



## Appeal Decision

Site visit made on 04 July 2006

by **Raymond Michael** MBA BSc(Est Man) Dip TP  
MRTPI ARICS MiM  
an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 8372  
e-mail: enquires@planning-  
inspectorate.gsi.gov.uk

Date: 26 July 2006

**Appeal Ref: APP/J0215/A/06/2009796**

**Land at the corner of Bonds Lane, Biggleswade, SG18 8DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Luscombe Limited against the decision of Mid-Bedfordshire District Council.
- The application Ref 05/01696/Full, dated 4 October 2005, was refused by notice dated 19 January 2006.
- The development proposed is the erection of 12 no. flats over retail unit.

**Summary of Decision: The appeal is dismissed.**

### Main Issues

1. The main issues in this case are:-
  - whether the scale and design of the proposals would preserve or enhance the character or appearance of the Biggleswade Conservation Area;
  - whether the lack of off-street servicing and parking within the site would compromise the safety of the occupiers and other road users.

### Planning Policy

2. The development plan for the area includes the Mid-Bedfordshire Local Plan (2005), which contains Policy TCS5 which identifies land and buildings fronting Bonds Lane and Foundry Lane as a site for comprehensive redevelopment. Policy TCS2 sets out criteria applicable to consideration of proposals for new retail development. The Plan also includes Policies DPS5 and DPS10, which relate to the character and appearance of new development and highways provision respectively, and Policy CHE11, which deals with the impact of development on the character or appearance of conservation areas.

### Scale and design

3. Biggleswade Conservation Area covers much of the town centre, focussed around the historic Market Square. It includes a range of buildings dating from the 14<sup>th</sup> Century, through substantial periods of development in the 18<sup>th</sup> and 19<sup>th</sup> centuries, and into the 20<sup>th</sup> Century.
4. Bonds Lane runs west to east from Hitchin Street for about 80m, then turns south for some 30m, and then turns again to run east until it joins Station Road. Adjacent to the site it is a very narrow one-way road running towards Hitchin Street, and has daytime waiting restrictions. It is about 4-5m wide, and has no footpath on either side. The site is located at

the corner where the lane turns south, and comprises a range of single and 2-storey buildings in a derelict condition, together with small areas of land at the rear. The buildings are of no intrinsic merit, and are of poor appearance. To the south lies a derelict factory building which is hard up against the boundary of the site.

5. The site forms part of a wider area identified in Policy TCS5 as a comprehensive redevelopment site suitable for a leisure use or a mixed-use development of retail, residential or offices. The policy indicates that the Council will not necessarily oppose the partial redevelopment of the overall site provided it will not compromise the eventual redevelopment of the remaining land. The Council is preparing a Development Brief for the wider site, but this has not yet been published. The appeal proposal provides a mix of development which meets the criteria set out in Policy TCS5, but the Council expresses concern that the introduction of residential use on the ground floor and the layout of the site generally may compromise the wider redevelopment of the area. Notwithstanding the absence of any detailed Brief for the area, I have reservations about the introduction of significant residential development on the ground floor in this town centre site, and about the balance between the retail and residential uses. I therefore conclude that the proposal would prejudice the achievement of the objectives of Policy TCS5.
6. The Council raise several detailed concerns about the design of the proposal. The development would be 3 storeys high, although the mass of the building would be reduced by incorporating the second floor flats within the roof space. The proposal would provide ground floor retail space of 244sqm on the corner of Bonds Lane with 2 floors of residential use above, and 3 floors of residential use on the western half of the site. The latter would be arranged on 2 sides of a small courtyard formed in the north-western corner of the site, with a wall about 2m high along the northern boundary incorporating a cycle store.
7. Much of the existing development in the area is of 2-storey height, but the ridge height of the proposed development would be only marginally higher, because of the incorporation of the 2<sup>nd</sup> floor flats within the roof-space, and I see no objection in this respect. However, the proposed residential layout at the western end does not reflect the general character of development in this part of the Conservation Area, which tends to align closely with back edge of footpath or roadside. The proposed courtyard would weaken this characteristic and would not be in keeping with the general character of development in the area.
8. The retail frontage reflects a modern approach with large areas of plate glass, poorly defined modern facias, and no significant stall-risers. Such a design solution does not respect the historic nature of the town centre, and fails to take account of the advice given in the Council's Shopfront Design Guide.
9. The Council also raises concerns about the adequacy of the amenity space provided by the courtyard. However, in the absence of any information on adopted standards and given the town centre location, I do not consider that to be material to my decision.
10. Overall, I consider that, whilst the scale of the scheme is satisfactory, I have concerns about the proposed layout and the design approach to the retail frontage, and about the proportional mix of uses. Although the existing townscape is poor, these factors lead me to the conclusion that the proposals would not preserve the character of the Biggleswade Conservation Area, and would conflict with Policies CHE11 and DPS5, and with the Shopfront Design Guide..

### **Servicing and Parking**

11. A number of the properties on the south side of Market Square are serviced from Bonds Lane, and in some of those cases there is no off-street servicing provision. Although there are day-time waiting restrictions along the road between 0800 and 1800 on Monday to Saturday, those arrangements are likely to lead to some conflict between servicing and other road users travelling along Bonds Lane. I note that the existing buildings on the site make some provision for off-street servicing, but the proposed development would make no such provision. Whilst that situation is true of several of the existing properties to the north of Bonds Lane, I consider that the introduction of a further retail use under those circumstances would be likely to exacerbate the current unsatisfactory situation. I note the moderate scale of the retail element but, given the narrowness of Bonds Lane adjacent to the site and the proximity of the site to the corner, I consider the lack of off-street servicing provision to be a significant material consideration.
12. The proposal makes no provision for off-street parking. However, the site is located in a sustainable location, within easy walking distance of town centre shops, bus routes and the railway station, and provides an opportunity to encourage car-free living. The Council have not identified any relevant parking standards, and PPG13 advises that developers should generally not be required to provide more spaces than they wish. There are a range of car parks in the town centre and, with the enforcement of existing on-street restrictions, I see no reason why future occupiers should cause significant danger to pedestrians or other road users.
13. Overall, whilst I consider that the absence of on-site car parking provision is acceptable in such a sustainable location, I conclude that the lack of servicing provision would compromise the safety of the occupiers and other road users, and would be contrary to the requirements of Policy TCS2 (iii).

### **Conclusions**

14. I have taken account of all other matters referred to in the representations, including the efforts made by the appellant company to discuss the Council's concerns, the previously-developed status of the land, and the substantial need to regenerate this part of Biggleswade town centre. However, none of those matters is sufficient to outweigh the conclusions which I have reached on the main issues. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

### **Formal Decision**

15. I dismiss the appeal.

*Raymond Michael*

Inspector