

Item No. 8

APPLICATION NUMBER	CB/16/01476/FULL
LOCATION	The Harrow PH Carpark, Woodside Road, Woodside, Luton, LU1 4DQ
PROPOSAL	Erection of a single storey dwelling on the site of the redundant carpark of 'The Harrow' public house.
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Debbie Willcox
DATE REGISTERED	14 April 2016
EXPIRY DATE	09 June 2016
APPLICANT	Mr Rooney
AGENT	Butler
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Stay for the following reasons: <ul style="list-style-type: none">• The proposal is entirely in keeping with current policies;• The proposal is in keeping with and will enhance the existing village scene;• The proposal does not impact on neighbouring properties;• The parking is adequate;• The design is in keeping with local housing;• A fully supported application which will complete the conversion of the former public house and tidy up a local eyesore.
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Delegated Decision: DM/16/8

That the authority be delegated to the Group Infrastructure Development Manager to approve the application subject to the following conditions and informatives.

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 work shall take place on the construction of the walls and roof of the development, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out

in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

(Policy BE8, SBLPR and Section 7, NPPF)

- 3 No hard or soft landscaping shall be installed until a landscaping scheme to include all hard and soft landscaping 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 Sections 7 & 11, NPPF)

- 4 Notwithstanding the provisions of Part 1, Class A, B, C and D of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the dwelling hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance and bulk of the dwelling in the interests of the openness of the Green Belt.

(Section 9, NPPF)

- 5 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures other than that shown on approved drawing no. DDBP-0099 Sheet 1 shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the openness of the Green Belt. (Section 9, NPPF)

- 6 A scheme shall be submitted for approval in writing 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 dwelling is first occupied and shall be retained thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling or adjacent to Public Footpath No. 4

without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the appearance of the completed development, the public footpath and the openness of the Green Belt.
(Policy BE8, SBLPR and Sections 7, 9 & 11 NPPF)

- 7 **Notwithstanding the submitted details, no development shall take place until details of the existing and proposed final ground and slab levels of the dwelling, shed and the final proposed levels of the garden hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: The condition must be discharged prior to commencement to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Policy BE8, SBLPR and Section 7, NPPF)

- 8 The cycle / storage shed and the bin store shown on approved drawing no. DDBP-0099 Sheet 1 shall not be constructed until details of these buildings have been submitted to and approved in writing by the Local Planning Authority. The cycle / storage shed and the bin store shall be constructed in accordance with the approved details prior to occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: In the interest of the visual amenities of the area.
(Policy BE8, SBLPR and Section 7, NPPF)

- 9 Prior to the occupation of the dwelling on the site, a scheme for the provision of waste receptacles for the dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before first occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 10 **No development shall take place until a scheme for the repositioning of the public footpath sign has been submitted to and agreed in writing by the Local Planning Authority and the sign has been repositioned in accordance with the approved details.**

Reason: The sign must be repositioned prior to the commencement of the development to protect the amenity of users of the public footpath, including during the construction phase of the development.
(Policy BE8, SBLPR and Section 8, NPPF)

- 11 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.
(Section 11, NPPF)

- 12 **The amended rear access to the dwellings known as 1 & 2 Whyley Cottages shown on approved drawing no. DDBP-0099 Sheet 1 shall be provided and brought into use prior to the commencement of development and shall be maintained in perpetuity thereafter. The access shall not be provided until details of the construction and surfacing of the vehicular access have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system. The access shall be constructed and surfaced in a stable and durable manner in accordance with the approved details for a distance of 5m into the site, measured from the highway boundary before the access is brought into use.**

**Reason: The condition must be discharged prior to commencement to ensure that off street car parking is maintained for the occupiers of Nos. 1 & 2 Whyley Cottages to prevent on-street parking in the interests of highway safety and to minimise danger, obstruction and inconvenience to users of the highway and the Cottages including during the construction period.
(Policies BE8 & T10 and Section 4, NPPF)**

- 13 The amended vehicular access to Whyley Cottages shall not be brought into use until details of the junction of the proposed amended vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority and the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy BE8, SBLPR and Section 4, NPPF)

- 14 Before the amended access to Whyley Cottages is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained in perpetuity free of any obstruction to visibility exceeding a height of 600mm above the adjoining foot way level.

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.
(Policy BE8, SBLPR and Section 4, NPPF)

- 15 Before the amended access to Whyley Cottages is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the vehicular access and to make the accesses safe and convenient for the traffic which is likely to use it.
(Policy BE8, SBLPR and Section 4, NPPF)

- 16 The amended access to Whyley Cottages shall not be brought into use until details showing the closing of any existing access within the highway frontage of the land to be developed, that is not incorporated in the accesses hereby approved, as shown on approved drawing no. DDBP-0099 Sheet 1, have been submitted to and approved in writing by the Local Planning Authority and the accesses have been closed in accordance with the approved details.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Policy BE8, SBLPR and Section 4, NPPF)

- 17 The dwelling hereby approved shall not be first occupied until all on site vehicular areas, including the parking scheme shown on approved drawing no. DDBP-0099 Sheet 1, have been surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits and arrangements have been made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The parking areas shall be retained as such thereafter.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
(Policy BE8 and Section 4, NPPF)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, drawing number DDBP-0099 Sheet 1.

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

Informatives

- 1 In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).

- 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 out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 12. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. 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 including the public footpath signage (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. To fully discharge condition 12, the applicant must provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction in accordance with the approved plan, before development on the site takes place.
- 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
- 5 The applicant is advised that the closure of any existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the closure of the redundant access in accordance with condition 16. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 16 the applicant should provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

- 6 The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance – July 2010".
- 7 At no time during the construction phase of the development shall Public Footpath No. 4 be obstructed. If the construction activities will result in any obstruction to the public footpath, the applicant should contact the Council's Rights-of-Way Team on rightsofway@centralbedfordshire.gov.uk to ascertain if the Public Footpath would have to be temporarily closed on public safety grounds. Contact must be made a minimum of six weeks prior to the obstruction of the footpath. The applicant will be responsible for all costs associated with temporary closure of the footpath.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

In the Council's view the proposal was unacceptable in principle and the fundamental objections could not be overcome through dialogue. The applicant was invited to withdraw the application. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NOTES

In advance of the consideration of the application the Committee were advised of additional consultation received from the Council's archaeologist confirming that they have no objections to the application. In addition comments had been received from nearby residents. In addition the Committee noted that an amended application form had been submitted and accepted, which detailed the amendment to the applicant details.