

## **Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/14/03488/FULL</b>
<b>LOCATION</b>	<b>The Dog And Duck, Parkside Drive, Houghton Regis, Dunstable, LU5 5QN</b>
<b>PROPOSAL</b>	<b>Proposed development of 12 x 1 bedroom flats arranged in 3 blocks of 2 storeys with parking and all ancillary works</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Parkside</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Dr Egan</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>16 September 2014</b>
<b>EXPIRY DATE</b>	<b>16 December 2014</b>
<b>APPLICANT</b>	<b>Mr Patel</b>
<b>AGENT</b>	<b>Nett Assets Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Major development with unresolved objections from Houghton Regis Town Council</b>
	<b>Recommended for Approval</b>

### **Summary of Recommendation**

Residential development of the site has already been accepted in principle. The proposal would complement and harmonise with its surroundings, would provide an acceptable degree of amenity to future residents, would not have a detrimental impact on the amenity of surrounding residents and would have an acceptable impact on the surrounding highway network. Having regard to the viability of the development, the proposed development would make sufficient provision for financial contributions towards affordable housing and community infrastructure. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review, policies 1, 19, 27, 29 and 43 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the Central Bedfordshire Design Guide.

### **Site Location:**

The application site comprises the car park of the vacant Dog and Duck Public House, the grassed areas surrounding the car park, an area of grassed land to the north west of the public house and the un-adopted vehicular access/turning area from Parkside Drive.

The site is located within a predominantly residential area, within the built envelope of Houghton Regis. The land is adjacent to a public car park to the south east which is used in connection with the public playing fields which border the application site to the south west.

There are a group of five trees on the grassed area of land to the north west of the public house. The existing car park of the public house also has groups of trees just outside the eastern and southern boundaries of the site.

The Dog and Duck is in the process of being refurbished and extended with the intention of re-opening as a combined restaurant and public house.

### **The Application:**

The application seeks planning permission for the erection of twelve x 1 bedroom flats, to be arranged in three, two storey blocks, with ancillary parking provision, amenity space, cycle storage and bin storage on the existing car park and the immediately surrounding grassed areas.

The application also seeks to provide a replacement car park on the area of grassed land to the north west of the public house.

The apartment blocks would be arranged in a row along the south east boundary of the site, set approximately 3m in from the boundary. Each block would measure 16m long by 7m deep. The blocks would have hipped roofs with an eaves height of 4.9m and a ridge height of 8m. Entrance doors would all be positioned to the front and would have canopy porches. First floor flats would be provided with covered balconies of 5 square metres and ground floor flats would be provided with covered patios of the same size, with surrounding landscaped areas. Each flat would have a gross internal floor area of 48m.

The development would include 27 parking spaces, including residents' parking, visitor parking and overflow parking for the public house, and a turning area. An indicative landscaping scheme shows the introduction of new trees in and around the parking area.

The proposed new car park would necessitate the removal of the existing group of trees to the north west of the public house. It would provide a further 16 parking spaces to serve the public house.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (2012)**

#### **South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-In' Sites

R12 Protection of Recreational Open Space

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H2 and R12 are still given significant weight. Policy T10 is afforded less weight).*

#### **Development Strategy for Central Bedfordshire (June 2014)**

Policy 1: Presumption in Favour of Sustainable Development

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 21: Provision for Social and Community Infrastructure

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 27: Car Parking

Policy 29: Housing Provision

Policy 40: Other Areas of Open Space within Settlements

Policy 43: High Quality Development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, Trees and Hedgerows

*(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24 October 2014.)*

### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development:

1: Placemaking in Central Bedfordshire, 2014

Design Supplement 2: Green Infrastructure, Climate Change Adaptation and Sustainable Buildings

Design Supplement 5: Residential Development, 2014

Design Supplement 10: Movement and Streets, 2014

Planning Obligations Strategy, October 2009

Bedfordshire County Council: Highway Design Guide, 1995

*(Having regard to the National Planning Policy Framework, the age and adopted status of the above documents and their consistency with the NPPF, significant weight is given to the above Supplementary Planning Guidance documents with the exception of the Bedfordshire County Council Highway Design Guide, which is given limited weight.)*

### **Planning History**

CB/14/01698/FULL - Planning permission granted for the creation of two dwellings, within an approved extension that has approval for one dwelling above the Dog and Duck. Two ground floor infill extensions and extension of a boundary wall to create a courtyard for storage of wheelie bins.

CB/12/02756/OUT - Outline planning permission granted for change of use for residential development of up to six dwellings and replacement pub car park.

CB/12/02356/FULL - Planning permission granted for ground floor extension to a public house, first floor extension and internal alterations to first floor dwelling to create three dwellings.

CB/12/01561/FULL - Application withdrawn for demolition of existing garage. Ground floor extension to a public house to increase storage capacity. First floor extension to create one dwelling. Internal alterations to existing first floor dwelling.

CB/12/01560/OUT - Application withdrawn for change of use to residential served by existing access.

SB/06/00557 - Planning permission granted for installation of community mural to existing external wall.

SB/96/00021 - Advertisement Consent granted for installation of various external lighting units.

SB/86/00039 - Advertisement Consent granted for display of externally illuminated sign boards and signpost.

SB/85/00321 - Planning permission granted for erection of licensed premises and recreational changing rooms.

SB/83/00891 - Planning permission granted for licensed premises and recreational changing rooms.

SB/81/00516 - Application withdrawn for new public house with manager's accommodation and parking.

SB/76/00932 - Reserved Matters application granted for erection of public house.

**Representations:**  
**(Parish & Neighbours)**

Houghton Regis Town  
Council

Comments: Objection for the following reasons:

- Scale of development:
  - The proposal is considered to be overdevelopment of the site;
  - Loss of publicly accessible open space;
  - Loss of trees of the northern car park;
  - No mix of accommodation type;
- Design:
  - The scheme is of poor design
  - There is no enclosed open space for future occupiers;
  - The ground floor units appear insecure and vulnerable;
  - There is no privacy for ground floor occupiers in particular;
- Houghton Regis Town Council recreational ground parking facilities are provided to support use of the recreation ground and in particular the sporting activities that take place there. The proposal should be self sufficient and not rely on off site parking provision;
- The proposal makes no contribution towards affordable housing.

Neighbours (100  
Westminster Gardens,  
100, Brewers Hill Road,  
7 Newbury Road, 1  
Chelsea Gardens, 24  
Fenwick Road, 4  
Conway Close, 12  
Gillan Way: responses  
to direct notification  
and/or site notice dated  
24.09.2014)

Objections to the scheme cover the following concerns:

- The proposed balconies would result in a loss of privacy;
- The proposal would result in the loss of a pleasant area of open space
- The proposal would obscure the view of the park;
- Enough land is already being built on around Houghton Regis;
- Parkside is already too cramped and run down; the demographic of likely occupants of the flats will worsen the situation;
- The proposed flats would be ugly;
- Houghton Regis does not have enough facilities to sustain additional residents;
- The proposal would result in the loss of the trees to the north west of the public house;
- Parking associated with the football pitch is already insufficient, the proposal would add traffic and worsen parking problems;
- The proposal would cause noise and disturbance;
- The proposed new car park would result in increased levels of noise and headlights close to residential properties in Dolphin Drive. It is suggested that a wall

- be erected on the northern boundary of the car park;
- The proposed low rail fence to the southern boundary of the site would not provide sufficient security to the development and the cycle storage would be an easy target for thieves. The low boundary would also encourage visitors to the flats to park in the public car park that serves the football fields; a 2m high brick wall along the southern boundary of the site is recommended;
- The western edge of the site should also be walled to make the development more secure;
- Three different places for bin storage is not good design. This should be consolidated to one central bin storage location;
- No mention is made as to the trees on the southern boundary and what will happen to these trees.

### **Consultations/Publicity responses**

Highways Officer (Initial comments)

The proposal is to build 3 new blocks which total 12 one bedroom flats. There are 12 parking spaces for residents and 2 for visitors. This is one below standard but there are a further 14 spaces for visitors for the adjacent public house (Dog and Duck) within the red line. The design and access statement clarifies that the public house which is within the blue land is currently undergoing refurbishment which also includes 4 apartments. It is not clear if the proposed refurbishment also includes the extension to the car park on the other side of public house. I note that while this area is within the red line a detail of the car parking arrangement is not shown. I am to understand that this can be conditioned and if that were the case then I would not object to the proposal.

The cycle parking is shown to be at the rear of the new buildings and question if these can be accessed from plots 9-12 and even 5-8! Cycle parking and storage will need to be reconsidered and this may involve the relocation of 1 or 2 car parking spaces but again this can be conditioned.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of the proposed car park on the north side of the Public House have been approved by the Local Planning Authority and constructed in accordance with those details.

#### **Reason**

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

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 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 highway and of the premises.

Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

**Reason**

In order to promote sustainable modes of transport.

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

**Reason**

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

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

### **New Roads and Street Works Act**

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 Bedfordshire Highways, Streetworks Co-ordination Unit.

### **Damage Caused to Public Highways**

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.

Highways Officer  
(response to revised plans)

The proposal is to build 3 new blocks which total 12 one bedroom flats. There are 12 parking spaces for residents and 3 for visitors, which complies with the Council's parking standards for the proposed flats. However, the application also includes the replacement of parking for the existing building (public house and 4 flats) which was subject to a planning application (approved) number CB/14/01698/FULL.

The application (CB/14/01698) was for 4 flats totalling 6 bedrooms and a public house with a public area of 163 Sq. m. The parking standard for a restaurant is 1 space per 25 Sq. m. Meanwhile that for a public house is 1 space per 4 Sq. m. Considering a 50/50 split this would then result in a parking provision of 24 spaces. This application was approved with 32 car parking spaces.

In accordance with the authority's standard this parking provision should have 31 spaces where 32 were provided. I would be reluctant to agree to a reduction of this number.

The access road to the application site serves the 15 spaces and the 12 units and 12 spaces for the public house.

This drawing also includes the replacement parking on the other side of the public house where a further parking for 17 spaces are shown. Unfortunately the two spaces nearest the footway are detrimental to that footway and the pedestrians using it.

Further, the red line of this application does not adjoin the public highway as the turning head is not public highway. The applicant should therefore be advised that access to this parking area is subject to permission by the land owner (Central Bedfordshire Council)

Due to the comments above the 2 parking spaces nearest to the turning area will need to be removed and for that reason the total number of spaces available to the public house and the flats above will be 27 (12+15). This is 5 spaces less than that approved in planning application CB/14/01698 and 4 below the Authority's standard. This matter will need to be discussed in greater detail however I believe that the application should be refused.

The turning area shown on the amended drawing is substandard and I do not know if a vehicle (likely to take access to the site) would be able to turn in this area and this too should be proven before planning permission is to be granted.

In a highway context I recommend that planning permission be refused for the following reasons:-

The proposed development would make inadequate provision for the parking of cars and would lead to an increase in on-street parking thereby resulting in unacceptable traffic congestion and additional hazards for highway users and the local Residents.

Failing the authority's resolve to refuse the above application I offer the following conditions:-

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

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 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 highway and of the premises.

Development shall not begin until details of secure cycle



storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

**Reason**

In order to promote sustainable modes of transport.

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

**Reason**

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

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

**Reason**

To ensure adequate off street parking during construction in the interests of road safety.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

**Construction of Vehicular Access**

The applicant is advised that no works associated with the construction of the vehicular access should be carried without prior consent, in writing, of the Assets Operations, Improvement and Co-Operations Services, Central Bedfordshire Council.

**New Roads and Street Works Act**

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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

### Damage Caused to Public Highways

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.

Waste Officer (Initial response)

Can the applicant provide the following

- Door size and to ensure to allow bins to fit through
- path width
- Door can't foul the path, i.e. when opened won't block the path therefore preventing bins being removed
- Details of how the bins will be removed to rear of the collection vehicle
- Proposal in order to prevent unauthorized access to the bin store ie from the commercial element of the site. I would propose a key fob that residents and the Council have access to.

The collection vehicle will need to stop in front of the Dog and Duck and reverse into the entrance of the site and pull the bins from the bin store to the rear of the vehicle. The first visitor space on the left hand side as you enter the site will need to be removed and access to the bin store only permitted. If the applicant has any alternative suggestions I am happy to hear these. Maximum pull distance is 10 metres over flat ground.

There will need to be dropped kerbs from the bin store to the car park surface and a proposal in order to prevent parking in this area

Waste Officer (response to revised plans and additional information)

No objections.

Trees & Landscape Officer (initial comments)

I visited the site on the 14th October 2014 to assess the impact of the development on existing trees.

What was immediately apparent is that numerous existing on-site and off-site trees have not been marked nor recognised within the site layout plan, and the lack of a BS 5837 : 2012 tree survey to identify tree constraints in the design process is a major flaw in this respect.

There are a number of mature trees along the south east boundary of the site, consisting of 5 off-site Field Maple, which were noted to be of a size and position likely to be damaged by the adjacent positioning of the flats.

It was also noted that situated along the boundary with Parkside Drive, southeast of the existing entrance, are a group of 3 large narrow-leaved Caucasian Ash which are also likely to be damaged by the building of Plot 9 to 12, and the surrounding hard surfacing being proposed around the trees.

All the above specimens are vital in serving to soften/integrate the large buildings into the urban landscape and should be successfully retained.

I am also concerned that the 21 parking spaces to serve as replacement parking area for the Dog and Duck Pub and which is proposed within the application red line will result in the removal of a number of mature trees, none of which have been indicated on the plan drawings.

My recommendation would be for the application to be withdrawn, and for the applicant to commission a BS 5837 : 2012 tree survey so that subsequent tree constraints can be identified through a Tree Constraints Plan prepared by a suitably qualified arboriculturist. This will allow the designer an informed choice to be made when determining building layout and positioning, without damaging adjacent trees.

The application can then be supported by an Arboricultural Method Statement and Tree Protection Plan to demonstrate that tree protection measures has been duly considered in the design process, and, most importantly, are a workable proposition

Trees & Landscape Officer (response to revised plans and additional information)

I refer to the reconsultation, revised plans and the Arboricultural Report prepared by David Clarke, dated November 2014.

In respect of this application I recommended the use of the following conditions if you are minded to grant consent:-

#### Tree Protection Fencing

Prior to the commencement of development, all tree protection fencing, and ground protection, as stipulated on the Tree Protection Plan Ref No. TPP/DDPDHRB/010A, and the Arboricultural Method Statement, prepared by David Clarke, dated November 2014, which forms part of the Arboricultural Report, shall

be erected / positioned in strict accordance with these documents.

**REASON**

To ensure a satisfactory standard of tree protection, installed prior to all site operations, to ensure the successful retention of retained trees, by preventing damage to their Root Protection Areas.

Tree Protection Working Practices

During the course of development, all working practices in respect of reducing the impact on trees shall comply in strict accordance with the requirements set out in the Arboricultural Method Statement, as prepared by David Clark, dated November 2014, which forms part of the Arboricultural Report.

**REASON**

To ensure a satisfactory standard of arboricultural methodology in order to avoid damaging working practices during the course of development.

Pre Development Tree Works

All pre-development tree work shall be undertaken in strict accordance with Section 17 of the Arboricultural Method Statement, prepared by David Clarke, dated November 2014 and shall fully comply with the recommendations set out in BS 3998 : 2010 "Tree Work - Recommendations" and be carried out by a fully competent and qualified arboriculturist.

**REASON**

To ensure a satisfactory standard of tree work is undertaken on retained trees, in order to prevent disfigurement, loss of visual amenity and poor pruning practices.

Landscape Planting Scheme

Standard landscaping condition required.

Ecology

I have no objections to the proposals. The NPPF calls for a net gain to biodiversity to be delivered through development and given the loss of open space as a result of the new dwellings I would recommend that integral bird boxes are incorporated into the new build. Details of these can be found through the CBC Design Guide.

Landscape Officer

I have no objections to the application proposals generally; the inclusion of hedgerows and trees to demarcate boundaries are positive features and will assist in integrating the development within the existing urban area - and maintain a soft edge to the park.

My only concern is the treatment of the southern site boundary parallel to the rear of properties at Cumbria

Close; the proposed inclusion of French windows to the back of the 2 storey flats are an attractive feature but could result in overlooking of existing rear gardens therefore I would suggest additional tree planting along the southern site boundary could assist in mitigating views.

I would appreciate it if the requirement for a detailed landscape plan could be conditioned if the application is approved.

Sustainable Growth and  
Climate Change Officer

The proposed development lies within south Central Bedfordshire area and development is guided by old Local Plan and emerging Development Strategy which has been approved for development management. The relevant sustainability policies are:

Local Plan Policy BE8 states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

Development Strategy Policy 47: Sustainable Buildings requires development to source 10% of the energy demand from renewable or low carbon sources as a minimum. It also encourages the development to achieve higher energy efficiency than minimum standards set by the Building Regulations.

In terms of water efficiency, the above policy requires proposals to achieve internal water use of 105 litres per person per day which could be met through installation of water efficient fittings, such as low flow taps and dual flush toilets. There is additional allowance of 5 litres per person per day for external water use.

The supporting documents submitted with this planning application provide limited information on how the policy requirement will be met. I would like more information on how the development will meet 10% energy demand from renewable or low carbon sources; and max 110 litres per person per day.

Development Strategy Policy 48: Adaptation requires that a new development is designed to minimise risk posed by climate change, e.g. overheating, surface water flooding.

I note that the proposed flats will have double aspect which will allow cross ventilation in the flats and minimise risk of overheating. The applicants propose planting of 12 trees, which also can help reduce risk of summer overheating. I would recommend consultation with tree officer to determine suitable tree species and their location to ensure maximum benefit and ensure that tree roots and canopies will not affect building structures when reach maturity. I consider the above measures to be sufficient to mitigate risk of overheating for this development.

Development Strategy Policy 49: Mitigating Flood Risk promotes use of Sustainable Drainage techniques to manage flood risk in accordance with Central Bedfordshire adopted Sustainable Drainage Guidance which can be found at: <http://www.centralbedfordshire.gov.uk/planning/strategic-planning/suds.aspx>.

SuDS can also contribute to mitigating Urban Heat Island through evapotranspiration from vegetation and surface water and can be incorporated into green corridors and open space.

I would like more information on proposed sustainable drainage solution for this development.

#### Planning conditions

I would like a planning condition to be attached, should a planning permission be granted, to ensure delivery of the following policy requirements:

- 10% energy demand of the development to be secured from renewable sources, this to be calculated as built;
- Water efficiency standard will be at 110 litres per person per day;
- Surface water runoff to be managed through application of SuDS.

Public Protection Officer    To be reported at the meeting .

#### **Determining Issues**

The main considerations of the application are;

1.     **Principle of Development**
2.     **Design Considerations**
3.     **Impact on Residential Amenity**
4.     **Parking and Highways Considerations**
5.     **Affordable Housing and Planning Obligations**
6.     **Other Issues**

## **Considerations**

### **1. Principle of Development**

The principle of residential development on this site and the creation of a relocated car park to serve the public house was established with the grant of outline planning permission reference no. CB/12/02756/OUT in 2012. This outline permission is still extant, and forms a material planning consideration in the determination of this application. The outline planning permission proposed the provision of 6 x 3 bed houses, while the current proposal is for 12 x 1 bed flats. It is considered that the current proposal would make an equally efficient use of the site and would contribute to the mix of accommodation type available on the Parkside estate. The principle of the development is therefore considered to be acceptable.

### **2. Design Considerations**

It is considered that the proposed layout would ensure the efficient use of the site whilst providing a development that would complement and harmonise with its surroundings. The layout would be slightly dominated by the parking areas, however, it is considered that the use of landscaping, including the retention of boundary trees, the amenity area to the front of the site and the introduction of new trees interspersed within the parking area would adequately soften the layout, and knit the development into the surrounding landscape, whilst still providing views through the site from Parkside Drive to the playing fields to the west of the site. Furthermore, the orientation of the blocks would maximise daylight and sunlight to the proposed flats while minimising the impact on the streetscape of Parkside Drive.

The proposed residential blocks would be two storey and thus would not appear dominant within the wider context of this part of Houghton Regis. They would be similar in scale to the blocks proposed in the indicative layout that accompanied approved outline application reference no. CB/12/02756/OUT.

The design and appearance of the proposed buildings would be appropriate to the surrounding development in Houghton Regis, with deep eaves, canopy porch features and a palette that would harmonise with neighbouring properties, comprising harvest bricks and dark brown tiles.

The application would result in the loss of existing trees to the north west of the public house to allow the provision of the replacement car park. It should be noted that the principle of the loss of these trees was accepted by the grant of outline planning permission CB/12/02756/OUT.

However, during the course of the application the scheme has been revised to ensure the retention and protection of all the trees to the south east of the site and along the eastern boundary with Parkside Drive, which would soften the impact of the development considerably. An Arboricultural report that includes an arboricultural impact assessment and an arboricultural method statement has also been submitted, and as a result the Trees & Landscape Officer has withdrawn his objection to the proposal. The proposal involves the provision of a minimum of 12 new trees, which would be interspersed throughout the site and the provision and maintenance of these trees can be controlled by condition. Furthermore, hedged boundaries around the proposed development and the

proposed replacement car park would further soften the development as a whole and integrate it into the landscaped.

It is considered that the proposal would provide a good level of amenity to future occupiers, meeting the Council's internal space standards and external amenity standards for flatted development, as set out in Design Supplement 5: Residential Development.

The proposal is therefore considered to be in conformity with policies H2 and BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide,

### **3. Impact on Residential Amenity**

It is noted that the proposed balconies would be located just over 20m away from the boundary of the nearest residential gardens to the east and 30m away from the boundary of the nearest residential gardens to the south. It is considered that these separation distances, the retention of the trees along the southern and eastern boundaries of the site and the proposed new tree to be located in the eastern corner of the site would ensure that privacy to the occupiers of Gillan Way to the east and Cumbria Close to the south would not be unduly disrupted by the proposal.

There would also be separation distances of 21m between the front elevation windows of the new dwellings and the flank windows of the flats located above the Dog and Duck, which would be in accordance with the Council's Design Supplement 5: Residential Development as being the appropriate separation distance to ensure a reasonable degree of privacy.

The proposed new car park would be located 15m away from the dwellings in Dolphin Drive and the proposal includes the incorporation of hedging around the north and west boundaries of the car park. It is considered that this separation distance and the proposed hedging would protect the occupants of the dwellings in Dolphin Drive from a material loss of amenity as a result of the proposal.

It is considered that the proposal would not have a materially detrimental impact upon the amenity of surrounding residents and thus the proposal is considered to be in accordance with policies BE8 and H2 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

### **4. Parking and Highways Considerations**

Parking will be provided for the flats themselves in full, in accordance with the Council's parking standards, including the provision of sufficient visitor spaces. The development to the south east of the Dog and Duck public house would also include 12 parking spaces for the public house and the 4 existing flats above it, which would provide a total of 28 parking spaces for the public house and the associated flats when including the 16 spaces in the proposed replacement car park. The 4 flats require 7 parking spaces (including a visitor space) and therefore 21 spaces would be available for the use of the public house.



The parking layout has been revised throughout the application to ensure safety to users of the car parks and the retention of the trees along the eastern boundary of the site. The plans were most recently revised to address the concerns of the Highways Officer in regards to the two parking spaces that were described as being potentially unsafe for users of the footway that adjoins the proposed replacement car park. One of the spaces has been deleted from the scheme and the other has been repositioned. The Highways Officer has verbally confirmed his acceptance of the repositioning of the parking space. These revisions have reduced the proposed parking provision by 4 parking spaces and it is noted that the Highways Officer has raised concerns to the revised scheme in regards to the proposed level of car parking.

However, these concerns are based on the application of a parking standard of 1 parking space per 4 sq. m. for public houses. It is noted that the Council's current parking standards, which are set out within the Central Bedfordshire Design Guide: Placemaking in Central Bedfordshire do not set a standard for public houses; this document only provides a parking standard for restaurants (as referred to by the Highways Officer in his comments) of 1 space per 25 Sq. m. The standard for public houses referenced by the Highways Officer is that published within a 1995 Highway Design Guide published by Bedfordshire County Council, as this was the last available guidance that specifically referenced car parking for public houses. It is noted that the same document set out parking standards for restaurants at a much more onerous 1 space per 5 Sq. m. rather than the 1 space per 25 Sq. m. standard that the Council currently uses. Given the age of the 1995 Design Guide and the outdated evidence base, it is considered that very limited weight can be attributed to this standard and it would be more appropriate to apply a parking standard consistent with the Council's current guidance for restaurants. By applying this standard, instead of that set out within the 1995 Design Guide, only 8 spaces would be required for the restaurant/public house. Thus the proposed 21 spaces would represent a significant over provision of car parking. Moreover, the nature of the Dog and Duck is that of an estate facility, located within the heart of a built-up residential area and it is intended to serve predominantly local residents. It is thus anticipated that visitors would be more likely to use sustainable methods of transport such as walking or cycling to access the facility rather than cars.

On balance, it is considered that the proposal as a whole would be likely to prove self-sufficient in terms of car parking provision and that the proposal would be in conformity with policy T10 of the South Bedfordshire Local Plan Review and policy 27 of the emerging Development Strategy for Central Bedfordshire.

A revised plan has been submitted including a tracking diagram, showing that the turning area is sufficient for the use of standard delivery vans, ambulances etc. It is noted that the proposal would not require refuse vehicles to enter the development as the waste collection point is located at the front entrance of the site.

## **5. Affordable Housing and Planning Obligations**

In accordance with policy 34 of the emerging Development Strategy for Central Bedfordshire, a financial appraisal was submitted and viability testing was carried out by the Council's Housing Development Officer. This process confirmed that the provision of on-site affordable housing would render the

development unviable. Planning Obligations totalling £19,440 in accordance with the Council's Planning Obligations SPD were offered by the applicant, however, it has been determined that the highest priority in this location is the provision of affordable housing. Therefore the contributions have been reallocated with £18,816 being provided as a commuted sum for affordable housing and the remaining £624 being provided for waste management.

## **6. Other Issues**

The comments of the ecology officer are noted and an appropriate condition is suggested to ensure the provision of integral bird boxes throughout the development.

The comments of the Sustainable Growth and Climate Change Officer have been carefully considered and discussed with the applicant. An energy efficient / sustainability statement has been submitted which proposes including measures to limit residential water consumption to 105 litres per person per day and proposed energy efficiency measures. The plans also propose that parking and hardscaped areas to be designed to be self-draining in accordance with SuDS principles. However, the viability issues that surround the scheme do not permit the introduction of 10% energy sources to be obtained from renewable sources. Given the limited level of weight that can be attached to policy 47 of the emerging Development Strategy of Central Bedfordshire at this stage in the plan-making process, it is considered that this is not a sufficient reason to refuse the proposal.

### **Human Rights issues**

The proposal raises no Human Rights issues.

### **Equality Act 2010**

The proposal raises no issues under the Equality Act 2010.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place on the existing public house car park until the new replacement car park to the north west of the public house has been completed in accordance with approved drawing no. 1432-P-01 Rev F and made available for use. The car park shall be retained in perpetuity thereafter.

Reason: To ensure that parking provision for the public house is provided throughout the development in the interests of preventing on-street parking. (Policy T10, SBLPR and Policy 27, DSCB).

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping, including details of the proposed Sustainable Urban Drainage measures, and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.  
(Policy BE8, SBLPR and Policies 43 and 58, DSCB)**

- 4 **Prior to the commencement of development, all tree protection fencing, and ground protection, as stipulated on the Tree Protection Plan Ref No. TPP/DDPDHRB/010A, and the Arboricultural Method Statement, prepared by David Clarke, dated November 2014, which forms part of the Arboricultural Report, shall be erected / positioned in strict accordance with these documents.**

**Reason: To ensure a satisfactory standard of tree protection, installed prior to all site operations, to ensure the successful retention of retained trees, by preventing damage to their Root Protection Areas.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)**

- 5 All pre-development tree work shall be undertaken in strict accordance with Section 17 of the Arboricultural Method Statement, prepared by David Clarke, dated November 2014 and shall fully comply with the recommendations set out in BS 3998 : 2010 "Tree Work - Recommendations" and be carried out by a fully competent and qualified arboriculturist.

Reason: To ensure a satisfactory standard of tree work is undertaken on retained trees, in order to prevent disfigurement, loss of visual amenity and poor pruning practices.  
(Policy BE8, SBLPR and Policies 43 & 59, DSCB)

- 6 During the course of development, all working practices in respect of reducing the impact on trees shall comply in strict accordance with the requirements set out in the Arboricultural Method Statement, as prepared by David Clark, dated November 2014, which forms part of the Arboricultural Report.

Reason: To ensure a satisfactory standard of arboricultural methodology in order to avoid damaging working practices during the course of

development.

(Policy BE8, SBLPR and Policies 43 & 59, DSCB)

- 7 **No development shall take place until details of integral bird boxes to be incorporated within the proposed new buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.**

**Reason: To create opportunities for biodiversity within the development.**

**(Policy 57, DSCB)**

- 8 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 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: 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 and ensure acceptable parking of vehicles outside highway limits.

(Policy BE8, SBLPR and Policy 43, DSCB)

- 9 The development hereby permitted shall not be occupied until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

(Policy BE8, SBLPR and Policies 24 & 43, DSCB)

- 10 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

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

**(Policy BE8, SBLPR and Policy 43, DSCB)**

- 11 **No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.**

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

**(Policy BE8, SBLPR and Policy 43, DSCB)**

- 12 No dwelling hereby approved shall be first occupied until details of the bin storage for that dwelling and collection point for the development have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection point have been implemented in accordance with the approved details. The bin storage and collection point shall be retained thereafter.

Reason: In the interest of amenity.  
(Policies BE8 SBLPR and 43 DSCB)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1432-P-01 Rev F, 1432-P-02 Rev C, 1432-P-03 Rev D, TPP/DDPDHRB/010 A.

Reason: To identify the approved plans and to avoid doubt.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried without prior consent, in writing, of the Assets Operations, Improvement and Co-Operations Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
4. 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.
5. 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.

- 6. This planning permission is subject to a Section 106 Agreement.

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

Planning permission is recommended to be 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.

**DECISION**

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