

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

<b>APPLICATION NUMBER</b>	<b>CB/10/01776/FULL</b>
<b>LOCATION</b>	<b>21 - 23, Queens Road, Ampthill, Bedford</b>
<b>PROPOSAL</b>	<b>Full: Demolition of single storey building elements and garage. Replacement with two extensions one each side, partly single and partly two storey. Providing a total of 3 retail and 5 residential units. Refurbishment of existing accommodation. Associated amenity space, off street parking and landscaping provided. Re-routing of public pavement.</b>
<b>PARISH</b>	<b>Ampthill</b>
<b>WARD</b>	<b>Ampthill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr P Duckett &amp; Cllr G Summerfield</b>
<b>CASE OFFICER</b>	<b>Nicola Stevens</b>
<b>DATE REGISTERED</b>	<b>20 May 2010</b>
<b>EXPIRY DATE</b>	<b>15 July 2010</b>
<b>APPLICANT</b>	<b>VIGOR HOMES LTD</b>
<b>AGENT</b>	<b>SAUNDERS PARTNERSHIP ARCHITECTS</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Deferred from 21.07.10 meeting to allow the applicant further time to discuss the proposal with the existing tenant. Cllr Summerfield request, concerned about overbearing impact on neighbours and highway issues.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is located on the corner of Queens Road and Dukes Road, Ampthill. It is currently occupied by 2 retail units on the ground floor, one unoccupied and the other occupied by a private children's nursery, and two 2 bed flats on the first floor.

The site is surrounded by residential properties on three sides and the playing field of Russell Lower School opposite.

**The Application:**

Full consent is being sought for the demolition of single storey building elements and garage. Replacement with two extensions one each side, partly single and partly two storey. Providing a total of 3 retail and 5 residential units. Refurbishment of existing accommodation. Associated amenity space, off street parking and landscaping provided. Re-routing of public pavement.

**PPS:**

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for sustainable economic growth

**Core Strategy and Development Management Policies Adopted November 2009**

CS1	Selected settlements
CS2	Developer contributions
CS3	Healthy and Sustainable Communities
CS4	Linking communities
CS14	High quality development
CS17	Green infrastructure
DM3	High Quality Development
DM4	Development within and beyond settlement envelopes
DM14	Landscape & woodland
DM16	Green infrastructure
DM17	Accessible greenspaces

**Supplementary Planning Guidance**

Design Guide for Central Bedfordshire & DS3 Town Centre & Infill Development, and DS6 Shopfront and signage Adopted Jan 2010.

Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008).

**Planning History**

634/54/7	14 houses and 2 shops. Approved
93/433	Full: conversion of existing garage/store to retail premises Approved 18.5.93
04/984	DCReg 3: COU of ground floor from retail to children's nursery for a temporary period of one year. Approved 28.7.04
05/739	DC3: Variation of condition 2 attached to planning permission ref: 04/984/DC3 for COU of ground floor from retail to children's nursery for a temporary period of one year. Approved 16.6.05
06/783	S73: Variation of condition 2 to extend the COU of ground floor from retail to children's nursery for a further two years attached to planning permission ref: 04/984/DC3. Approved 14.7.06
10/108	Full: Demolition of side extensions and garage. Replace with 2 two storey extensions to provide 4 retails and 6 residential units. Refurbishment of existing accommodation. Withdrawn 1.4.10

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

Amphill Town Council	Object, concerned about overdevelopment of the site, loss of amenity on neighbouring properties including loss of light to No 25 Queens Road, lack of on site parking, Dukes Road/Queens Road already congested at school times, highway safety concerns regarding vision splay coming out of Dukes Road onto Queens Road, concern for child safety as this is a safer route to school area.
Neighbours	7 letters of objection, concerned about pedestrian and highway safety, Queens Road already congested at school times, increase in traffic flow will lead to noise and fumes, lack of parking, no need for further shops or small flats, shop opening and delivery hours will harm residential amenity from noise and disturbance, will lead to antisocial behaviour and more rubbish, overbearing, loss of light, noise and disturbance, and smell from refuse storage area for No 25 Queens Road, replacement boundary treatment should be provided and maintained, inaccuracies in Design and Access Statement. Existing resident concerned about safety during development and replacement facilities proposed.

## **Consultations/Publicity responses**

Highway Officer Planning Waste Management Officer	No objection subject to conditions and notes The residential bin collection point has satisfactorily been moved forward to the highway boundary. A site waste management plan will be required.
EHO Public Protection	No objection subject to conditions relating to installation of equipment to prevent problems of odours and noise unduly harming adjoining residential amenity.
Tree and Landscape Officer	No objection

## **Determining Issues**

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

## Considerations

### 1. Principle of development

The proposal will result in a net increase of gross internal floorspace (Use Class A1 retail) of 34m<sup>2</sup> (from 147.5m<sup>2</sup> to 181.5m<sup>2</sup>) at ground floor. Four x 1 bed and one x 2 bed flats will be created at first floor to replace the existing two 2 bed.

The site is within a predominately residential area and has had a mixed retail and residential use for a substantial number of years. It lies within the settlement envelope of Ampthill where new development is generally considered acceptable provided it meets other local plan criteria which will be discussed in more detail below.

### 2. Visual impact

There is presently a two storey, semi detached building on the site with single storey extensions on both sides. It is a corner site and thus has a dual aspect facing onto both Queens Road and Dukes Road. In terms of topography, the applicant points out that Queens Road gradually slopes up northwards, though there is little impact on the site itself. However, Dukes Road slopes downwards away from Queens Road more significantly.

To reflect the change in levels along Dukes Road the floor level for the two storey extension on that side has been lowered to allow level access for the retail units. A 3m gap is retained between the extension and the adjoining property No 19 Dukes Road and the roof is stepped down from the main building and fully hipped. In streetscene terms this elevation is considered visually in keeping.

The two storey extension along Queens Road would also be stepped down from the main ridgeline and stepped back from the main elevation to take into account the position of No 25 Queens Road which is at an angle to the application site. In the streetscene elevation this shows a separation gap of 1.4m which is considered visually acceptable but in reality the gap is larger because this elevation does not account for the splayed relationships, the closest point between the buildings actually being 2.4m distance.

In terms of external alterations to the shops, new windows, doors and entrance canopy will match the proposed extensions, all in keeping with the surrounding area in terms of design and materials.

A large eucalyptus tree will be lost to the rear of the building as a result of the proposal. Whilst visible in the streetscene it is not protected and not visually dominant due to its location behind the existing building therefore its loss is considered visually acceptable.

Some additional planting is proposed to the front of the building along Queens Road to help break up the large area of hardstanding, whilst there is limited opportunity for this it will help to approve the appearance of this corner.

### **3. Residential amenity**

No 25 Queens Road is located to the north of the application site and has a ground floor hallway window, first floor stairs and bathroom windows facing the application site. The nearest point from the northern extension to the rear of No 25 Queens Road is 7m. Whilst there will be more built mass visible from the rear garden of No 25 Queens Road, the eaves and ridge heights of the proposed and existing properties are comparable in terms of scale, the rear element would now be single storey and fully hipped, and given the distances involved it will not lead to any undue loss of light, privacy or overbearing impact to that adjoining property. The first floor bathroom window on the side elevation can be conditioned to be obscure glazed to protect privacy.

There is a drop of approx 1m from the existing building on the application site to No 19 Dukes Road. That property has a ground floor window in its side (north west) elevation which serves a store room. The main concern is the impact on the rear of that property as the proposed extension would extend approx 2.6m further to the rear of No 19. However, given the distance between the properties (approx 3m) and their relationship, it is not considered this part of the proposal will result in an unacceptable impact in terms of loss of light and overbearing impact.

In terms of the northern extension the scheme is improved as the rear element is now single storey with no first floor windows. A kitchen/living room window is shown at ground floor level on the rear elevation. Due to the difference in ground levels, the new boundary fencing will not screen this window, however, it is offset from the boundary of No 19 Dukes Road and is approx 24m away from the properties along Cornwall Road which is acceptable in terms of privacy.

First floor bedroom and bathroom windows are proposed on the northern side of the southern extension but will not result in any undue loss of residential amenity to surrounding properties due to the relationship and distances involved. A kitchen/living room window is proposed on the southern side of the single storey northern extension facing onto the rear of No 19 Dukes Road. Whilst No 19 is at a slightly lower ground level, given that this is a ground floor window proposed and that there is a covered porch at ground level on the rear of No 19 nearest this window it is considered the relationship is acceptable and no undue loss of privacy will result.

The site is adjoined by residential properties, however, a general condition restricting hours of opening of the retail uses to protect residents from noise and disturbance cannot be attached because the existing building has an established A1 use. It is noted that the nursery has limited hours of operation but that is only a temporary permission. However, it is noted that the retail units themselves will be no nearer to No 25 Queens Road than the existing situation. A blank sided elevation is now proposed facing No 19 Dukes Road. However, a condition limiting hours of operation for unit 3 which is to be extended should be conditioned to protect adjoining residential amenity.

An amenity area for the residential units is provided to the rear of the building with space allocated for commercial refuse storage. An enclosed and gated bin/recycling store is shown for the residential units on the northern boundary adjoining the rear garden of No 25 Queens Road which the Planning and Waste Management Officer previously objected too as being too far away from the

public highway. However, no such objection has been received as part of this application and additionally an area has been identified to the front where bins can be placed on collection day. The site layout has been amended to show a wall along this part of the northern boundary treatment to ensure no undue loss of residential amenity from this bin store. The Environmental Health Officer has no objection to the scheme. Whilst conditions have been suggested relating to installation of equipment to prevent problems of odours and noise unduly harming adjoining residential amenity, as this is an A1 existing use it is not considered that those conditions are necessary. The EHO has confirmed that a condition is required for sound insulation to the flats to provide noise protection from the commercial use which has been attached accordingly.

The relationship and separation distances provided between the site and properties opposite along Dukes Road are considered sufficient. No other surrounding properties would be affected as they are located too far away.

#### **4. Highways**

Unallocated off street parking is provided for both the retail and residential use on both Queens Road and Dukes Road. For pedestrians, the difference in the two levels has been accommodated in this revised application by a ramp which wraps around the corner of the building.

The proposal includes the provision of a replacement footpath along Queens Road which will need to be offered for adoption as public highway and this can be covered by condition.

14 unallocated car parking spaces are proposed, 6 spaces off Dukes Road and 8 spaces off Queens Road, which the Highway Officer confirms is acceptable to serve the development.

However, in order for vehicles to manoeuvre in and out of parking spaces located off Dukes Road parking restrictions on the southern side of Dukes Road along the whole frontage of the parking area need to be introduced for which a Traffic Regulation Order would be required. The financial contributions to ensure this have been secured within the unilateral.

One space off Queens Road is able to accommodate a small delivery vehicle. Loading and unloading of large delivery vehicles will continue to be done on the street which given its frequency is considered satisfactory.

Cycle storage for the residents of the flats is provided in the rear garden and public cycle storage to the front of the retail units on Queens Road. Further details would be required by condition.

#### **5. Other issues**

This proposal will result in an increase in A1 retail floorspace (34m<sup>2</sup>), the loss of two 2 bed flats and the creation of five flats (4x1 bed and 1x2 bed), resulting in the need for financial contributions under the Planning Obligations Strategy Adopted 2008. A Draft Unilateral has been submitted and is now considered satisfactory, however, this will need to form a reason for refusal if the signed version has not been received by the date of committee. As the 'net' increase in residential units is 3, there would be no requirement for affordable housing under policy CS7. No financial contribution requirements are identified for the

commercial use.

Although the comments of neighbours are noted about possible types of retail uses, the existing units could be used as an off licence (Use Class A1). As stated above it is not possible to control hours of operation in this proposal because the existing building has an established A1 use. Fast food establishments would require separate planning consent for change of use.

## **Reasons for Granting**

The proposal is in conformity with Policies CS1, CS2, CS3, CS4, CS14, CS17, DM3, DM4, DM14, DM16 and DM17 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal does not seriously harm the amenities of neighbours and will not have a harmful impact on the character and appearance of the locality. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing) and PPS4 Planning for sustainable economic growth, Technical Guidance: Design Guide for Central Bedfordshire & DS3 Town Centre & Infill Development, and DS6 Shopfront and signage Adopted Jan 2010, and Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008).

## **Recommendation**

That Planning Permission be APPROVED subject to the following:

- 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 **No development shall commence until full details of both hard and soft landscaping have been 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;**
- **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.**

- 3 The scheme approved in Condition 2 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the first occupation of the development hereby approved.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 4 The boundary treatment including a 1.8m high brick wall around the residential bin storage area shall be erected as shown on the plans hereby approved. The boundary treatment shall be completed in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

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

- 5 **No development shall commence until details of materials to be used for the external finishes of the development hereby approved to include roof, bricks, windows, doors, and porches have been 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.**

- 6 Final ground and slab levels of the development hereby approved shall be implemented in full accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

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

- 7 Retail unit 3 as shown on drawing 6444-P15 shall only be open to customers between the hours of 8am to 6pm Mondays to Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.



- 8 Prior to the first occupation of the northern extension the first floor bathroom window in the side (northern) elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it, and restriction on its opening to a maximum of 10 cm. These restrictions shall be retained at all times unless written authority has been given by the Local Planning Authority.

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

- 9 **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.**

- 10 **No development shall take place until the developer has entered with the Council into a Section 38 Agreement of the Highways Act 1980 or similar in respect of the re-routing of the existing footway along Queens Street, to be constructed as part of the development.**

**Reason: To ensure that the re-routed footway is available for the public use without any restrictions, in the interest of pedestrian movement.**

- 11 No dwelling shall be occupied until the re-routing of the existing footway along Queens Road along the back of the proposed car parking area, the principles of which are as shown on Drawing No 6444 P14B, has been completed. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

- 12 **Development shall not begin until detailed plans and sections of the proposed pedestrian and car parking areas off Dukes Road and Queens Street showing gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the approved details have been constructed.**

**Reason: To ensure that the proposed pedestrian and car parking areas are constructed to an adequate standard in the interest of highway safety.**

- 13 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.

- 14 There shall be no restriction on the use of the car parking spaces shown on drawing No 6444 P14B 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.

- 15 Cycle parking and storage on the site shall be implemented in accordance with the plans and details hereby approved. The scheme shall be fully implemented before the development hereby approved 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.

- 16 **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.**

- 17 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Officer. Development shall be completed in accordance with the approved details. The Site Waste Management Plan should demonstrate that in both construction and operational phases of the development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner.**

**Reason: To ensure that site waste is disposed of in a safe, efficient and comprehensive manner.**

- 18 The ground floor of the building shall be used for retail sale of goods to the public (Use Class A1) of the Town and Country Planning (Use Classes) Order 2006 and no other purpose, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land/building(s) in view of the special circumstances of the case.

- 19 **Prior to commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels for the residential units which need to be protected from the commercial use shall not exceed 35dB LAeq, 07.00-23.00 in any habitable room, or 30dB LAeq, 23.00 - 07.00 and 45dB LAmax, 23.00 - 07.00 inside any bedroom. Any works which form part of the scheme approved by the Local Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring with the results reported to the Local Planning Authority in writing , before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.**

**Reason : To protect neighbouring residents from any adverse impact from noise arising from the commercial use.**

### **Notes to Applicant**

1. You are advised to note that new shop signage may need separate advisement consent. You are advised to contact the planning department for further advise prior to erection of any signage.
2. You are advised to note that this permission is restricted to A1 use. Should any cooking facilities/equipment be required this is likely to require separate planning consent.
3. The applicant is advised that in order to comply with Condition 12 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 or similar of the Highways Act 1980 to ensure the satisfactory completion of the access, car parking areas and footway provision . Further details can be obtained from the Highways Development Control Group, Development Management Division, , Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, P.O. Box 1395 Bedford,
5. The applicant is advised that in order to comply with condition 10 of this permission details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Development Control Group, Development Management Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance.

## DECISION

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