

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/13/02542/FULL</b>
<b>LOCATION</b>	<b>Lombardis Pizza, Red Lion, Deadmans Cross, Shefford, Bedford, SG17 5QQ</b>
<b>PROPOSAL</b>	<b>Change of use of part of the external area to form 2 No. separate car sales yards with an associated office on each site. To reform the access in accordance to new requirements. Associated fencing and resurfacing.</b>
<b>PARISH</b>	<b>Haynes</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Lauren Westley</b>
<b>DATE REGISTERED</b>	<b>08 August 2013</b>
<b>EXPIRY DATE</b>	<b>03 October 2013</b>
<b>APPLICANT</b>	<b>Mr Singh</b>
<b>AGENT</b>	<b>SIMIC ASSOCIATES</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called into Committee by Councillor Barker on the grounds of overdevelopment, highways and detrimental impact to the countryside.</b>
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

### **Summary of Recommendation:**

The use would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. It is therefore in accordance with the aims of the National Planning Policy Framework (2012), policies CS11, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (20

### **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 Within two months of the date of this permission, details of the external lighting of the site including locations, design, heights and level of luminance are to be submitted in writing to the Local Planning Authority. If a lighting scheme is installed, it shall accord with the approved details and retained for the duration of the development.**

**Reason: To protect the amenity of neighbouring properties and the rural character of the local area, in accordance with policy DM3 of the Core Strategy and Development Management Policy (2009).**

- 2 **Within one month of the date of this permission, details of surfacing materials and surface water drainage for the site, shall be submitted to the Local Planning Authority. Within two months of the details being approved, the approved surfacing materials and drainage works shall be constructed and implemented on site and thereafter retained for the duration of the development.**

**Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises.**

- 3 **Within two months of the date of this permission, and notwithstanding the details shown on the approved plans, details of the modified junction of the vehicular access with the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved modified junction shall then be constructed on site within two months of the details being approved.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises and to mitigate oversail from delivery vehicles to the site, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 4 **Within one month of the date of this permission, details of visibility splays to be provided at the junction of the access with the public highway shall be submitted to the Local Planning Authority. The minimum dimensions of the required vision splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 120.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The approved vision splays shall be implemented on site within one month of the approval of the details and remain free of any obstruction for the duration of the development.**  
**Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 5 **No deliveries of cars shall be taken at or dispatched from the site outside the hours of 08.00 and 18.00 on Mondays to Saturdays, and not at all on Sundays and Bank Holidays.**

**Reason: To safeguard the amenities of neighbouring properties, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 6 **The landscaping scheme shown on plan 10536:02E shall be carried out no later than the end of the full planting season immediately following the date of this decision.**

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, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 10536:02E, 10536:03B and TSP/MRS/01.

Reason: For the avoidance of doubt.

- 8 The kerb build out adjacent to parking bay 1, and the area between the rear of bays 1 and 2 and the highway way boundary, shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriage way level.

Reason: To provide driver/ driver intervisibility between vehicles using the bays and the access and for the avoidance of doubt, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 Within 1 month of the date of this permission, details of a light goods vehicle parking space for the loading/unloading for the restaurant/letting rooms and fast food takeaway and keep clear signage for this bay, shall be submitted to and approved in writing by the Local Planning Authority, and within one month of that approval, the loading/unloading space shall be located and constructed in accordance with the approved details and the signage installed.

Reason: To provide an adequate loading/unloading bay for the existing restaurant/letting rooms/fast food takeaway, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

### Notes to Applicant

1. **Any conditions in bold must be discharged in accordance with the timescales set out. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is

advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that, under the provisions of the Highways Act 1980, no part of the boundary structure, including fencing and foundations, shall be erected or installed in, under or overhanging the public highway and no door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erection on a highway.

3. 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, Technology House, 239 Ampthill Road, Bedford, MK42 9BD.
4. The applicant is advised that photographs of the existing highway that is to be used for access and the 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 Highways Authority at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
5. The applicant is advised that in order to achieve vision splays it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308 to request the removal of the overhanging vegetation on the public highway.

#### **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.

- (1) In advance of the consideration of the application the Committee were advised of additional comments for Haynes Parish Council, objecting to the proposal, additional neighbour and Highway comments. In addition the Committee were advised of a revision to Condition 2 and 2 extra conditions.

- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.