

**Houghton Regis Town Council  
Planning Committee  
12<sup>th</sup> November 2018 at 7.30pm**

Present: Councillors: J Carroll Chairman  
D Abbott  
M Kennedy  
Mrs T McMahon  
C Slough  
Ms S Thorne

Officers: Debbie Marsh Corporate Services Manager  
Louise Senior Head of Democratic Services

Public: 5

Councillors: Mrs S Goodchild Central Bedfordshire Council

Apologies: Councillors: T Welch

**9650 APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Cllr Welch.

**9651 QUESTIONS FROM THE PUBLIC**

Members were addressed in regard to planning application CB/18/02786/FULL – 44 Bidwell Hill.

A resident of the neighbouring property expressed concerns that the proposed development would enclose amenity land, currently used for the siting of bins. It was expressed that a precedence could be set for future applications. Also, that the size of the proposed driveway was too large and would prevent neighbouring properties from installing their own driveways.

The applicant addressed the committee in support of the application. The Town Council had previously objected to a previous application. Members were requested to withdraw their objections that had been made in relation to a previous application. The applicant had considered the Town Councils objections and had proposed a revised application to address those concerns.

**9652 SPECIFIC DECLARATIONS OF INTEREST**

Councillor M Kennedy declared an interest in planning application CB/18/02786/FULL – 44 Bidwell Hill and left the chamber whilst the application was discussed.

**9653 MINUTES**

To approve the Minutes of the meeting held on the 22nd October 2018

a) To approve the Minutes of the meeting held on the 22nd October 2018.

**Resolved: To confirm the Minutes of the meeting held on 22<sup>nd</sup> October 2018 and for these to be signed by the Chairman.**

## 9654 PLANNING MATTERS

(a) The following planning applications were considered:

### *Non - Delegated*

CB/18/03897/FULL Single storey rear extension  
135 Leafields, LU5 5LU  
For: Mr M Salih

**Comments: No objections**

CB/18/03564/FULL Erection of outbuilding with amenities  
20 Woodlands Avenue, LU5 5LJ  
For: Miss D James

**Comments: Objection for the following reasons:**

- Inappropriate development within a conservation area;
- Detrimental impact on the visual amenity on the local area;
- Likely to set a precedent which would make it difficult to refuse similar applications in the future which in turn would have an even greater adverse effect and impact to the character of the area;
- The proposed development appeared obtrusive and could be viewed from adjacent land;
- The property looks likely to be close to a watercourse;
- Proposed development could be used as an independent residential unit which is not ancillary to the main residence.

CB/18/03888/RM Reserved Matters - Following Outline Approval on Planning Permission CB/17/00501/OUT dated 14/06/2018 (Demolition of existing building/structures and redevelopment of the site to provide 6 dwellings, an estate road, landscaping and associated works. Retention of existing dwelling on site). Access, appearance, landscaping, layout & scale. The outline application was NOT an environment impact assessment application.  
The Orchard, Bedford Road, LU5 6JJ  
For: Imagine Property Developments Ltd

**Comments: No objections;  
Members requested it be noted that concerns were raised regarding the lack of footpath provision.**

CB/18/02786/FULL Detached garage and repositioning of side fence. 44 Bidwell Hill, Houghton Regis  
For: Mr P Rowe  
*Members were advised that the proposed scheme of development has been amended details of the revised scheme were available online.*

**Comments: No objections.**

**(b) The following decision notices were noted:**

***Permissions / Approvals / Consents***

CB/17/03450/FULL At the planning meeting held on the 22<sup>nd</sup> October 2018 Members were advised that the appeal decision for the site of 74 to 76 High Street (CB/17/03450/FULL), development to build and create 3 x 1-bedroom apartments and 2 studio apartments (5 in total) had been received. Members verbalised their disappointment with this decision and felt strongly that the Town Council should try to seek some advice in regard to appealing this outcome.  
Members requested that the Town Council's retained Planning Consultant be instructed to consider the inspectors report and to report back to members on whether any aspects of the outcome can be revisited, in order for the Town Council to challenge the decision.  
Review of Planning Application ref / Appeal ref at 74 & 76 High Street, Houghton Regis  
Report / MDS / 26th October 2018  
Introduction  
1.1 The application for 3 x 1-bed apartments and 2 x studio flats at 74 / 76 High Street Houghton Regis was refused by Central Beds Council (ref. CB / 17/03450/FULL) 25th January 2018, for the following reason:  
The proposal does not make adequate provision for off street parking of vehicles to serve the development within the site and as such 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 within the surrounding highway network. The proposal is therefore contrary to Policy H2 of the South Bedfordshire Local Plan Review 2004 and the Central Bedfordshire Design Guide 2014.  
1.2 The appeal against the refusal (ref. APP/P 0240 / W/

18 / 3199394) was determined (dated 16th October 2018) to allow the appeal subject to conditions.

1.3 The appeal decision letter stated that the main issue to be taken into consideration was 'the effect of the proposed development on highway safety and on the road network with particular reference to parking'.

1.4 The decision letter noted that the revised National Planning Policy Framework (NPPF) had been issued during the course of the appeal. The appeal was assessed in the light of the revised framework.

1.5 The NPPF states the following in relation to decision-making and determining applications:

#### Decision-Making

Para. 38. Local planning authorities should approach decisions on proposed development in a positive and creative way.

#### Determining applications

Para. 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.6 The brief from Houghton Regis Town Council for this report was to review the appeal decision to assess any issues which might arise including any grounds for challenge.

#### Recommendation

2.1 That the Town Council seeks the views of the Equalities Commission for a legal challenge to the decision, (with copies to Central Beds Council and the Planning Inspectorate) on whether:

I. the decision meets the requirements of the Equalities Act 2010 – where decision-makers are required in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment and victimisation.

2.2 There is a second issue which may be considered unsatisfactory in this decision – namely that the decision fails to reflect the NPPF, by a) not providing the means for charging plug-in and other ultra-low emission vehicles, and b) not demonstrating the material considerations required not to determine the application in accordance with the development plan (para.47 of the NPPF 2018) – namely the requirement for parking spaces to accompany the development as set out in the Central beds Design Guide and the Central Beds Local Transport Plan.

2.3 However with regard to this second issue, although the failure to meet parking requirements was the main reason for refusal, the addition of 5 residential units may be regarded as *de minimis*, i.e. not sufficient numbers to be a material factor, especially in an area well-served by public transport. With regard to this issue, it is recommended that the Town Council writes to Central Beds seeking that future decisions on

residential development should ‘have as a priority the provision of good quality living conditions for all residents’ by having due regard to the requirements of the development plan and the terms of the NPPF in order to render all new homes fit for purpose.

#### General Trends regarding Car Parking provisions

3.1 There is a range of issues to take into account in planning decisions between creating new homes that meet the needs of those living in them and the wider good of areas and communities. The NPPF (2018) has chapters covering this balance:

Ch. 5: Delivering a Sufficient Supply of Homes

Ch. 8: Promoting Healthy and Safe Communities

Ch. 9 : Promoting Sustainable Transport

Ch. 12: Achieving Well-Designed Places

Ch. 14: Meeting the Challenges of Climate Change

3.2 The general trend in built-up urban areas served by good public transport is to consider developments with minimal or in some cases no car parking provision. This approach is a feature of the Plan for London, and echoed by Transport for London when commenting on planning matters.

3.3 Regarding parking standards the 2018 NPPF contains the following:

105. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

106. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

3.4 The promotion of walking and cycling is in part aimed at addressing underlying issues of pollution and air quality problems associated with burning fossil fuels, and traffic congestion.

3.5 The appeal decision refers to the car parking standards set locally:

- The Central Beds Design Guide 2014 (requires 5 car parking spaces with the proposed development)
- The Central Beds Local Transport Plan (requires 6-7 car parking spaces with the proposed development)

3.6 Evidence from the Census data that the proposed households would be likely to have 1 car each was accepted by the Inspector (Decision Letter para. 4 ).

3.7 The Central Beds Local Plan Submission Version is awaiting Examination; it contains the following

14.9.1 The provision of car parking associated with new developments for housing and all commercial uses should adhere to the guidelines established by the Central Bedfordshire Design Guide and the Parking Strategy which forms part of the Local Transport Plan.

14.9.2 The location, availability, cost and enforcement of parking provision can have a significant impact on the travel choices people make, the safety of the network, and even the look and feel of the urban environment.

14.9.3 Innovative approaches to parking such as the provision of electric charging points, dedicated priority spaces for car sharers and secure, covered cycle shelters all help imbed sustainable transport options within new development.

#### Policy T3: Parking

Developers of new residential developments must have regard to the car parking standards set out in the Central Bedfordshire Council's Design Guide and Parking Strategy.

3.8 The Plan has been through the various pre-submission stages, consultation and amendments, and has been submitted with its Examination expected early in 2019, so would not have been accorded full weight. It was referred to in the Planning report, however was not included in the Central Beds appeal submission or Inspector's decision.

#### The Appeal Decision

4.1 Decision-making has a degree of flexibility – see para 1.5 above, to allow consideration of local factors and circumstances. The phrase 'each case on its merits' is a tried and tested basis.

4.2 The appeal decision restricts itself to the issues of highway safety and the highway network. This reflects the original reason for refusal, and although Policy H2 in the South Beds Local Plan includes a requirement to 'provide good quality living conditions for residents', this was not included specifically in the refusal or the appeal decision.

4.3 In assessing the main issue the appeal decision letter describes the availability of car parking in the vicinity of the site, noting three car parks that have time restrictions and no

guarantee of overnight parking, and the High Street parking restrictions.

4.4 Paragraph 6 refers to a number of side streets a short walk from the site with unrestricted parking and spaces available. The side streets are not identified, the length of the short walk is not given, neither is the number of spaces available nor the time of this observation.

4.5 Paragraph 7 reaches the conclusion that the likely level of additional car parking on these side streets would not represent a risk to highway safety nor a severe impact on the highway network, and (paragraph 9) the proposed development would not be detrimental to highway safety or the highway network, and would not be contrary to Policy H2 of the South Beds Local Plan Review (2004) which, in part, requires new housing to be acceptable in terms of highway safety and traffic flow.

Can the Appeal decision be challenged or appealed?

5.1 Generally an appeal decision is seen as the final stage in the planning process. Any appeal can only be via the High Court on a point of law only and not the planning merits of the decision (within six weeks of the date of the decision letter).

5.2 This is generally restricted to an argument that the decision-maker has not taken into account a key legal or procedural issue or not given it sufficient or appropriate weight.

Conclusions

6.1 It is clear that the focus of the reason for refusal and the appeal determination was the lack of car parking provision. In terms of highway safety and the highway network., the addition of 5 or so extra cars won't, as set out in the appeal decision, make a great deal of difference. Additionally, the High Street is on the main busway route, so the area has good access to public transport.

6.2 However there are three issues arising from the reliance on availability of on-street parking:

- Whether the decision not to adhere to the car parking requirements in the Development Plan was reached satisfactorily,
- The Equalities issues within the decision,
- Whether the decision to rely on on-street parking reflected the requirements of the NPPF regarding charging plug-in and other ultra-low emission vehicles.

6.3 The nearby side streets which have un-restricted (i.e. no yellow lines or other signs preventing or limiting parking) are:

- King Street – nearest spaces approx.. 100 metres from the appeal site
- Cemetery Rd – approx. 120m
- Queen Street – approx. 130m

6.4 The on-street parking on King Street serves the adjoining commercial premises. King Street leads to Walkley Road a cul-de-sac with residential properties either side. Cemetery Rd and Queen Street are mainly residential in nature with a mix of on-site and on-street parking already (in the case of Queen Street and Walkley Rd necessitating part-parking on the footway due to the narrowness of the carriageway and limited off-street parking) so the distances from the appeal site should be regarded as minima.

6.5 The NPPF requirement (para 105) is that local parking standards for residential and non-residential development, policies should take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. However, the current development plan (the South Beds Local Plan Review 2004) pre-dates this.

6.6 The NPPF requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The appeal decision appears to have been reached on the basis that the availability of on-street parking in nearby side-streets a short walk away and good public transport was sufficient to trigger the 'positive and creative' approach to decision-making required by the NPPF. With the number of residential units being only 5, it could be that this was considered to be *de minimis*, ie too small to be significant, although this isn't made explicit.

6.7 For the residents of the proposed 5 flats, finding a space then walking a minimum of 100 metres to get home may be deemed to be reasonable. However this becomes many times more difficult when carrying shopping, work materials (e.g. laptop, files etc), bringing children home. The difficulties are increased further if one's mobility is reduced through disability, age or infirmity, in darkness and inclement weather.

6.8 These mounting difficulties become significant when considering gender inequalities. The following may be regarded as generalisations however they contain broad truths:

- The majority of small-child care is undertaken by the mother, grand-parents, or (female) friends or relatives,
- The majority of food shopping collected from food stores (not ordered on-line and delivered) is undertaken by women,
- Working patterns with shifts, variable hours, zero-hours contracts, apply across genders and disabilities,
- Those who have most concerns for their personal safety, security and avoiding harassment on the streets are women.



6.9 Therefore the decision - allowing new homes without on-site car parking and relying on on-street parking which is limited and distant, maybe at night, laden with shopping or with childcare responsibilities, and with concerns for their personal safety, can be seen as disadvantaging women compared to men. It is also an issue for those with limiting mobility compared to those without.

6.10 The appeal decision makes no mention of this issue. There is no mention of any gender or disability issues for the future occupiers, nor any direct or implied reference to the equalities issues set out in the Equalities Act and associated guidance when the decision was reached.

6.11 The Equalities Act 2010, amongst other things, requires that decision-makers in the public sector in the exercise of their functions, should have due regard to the need to eliminate discrimination, harassment and victimisation. Guidance (dated 2014) from the Equality and Human Rights Commission, entitled 'Meeting the Equality Duty in Policy and Decision-Making' contains the following:

This guide is one of a series written by the Equality and Human Rights Commission (the Commission) to explain how public authorities can meet the requirements of the Equality Act 2010 (the Act).

The public sector equality duty (the equality duty) is made up of a general equality duty which is supported by specific duties. The 'public sector equality duty' is the formal title of the legislation, the 'general equality duty' is the overarching requirement or substance of the duty, and the 'specific duties' are intended to help performance on the general equality duty. An overview of the equality duty is set out in our essential guide. This includes further information about the meaning of 'due regard'.

The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

6.12 It can be argued that on the balance of probabilities, the decision to allow these flats with parking, at a minimum 100+ metres distant, will be more of a problem for women than men, and for those with limiting mobility compared to those without, and therefore fails the general equality duty. Although the development in question is for 5 flats and may only impact a few women or people with limiting mobility,

the de minimis provisions do not apply when considering equalities.

6.13 Although it could be argued that Central Beds should have included the issue of providing good quality living conditions for residents in the reasons for refusal, and should have been a matter for determining the appeal, rather than the narrower issues of highway safety and the road network, nonetheless the requirements of the Equalities Act relates to decision-making in public authorities generally. On this basis, it is recommended that the appeal decision be brought to the attention of the Equalities Commission to consider whether there is the basis for a challenge.

- CB/18/00811/RM Reserved Matters: Details submitted pursuant to application CB/15/00297/OUT Dated 18/11/2015 relating to Appearance, Landscaping, Layout and Scale for the erection of 97 residential units  
Parcel 1 Land South of Thorn Road West of Bidwell, LU5 6JQ  
For: Linden Homes
- CB/18/02095/FULL Ground floor front, first floor side extensions, garage conversion and internal alterations.  
85 Halleys Way, LU5 5HZ
- CB/18/01993/FULL Site Agents bungalow vacated and request a change of use (D1 to D3) from residential to an educational unit for six students from the hours of 8.30am to 3pm, Monday to Friday. There would be no change to the outside parameters and no proposed change to the internal structure apart from complying with fire and accessibility regulations  
Bungalow, All Saints Academy, LU5 5AB
- CB/18/02268/PADO Prior Notification for change of use from office Class B1 to 5 Dwellinghouses Class C3.  
Bearings House, 22 Queen Street, LU5 5BT
- CB/18/02543/FULL Single Storey rear extension - amendment to SB/TP/06/0199(part retrospective)  
5 East Hill Road, LU5 5EQ
- CB/18/02364/FULL Block pave the driveway, erection of front boundary wall, extension to garage and change the garage roof from pitched to flat  
21 Leafields, LU5 5LT
- CB/18/02898/ADV Freestanding Site Development Sign  
Baytree Dunstable, Thorn Road, LU5 6GJ

- CB/18/03081/FULL Single storey side extension  
12 Henley Close, LU5 5SA
- CB/18/03142/FULL Erection of single storey porch to front of property  
21 Eddiwick Avenue, LU5 5PG
- CB/18/03147/NMA Non-Material Amendment - Amendment to  
CB/17/05799/RM - for the variation of the design of the  
cycle shelters for Site A, Unit A  
Land at Thorn Turn, Thorn Road, Houghton Regis

***Refusals:***

- CB/18/02292/PADD Prior Notification of Change of use from Distribution  
Buildings (Class B8) to 5 Dwellinghouses (Class C3) units.  
Bearings House, 22 Queen Street, Houghton Regis,  
Dunstable, LU5 5BT

***Withdrawals:***

- CB/18/02533/FULL Demolition of existing garage and stores building. Build new  
garage/ancillary building.  
Springwell Cottage, Sewell Lane, Sewell, LU6 1RP
- CB/18/02534/LB Listed Building - Demolition of existing garage and stores.  
Build new garage/ancillary building  
Springwell Cottage, Sewell Lane, Sewell, LU6 1RP
- CB/18/02601/GPDE Prior Notification of Householder Extension: Erection of  
single storey rear extension 5.952m beyond the rear wall of  
the original dwelling, maximum height of 3.6m and 2.5m to  
the eaves.  
119 Grove Road, LU5 5PE

**9655 STREET NAMING – LAND OFF THORN TURN LU5 6JQ (LINDEN HOMES)**

At the Town Council meeting held on the 22<sup>nd</sup> October 2018 Members resolved that the determination of street names was to be included in the Planning Committee's Committee Functions.

Members were advised that a request had been received, for the first phase of what would be a major development in the area, on possible themes of street naming which the Town Council may wish to see being used when addressing these developments.

The first phased development was the land being developed by Linden Homes (97 residential units).

Central Bedfordshire Council had invited Houghton Regis Town Council to offer ideas of themes and requested guidance on an expected timeframe. Members

expressed the importance of involvement from members of the public and would like a meeting promoted on social media encouraging members of the public to attend.

Members suggested that a previous compiled list of themes be revisited and amended as necessary.

**Resolved: To defer, to the next meeting, the consideration and recommendation to Central Bedfordshire Council a list of proposed street names for land being developed by Linden Homes.**

#### **9656 LOCAL PLAN**

No substantive update to report.

**Resolved: To note the information.**

#### **9657 NEIGHBOURHOOD PLAN**

The Town Council's planning consultant was now working on all the final comments received via the group on the draft plan. It was proposed to present the draft plan, to the planning committee, as soon as possible.

**Resolved: To note the information.**

#### **9658 STRATEGIC DEVELOPMENT SITES/LOCAL PLAN- UPDATE/PROGRESS**

**Woodside Link** – Members received a verbal update.

**A5 M1 Link** – For information this major road project opened on the 11<sup>th</sup> May 2017.

**HR Central** – Members received a verbal update.

**HRN1** – No substantive update to report.

**HRN2** – No substantive update to report.

**Kingsland** – No substantive update to report.

**Windsor Drive** – No substantive update to report.

**Section 106 Monies** – No substantive update to report.

Members were advised of the communication between the Town Council and by Central Bedfordshire Council in regard to questions raised in association with s106 monies.

The Town Council had noticed that there are 7 'old' outstanding s.106 agreement contributions remaining:

- SB/08/00388/FULL Land at Sandringham Drive £80,653 remaining,
- SB/07/01448/OUT Land at Houghton Quarry £251,727 remaining,
- CB/10/02465/FULL 5,7, & 8, The Quadrant, Leafields £2,932 remaining,
- CB/12/02786/FULL: 6a The Quadrant £1064 remaining,
- CB/12/04455/FULL 8 Cemetery Rd £3,590 remaining,
- CB/13/00546/FULL 11, Moore Crescent £7,390 remaining,
- CB/02618/FULL 10A Dunstable Rd £1,607 remaining

The Town Council would like confirmation from Central Beds regarding these older agreements with details of how and when the outstanding sums were to be spent, with if appropriate suggestions coming from the Town Council.

Secondly, the Town Council would like to engage with Central Beds on how the sums from larger schemes were to be used, e.g. seeking details of how / where the sums allocated for health, education, police, leisure etc, were to be used (especially in light of the emerging proposals in the Neighbourhood Plan)

- CB/12/03613/OUT HRN1 £36,977,084
- CB/14/03047/OUT r/o Old Red Lion £1,120,401
- CB/14/03056/OUT land at Bedford Rd £3,261,191
- CB/15/00297/OUT HRN2 £30,641,403
- CB/15/02223/OUT Windy Willows, Sundon Rd £305,834

Finally, the Town Council respectfully sought an explanation as to why the sums shown did not agree with the totals, e.g. CB/14/03122/FULL.

Details below highlighted in bold and italics were contributions against which the town council can propose projects, all spend by dates were shown on the parish report where the information was obtained.

SB/08/00388/FULL Land at Sandringham Drive – There was £29,716.19 remaining for the provision and maintenance of works to the Amenity Land.

SB/07/01448/OUT Land at Houghton Quarry - £10,246.42 + £12,408.22 for transportation measures= public transport service and infrastructure provision works to and in connection with the existing public highway network and sustainable modes of transport together with monitoring and feasibility studies

CB/10/02465/FULL 5,7,& 8, The Quadrant, Leafields - £954.13 Secondary Healthcare, £54.76 mental care, **£1250.79 outdoor sport, £755.86 village and community halls**

CB/12/02786/FULL : 6a The Quadrant - £310.76 secondary healthcare, £18.15 mental care, **£393.51 outdoor sport, £244 village and community halls** and £112 police

CB/12/04455/FULL 8 Cemetery Rd - £3604.70 Lower School

CB/13/00546/FULL 11, Moore Crescent – None of these funds had been collected

CB/13/02618/FULL 10A Dunstable Rd -£251.31 primary healthcare buildings, £88.57 primary healthcare land, £308 secondary healthcare, £18 mental care, **£395.88 outdoor sport, £254.25 community buildings** and £19.28 welcome packs

With regards to the second point further work would need to be done on this and reported back to the Town Council.

Regarding the last point, a look at the parish report for CB/14/03122/FULL had an amount of £2978 negotiated with the same amount collected of which £1290 had been spent.

Members were advised that all monies were still within the designated timeframe, however members were mindful that some were nearing their expiration date and would need to be utilised as soon as practicable.

**Resolved: To note the information**

**The Chairman declared the meeting closed at 8.53pm**

**Dated this 3<sup>rd</sup> day of December 2018**

**Chairman**

DRAFT