

Item No. 7

APPLICATION NUMBER	CB/17/04643/FULL
LOCATION	109 Jeans Way, Dunstable, LU5 4PR
PROPOSAL	Demolition of the existing and replacement of the Scout Hut with a new Scout Hut building
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Peter Vosper
DATE REGISTERED	28 September 2017
EXPIRY DATE	23 November 2017
APPLICANT	The Scout Association Trust Corporation
AGENT	Kyle Smart Associates
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr McVicar if the application is recommended for approval for the following reasons:
	<ul style="list-style-type: none">• Overlooking adjacent properties• Potential for lettings causing more nuisance
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reason for Recommendation

In principle, the replacement Scout Hut building is acceptable. Subject to the imposition of suitable conditions the impact of the proposal on the character and appearance of the area, and the impact on neighbouring amenity would be acceptable. The proposal is also acceptable in highway terms.

Site Location:

The application site is a 371 sq m plot to the north of Jeans Way. It contains a single storey detached pitched roof building which is the 4th Dunstable Scout Group Headquarters. It is located at the rear of the site with a parking area for five cars at the front.

Vehicular access is taken from Jeans Way.

As the Jeans Way housing development reached its conclusion, the building and land was bequeathed to the Scout Troop in 1957.

The site is surrounded by terrace, semi detached and detached residential properties.

The Application:

Full planning permission is sought for demolition of the existing Scout Hut building and its replacement with a new Scout Hut building. The new building would have a

gable pitched roof and would measure 8.35m wide, 17.65m deep, 2.55m high to eaves level, and 7.1m high to the ridgeline. Whilst the building would essentially be single storey, there would be rooms in the pitched roof at the front and rear of the building.

The building would be used by cubs and scouts, and also for local community uses.

The five car parking spaces, including one reallocated as a disabled space, and the vehicular access from Jeans Way, would be retained.

Relevant Policies:

National Planning Policy Framework (NPPF), March 2012

Achieving sustainable development
Section 4: Promoting sustainable transport
Section 7: Requiring good design
Section 8: Promoting healthy communities

South Bedfordshire Local Plan Review, January 2004

Policy BE8: Design Considerations
Policy T10: Controlling Parking in New Developments

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policy BE8 is broadly consistent with the Framework and carries significant weight. Policy T10 carries little weight due to its lack of consistency with the Framework but is considered relevant to the proposal.

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached pre-submission stage. The consultation ran between 11 January and 22 February 2018. The comments will now be forwarded to the independent planning inspector alongside the Local Plan when the Plan is submitted to the Secretary of State.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise. The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-

Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have now been subject to statutory public consultation. The following policies are relevant to the consideration of this application:

Policy T3: Parking

Policy HQ1: High Quality Development

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/12/01280/PAPP - Pre-application Charging Fee Advice Released: Demolition of existing and replacement of Scout Hut (23 April 2012)

Application Number	SB/87/01228/FULL
Description	Use of land for temporary siting of a skip for waste paper
Decision	Refused
Decision Date	2 December 1987

Application Number	SB/80/00722/FULL
Description	Prefabricated garage for use as store building
Decision	Conditional planning permission
Decision Date	14 May 1980

Consultees:

Dunstable Town Council	No objection.
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Highways (Development Management)	The applicant seeks planning permission for the demolition of the existing scout hut and the provision of a new scout hut building, at the above location.
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The site currently offers five parking spaces and although the site is being increased in terms of floor space, no additional parking spaces are proposed.

The use classification of the site is D2 and the Parking Strategy document recommends eight parking spaces should be provided for this D2 use. The applicant is proposing five independently useable parking bays, however, it could facilitate an additional two off-street parking spaces in tandem if necessary, however, they would not then be independently useable. I would also recommend the applicant provide cycle parking to encourage use by sustainable modes of transport.

The way in which the scout hall would generally operate would be similar to an educational establishment whereby

the students would be dropped off and picked up. Therefore there would not be a need for drivers to leave their vehicles on-street for any great length of time, which may be the case for similar D2 uses such as cinemas, dance halls, bingo halls etc. With this in mind, I would recommend that if you are minded to approve the application, a condition shall be included to secure a personal permission.

I recommend the following conditions are included if permission is to be granted.

1. This permission is for the sole benefit of the applicant and shall extend to no other person, partnership, firm or company.

Reason

To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicants interest in the land and building.

2. No development shall commence until details of a method statement to prevent and deal with 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 works 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.

3. Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

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

Furthermore, I should be grateful if you would arrange for the following Highway Notes to the applicant to be appended to any consent issued by the council.

1. 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.

2. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority. If necessary further details can be obtained from The Street Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
3. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Public Protection

Topics considered:

Air Quality
Contaminated Land
Noise
Light
Odour

I have no objections to the proposals for a replacement scouting facility subject to the following condition being placed on any permission.

No development shall commence until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted facility. Any identified measures shall be implemented in accordance with the approved plan at all times.

Reason: To protect the amenity of neighbouring residents.

Trees and Landscape No objections.

Other Representations:

Neighbours

32 representations in support of the proposal were received:

The proposal would provide a valuable community resource.

Desperate need for rebuilding and better facilities.

Wish to support scouting as an organisation.

Neighbours will not hear the children in a new double glazed insulated building compared to the current single glazed block build.

14 representations objecting to the proposal were received:

Building out of line with residential adjacent houses.

Very close to houses in The Retreat.

Concerns about appearance of building and too large.

Concerns if building let out without any restrictions regarding time and purpose. It should only be used as a Scout Hut.

Disturbance, noise, traffic, parking and safety problems.

Scout Hut should be taken down and a house built there.

Blocking of light and overbearing impact.

Adverse visual impact and on character and appearance of area.

Extended development not suitable in a residential area.

Loss of security.

Affect satellite signal.

Overlooking and loss of privacy.

Determining Issues:

The main considerations of the application are:

1. Principle of Development
2. Affect on the Character and Appearance of the Area
3. Impact on Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations:

1. Principle of Development

- 1.1 The replacement building would be in the same use as the existing building, i.e. Use Class D2 (Assembly and Leisure) and continue to be the headquarters for a cubs and scouts group.

- 1.2 The Design and Access Statement submitted in support of the application states that the reason for the replacement building is that the existing structure *'was no longer serving its needs, and coming to the end of its useful life. The existing floor area is inadequate to accommodate the 100 young people attending on a weekly basis, and the facilities are dated'*.
- 1.3 Paragraph 70 in Section 8 (Promoting healthy communities) of the NPPF states, *'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'*. The continued use of a site as a community facility for cubs and scouts, which has operated in this way since 1957 - when the Jeans Way housing development reached its conclusion - complies with this paragraph.
- 1.4 In principle, the proposal is therefore considered acceptable in principle.

2. Affect on the Character and Appearance of the Area

- 2.1 The proposed building would be on the same front building line as the existing structure; however, by extending to the right-side and rear of the site, it would have a greater footprint than the existing. With an eaves height of 2.55m and a ridgeline height of 7.1m it would also be higher than the existing building (equivalent heights of 2.2m and 4.6m). This would, however, be lower than the eaves height (4.4m) and ridgeline height (7.85m) of the neighbouring dwellings, Nos. 107 and 111 Jeans Way. The replacement building would be similar in design to the existing, having a gable pitched roof.

- 2.2 In view of the above factors, the proposed building would appear compatible with the character and appearance of, and would not appear dominant in, the street scene. However, its design, and proposed use of cladding, zinc detailing and grey coloured windows and doors - as well as brickwork and dark grey roof tiles - would ensure the building reflects its function instead of directly replicating the appearance of the adjacent houses.

- 2.3 The proposed extent of fenestration at ground and roof level would appear appropriate for the use of the building.

- 2.4 Overall, the impact of the proposal on the character and appearance of the area would be acceptable, and it would comply with policy BE8 (Design Considerations) of the South Bedfordshire Local Plan Review and Section 7 (Requiring good design) of the National Planning Policy Framework.

3. Impact on Neighbouring Amenity

- 3.1 Whilst the Design and Access Statement refers to the building being used for other community uses, as well as by the cubs and scouts, no information has been provided to what they are. The scope of potential community uses is clearly very wide and could have impacts for the occupants of neighbouring properties - as well as car parking and traffic implications - beyond that of the use for cubs and scouts. Therefore a condition should be attached to any

planning permission granted, restricting use to only the cubs and scouts, with any other uses to be agreed in writing by the Local Planning Authority.

- 3.2 To protect neighbouring amenity, in terms of noise and disturbance, further conditions are needed to restrict hours of use to those applied for, i.e. 17:00 to 21:30 Mondays to Fridays, and for a Noise Management Plan.
- 3.3 As stated above, the proposed building would be on the same front building line as the existing structure. It would, however, extend further to the right-side towards the shared boundary with No. 111 Jeans Way and further towards the rear boundary with No. 11 The Retreat. It would also be higher at eaves and ridgeline level.
- 3.4 Whilst clearly these factors would create a larger building which would have a greater visual impact from Nos. 107 and 111 Jeans Way, and No. 11 The Retreat, the increase in eaves height by 0.35m would be limited and above this the roof would pitch away from the boundaries. The building would not result in a harmful loss of light or overbearing impact to neighbouring occupants.
- 3.5 The proposed building would be between 1.0m and 1.1m from the shared boundary with No. 11 The Retreat and between 1.85m and 1.95m from the side elevation of this property. This elevation has one window at ground floor level which serves a joint dining room and lounge. Whilst the proximity and height of the proposed building would result in some loss of light to this window, the room is also served by a window on the front elevation which provides light - it is therefore not considered that a reason for refusal on this basis could be justified.
- 3.6 The proposed ground floor side windows would be at a height of 1.65m from ground level. At this height they would not result in any overlooking and loss of privacy to the occupants of Nos. 107 and 111 Jeans Way. Six proposed rooflights - three on each side - would serve a full height central main hall. They would therefore be at a height of 4.0m from ground level and face skywards, ensuring no loss of privacy to Nos. 107 and 111. To ensure this remains the case, a condition should be attached removing permitted development rights preventing a full first floor being created in the roof space. To protect the privacy of neighbouring occupants, a further condition should be attached removing permitted development rights for any further windows on the building.
- 3.7 Overall, subject to the aforementioned conditions, the impact of the proposal on neighbouring amenity would be acceptable and compliant with policy BE8 (Design Considerations) of the South Bedfordshire Local Plan Review and Section 11 of the National Planning Policy Framework.

4. Highway Considerations

- 4.1 In view of the proposed use of the site, as stated in the Highways (Development Management) response, the proposed car parking provision is considered acceptable.
- 4.2 Use would continue to be made of the existing vehicular access.

4.3 The proposal is acceptable in highway terms.

5. Other Considerations

5.1 Response to reasons for call-in

These are considered in the discussion above.

5.2 Response to neighbour objections

These are either considered in the discussion above or are not material planning considerations.

5.3 Human Rights issues

The proposal raises no Human Rights issues.

5.4 Equality Act 2010

The proposed Scout Hut should be accessible to all and therefore needs to comply with the Equality Act 2010 and an Informative will be applied accordingly to the decision reminding the applicant of their responsibilities under the Act.

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 The building hereby approved shall be solely used as a facility for the use of cubs and scouts, with any other use of the building to be agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residential occupants, and to control car parking and traffic impacts.

(Policy BE8, SBLPR and Sections 4 and 11, NPPF)

- 3 The building hereby approved shall only be open for use between the hours of 17:00 and 21:30 Mondays to Fridays, and shall not be open for use at any other times.

Reason: To protect the amenity of neighbouring residential occupants.
(Policy BE8, SBLPR and Section 11, NPPF)

- 4 The first use shall not be made of the building hereby approved until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a Management Plan shall identify measures to control noise emanating from the building. Any identified measures shall be implemented in accordance with the approved Management Plan at all times, and shall thereafter be retained.

Reason: To protect the amenity of neighbouring residential occupants.
(Policy BE8, SBLPR and Section 11, NPPF)

- 5 A full first floor shall not be created in the roofspace without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.
(Policy BE8, SBLPR and Section 7, NPPF)

- 6 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 further windows shall be inserted in the building hereby approved without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.
(Policy BE8, SBLPR and Section 7, NPPF)

- 7 A scheme for the parking of cycles on site shall be devised and fully implemented before the development is first brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Section 4, NPPF)

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17018wd2.01, 17018wd2.02, 17018wd2.03, 17018wd2.04, 17018wd2.05, 17018wd2.06 and 17018wd2.07.

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

INFORMATIVE NOTES TO APPLICANT

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

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

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 storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority. If necessary further details can be obtained from The Street Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
6. Throughout the construction works and until the completion of the development, measures shall be implemented to prevent and deal with site debris from being deposited on the public highway.
7. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The applicant and the Council engaged in discussion and negotiation at pre-application stage which led to improvements to the scheme. The applicant and the Council have 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) Order 2015.

DECISION

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