

Item No. 9

APPLICATION NUMBER	CB/13/02102/FULL
LOCATION	81 Ampthill Road, Maulden, Bedford, MK45 2DH
PROPOSAL	Minor demolition of existing stairway and access. Alterations and extensions to provide a new single storey (A1 Use) shop.
PARISH	Maulden
WARD	Ampthill
WARD COUNCILLORS	Cllrs Duckett, Blair & Smith
CASE OFFICER	Sarah Fortune
DATE REGISTERED	13 June 2013
EXPIRY DATE	08 August 2013
APPLICANT	Mr Malkiat Khinda
AGENT	Wentworth Building Design
REASON FOR COMMITTEE TO DETERMINE	Called in to Committee by Councillor Paul Duckett on grounds of overdevelopment of the site.
RECOMMENDED DECISION	Full Application - Approval

Summary of decision

There are no objections in principle to the erection of a small shop unit in this central location within the village in accordance with policies CS11, CS12 and DM8 in the Core Strategy and Development Management Planning Document dated 2009 and policies 13 and 43 in the emerging Development Strategy for Central Bedfordshire dated 2013 which seek to encourage proposals for retail uses in villages to support a rural economy as long as various criteria are satisfied. In this case, the highways officer is not raising any objections and there will not be significant additional impact on the amenities of neighbours by way of the use of this small, new premises as a retail unit.

Site Location:

The site - which is roughly rectangular in shape - lies on the south side of Ampthill Road in the built up area of the village of Maulden and comprises of a detached, 1960's/1970's L shaped brick built building that is used on the ground floor as a shop with a rear storage area. There is a small, single storey hair dressing salon to the rear corner of the site. There are three flats above the shop which share a common staircase.

The Application:

This application is for the demolition of the stairway and access on the west side of the existing main Co op building and the erection of a small single storey extension onto this elevation to facilitate a separate, self contained on site bakery and shop

with a small servery counter.

RELEVANT POLICIES:

National Planning Policy Framework 2012

Core Strategy and Development Management Policies - North 2009

DM3 Amenity
CS12 Town Centre and Retailing
CS11 Rural economy and Tourism
DM8 Village Shops and Pubs

Emerging Development Strategy for Central Bedfordshire

Policy 43 High Quality Development
Policy 13 Retail in the rural area.
Policy 38 Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development:
Supp 6: Shop Fronts.

Planning History - relevant

12/00836	Extend existing storage area to front of the Co op store. Three new framed pictorials to be fitted to the front of the storage area to contain Co-operative graphics Granted: 10/05/2012
12/01259/ADV	Four framed pictorials fitted to front storage area Granted: 11/06/2012
12/03181	Minor demolition of existing stairway and access. Alterations and extensions to provide a new single storey (A5) hot food takeaway unit. Refused: 26/01/2012

Representations: (Parish & Neighbours)

Maulden Parish Council	Object on grounds that it is overdevelopment of the site, the shop, flats and salon create parking problems already, there is one designated parking space which is reserved for the landlord when he visits the site. Deliveries to the Co-op cause major traffic hazard as they mainly have to double park on Ampthill Road reducing the carriageway to a single lane. The Co op already has an in store bakery
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and caters for the needs of the village. More litter would be left in this part of the village. Great concerns that if this application is granted for shop premises any change of use in the future could be alien to a village setting.

Neighbours

1: Objects: The reasons for refusal for the previous application remain and the traffic situation has got worse. Overdevelopment of the site. No parking facilities on the site at present. Will increase the traffic and parking problems at the site. There is a lot of illegal parking at present and delivery vehicles often double park over the central white line of the highway. Also, the Co op presently store their bins to the side of the shop in the location where the new development is proposed.

1. Objects most strongly. The traffic at the site is already a big problem and cars block neighbours driveways, deliveries to the Co op reduce the road to one lane, the village is already served by the in house bakery at the Co op and if permission is granted it may end up as a late night takeaway or any other business not in keeping with the rural area.

App Adv

Consultations/Publicity responses

Highways Officer	No objections
E.H.O.	No objections subject to conditions.
Access Officer	No comments
Archaeology Officer	No objections
Community Officer	Safety No observations received.

Determining Issues

The main considerations of the application are:

1. Background and Policy
2. Size, Siting and Design in relation to the character of the site and the area generally.
3. Impact on amenities of neighbours.
4. Access, Parking and Other Considerations

Considerations

Human Rights Act

There are no Human Rights Issues

Equalities Act

There are no issues under the Equalities Act

1. Background and Policy

The site lies in the centre of the village of Maulden and has supported a convenience food store for many years. The Co-op now occupies this well used village store and it has a very small in house bakery to the rear which provides for heating up of part cooked biscuits and cakes. There are flats above the store and semi-detached houses on both sides of the site as well as at further distance on the other side of the road.

Over many years the site has been the subject of a number of planning and advertisement applications. These have mostly been in respect of minor changes to the appearance of the property. The site is in one ownership but there are three separate occupancies.

In 1997 a Lawful Use Certificate (Proposed) was granted for the use of a small part of the rear of the shop - approximately 2% of the shop area - to be used as a pizza takeaway. Only one oven was to be used and no extraction was required. No external alterations were planned to the shop. It was concluded that this use was ancillary to the shop use and that planning permission was not required (ref: 01/MB/97/00109/LDC).

A more recent planning application for the minor demolition of the existing stairway and access and alterations and an extension to provide for a single storey hot food take away unit (A5) was refused on 26/01/2012 under ref: CB/12/03181/FULL. There were four reasons for refusal and these were in respect of the lack of extract details, lack of adequate parking, increase in traffic and adverse impact on the amenities of neighbours - by way of undue noise and general disturbance particularly during the evening hours - especially for occupiers of the flats above the adjoining retail shop.

This application whilst having a similar appearance to the previous one for the takeaway has a number of differences - the main one being that it is entirely a day time use whereas the takeaway would have been predominantly an evening and week end use which would have had a much greater impact on the amenities of neighbours. Also, this proposal is not likely to generate as many additional vehicles to the site since some of those visiting the site will be visiting the Co op as well and many will walk to the premises. The takeaway would have generated more people in cars from further afield who would be in addition to customers of the Co op next door.

The site at present comprises of a mixture of single and two storey late 1960's /early 1970's style L shaped configuration of development with an approx 5.3m plan depth addressing both the east- west street frontage together with a north south orientated return of approx 12.5m depth to the western edge.

The two storey frontage portion comprises a pitched and gabled roof of concrete

interlocking tiles over a brickwork superstructure typical of the period. The rear portion of the site comprises of a single storey flat roof arrangement which serves the rear section of the Co op retail (A1) facility at ground floor level. To the west is a single storey lean to extension to the street frontage serving the porch and staircase access to the three no. first floor apartments/flats.

Further to the east and to the rear of the built configuration is an open concrete paved area currently leased to the Co op and the hairdresser to provide a 'right of way' only to pass with one upright cage. The area also facilitates secure staff access to the Co op - together with access to the hairdressing facility to the rear. It is intended to retain this hairdressing facility.

An adjacent hard standing to the west frontage is used for the purposes of parking reserved for use by the landlord. Delivery and any despatch serving the retail facility are from the street frontage.

Policy CS12 of the Core Strategy states that new retail and service provision will be acceptable in principle and Policy DM8 of this policy document states that planning permission will not be granted for the change of use or redevelopment of shops in villages where the result would be a loss in such facilities. The preamble to this policy states that all local shops and pubs should be considered as important features of a settlement particularly if there are no alternative facilities within easy walking distance - as in the case of Maulden. Policy 13 of the emerging Development Strategy for Central Bedfordshire 2013 states that in order to support a vibrant and diverse rural economy, proposals for retail uses within villages will be approved subject to various criteria being met. The first of these is that the proposal is of a suitable scale, secondly that it is an appropriate location and thirdly that it would not result in unsustainable levels of traffic generation.

In view of the above there are no objections in principal to the proposed small scale new retail development since the site presently supports a well established service provider in the centre of the village where many people are able to access it on foot and this service would be extended if the present proposal for the bakers shop is permitted.

What does need to be looked at very carefully is the size, siting and design of the proposals in relation to the other developments at the site, impact of the use on the amenities of neighbours, the availability of on site parking and the impact of the proposals on traffic in the immediate environs.

2. Size, Siting and Design in relation to the character of the site and the area generally

This application is for the erection of a single storey extension onto the west side of the building having a width of 4 metres (approx) to the front and a main depth of 6.5 metres. It is to be used for a separate and self contained on site bakery and A1 shop use. This proposal includes the removal of the existing staircase to the flats as well as the small store to the east side of the site. The layout includes for an externally accessed dry store of 3.2m³ capacity to house and contain recyclables waste comprising dry, clean packaging, with a sperate sealed container for food waste - the majority of this waste is to be recycled by

private collection.

The application seeks to enhance and improve on the previous in situ A1 usage in store bakery through counter provision dedicated to this service and affording a greater choice and selection of on site baked bread and confectionary

The applicant has not provided details of hours of opening or any extract details but these can be dealt with by way of conditions being attached to any permission. A new staircase is to be provided to the rear of the new take away as well as an external dry store. There are to be some minor changes to the external layout of the site generally including the reconfiguration of the access to the existing first floor apartment accommodation, construction of a side gate to serve the flats as well as the replacement of boundary treatments with more robust and functional and aesthetically appropriate solutions.

The external changes to the premises are quite minimal being subordinate to the main building at the site and will not have an adverse impact on its character or the character of the street scene generally. Indeed they could be seen as a tidying up of the site particularly when viewed from the west. In this respect, they comply with policies in the Core Strategy and Development Management Planning Document dated 2009 and the Central Bedfordshire Design Guide.

It is clear that the site is very developed at present in that it has a large co-op, three first floor flats and a hairdressers to the rear. The proposed small side bakery addition will make the site have a more built up appearance. However, this in itself is not a reason for refusing the application on grounds that it will be overdevelopment of the site as many shops traditionally are on very constrained sites. What needs to be looked at is whether it has an adverse impact on the appearance of the site or the street scene, or has an undue adverse impact on the amenities of the neighbours etc..

In this case, as stated above, it is felt that this addition will not in itself detract from the appearance of the building itself or this part of the street scene.

It is considered to be in conformity with planning policies DM3 in the Core Strategy and Development Management Planning Document dated 2009 as well as policy 13 in the emerging Development Strategy for Central Bedfordshire which states that retail units will be approved in villages as long as the proposals is of a suitable scale, appropriate location and would not result in unsustainable levels of traffic generation. Policy 43 of this Policy document states that proposals must be of appropriate scale and design to their setting. This is a single storey addition which is to match the main building and therefore complies with this policy

3. Impact on amenities of neighbours

There are neighbours all around this site the closest ones being those in the three flats above the Co op as well as the occupants of number 83 Amptill Road - which lies to the immediate west of the site and is in very close proximity to the proposed bakery/A1 development.

The application advises that provision is included within the application for an air handling/conditioning filtration and recycling/recirculation plant to afford and maintain high levels of air purity both internally to the existing and proposed premises and to minimise and control external emissions. Included in the air handling/extract system will be a Spectrum jet stream system to neutralise odour particles. The layout affords a permanent visual and acoustic screen between the adjacent residential properties and the proposed bakery and sales activities.

The occupiers of neighbouring dwellings will be subjected to some additional noise and disturbance especially from cars and customers arriving at and leaving the premises. The environmental health officer has advised that he has reservation over this application since the site is very close to residential properties - the house next door at number 83 and the flats above the Co op. However he has concluded that with the careful use of planning conditions it should be possible to ensure that any environmental health matters are controlled regarding noise and odour. Conditions are therefore being recommended to cover odour equipment, kitchen ventilation system and hours of opening to safeguard the amenities of neighbours.

Concerns have also been raised by the nearest neighbours about the potential for additional overlooking from the new bakery. This neighbour has windows in its side elevation which face onto the side of the Co op and onto the proposed bakery addition which is to come closer to their shared boundary. In view of these concerns the applicant is advising that he is to erect either low level close boarded or picket fence along this shared boundary to reduce the potential for overlooking towards the neighbours side living room windows. A condition is to be attached to cover the details of boundary treatment. The house next door is at a lower level than the application site. Also, the new replacement first floor side window is to be high level so there will be minimal potential for overlooking from this window. The occupants of the three first floor flats will have to walk along the side of the bakery near to this neighbour to reach the staircase up to the flats but any loss of amenity by way of noise and overlooking is not likely to be sufficient as to withhold planning permission.

4. Access, Parking and Other Considerations

There is an existing dropped kerb to the west of the site and this presently serves an A1 unit (hairdressers) to the rear of the Co op. The current planning application is for the removal of the external stairway and its replacement further into the site taking access from the forecourt. There is vehicular access to an open concrete paved area on the western side of the building which provides secure staff access to the Co op and leads to the hairdressers Unit.

The site is located opposite to the eastern junction of George Street.

No changes are proposed to the means of access to the public highway although the on-site drive/parking area is shown to be reduced in width. It is stated that the initial section of this area is used for the purpose of a singular parking space reserved for use by the landlord and "is hardly ever used". The on site parking provision therefore remains at one parking space.

Pedestrian access to the flats, hairdressers unit and the rear co op is maintained via a new gate which is shown to be constructed beyond the single parking space alongside the proposed baker/shop unit. The parking bay is shown to be 2.65m in width and therefore if a vehicle is parked in it, it is likely to cause obstruction to pedestrians wishing to gain access to the rear. There is no other on-site parking provision and all customer parking, together with servicing/deliveries to existing uses, takes place from the road-side. This will continue to be the case if permission is granted.

The highways officer is aware that a Certificate of Lawful Use was issued in March 1997 for a pizza counter within the existing convenience food-store under ref; MB/97/109/LDC. The application advises that the latest application is to enhance and improve upon previous in-situ A1 usage in -store bakery operations through a counter provision dedicated to this service and affording a greater choice and selection of on site baked bread and confectionary.

Although the proposed bakery is relatively small, generating a net increase of some 16m squared floor area it is likely to draw additional customers over and above those visiting the Co-op.

The application is supported by a Transport Statement which indicates that the proposed development could give rise to some additional 32 vehicle movements per day (16 arrivals and 16 departures) with some 3 vehicle movements occurring in the land use's peak hour (4.00pm - 5.00pm). The Transport Statement considers the opportunity for Pass-by, Transferred and Diverted Trips using the Trics Report 95/2 and concludes that it would be reasonably robust to assume that of the 32 additional trips to the new bakery 50% will be new trips and 50.% will be linked to existing trips to the adjoining facilities. Therefore only 16 vehicle movements per day are likely to be new to the network (8 arrivals and 8 departures) with only 1 or 2 vehicle movements occurring in the peak period.

The highways officer concurs with the above Transport Assessment conclusions. Therefore, whilst there is likely to be an increase in vehicular traffic to and from the site and a consequent increase in demand for on-street parking, the changes are not significant and certainly not great enough to warrant a highway reason for refusal which could be substantiated on appeal.

The archaeology officer is not raising any objections since the scale and nature of the proposal are such that the impact on any archaeological remains at the site or on the significance of the heritage asset with ecological interest would not be serious.

Waste for landfill will be confined to 2 No. 120 litre black bins, externally located to the rear. A bin collection point is provided to the street frontage.

Recommendation

That Planning Permission be granted.

RECOMMENDED CONDITIONS / REASONS

- 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

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. The boundary treatment shall be completed in accordance with the approved scheme before the building hereby permitted is commenced

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

- 5 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. Full details of the method of odour abatements and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 6 The kitchen ventilation system approved in accordance with condition 5 above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.

- 7 The premises shall not be open to the public except between 07.00 hours and 17.30 hours Monday - Saturday and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

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

- 8 Deliveries by commercial vehicles shall only be made to and from the site between 08.00 hours and 17.30 hours Monday-Friday, 08.00 hours and 17.30 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays without the prior agreement in writing of the Local Planning Authority.

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

- 9 The extension hereby permitted shall not be occupied or used any time other than for an A1 (retail) use.

Reason: To safeguard the amenity of occupiers of the neighbouring residential properties, for the avoidance of doubt and to define the permission hereby granted.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL100, PI101, PL102, PL103, PI104, PL105/A, PL106/A, PI107, PL108, PI109/A

Reason: For the avoidance of doubt.

Notes to Applicant

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

The Council acted pro-actively through positive engagement with the applicant 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.

Reasons for Granting

DECISION

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