

Our Ref: FC/ljw/11/031
20 April 2012



aragon | LAND AND PLANNING LTD

Mr J Ellis
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

The Old Coalhouse
28a Rosamond Road
Bedford
Bedfordshire
MK40 3SS

t: 01234 360655
f: 01234 343453
e: francis@aragonland.co.uk
w: aragonland.co.uk

Dear Mr Ellis

**Town and Country Planning Act 1990 As Amended
85 The Firs High Street Ridgmont
Application No. 11/04051 (Revised)**

Further to my letter 21st March 2012 I raise a number of concerns in relation to planning conditions that are recommended to be imposed on the above application. The objection expressed in this letter relate to two planning matters. First, a concern regarding conditions 3 and 4 and second, a concern in a lack of condition requiring details of the flue and extraction system which could be reasonably expected as part of the cafe use. This relates to condition 2. This is of a particular concern due to the possible nature and frequency of the use and the amenity problems that could follow.

I separate the two matters out and deal with the matter to the front of the Old Chapel first.

Land to the front of the Old Chapel

The conditions now suggested 3 and 4 relate to plan SE 2698D. The hatched areas are detailed on a scale plan of 1:500 and I have previously raised a comment that this level of scale in the light of the possible amenity consequences is wholly inadequate. I remain of the opinion that a better scale clearer plan should be sought. For example the labelling is not clear, and in condition 4 you make reference to an area hatched in green, but the objector has not seen the area hatched in green and that has not been identified to her. That is unfair.

With reference to this point I enclose more than one sheet of photographs (A4) which are taken from the Old Chapel and demonstrate the proximity of the use in relation to the front door and the bedroom window above. You will see from the photographs that the hatched areas shown on the plan SE2698D do not appear to accord with the grassed areas which are shown on the photograph sheet. It is this lack of clarity I was hoping to avoid. The most fundamental point is the impact and invasive nature of the use in close proximity to a private dwelling.



There is considerable scope within the site for tables and chairs to be placed elsewhere on the site and not immediately outside the front door of the Old Chapel. It is highly invasive, intrusive and detrimental to the amenities of the Old Chapel. Both condition 3 as worded have a weakness in that it will be difficult to enforce in the light of their wording. In addition as it is a retrospective application the wording of the condition needs to be corrected to ensure that the condition takes account that the fact the planning application is retrospective. However a much more fundamental objection exists to conditions 3 and 4 in that it is the use of table and chairs in this front area that is unreasonable and invasive to her amenity. A more robust condition seeking to exclude all table and chairs should be imposed.

Extraction System

The second issue of concern is relation to the environmental health officers comments. The suggested condition 2 which states;

No extraction system should be inserted into the premises without the consent of the local planning authority - reason to safeguard the amenity of occupiers of neighbouring properties.

It is my understanding that an extraction system is in place, although you have no details of that system before you. I am unclear as to whether this condition precludes the operational use of the existing extraction system? In any event the main criticism of the condition is more fundamental. A concern exists in that with the use as now recommended as a takeaway there is seemingly no details of an extraction system or further there is a suggestion that no extraction system should be installed! This is completely unreasonable and fails to safeguard the amenities of the occupiers of neighbouring properties. It is such a fundamental requirement that the amenity of the neighbour is protected by a planning condition that I do consider that it is so unreasonable as to be perverse that no condition is imposed. The condition has a "null" effect, because it merely alerts the applicant that no extraction system should be installed. It requests no other detail. It does not compel an extraction system to be installed and in the light of the lack of information of an extraction system it is difficult to fully understand what the intention behind the condition is. Again, this is a retrospective planning application and therefore details need to be registered on the extraction system. It is simply unreasonable that in the light of change of use to a hot and cold and food takeaway that you do not require details of an extraction system.

The ventilation of the kitchen is within the passage way between my client's property The Old Chapel and The Firs and therefore there is a direct relationship and impact as a result of the positioning of the extraction system. On that basis, again it is more than unreasonable that such details are requested and installed within a specified period of time.

I have copied this letter and some of the photographs to the Members. It is my strongest preference that the conditions are revised and imposed and the amenity of the Old Chapel is reasonably protected.

Yours sincerely

Francis Caldwell

Francis Caldwell
BA (Hons) M Phil MRTPI
Managing Director

Encs

cc: S Fortune
Members