

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/10/01409/FULL
LOCATION	Land Between Faynes Court and High Street, High Street, Sandy
PROPOSAL	Full: Erection of 7no. 2 bed flats with associated access and parking.
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllr Aldis & Cllr Blaine
CASE OFFICER	Dee Walker
DATE REGISTERED	18 May 2010
EXPIRY DATE	13 July 2010
APPLICANT	Mr P Hughes
AGENT	Kingswood Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Requested by Cllr Aldis on grounds that the scheme will result in overdevelopment of the site and additional parked cars on and around the site
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located in a prominent position within the Sandy Conservation Area to the northern end of Market Square and is currently vacant land. This site, which fronts the High Street, is enclosed on three sides by residential development with new houses to each side and flats to the rear, which formed part of the Jordan's Yard redevelopment.

The Application:

The application seeks permission for the erection of a 3½ storey building comprising of 7 no. 2 bed flats, with parking for 8 cars provided at the rear, accessed from Sunderland Road.

This is a revised application to that previously refused under ref: MB/08/01221/FULL (Erection of a 3 storey block of 6 no. two bedroom apartments to replace the former Magnolia House including parking, landscaping and associated works) dated 17.10.2008. The application was subsequently allowed at appeal (APP/J0125/A/08/2089658) on 27.04.2009 and the decision letter is appended to this report.

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

- PPS1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2010)
- PPS 5 Planning for the Historic Environment (2010)

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development DM3 and DM13 Management Policies (2009)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 5: The Historic Environment* (2009)

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

Planning History

MB/04/01459	Full: Erection of 5 no. four bedroom houses, 7 no two bedroom houses, 10 no. two bedroom flats, and 2 no. two/three bedroom flats, and conversion of chapel into 1 no. unit for A3 (food and drink use) – Approved 20/07/2005
MB/04/01460	Conservation Area Consent: Demolition of rear part of the Old Chapel and rear part of 18 Market Square – Approved 21/07/2005
MB/05/01970	Conservation Area Consent: Demolition of building – Approved 10.01.2007
MB/06/00423	Full: Erection of 3 storey office building – Approved 10.01.2007
MB/08/01221	Full: Erection of a 3 storey block of 6 no. two bedroom apartments to replace the former Magnolia House including parking, landscaping and associated works – Refused 17.10.2008 Appeal (APP/J0125/A/08/2089658) – Allowed 27.04.2009
CB/10/00676	Full: Erection of 7 no. 2 bed flats with associated access and parking – Withdrawn 30.04.2010

Representations: (Parish & Neighbours)

Sandy Town Council

Objects to the scheme on the following grounds:

- The addition of a seventh flat would be an overdevelopment of the site;
- There is insufficient parking in the courtyard area and parking in the vicinity is difficult;

- There would be a loss of amenity to near neighbours in the form of additional traffic and noise to the area around the flats
- Adjacent Occupiers Two letters of objections received on grounds of:
- Inadequate access to site for construction traffic;
 - Inadequate parking for construction workers;
 - Access road to rear is private and residents contribute towards maintenance of said road therefore concerns on how bins are going to be emptied;
 - Concerns with parking provisions for residents and visitors.

Consultations/Publicity responses

Highways Team	No objections subject to conditions being attached to any consent granted
Sandy Historical Research Group	No comments received to date
Public Protection Team	Have concerns with road noise traffic, land contamination and odour/noise.
Archaeology Team	No objections subject to a condition being attached to any consent granted
Waste	No comments received to date
I.D.B	No comments received to date
Site Notice Posted	26.05.2010
Newspaper Advert	28.05.2010

Determining Issues

The main considerations of the application are;

1. Background to the site
2. The principle of development;
3. The effect on the character of the conservation area;
4. The impact that the proposal will have on the residential amenity of neighbouring properties;
5. Highway implications;
6. Any other implications of the proposal.

Considerations

1. Background to the Site

The site lies within Sandy town centre. The land to the side and rear of the proposed building incorporates the former Jordan's Coal yard and Old Chapel, now a residential development of houses and flats and a vacant A3/B1 use.

Planning permission was granted for the redevelopment of Jordan's Yard and the chapel in 2005 under ref: MB/04/01459/FULL. The permission related to "the erection of 5 no. four bed houses, 7 no. two bed houses, 10 no. two bed flats and 2 no. three bed flats and conversion of chapel into an A3 use".

Planning permission was subsequently granted for the total demolition of

Magnolia House under ref: MB/05/01970/CAC, which was approved subject to it being redeveloped by the permission MB/06/00423/FULL for a 3 storey office building, which sought to reflect the characteristics of the original building. The condition was imposed to ensure that it was replaced by a suitable building rather than being left vacant, which however unfortunate is the current situation.

The previous application (MB/08/01221/FULL) was recommended for approval, but refused by the Committee on the grounds that the proposed development would, due to siting and location, result in an inadequate standard of amenities to the detriment of future occupiers. The application was subsequently allowed at appeal as the Planning Inspector concluded that the proposal would provide a standard of amenities for future residents which would not be unacceptably harmful to their living conditions.

2. Principle of Development

Sandy is classified as a Major Service Centre within Policy CS1 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009) as such the principle of small scale housing development located close to the town centre is permitted in principle.

The main issues in the appeal case were the siting and location of the building and the standard of amenities for future residents. Therefore the principle of the development was not considered unacceptable in the previous application and the appeal. The Inspector found that the siting and location of the building would not be unacceptable and with careful design and landscaping, an acceptable standard of amenities for residents could be provided.

The proposal is therefore considered acceptable in principle subject to no conflict with any other relevant policies set out elsewhere in the Core Strategy.

3. Character and Appearance of the Conservation Area

The site already benefits from planning permission for a three storey building of a similar design to that now being proposed. Although the height of the building has increased slightly from 10.9m to 11.1m, the siting remains unchanged. The front elevation of the building, the most prominent elevation, would be identical to the existing permission with chimneys retained on either side of the roof reflecting the surrounding development. The previous scheme has a double pitched roof but this revised scheme has a traditional pitched roof in order to gain sufficient space in the roof for the additional flat.

The revised scheme also includes the provision for 2 no. dormer windows and 2 no. roof lights to the rear roof elevation to serve the 3rd floor flat, given that these are to the rear and would not form part of the street scene they are considered acceptable in visual terms.

As with the previous scheme, the proposed parking area would be sited at the rear of the building and as such well screened from the frontage.

Concerns have been raised regarding overdevelopment of the site, however, the building is to be of similar footprint to the approved scheme and given that the introduction of a 7th flat will not increase this, the revised scheme is not considered to result in any overdevelopment of the site.

On the basis of the above it is considered that the proposal would be in keeping with the character of its surroundings and would preserve the character of the Conservation Area.

4. Residential Amenity of Neighbouring Properties

The two properties on either side of the proposed development have secondary flank windows which it is considered would not be unduly affected by the siting of the proposed building, with the relationship similar to that already approved. However, in order to ensure that privacy is not affected it is considered necessary to impose a condition on any consent granted that the proposed flank kitchen windows be obscurely glazed. It is noted that the kitchens are served by 2 no. front windows within the lounge.

The proposal introduces 2 no. dormer and 2 no. roof light windows into the rear roof elevation of the approved building facing towards the rear development, located approx. 14.0m away. However, the adjacent flats have only small roof lights serving the rear part of the development (stairwell/corridor) with main windows being located on the other elevation facing the courtyard.

Given the fact that the siting of the building remains the same and the overall size is similar, it is not considered that the development would result in an unreasonable loss of privacy, light or overbearing impact on any neighbouring occupiers.

5. Highway Implications

The application proposes 8 no. parking spaces for the 7 no. 2 bed flats, with access from Sunderland Road via the development at the rear. Concerns have been raised by the residents with regards to the legal right to access the development over this privately owned land. May it be noted that this is a civil matter that the planning process cannot address or determine and therefore not a material consideration within the determination of this application.

The Highways Team was consulted on the proposal and raised no objections in principle. They raised comments with regards to the parking layout, however this can be addressed by attached a relevant condition to any consent granted for submission of further plans.

Given the central location of the site such provision is considered acceptable, subject to the provision of cycle parking to encourage sustainable travel.

The concerns from the Town Council are noted but it must be emphasised that an appeal has already been allowed on the site for a similar development. The revised scheme will not result in a change in the foot print of the building and therefore not considered to result in any overdevelopment of the site; the parking provision in the courtyard area is no different to the proposed and the Highways Team consider the level of parking acceptable. Any level of noise and additional traffic would not be materially different if the original planning permission had been implemented.

The appeal decision that is appended to this report clearly finds the principle of this development acceptable and given that the building is to be located in the same position and the same level of amenities are being provided, this revised scheme is acceptable and recommend for the approval subject to conditions.

6. Any Other Implications

Following the adoption of the Planning Obligations Strategy SPD on 20 February 2008, the SPD provides a mechanism to ensure that smaller-scale development can fairly and reasonably contribute towards new infrastructure and facilities. The Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 be submitted with the planning application.

This application was submitted on 18 May 2010 and as such the proposal would attract Planning Obligations. A legal agreement was submitted with the application and has been confirmed as acceptable. The application is therefore in accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009)

With the introduction of Policy CS7 all new housing developments for 4 or more dwellings need provide an element of affordable housing. Sites of 4 dwellings should include one affordable dwelling. On all other qualifying sites, 35% or more units should be affordable. Although this application would require the affordable housing element because the existing planning permission was granted before the policy was adopted and given that the revised scheme is only increasing the number of units by one, it is considered unreasonable to request that the revised scheme be subject to this affordable housing requirement.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies CS1, CS2, DM3 and DM13 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 5: The Historic Environment* (2009) and Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

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

- 1 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 **Prior to the commencement of development details of the materials to be used for the external walls, roof, windows, doors and all other external finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall accord with the approved details.**

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

- 3 **Prior to the commencement of development details of the brick bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.**

Reason: To safeguard the character and appearance of the Conservation Area.

- 4 **Prior to the commencement of development approved by this planning permission, with the exception of works undertaken in order to allow intrusive testing, the developer shall submit to the Planning Authority, in duplicate 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, gas and groundwater sampling; the latter copied to the Environment Agency for comment.

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 all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report incorporating photographs and soil transport receipts where applicable.

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

Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority and any unexpected discoveries of contamination during development reported to the Local Planning Authority.

Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.

- 5 **Prior to the commencement of development details of the final ground and slab levels of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 6 **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.

- 7 **No development shall take place until the applicant or developer has secured the implementation of a written scheme of archaeological investigation which has been submitted to and approved by the Local Planning Authority. 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.

- 8 **Before development commences, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per flat and 1 no. short stay space per flat 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 interest of encouraging the use of sustainable modes of transport.

- 9 **All windows shall be of sliding sash type and be white painted timber, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure a satisfactory appearance within the Conservation Area.

- 10 **The first and second floor windows in the flank elevation 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 up to 1.7m from the floor level of the room. No further windows or other openings shall be formed in the elevation.**

Reason: To safeguard the amenities of occupiers of adjoining properties

- 11 Prior to the first occupation of the building hereby approved 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:-
- i. materials to be used for any hard surfacing;
 - ii. planting plans, including schedule of size, species, positions, density and times of planting;
 - iii. cultivation details including operations required to establish new planting;

The hard surfacing shall be carried out prior to first occupation and the landscaping carried out in accordance with Condition 7. All work 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.

- 12 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.

- 13 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 first 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 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance to details to be approved in writing by the Local Planning Authority. 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: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety. To reduce the risk of flooding, minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 15 There shall be no restriction on the use of the car parking spaces shown on the approved plans by occupiers of, or visitors to, any of the buildings hereby permitted.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

- 16 Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. 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 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 Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN.
2. The applicant is advised that photographs of the existing highway that is to be used for access and the 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 Highways Authority at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Councils 'Cycle Parking Guidance - August 2006'.

DECISION

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