

## Item No. 9

## SCHEDULE B

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| <b>APPLICATION NUMBER</b>                | <b>CB/10/02500/FULL</b>  |
| <b>LOCATION</b>                          | <b>73A High Street, Stotfold, Hitchin, SG5 4LD</b>   |
| <b>PROPOSAL</b>                          | <b>Full: Demolition of existing industrial buildings and the construction of 2 no. one bed OAP retirement bungalows with parking and gardens</b> |
| <b>PARISH</b>                            | <b>Stotfold</b>  |
| <b>WARD</b>                              | <b>Stotfold &amp; Arlesey</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Dalgarno, Cllr Saunders, Cllr Street &amp; Cllr C Turner</b>   |
| <b>CASE OFFICER</b>                      | <b>Dee Walker</b>  |
| <b>DATE REGISTERED</b>                   | <b>14 July 2010</b>  |
| <b>EXPIRY DATE</b>                       | <b>08 September 2010</b>   |
| <b>APPLICANT</b>                         | <b>D T Chellew</b>   |
| <b>AGENT</b>                             | <b>Levitt Partnership</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Ward Cllr C Turner called in on grounds of impact on existing boundary treatment, inadequate vehicular access and loss of employment</b>      |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Granted</b>  |

### Site Location:

The application site is on the northern side of the High Street, wholly within the Settlement Envelope. The land forms part of a small courtyard with existing buildings with commercial use. The courtyard also provides parking for adjacent residential properties. The surrounding area comprises predominantly residential properties of varying ages and styles.

### The Application:

The application seeks permission for the demolition of the existing industrial buildings and the construction of 2 no. one bedroom OAP retirement bungalows with parking and gardens.

It is worth noting that the site was granted planning permission for the erection of 3 no. 1 bedroom dwellings following the demolition of the existing commercial buildings under ref: MB/05/00239/FULL dated 13.05.2005.

### 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 DM4 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/02/01354 | Full: Erection of 4 two bedroom flats and 1 one bedroom flat, car port and associated works following demolition of existing industrial unit – Withdrawn 11.10.2002 |
| MB/02/02176 | Full: Demolition of existing industrial unit and construction of 4 two bedroom flats and 1 one bedroom flat with associated parking – Refused 14.04.2003            |
| MB/05/00239 | Full: Erection of 3 no. 1 bed dwellings following demolition of existing industrial buildings – Approved 13.05.2005   |

## Representations: (Parish & Neighbours)

|                       |   |
|-----------------------|---|
| Stotfold Town Council | <p>Objects on the following grounds:</p> <ul style="list-style-type: none"><li>• The location plan is in excess of 20 yrs out of date and does not give a true indication of the density of buildings in the area;</li><li>• The wall adjoining 77 High St forms the boundary of the curtilage of a property identified as being of historical interest;</li><li>• The previous application 05/00239/FULL stated that the wall should be capped at its present height of 2.5m, as can be seen from condition 9 of the decision notice;</li><li>• There is conflict in the documents received in that the plans show a 1 storey building, whereas the design statement shows rooms 1½ storey height. This would increase the number of persons occupying the properties;</li></ul> |
|-----------------------|---|

- As the neighbouring property of 77 High St is a Quaker burial site, there is a very real possibility that demolition and excavation works may unearth burials, and the Home Office should therefore be informed. We also requires that an archaeological survey is carried out;
- Vehicular access to the site is via a narrow passageway between existing properties, and the site also has very limited space within the curtilage of the development;
- The conversion of the land from business to residential would lead to a loss of much needed employment in the area; and
- We ask for clarification of the definition of 'OAP bungalows' and whether the planning authority is prepared to enforce that stated use with future occupiers.

#### Adjacent Occupiers

One letter of comments received:

- Removal of building will not preserve or enhance this area;
- Existing boundary wall should be retained at its present height, as such it was with the previous planning permission;
- Human remains were found within the site of Ivy Lodge and possibly be present along the boundary;
- Possible inability to retain or regain privacy to rear garden;
- Position of car parking adjacent to kitchen wall will cause pollution to go up into eaves and pollute kitchen, apple tree and patio.

### Consultations/Publicity responses

|                        |   |
|------------------------|---|
| Highways Team          | No objection in principle subject to conditions being attached to any consent granted                                   |
| Archaeology Team       | No objections subject to a relevant condition being attached to any consent granted for an archaeological investigation |
| Public Protection Team | No objections subject to relevant condition being attached to any consent granted                                       |
| Site Notice Posted     | 21.07.2010  |

### Determining Issues

The main considerations of the application are;

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

## Considerations

### 1. Principle of development

The site is wholly within the settlement envelope of Stotfold which is defined as a 'Minor Service Centre' in the Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009). As such the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement.

Planning Policy Statement 3 sets out the key objective of that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Previously developed land is defined in PPS 3 '*land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.*' As such this site would be considered as such land.

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

### 2. Character and Appearance of the Area

The proposal is for 2 no. one bedroom bungalows following the demolition of the existing two storey and single storey buildings. The proposed block is relatively modest in scale measuring 4.3m in height. The proposal is in a simple style of brickwork with a hipped roof of slate grey coloured tiles. The site itself is to the rear of buildings fronting the High Street and will therefore not be particularly prominent. However, it will be partially seen from The Crofts to the north but not in a prominent nature.

The existing buildings are of no real design merit or worthy of retention. It is considered that the scale and design of the building is acceptable and will not appear cramped or out of keeping with the character and appearance of the surrounding area. The proposal is therefore considered acceptable in this respect.

### 3. Residential Amenity of Neighbouring Properties

There are several properties within close proximity that the proposal needs to be assessed against such as 69, 69A & 77 High Street and the nearest dwellings in The Crofts. The scale of the proposed building, its siting off the boundary with neighbouring properties and the distance relationship to those properties is such that there will be no unacceptable impact by reason of a loss of light or overbearing impact upon the amenities of those properties.

The wall to the eastern boundary is currently 2.5m high and concerns have been raised by the Town Council and the occupiers of 77 High Street that the capping of this wall would result in the neighbours privacy being compromised. Given the sun orientation and the wall being on the eastern boundary, by retaining the wall it would not result in any material loss of sunlight for the future occupiers of the proposed dwellings and would have no change to the current situation to the occupiers of no. 77. A condition was attached to the previous planning permission to retain the wall at its current height and therefore such condition can be attached to any consent granted for this current application.

The single storey building has also been designed in such a way so that there is

no unacceptable impact by reason of overlooking and loss of privacy. Apart from the bathroom windows, these will face towards the courtyard and be obscurely glazed. All other windows face onto the private amenity space of the resultant dwellings.

#### **4. Highway Implications**

The proposal will utilise an existing access onto the High Street. It will in fact be a lower traffic generator compared to a commercial use and from the point of view of the use of the access is considered acceptable. It provides parking for 4 no. vehicles and this provision is considered acceptable to serve 2 no. one bedroom properties as well as visitors. The dwellings will be located in excess of the recommended distance for waste collection and therefore an on site bin store collection area is required within 15.0m of the public highway; as such a suitably worded condition can be attached to any consent granted to deal with this matter.

#### **5. Any Other Implications**

The proposed development lies within the historic core of the settlement of Stotfold and it also adjacent to the site of a Quaker burial ground. This is an archaeologically sensitive area and both the historic settlement and the Quaker burial ground represent important local heritage assets.

At present the exact extent of the Quaker burial ground is unknown, anecdotal evidence suggests the burials may extend beyond the boundaries of the known site (to the east of the proposed development site) and thus into the development area. Despite the presence of modern buildings on the proposed development site there is still the capacity for archaeological deposits and in particular human remains to survive.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and upon the significance of Stotfold historic settlement and Quaker burial ground heritage assets. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This can be achieved by the investigation and recording of any archaeological deposits (including human remains) that may be affected by the development. In order to secure this, a condition can be attached to any consent granted.

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 14 July 2010 and as such the proposal would attract Planning Obligations. At the time of writing this report no legal agreement was submitted with the application, however according to the application it would be. Therefore unless it has not been submitted in time for Committee the application would be in accordance with Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

## Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies CS1, CS2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010) and Planning Policy Statement 5 (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, 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 **No development shall take place until the applicant has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing 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.**

- 4 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings 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. 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.**

- 5 **Prior to the commencement of development 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.**

- 6 **Prior to the commencement of development 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.**

- 7 **Prior to the commencement of any phase of development the developer shall submit in writing to the Local Planning Authority for approval:**

**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.**

**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.**

**Applicants are advised that should groundwater or surface water courses be at risk of contamination during or after development the Environment Agency at Brampton should be approached for approval**

**of measures to protect water resources while copying in the Local Planning Authority.**

**Reason: To protect human health and the environment**

- 8 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.

- 9 The turning space for vehicles illustrated on the approved plan no. 12248 2 Rev B shall be constructed before the development is first brought into use and thereafter be accessible at all times.

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

- 10 Prior to the first occupation of the buildings 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:-

- 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.

- 11 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.



- 12 The eastern boundary brick wall shall be retained and made good. Any alteration to its height or form or different type of boundary treatment shall be agreed in writing by the Local Planning Authority prior to any works to the existing wall taking place.

Reason: In the interest of amenity and character of the area and amenities of the adjacent property.

- 13 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 of the dwellings until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory level of amenity space surrounding the dwellings is maintained and in the interest of the visual amenities of the site and occupiers of neighbouring properties.

### **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.

### **DECISION**

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