

Item No. 7

APPLICATION NUMBER	CB/13/01384/FULL
LOCATION	The Drovers, Flitwick Road, Steppingley, Bedford, MK45 5BA
PROPOSAL	Part removal and Part retention of terraced area and sleepers.
PARISH	Steppingley
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Sarah Fortune
DATE REGISTERED	18 April 2013
EXPIRY DATE	13 June 2013
APPLICANT	Mr S Miah
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Councillor call in by Councillor F Chapman for the following reason: Local Concerns regarding the use of the land.
RECOMMENDED DECISION	Full Application - Granted

Recommended Reasons for Granting:

The re-grading and re-landscaping of the land subject to planning conditions to mitigate the impact of the use on neighbours, the landscape and the Green Belt is considered to be in conformity with the National Planning Policy Framework (2012), Development Management Policies DM3, DM14, CS11, CS14 & CS16 and Policies 43, 36, 58 & 59 of the emerging Development Strategy for Central Bedfordshire.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby approved shall be commenced within three months 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 The beer garden use hereby permitted shall be restricted to the area cross hatched in green on plan number 12/072/012/B and shall not include the area hatched in black on plan number 12/072/210/B.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 3 Before the beer garden is first brought into use a scheme of fencing and tree planting to demarcate and screen the rear and side boundary of the beer garden shall be implemented, the scheme having first been approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 4 The access track to the west of the beer garden as shown on plan number 12/072/210/B shall only be used for maintenance purposes and shall not be used as a vehicular access to provide additional car parking or in association with uses ancillary to the restaurant, public house or beer garden.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 5 Notwithstanding Class B of Part 4 ('Temporary Buildings and Uses') of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order no marquees, tents or other temporary structures shall be erected on the application site or the land to the rear indicated in blue on plan number 12/072/1000. No part of the beer garden or land indicated in blue on plan number 12/072/1000 shall be used for car parking.

Reason: To safeguard the residential amenities of occupiers of the neighbouring properties.

- 6 Before the beer garden is first brought into use, the finished ground levels of the beer garden and 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:

- a tree planting scheme
- finished ground levels in relation to adjoining land
- proposed and existing functional services above and below ground level.
- planting plans, including a 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 the development works

The development shall be carried out in accordance with the approved details before the use of the beer garden commences.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 7 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 commencement of the use 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.

- 8 On site provision for the parking of construction workers vehicles and delivery vehicles shall be made available throughout the entire period of the regrading works.

Reason: To ensure adequate off street parking during construction works in the interest of road safety.

- 9 No lighting shall be provided to the area of land to the rear of the car park or to the beer garden without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the visual amenities of the site and its surroundings.

- 10 The beer garden as shown on plan number 12/072/210/B shall only be used for such purposes between the hours of 11am and 11.30pm on any day and no outside amplified music shall be installed or operated without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of nearby dwellings.

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12/072/101, 12/072/103/A, 12/072/104, 12/072/105, 12/072/100 12/072/102, 12/072/1000 and 12/072/210/B.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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.
2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that

- disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
 - Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made in accordance with the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised that the applicant had submitted a revised site layout plan (12/072/210/B) on 12 July 2013.
3. The Late Sheet included revised conditions 2, 4, 10 and 11 amended as above.]