

Item No. 13**SCHEDULE B**

APPLICATION NUMBER CB/11/01470/REN
LOCATION The Bakery, The Square, Aspley Heath, Milton Keynes, MK17 8SY
PROPOSAL Extension of Time: Application No. MB/08/00263/Full dated 21/04/2008. Full: Extension to the existing bakery, 2 No. self contained 1 bed flats.
PARISH Aspley Heath
WARD Aspley & Woburn
WARD COUNCILLORS Cllr Wells
CASE OFFICER Sarah Fortune
DATE REGISTERED 19 April 2011
EXPIRY DATE 14 June 2011
APPLICANT Bushy Croft Developments
AGENT PPS Ltd
REASON FOR COMMITTEE TO DETERMINE Councillor Budge Wells has requested -in view of comments raised by the Parish Council.

RECOMMENDED DECISION Full Application - Granted

Site Location:

The site comprises of the buildings and associated land that forms part of the Upper Crust Bakery which lies within The Square at the junction of Hardwick Road with High Street and Woburn Road in a visually prominent position. The frontage building has two main facades - one to Woburn Road and the other onto Hardwick Road.

To the east the site adjoins a property known as 'Top Knot' which comprises of two retail units with living accommodation above. To the west the site adjoins a bungalow - 2A Hardwick Road.

The Application:

This application is to renew a previous planning permission dated: 21/04/2008 ref; MB/08/00263) in respect of the renovation of the existing site buildings, the removal of the two storey side extension and garage/passageway building - and its replacement with a smaller one and a half storey side addition. A small terrace and then a pitched roof is to be built above the rear projection behind the bakery.

In addition, a new building is to be erected adjacent to the southern boundary to comprise of two one bed, studio apartments. Some internal alterations are proposed in the existing bakery to improve the living accommodation and retail space. Access to the site is to be via the existing access off Hardwick Road and there is to be a turning area within the site.

PPS:

PPS5 The Historic Environment
PPS3 Housing
PPG2 Green Belt

Regional Strategy

Policy ENV7 - Quality in the Built Environment

Core Strategy and Development Management Policy document dated November 2009.

DM6 Infill development in Green Belts
CS15 and DM13 New development in Conservation Areas

Aspley Heath Conservation Document dated March 2008

Design in Central Bedfordshire a Guide for development - November 2009

Planning History - relevant

78/787 Extension and alterations to shop and house. Change of use of part of house for additional shop purposes and of shop storage and additional residential purposes.
Granted: 02/03/1979

78/787/A Single storey rear extension for cake finishing room
Granted: 03/01/1980

02/00341/OUT Detached dwelling (all matters reserved)
Refused: 17/04/2002 on grounds that it was tantamount to tandem development, loss of amenity to neighbours and parking problems as well as lack of adequate information in the submitted plans for a full consideration of the proposals.

06/01530 Erection of detached garage store building.
Granted: 07/11/2006

MB/08/00263 Full: Extension to the existing bakery. 2 No. self contained 1 bed flats.
Granted: 21/04/2008. Expires: 21/04/2008

MB/08/01784 Change of use from A1 to A1 and cafe.
Granted: 3/12/2008

Representations: (Parish & Neighbours)

Aspley Heath Parish Council The Parish Council raised no formal objections to the original application but now considers that the change of use of the main retail unit - and traffic/parking problems

adjacent to the site on Hardwick Road changes the situation:

No objections to the removal and replacement of existing utilitarian side and rear extensions. Concerned that the overall proposal is overdevelopment and thus raise objections:

The retail area is to be extended and appears to be designed to be converted into two retail units, and there are to be more bedrooms. There will be increase in use of the access, no separate provision has been made for the delivery vehicles and there will be a conflict of interest between the requirements of the retail unit and car parking for the flats. Need to condition materials to ensure that materials match including a slate roof, matching red bricks etc..

Woburn Sands Parish Council Objects: lack of parking and concerned that the retail unit may become two units.

Neighbours No obs received

App Adv

Consultations

CC Highways No objections subject to conditions

EHO No objections as long as conditions are attached to the consent including ones re noise and odour

E.A. Comments regarding foul and surface water drainage systems

IDB No comments.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Impact on visual amenities of area.
3. Impact on amenities of neighbours
4. Access and parking
5. Landscaping, Drainage and Other Considerations

Considerations

1. Background and Policy

The main consideration in this application for renewal of the consent are whether there has been a change in any of the circumstances both in policy terms and in relation to the site and its surroundings - that would justify a

different decision now being made i.e. a refusal as opposed to the previous approval. Since the previous permission retrospective planning consent has been granted for the change of use of the shop (A1) to A1 and cafe - ref: 08/01874. With regard to the comments from the Parish Council potential subdivision of the approved retail/cafe unit does not require the benefit of planning permission. There are two parking spaces shown for the retail unit and as long as the floor area of the retail area does not increase then the parking need would not be changed from that being shown even if the unit were to become two retail units since parking requirements is based on floor area.

The site lies in an area of mixed residential and retail uses close to the centre of Woburn Sands. Shops with residential properties above characterise the frontages of the main roads whilst residential streets with pockets of infill development behind are characteristic of the roads which lie behind and lead away from the main shopping areas.

This application seeks to continue the mixed use of the site whilst improving its appearance and through a more efficient use of the space creates two further single bedroom studio flats

This application is for the renovation of the existing site buildings with the demolition of the old two storey side addition and garage/passageway building and its replacement with a smaller one and a half storey addition. A small terrace and then pitched roof is proposed above the rear projection behind the bakery and then a new building adjacent to the southern boundary to comprise two one bed studio apartments.

There are to be some internal alterations within the existing bakery to improve the living accommodation and retail space.

Overall the increase in the use /activity of the site proposed by the application in addition to what is already there is the two one bed studio apartments.

Whilst it is accepted that this proposal incorporates the erection of a building to the rear to be used as two flats it is felt that whilst tandem development is not normally acceptable in the settlement of Aspley Heath - where only infill development generally complies with planning policies - in this case it is still felt that the planning merits in respect of the improvements to the appearance of the main frontage building outweigh the general presumption against such tandem development since the site is located in a very prominent location and is clearly in need of renovation. These improvements will give an uplift to the area. The only change in policies that are relevant to this site are that the Core Strategy and Development Management Policy Document has been approved in 2009 but this does not change the policy position in relation to the site and the proposed developments.

2. Impact on visual amenities of area.

The side extension and garage/passageway is to be removed and replaced with a more sympathetically designed extension. The height of the side extension is to be reduced to one and a half storeys where this is to be replaced.

There is to be a new building to the rear of the site which is to be one and a half

storey and this is to provide for two studio apartments. The shape is L shaped and it ensures that the building is pulled back and away from the boundary with 2a Hardwick Road. This building is to appear as more of a detached property rather than a traditional flatted block. There is to be chunky window, sill and lintel detailing as well as dormer windows, a traditional roof and traditional brick and tile construction. The style takes reference from the main frontage building and residential properties to the rear.

A small sitting out area for the new apartments has been provided as well as some amenity area for the existing flats within the bakery itself. There is to be hedge planting to the front of this amenity area with a gated access.

It is still felt that the size and design of the extension to the frontage building is in keeping with the character of the property itself and the street scene generally and will in fact be a visual improvement to the area at this very prominent location next to two roundabouts. The size and design of the rear roof extension is also acceptable and will be seen as a further visual improvement to the site when viewed from the rear. The block of two studio flats in the rear area of the site is in keeping with the character of the area generally.

It is thus felt that the proposals accord with Core strategy policies - in particular DM6, DM13 and CS15 which seek to ensure that new development preserves - and if possible - enhances an area.

3. Impact on amenities of neighbours

With regard to the potential impact on the amenities of neighbours the dwellings which are most affected by these proposals are the bungalow in Hardwick Road to the west and the large house to the rear of the site to the south west. The block of two flats to the rear of the site has been designed and sited so that it is 8.5 metres away from the shared boundary of the site where the bungalow has its main side elevation facing the application site. The part of the new block that is to be close to the bungalow is actually next to the garage of the bungalow. This means that there will be some loss of outlook and overbearing impact to the occupier of the bungalow but not sufficient as to sustain an objection. Also, windows have been positioned so that there will be minimal potential for overlooking to this bungalow. With regard to the house to the rear - number 6 Church Road this is at a distance of about 19 metres from the proposed rear elevation of the block of flats and is to be at a much lower ground level - as the land rises steeply beyond the site to the rear. There are to be no first floor windows facing this house to the rear - apart from some high level rooflights.

The raising in the height of the roof of the rear projection to the shop building will not result in undue loss of amenity to the neighbouring shops with the flat above (this flat is presently not used for such purposes but is being used for storage in association with the retail use at the ground floor level).

There are some concerns about the environmental factors which could impact on the amenity of existing and proposed residents of the flats. In particular there is a restaurant and pub opposite the site and other such premises in the vicinity. These could give rise to noise and odour problems. Conditions are to be attached to cover the issues of noise and odour to ensure that the amenity of residents is safeguarded .

It is felt that the proposal accords with policies in the Local Plan which seek to protect the amenities of neighbours and no letters of objection have been received from any neighbours.

4. Access and Parking

The existing access is to serve the site and the rear development and the County Highways officer is of the view that he has no objections to raise as long as conditions are attached to any planning permission. The revised internal servicing area provides adequate turning space for vehicles so that cars can leave the site in forward gear. The removal of the garage/passageway building will improve the flow of traffic into and out of the site to ensure that vehicles do not sit on the carriageway waiting to turn into the site whilst another leaves -as is currently the case.

There are to be eight parking spaces provided on the site and this results in a ration of one space per residential property plus one space for the manager of the bakery with three visitor spaces. The plan which accompanies this application - and which has previously been approved with the highways officer in 2008 indicates that spaces marked 1 and 2 are for the flats in the main bakery building - i.e. one each. Spaces marked 3 and 4 are for the proposed new build units - i.e. one each. There are two further spaces marked as retail 1 and retail 2 for use by the retail element. There are two visitors spaces in addition to the allocated provision.

As stated above, the Parish Council have raised concerns about there being two retail units at the site - and not one. However, such subdivision does not require the benefit of planning permission. If such subdivision did take place in the future there are presently two parking spaces being show on the plan for the retail unit and as long as the floor area of the retail area did not increase then the parking need would not be changed from that being shown since the parking requirement is based on floor area.

Officers are aware of the fact that the retail unit at the site has had the benefit of permission for a change of use to retail /cafe since the original permission was granted for the development the subject of this renewal. Very careful consideration was given at the time of the consent for the retail/cafe use regarding parking availability at the site and to the earlier approval under ref:08/00263/FULL for the extension to the main building and the two new dwelling units to the rear. The highways officer specifically referred to this earlier consent (ref: 08/00263/Full) in his comments in respect of the retail unit/cafe. Also, a note was attached to the decision for the retail unit/cafe (08/01784/Full) which stated that the permission was for mixed A1 and cafe use and not for a full restaurant - and that planning permission would be required for a restaurant.

Landscaping, Drainage and Other Considerations

5.

It is proposed to have some boundary planting to soften the internal site environment and there is also to be landscaping around the car parking spaces and bins and cycle stores are to be provided. Conditions are to be attached requiring the submission of full landscaping details as well as full boundary treatment details. Most of the site boundaries has tall brick walls or fences and

these are to be retained. There is to be a dwarf wall to the front of the side extension to the main building at the frontage and a separate condition needs to be attached for full details of this wall to ensure that it is of high quality design and materials to improve the appearance of the area. The bin storage area also needs to be screened.

There is to be a cycle store for eight cycles which is an improvement on the existing situation.

The main change in circumstances relating to the site and its surroundings are the fact that planning consent has been granted for the retrospective change of use of the ground floor bakery - A1 use - to mixed A1 and A3 -bakery shop and cafe under planning ref; MB/08/01784. In view of this the Environmental health officer is of the view that there could be noise/odour issues from the cafe that could have a detrimental impact on the future occupiers of the development the subject of this planning application - although complaints do not appear to have been received regarding the cafe (pizzeria). A condition regarding noise and odour is to be attached to this consent.

Recommendation

It is recommended that planning permission be renewed subject to the following conditions:

- 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 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 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. These details shall include the siting, design, height and material finish of the front boundary dwarf wall as well as details of the boundary treatment to the bin storage area. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied

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

- 4 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.

- 5
- The scheme approved in Condition 4 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development.

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.

- 6
- Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 7
- Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on any elevation of either building at first floor level.

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

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- 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 of 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 highways and of the premises.

- 9 Before the block of two flats development is first brought into use the turning space for vehicles shall be constructed in accordance with the details illustrated on the approved plan (no. 063559/2).

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

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

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

- 11 **Prior to commencement of development the applicant shall submit details in writing for approval of the local planning authority a scheme of noise attenuation measures which will ensure that the internal noise levels from any external noise sources shall not exceed 35 dB L Aeq, 07:00 - 23:00 in any habitable room or 30dB L Aeq, 23:00 - 07.00 and 45 dB L max 23:00 - 07:00 inside any bedroom, and that external noise levels shall not exceed 55 dBL Aeq, 07:00 - 23:00 in outdoor amenity areas. Any works which form part of the scheme approved shall be completed before any permitted dwelling is occupied, unless an alternative period is approved writing by the Local Planning Authority.**

Reason: In order to provide acceptable noise improvement and level of amenity for future occupants of the development.

- 12 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation and the equipment shall be effectively operated for so long as the commercial food use continues. Details of all odour abatement equipment shall be submitted to an approved in writing by the Local Planning Authority and the equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling hereby permitted.

Reason: In order to ensure that whilst the Council has no positive evidence to suggest that the site is contaminated, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 063559/1 and Drawing 2

Reason: For the avoidance of doubt.

Reasons for Granting

There are no objections to the principle of this renewal since there has been very little change in circumstances around the site since the previous approval and no objections have been received from the neighbours. The car park and access arrangements are acceptable. The application complies with policies DM3, DM13 and CS15 in the Core Strategy and Development Management Policy Document dated November 2009 as well as PPG2, PPS3 and PPS5.

Notes to Applicant

1. Contaminated land

The applicant is advised that whilst the Council had no positive evidence to suggest that the site is contaminated, it is the developers responsibility to ensure that final ground conditions are fit for the end use of the site.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.

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

4. The applicant is advised to take note of the Environment Agency letter dated 27/05/2011.

DECISION

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