area of public open space to the north of the village. The Council has consulted Joel Carre of BRCC, who is involved with the site and he has approved in theory the removal of some of the larger tree trunks to the Millennium Meadow where a 'Natural Play' approach is taken in providing features for public use within open spaces, for example, logs on which to sit, climb or just as features within themselves. Health and Safety measures would need to be taken to ensure logs did not pose a risk to users but this would allow for the retention of the larger trunks and any associated invertebrate larvae and fungi within the area.

iii) **Millennium Meadow Management Funding**: The meadow is managed through the Parish Council and will need funds to support the maintenance of a newly planted orchard. Should the application be approved, funding could be secured to contribute to this which would link in with the suggestions from the Wildlife Trust and Natural England.

iv) The south boundary hedgerow has had some recent infilling and these would benefit now from being laid to strengthen the hedgerow. A number of over mature elder are present in all of the hedges; these should be removed together with the buddleia and additional planting of species such as alder (on the western boundary). This can further be clarified in the landscape management scheme.

In condition (number 28) relating to removal of trees, shrubs, pruning states '...unless works to make the habitat unsuitable are first undertaken...' This should be amended to read:

***'No tree, shrub or pruning shall be removed from the site during the nesting season from February to September, unless works to make the habitat unsuitable are first undertaken outside of these months, or detailed examination by hand before clearance, declares the area free from nesting birds.'***

**Reason:** In order to safeguard the protected species and in accordance with the Wildlife and Countryside Act 1981.

### **Additional Comments**

Further letters of objection have been received from the owner-occupier(s) of 'The Keeping) and Number 13 Clifton Road. These comments and objections are summarised below:

'The Keeping': The letter of objections received is a duplication of an earlier letter of objections, which has been summarised in the committee report. Therefore, there are no new issues raised.

Owner-Occupier(s) of 3 Clifton Road: Although the objector welcomes the new proposal in terms of its location within the settlement envelope, he has drawn the Council's attention to his earlier comments in the original application. The comments now received have not raised any new issues. The issues already raised have been summarised in the committee report.

The applicant's agent has sent an email with a letter attachment to the Council (see file), which the 'Architects Registration Board' (ARB), that regulates architectural practices, sent to Mrs Wendy Rapacchi over the promotion of inaccurate and misleading facts about this application on her website. The agent would like to stress that this is damaging the democratic process as these distorted or wrong facts go unchallenged and form the basis of public opinion.

### **Additional Conditions**

N/A

**ITEM NO. 18 (Page 201 - 208) – CB/09/06630/CA – Land Rear of Town Farm Court and 53 High Street, Henlow.**

### **Additional Consultation/Publicity Responses**

None

### **Additional Comments**

None

### **Additional/Amended Conditions**

N/A

**ITEM NO. 19 (Page 209 - 218) – CB/10/00330/Full – 4 Owlswood, Sandy.**

### **Additional Consultation/Publicity Responses**

None

### **Additional Comments**

Additional email received from a neighbouring resident whom had previously commented, it indicated that the applicant parked a car which over hung the boundary of number 4 Owlswood. A photo was attached to the email.

### **Additional/Amended Conditions**

Change to condition 3:

All openings within the carport hereby approved shall remain unobstructed at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents, and ensure adequate off street parking.

### **SCHEDULE C**

**ITEM NO. 20 (Page 219 - 226) – CB/10/00337/Full – 11 Willow Way, Ampthill.**

#### **Additional Consultation/Publicity Responses**

None

#### **Additional Comments**

None

#### **Additional/Amended Conditions**

N/A

**ITEM NO. 21 (Page 227 – 234) - CB/10/00196/Full – Caddington Village School, Five Oaks, Caddington.**

Correspondence from the applicant's agent in response to the objection from the occupier of the neighbouring property.

- The middle school is up to capacity with regard to accommodation for students and the overall number of places cannot increase unless additional classrooms are constructed, and none are proposed.
- The lower school is just under capacity and could accommodate a few more students, but this will be within their current classrooms and outbuildings.
- There are no plans to increase the overall capacity of either school and as such the dining facilities that are proposed to be enlarged and form the current planning application are of such a size to accommodate the current number of students plus a moderate increase.

- It is not envisaged that the noise levels created by the school will change from the current levels and these are to be expected from a school, and it could be argued the noise level might reduce at lunch times if more children dine inside and are better catered for.
- There are no reasons to cause traffic movements to and from the school to increase as a result of the dining area increasing in size, and it is envisaged the traffic movements will remain at the same level that currently exists.

### **Section 215 Prosecutions:**

18 High Street South, Dunstable – CB/EN/09/1220

5 High Street South, Dunstable – CB/EN/09/1221

15<sup>th</sup> March 2010: Both sites were heard at the Luton Magistrates court, both owners were fined.

#### Fines:

Mr Opel of 18 High Street South (Chilli and Spice) came and pleaded that his works were completed, though we had not had a chance to verify this. The magistrate fined him £105 for not completing the works within the life of the notice, £15 victims surcharge, and £370.50 costs. This totals £490.50, he was given 14 days to pay this.

Mr Reid of 5 High Street South (The Money Box) did not attend, but the magistrate was happy to proceed in his absence. The magistrate fined him £350 for not completing the works within the life of the notice, £15 victims surcharge, and £370.70 costs. This totals £735.70, he was given 14 days to pay this.

### **Current Position and Next Steps:**

The owners have until the 29<sup>th</sup> March to pay their respective fines. As well as paying the fine they do still have to undertake the work, if the works are not completed after the 14 days they can be fined for every day after they appeared in court the first time that the works are not complete. We visited Dunstable on the 18<sup>th</sup> March and confirmed that neither of the Notices had been complied with. We will be visiting Dunstable on the 29<sup>th</sup> March to check compliance should works not be commenced or completed we can take the landowner back to court to be fined again.

## **Update on Other Sites:**

### **The Winston Churchill:**

The pub was brought on the 4<sup>th</sup> February 2010, we are in contact with the new owner and it is their intention to open a restaurant. The new owner did not know about the previous Notice during the time of sale, as part of the conversion of the pub it is the owners plan to clean up the site as soon as possible in order to open the restaurant, we can confirm that some internal works have started. The metal shutters which were placed over the doors and windows previously have been removed. We do not currently have a schedule of external works, though this has been asked for.

### **The Priory Public House:**

We had confirmation that the works would have been finished in the week commencing 8<sup>th</sup> March, after a site visit we have confirmed that the Notice has not been complied with and therefore we believe that prosecution for non compliance would be appropriate.

A Section 215 Notice was served on Scottish and Newcastle, currently we are undertaking a land registry search to confirm that the Notice was served on the appropriate company, this is after a representative of the company confirmed that the Winston Church was owned by Scottish and Newcastle but it was registered under Blue Star Pub Enterprises, before prosecution of the Priory Public House we want confirmation that the Notice has been served correctly.