

**Item No. 8****SCHEDULE B**

<b>APPLICATION NUMBER</b>	MB/08/02412/FULL
<b>LOCATION</b>	<b>THE RISING SUN, SUN STREET, BIGGLESWADE, SG18 0BP</b>
<b>PROPOSAL</b>	<b>FULL: DEMOLITION OF EXISTING PUBLIC HOUSE TO FACILITATE THE ERECTION OF PART TWO AND PART ONE STOREY BUILDING COMPRISING OF NO. 12 ONE AND TWO BEDROOM TEMPORARY ACCOMMODATION (USE CLASS C2) WITH ASSOCIATED LANDSCAPING AND PARKING</b>
<b>PARISH</b>	Biggleswade
<b>CASE OFFICER</b>	Mark Spragg
<b>DATE REGISTERED</b>	20 January 2009
<b>EXPIRY DATE</b>	21 April 2009
<b>APPLICANT</b>	Aragon Housing Association
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>REQUEST BY CLLR MAURICE JONES ON THE BASIS THAT THE APPLICATION IS OUT OF CHARACTER WITH NEARBY BUILDINGS IN THE STREET.</b>
<b>RECOMMENDED DECISION</b>	<b>FULL CONDITIONAL APPROVAL</b>

**Site Location:**

The application site occupies an area of 0.1 hectares, and comprises a vacant Public House building and car park. The site is located on Sun Street, close to the edge of Biggleswade town centre, within the settlement envelope. The existing building is two-storey, with a slate tiled roof, single storey side elevation, and a two storey flat addition to the rear. Attached to the north west elevation of the existing building is No.36, one of a pair of Grade II Listed properties. with dormer windows in the roofspace.

The existing building has its ridge approximately 1.25m higher than No.36, with its eaves approximately 1m higher.

The car park is located to the rear of the Public House with an access located between the building and No. 42 Sun Street.

The surrounding area is predominantly residential, though includes a commercial storage building to the rear, within Shortmead Industrial Estate, and a restaurant premises on the opposite side of Sun Street.

Conifer trees extend along the western elevation whilst the south and north boundaries comprise panel fencing.

## **The Application:**

This proposal seeks full planning permission for a residential building to provide a total of 12 units of accommodation (9x 1 bed and 3 x 2bed).

The accommodation would be specifically for temporary use (Class C2 of the Use Classes Order) incorporating an element of care for its residents. However it would provide individual units with bedroom(s), living room, kitchen and bathroom, with a small communal area. The ground floor units would have small private or shared outdoor amenity areas.

The development would comprise a 2.5 storey (8.5-9.3m high) building fronting Sun Street, with pitched dormer windows within the roofspace. The proposal has been designed to appear as two buildings with the roof and eaves heights stepped and with different window detailing. The rear part of the development would be single storey, extending towards the north and western boundaries.

As amended, a gap of 4.8m would be provided from the front corner of the south elevation of the proposed building and the front corner of the north flank elevation of No.42. This would facilitate a 4.1m wide access drive leading to a vehicular gate and a parking area for 6 vehicles, cycle parking and a bin store, within the enclosed central part of the site. Pedestrian access would be provided along the side of the building with the shared surface being delineated and a secured card entry pedestrian gate provided at the rear of the building.

The application also includes a Planning Statement, a Design and Access Statement, and an Arboricultural Assessment.

## **RELEVANT POLICIES:**

### **National Policies (PPG and PPS)**

- PPS1 Delivering Sustainable Development
- PPS 3 Housing
- PPG13 Transport
- PPG15 Historic Environment
- PPG24 Planning and Noise

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

- LPS1 Selected Settlements
- H05 Housing Density
- H06 Location of New Residential Development
- DPS5 Protection of Amenity
- DPS9 Open Space for New Dwellings
- DPS10 Highways Provision for New Developments
- DPS11 Landscaping for New Developments
- DPS19 Public Transport/Cycling

## Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

### Relevant Planning History

None relevant

### Representations: (Parish & Neighbours)

Biggleswade TC

Object to the application on the grounds of height, size and general bulk of the development. The entrance onto the street, and cars waiting to enter the property would be dangerous. The noise would also cause a disturbance. The two storey entrance archway should not be attached to the detached cottage, no.42 as it is a Grade II listed building.

Adjacent Occupiers

12 letters of objection summarised as follows:

- Would increase traffic congestion on Sun Street
- Inadequate parking provision
- Unsuitable access
- Overlooking towards Watkin Walk
- Increase in noise and disturbance
- The temporary nature of the accommodation would detract from the area.
- Development too large for its surroundings and overbearing.
- Loss of daylight to 3 St Johns Street
- Visual impact from loss of trees
- Proximity of bins to neighbouring properties
- Right of way exists to No.42.
- Security concerns.
- The development should provide for a mix of residents.
- concern about the impact on the part wall of No.36 Sun Street.

A petition signed by 138 people has also been received. The objections raised by the petition relate to:

- size of the buildings
- impact on the listed buildings
- increased traffic generation on a main school walking route and busy junction

## Consultations/Publicity Responses:

County Highway Authority	Highway	No objection subject to conditions. The amended plans satisfactorily deal with previous concerns.
Environmental Health Environment Agency		No objection. No objection, subject to appropriate conditions.
Bedfordshire and River Ivel IDB		No comments to make.
Police Architectural Liaison officer	Architectural	No objection subject to segmented rear garden areas and lighting of communal areas.
Archaeology and Community Heritage	Archaeology and	The site lies within an area of archaeological significance. A condition to ensure the investigation and recording of any archaeological remains is requested.

## Determining Issues

The main considerations of the application are;

1. The principle of development
2. Impact on the character of the area and the setting of the adjacent Listed Building.
3. Impact on the amenities of neighbouring residential properties.
4. Access, parking.
5. Other issues
6. Conclusion

## Considerations

### 1. Principle of development

The site falls within the Biggleswade settlement envelope wherein the principle of residential development is acceptable. There is no policy objection to the loss of a Public House in this location.

The provision of such temporary accommodation, which would be short term, from a few weeks, up to 9 months, would enable residents time to find alternative permanent accommodation. There is a recognised under provision of such facilities in Bedfordshire and within the Eastern region, and is therefore a priority within regional and sub regional housing strategies. The provision of this facility would satisfy the advisory number of bed spaces required in Central Bedfordshire.

## **2. Impact on the character of the area and setting of the adjacent Listed Building**

The existing Public House building is of no particular architectural merit, with large modern windows on its frontage and with a two-storey flat roofed addition at the rear.

The proposed building has been designed to provide a more traditional appearance, in terms of the window design and detailing, including chimneys on the roof and brick arches over windows. Whilst the new building would extend towards the rear of the site this would be a single storey pitched roof element which would be partly screened by the frontage buildings.

The ridge of the proposed building, being at two levels would range from approximately 0.2m-1m higher than the existing Public House building, with the eaves approximately 0.2–0.6m higher. It is considered that the proposed increase in height is minimal and that the difference in heights reflects the differing heights of buildings within the surrounding area. The submitted street elevation drawing illustrates the context of the site within its surroundings and demonstrates that the development as proposed would sit comfortably within its locality.

The amended design significantly includes a removal of the link to No.42 (not a listed building). The revised layout incorporates a gap of 4.8m between the proposed building and its neighbour, providing a substantial visual gap between buildings and reducing the overall bulk of the proposal.

Whilst the proposed density of the site would be relatively high this does reflect the predominantly flatted nature of the development. However, given the location of the site close to the town centre and with other flatted development nearby, it is not considered that the density would be out of keeping with the area.

The existing Public House building currently adjoins the Grade II Listed Building, No.36 Sun Street. The proposed building has been designed as mentioned above, to appear of traditional form, respecting the historic characteristics of the listed building. The design of the proposed building has been subject to various changes following consultation with the Councils Conservation Officer and it is considered that with conditions to ensure appropriate materials and window detailing that the resultant proposal would not harm the historic interest and setting of the adjacent listed building.

## **3. Amenity of adjoining properties**

The use of the current building as a Public House, together with the ancillary use of the car park and beer garden, would have the potential to cause noise and disturbance to the properties surrounding the site.

The proposed use, being residential, is one which would better reflect the neighbouring residential uses. Whilst the use would provide temporary rather than permanent accommodation it is not considered that this would necessarily result in any material difference in terms of the amenity of

neighbouring residents. It is noted that the accommodation would provide a care element, thus enabling some ongoing monitoring of the premises. The proposed development would be enclosed by a gated pedestrian and vehicular entrance, and would as such result in a more controlled environment than the existing use.

The rear two storey part of the building would extend to approximately the same position as the existing building and as such it is not considered that the impact on light to the rear of the neighbouring property would be significant. The only windows above ground floor level on the north elevation would be a secondary obscure glazed window and a rooflight. As such it is not considered that any overlooking of No. 34 or 36 Sun Street would result.

No.32 Sun Street is a modern detached house located 4.5m beyond the northern boundary of the site. The part of the development building closest to No.32 would be the single storey element serving units 3 and 4, which would be located 3-4m from the boundary and the small amenity areas for those units. There is currently a 1.6m fence to the boundary, however subject to a replacement 1.8m high boundary fence no overlooking from the ground floor windows would result. Given the single storey height of the building, with a 2.8m eaves and a pitched roof sloping away from the neighbours, it is not considered that the building would be overbearing or harmful to the occupants of No.32. The layout of units 3 and 4 has been amended to reduce any loss of privacy to future occupiers from the existing rear first floor windows of No.32.

To the rear of the site, 7m beyond the western boundary is located No's 9, 10 and 11 Watkin Walk. These are two storey houses which face towards the site boundary, and which currently has a group of Leyland cypress trees, approximately 6m high. The trees are not protected, and are of no particular individual merit. Indeed, due to their potential height, if neglected, they could result in significant overshadowing of neighbouring properties. They do however provide a valuable landscape screen between the site and the houses in Watkin Walk. The applicants have submitted a tree protection method statement and have indicated that the rear part of the building closest to the boundary would be constructed using no dig construction methods. It is intended that the trees, whilst being reduced in height and pruned to increase natural daylight, would still be retained and as such would provide an effective natural boundary screen.

The only windows in the rear elevation of units 1 and 2 would be a single bedroom window and a small bathroom window. No useable amenity space would be provided at the rear of the units and as such it is not considered that any loss of privacy or amenity would result to the occupiers of Watkins Walk. It is considered that subject to the trees being retained at a minimum height of 2m an acceptable degree of privacy would be maintained.

No. 42 Sun Street abuts the southern boundary of the application site and its occupants apparently have a pedestrian right of way to the rear garden of their property. The application has been amended to incorporate an unimpeded right of way via the proposed access.

Whilst the rear part of the neighbouring garden would be overlooked by a kitchen window at first floor level (unit 9) and a dining room window in the roofspace (unit 12) it is not considered that such a relationship is unacceptable, given that the private amenity area closest to the house would retain its privacy. Two windows proposed in the south facing elevation of units 7 and 10 would be secondary obscure glazed.

On the basis of the above, taking account of the existing use it is considered that the proposed development and its use would result in no unacceptable additional impact on the privacy or amenity of any neighbouring occupiers.

#### **4. Highway and parking Considerations**

The application proposes the provision of 6 parking spaces. Given the type of use, it is considered unlikely that residents would have their own cars, and as such the parking would generally be for visitors and visiting care workers. In addition, the site is located in a relatively sustainable location close to the town centre and public transport links. Furthermore, the proposed cycle parking provision would assist in encouraging sustainable non-car travel.

Given the limited number of parking spaces and the type of use it is therefore likely that the traffic generation to the site would be small and in any case less than that potentially attributable to a Public House use.

The County Highway Authority raises no objection to the level of car parking provision and are satisfied that, as amended, the access is acceptable in highway safety terms.

#### **5. Other Issues**

Due to the specific nature of the proposed development, providing much needed temporary accommodation it is considered that in this particular case no infrastructure payments are to be sought.

#### **6. Conclusion**

In light of the above considerations it is recommended that planning permission be granted, subject to conditions

### **Reasons for Granting**

The proposal is in conformity with Policies LPS1, H05, H06, DPS5, DPS9, DPS10, DPS11, DPS19 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3, PPG13, PPG15. Design Guide for Residential Areas in Mid Bedfordshire (2004).



## RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 1            DG01    The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2            DG17    The permission shall extend only to the application as amended by drawings 0897-10E,11E,12G and 13B.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.
- 3            EM05    **Prior to commencement of development details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to complement the visual amenities of the locality.**
- 4            TL07    **No work shall commence on site until all trees to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

  - **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
  - **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
  - **for other natural features along a line to be approved in writing by the Local Planning Authority.**

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason: To safeguard the existing trees on the site in the interests of visual amenity.**



- 5 AN03 **Details of a scheme of archaeological investigation of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The said development shall only be implemented in accordance with the scheme thereby approved.**
- Reason: To safeguard any material of archaeological interest which exists on the site.**
- 6 EM06 **Prior to commencement of development details of the materials and colouration to be used for the rainwater goods to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.**
- 7 U **Before development commences, details of the alterations to the footway surfacing should be submitted to and approved by the Local Planning Authority and no building shall be occupied until the approved details have been implemented in full.**
- Reason: In the interest of highway safety.**
- 8 U The residential premises shall only be used for Class C2 of the Town and Country Planning (use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification).
- Reason: To control the future use of the site in the interests of amenity and highway safety.
- 9 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.

10 TL02 **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**

**The development shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.**

11 TL26 The rear part of units 1 and 2 shall be constructed using a “no-dig” method of construction as outlined in the submitted tree protection plan and statement.

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

12 U A scheme for the parking of cycles 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 as such.

Reason: to ensure the provision of adequate cycle parking in the interests of encouraging the use of sustainable modes of transport.

13 TL28 A scheme shall be submitted for written approval 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 buildings are occupied in accordance with a timescale agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

14 SA08 Details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the buildings.

Reason: To protect the visual amenities of the site and its surrounding area.

- 15      EM10      The south facing windows to units 7 and 10 of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. No further windows or other openings shall be formed in the elevation.
- Reason: To safeguard the amenities of occupiers of adjoining properties
- 16      U              All windows to the street frontage and the flank elevation of the frontage building shall be sliding sash timber windows.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 17      U              All brickwork on the front building shall be flemish bond unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 18      U              The door on the highway frontage shall be timber panelled, the details of which shall be first agreed in writing with the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.
- 19      HS35        Details of bin storage shall be submitted to and approved by the Local Planning Authority. The bin storage shall be implemented in accordance with the approved details prior to the occupation of any dwelling.
- Reason: In the interest of highway safety.
- 20      U              The rooflight on the street frontage shall be a Conservation style rooflight, the details of which shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To safeguard the special architectural and historic interest of the adjacent statutorily listed building.

21 U The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 6.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage 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 into the highway so as to safeguard the interest of highway safety.

22 U 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.

23 U Before the new access is first brought into use, any redundant length of the existing access of the land to be developed, shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

**Notes to Applicant**

1 The applicant is advised that in order to comply with Conditions 8 and 23 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory closure of the redundant length of the access and the resurfacing of the footway. Further details can be obtained from the Development Planning and Control Group, Central Bedfordshire Council, P O Box 1395, Bedford, MK42 5AN.

2 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 Central Bedfordshire Council, Highways, P O Box 1395, Bedford, MK42 5AN

**DECISION**

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