

PLANNING NEWSLETTER

Issue 10 October 2005

LATEST NEWS

THAMES GATEWAY DEVELOPMENT CORPORATION

From 31st October 2005 the Urban Development Corporation will take over many of the planning powers from the various local authorities in the Thames Gateway Area, in particular the UDC will determine major applications. Full details are set out in the attached CgMs news bulletin.

 [View CgMs Briefing Note \(50k\) >>](#)

Further details from Valerie Scott at valerie.scott@cgms.co.uk or Joanne Upton at joanne.upton@cgms.co.uk

ENDING CROWN IMMUNITY

A draft Circular and various draft regulations are out for consultation on the new regime that will be in place when Crown Immunity disappears, probably next spring. CgMs has an in depth expertise on all matters regarding Crown Development. Full details on the draft Circular are set out in the attached CgMs news bulletin.

 [View CgMs Briefing Note \(70k\) >>](#)

For further information please contact Erica Mortimer at erica.mortimer@cgms.co.uk

ONE MILLION NEW HOMES REQUIRED

The Times has reported that Britain is facing a housing crisis with a potential shortfall of 1.4 million homes. There is likely to be an increase of 3.5 million households by 2021, or an extra 175,000 per year.

It is considered that house-building needs to increase by 33% from the current 154,000 a year to 220,000 to meet rising demand, or the country will face spiralling homelessness and overcrowding.

FORTHCOMING PPS 3 ~ A BRIEF REVIEW

Government guidance concerning general housing policy is shortly to be reviewed. Recent updates to PPG 3 (the current guidance) concerning emphasis to develop on previously-used land, have given an indication of some of the changes likely to be expected within PPS 3.

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The ODPM have advised that PPS 3 will cover three broad topic principles: -

- Planning for Mixed Communities
- Design & Quality
- Efficient Use of Land (Density)

The ODPM have set a target of November 2005 for the publication of PPS 3 and that this will be subject to a 12-week consultation process, giving an opportunity for all stakeholders and interested parties to comment on the revised guidance.

In addition to the publication of PPS 3, the ODPM are intending to publish 'Draft Practice Guidance' simultaneously, also for consultation, which will contain greater detail than the core PPS 3 document. This will allow PPS 3 to be read easily and ensures that it is not overly prescriptive.

In synopsis, the ODPM remain committed to the redevelopment of 'Brown Field' land; and that PPS 3, together with a more detailed document will be published in the late autumn.

CgMs will be providing a summary of PPS3 and the supporting documents once they are published. We will also be pulling together comments on behalf of clients which will be submitted to ODPM, thereby representing a wide range of clients and hence carrying a good degree of influence with Government officials.

For more information please contact either Robin Shepherd at robin.shepherd@cgms.co.uk or Alun Evans at alun.evans@cgms.co.uk

POPULATION ESTIMATES

The Office of National Statistics has published mid-2004 population estimates which show the UK at 59.8 million, a rise of 0.5% (281,200) compared to mid-2003 with a 0.9% increase between mid-2002 and mid-2003.

The UK population continues to age. The 85-year-old plus age group increased from 873,300 to 1,111,600 between 1991 and 2004. This age group now makes up 1.9% of the population.

CRACK DOWN ON EMPTY HOUSING

The ODPM is consulting on empty dwelling management orders (EDMOs) that will allow councils to take over empty homes on a temporary basis and bring them back into use. In particular, the consultation asks whether homes should be exempt from EDMOs for six months from the time that they become empty, the minimum specified in the Housing Act 2004, or for a longer period.

AFFORDABLE HOUSING

The Housing Cooperation is to give private developers grants towards providing affordable homes. Pre-qualifying is now taking place but developers have expressed some nervousness about plans to require them to divulge commercially-sensitive information when determining the need for grant. Such information would cover their operating margins but companies are apparently reluctant to divulge this as it would enable the corporation to see the profit likely to be made which could be controversial.

The government has told councils that they cannot specify which housing associations they must choose as partners on grant-free schemes. The ODPM has advised that the identity of registered social landlords chosen by developers on S106 schemes is not a valid reason for refusing planning permission.

HOMES TOO SMALL

Britain's homes are just not big enough, according to research that reveals a glut of two-bedroom flats and a shortage of three-bedroom family houses. This is exacerbated by too many two-bedroom flats coming on to the market, but builders argue that this is a product of government planning policy which encourages high-density developments, even outside urban areas.

The research indicates an annual shortage of 350,000 three-bedroom homes with a surplus of 317,000 small homes and 33,000 large homes (five bedrooms or more).

STRATEGIC ENVIRONMENTAL ASSESSMENT

The government has published a practical guide to the Strategic Environmental Assessment Directive. The guidance provides information on how to comply with the European directive on the assessment of the effects of certain plans and programmes on the environment.

The advice is intended to apply to all plans and programmes in the UK which fall within the scope of the Directive, including plans in the housing, transport and waste sectors, and has been developed jointly by the ODPM, the Scottish Executive the Welsh Assembly and the Department of the Environment in Northern Ireland.

GREATER LONDON AUTHORITY'S POWERS

The government has announced a review of the powers and responsibilities of the GLA, and in particular those of the Mayor. The review will consider whether the balance of power between national government, city-wide government and local authorities is the right one in London, and will focus on whether strategic services in London could be improved by giving additional strategic responsibilities to the Authority.

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PLANNING LAW

QUESTIONING PLANNING DECISIONS

Perverse Decision Quashed

Policy only permitted houses in the countryside if there was a proven local need. A house was allowed but it was not clear whether the inspector had found local need to exist or not and his decision was quashed: *Rugby BC v First Secretary* (16/8/05).

Lorry Ban Unlawful

Permission had been granted for a golf course which required much imported material. The shortest route was through a village and the county council banned lorries making them go on a much longer route which was uneconomic. The company challenged this but the only ground on which the review could go forward was that relating to the failure to properly exercise delegated authority by the chief executive: *R (Selter Associates) v Leicestershire CC* (7/9/05).

Fatal Failure to Consult

A discontinuance notice was served against an advertising hoarding. It was alleged that this harmed highway safety and the inspector asked for more information. Accident statistics were supplied but the appellant did not receive a copy. This was a procedural error leading to quashing of the decision: *Allam Group v First Secretary* (13/7/05).

Late Consultation Ignored

There were objections to an A3 use which lay on one side of a local authority's boundary. The adjoining authority did not object but then sent such a letter which was incorrectly filed. Permission was granted and it was argued that all relevant considerations had been taken into account. However the adjoining authority's expressed objection had not been considered and accordingly the decision was quashed: *R (Weir) v Camden LBC* (28/7/05).

EIA Not Required for Waste Fuel

The council decided to allow the burning of fuel derived from animal wastes as there had been no objection from the Environment Agency who had issued a permit. In these circumstances the council was entitled to conclude that there was no land-use planning basis to refuse permission: *R (Horner) v Lancashire CC* (19/7/05).

Judicial Review can Start

Leave has been granted to bring judicial review proceedings against a council over its decision to withdraw from the sale of a rugby academy and housing development. The company had an arguable case for saying the council's decision not to sell the land had been "predetermined"; the council may also have made a "material error of fact" in reaching its decision; and the developers also had an arguable case that the council's refusal to co-operate with them was "irrational". *R (Macob) v Bridgend CBC* (19/9/05).

Expert's Judgement Questioned

In opposing the renewal of a lease the landlord sought to show that redevelopment was imminent. Permission had been granted for a scheme allowing access to the rear but this had

not been concluded. The landlord's expert indicated that permission would be forthcoming for a revised scheme but the judge ignored this despite having no evidence from the tenant. The judge was not entitled to rely upon his own assessment of the prospects of obtaining planning permission for the revised scheme and he failed to have proper regard to the expert evidence: *Dogan v Semali Investment* (4/8/05, CA).

ENFORCEMENT

Council Injunction to Enforce Criminal Law

A deliberate and flagrant flouting of the law is an important factor but not a necessary condition for granting an injunction under S222 of the Local Government Act 1972. An injunction should, only be granted in an exceptional case.

The council had sought an injunction restraining H from keeping any dogs at her premises and a declaration that they were entitled to sell or dispose all 26 dogs in their possession which they had removed in December 2001. H had, over a period of 20 years, been convicted under various acts concerning the welfare of animals.

The injunction was discharged on the basis that it had not been satisfactorily demonstrated that she was likely to re-offend or, more significantly, that if she did, the sanctions available under the Act would be inadequate: *Guildford BC v Hein* (Times 21/9/05).

Extensions to be Removed

Permission for extensions was given but extra building took place. Enforcement action was upheld and a challenge has been rejected as the council had properly exercised their powers in taking the matter before the committee rather than under delegated authority. The planning judgment about the extensions could not be faulted and the challenge was "completely hopeless": *Shah v Slough BC* (11/8/05).

Wilful Injunction Breach

Permission had been granted for a house but this had not been built and a car repair business instituted. The council successfully enforced against this gaining a court order in October 2003. The owner had not vacated the site and a further order in January 2005, if disobeyed, meant that he would go to jail. He appealed against this arguing that he wished to establish an agricultural business but this was rejected as he had no expertise in this area and was in flagrant breach of the injunction: *Maldon DC v Hammond* (7/7/05, CA).

Fine for Injunction Breach

A farmer built an amenity building for workers but the council obtained an injunction preventing further work. It was seen that glass etc was being inserted into the window openings and the council asked that the owner be jailed as a result. However the court imposed a fine of £65K: *Herefordshire CC v S & A Property* (23/6/05).

Costly Damage to Nature Site

A landowner has been fined £16,500 and ordered to pay £17,026 costs causing damage to moorland habitat in an SSSI. The site was internationally protected for its blanket bog, heather moorland and breeding bird populations. The 2.3km track cut through this causing significant damage.

Costs of Fly-Posting

A managing director was successfully served with an antisocial behaviour order to stop fly-posting in a London Borough. Following this the council's costs of £46,000 have been awarded against him. It appears that because of the order fly-posting in the borough has fallen by 95%.

GYPSIES & SHOWPEOPLE

Gypsy Eviction Proceeds

Gypsies moved on to a site which already had an extant enforcement notice banning caravans. The council commenced eviction proceedings but it was argued that they had not taken into account the gypsies' needs particularly that of their children. The council had not acted irrationally or unlawfully and proceedings could now take place: *O'Brian v Basildon DC* (5/7/05).

Traditional Housing is Reasonable

Gypsies occupied a site and asserted that the government was keen to assist travellers with new sites. However they were not ethnic gypsies and the offer of traditional housing on a temporary was reasonable: *Drury v Rutland CC* (26/7/05).

Suspended Prison Sentences

These have been handed down to a group of travellers for a 12-month period if they failed to move three mobile homes and several caravans by 23/11/05. The family had clearly been in contempt of court since an injunction to stop residential occupation and a criminal sanction was now the only remedy; *S Bedfordshire DC v Price* (23/9/05).

Showpeople can be Evicted

An injunction was obtained against travelling showpeople who settled on a site. They argued that this should not be enforced as there was nowhere else to reside and there would be a disruption to their children's education. The court concluded that travelling showmen do not have the same status as gypsies and thus such factors were not as weighty as those appertaining to gypsies. A small extension of time was given to find an alternative site: *Tewkesbury BC v Appleton* (4/07/05).

No Storage in Green Belt

Travelling showmen argued that they should be allowed to continue storage of their equipment at Church Road, Frampton Cotterell but this would reduce the openness of the area. While travelling showpeople did require secure and permanent sites for storing their equipment this was not a suitable one and the appeal was dismissed (*S Gloucestershire DC*, 30/6/05).

APPEALS UPDATE

HOUSING: DESIGNS

Parking Harms Design

Redevelopment of a former pfs at Queens Road, Cheltenham for housing was acceptable in principle. The majority of dwellings in the vicinity had frontages on to the street and therefore in this case leaving a gap for parking would be unacceptable. Appeal dismissed (Cheltenham BC, 13/7/05).

Flat Design Unacceptable

320 flats in 10 and 13 storey buildings with 200 parking spaces at Canada Water, Surrey Quays, SE16 would meet a housing need but did not respect local context and character. This was not on a site appropriate for tall buildings and the design did not achieve the highest quality required for large scale buildings. Noise from an adjoining plant would be too great. 25% affordable housing would be out of line with the London-wide 50% requirement and therefore unacceptable. Appeal rejected (Southwark LBC, 1/8/05).

Good Design Appropriate

21 flats in two blocks rising from 2 to 4 stories would be acceptable at Devon Avenue, Cheltenham although different from the surrounding buildings. This would be a distinctive development that would add visual interest and vitality in the area. Appeal allowed (Cheltenham BC, 4/8/05).

Suburbia in the Countryside

13 houses at Old Station Yard, Langley Park would be on a repair workshop. Vehicle movements would be reduced and housing in principle was acceptable. Unfortunately the houses lacked a coherent design. Several roof types together with Georgian and Victorian style fenestration, classical porticos, open porches and recessed arched entrances would result in units out of character with the area having a suburban appearance. Appeal dismissed (Durham CC, 10/8/05).

Out of Date Standards

14 houses and flats on a redevelopment site at Herkomer Road, Bushey would replace existing dwellings. The council had sought to list one of these but it was of insufficient architectural merit. It could not be retained in an economic layout. 21 parking spaces were sufficient as against the requested 31. There would be satisfactory living conditions and appeal allowed. Costs awarded access, car parking, range of units and amenity as the council had relied upon out-of-date policies adopted prior to PPG3 (housing) and PPG13 (transport) (Hertsmere BC 12/8/05).

Prominent Corner Site

Up to 22 flats at Sea Road, East Preston would be of a significantly greater scale than its surroundings on this prominent corner location but would not be overpowering. With a density of 100dph at this sustainable location there would be no harm to residential amenity, making a valuable contribution towards small units. Appeal allowed (Arun DC, 11/7/05).

HOUSING: STANDARDS

Height and Parking Satisfactory

Sheltered flats at Branksomewood Road, Fleet replaced three houses and although adjacent to a conservation area would not be out of character with the mixed type of building in the locality. 19 car parking spaces would be acceptable as the site was only 250 m from the town centre and extra parking for visitors would be contrary to national and local policies. Appeal allowed with costs on the parking issue as members contrary to policy had disagreed with officers (Hart DC, 13/7/05).

No parking No Permission

24 sheltered apartments at Manor Road, Sidmouth were acceptable in principle but the lack of parking meant dismissing the appeal. Although there would only be low demand from occupiers visitors had to be taken into account and thus some parking would be required (E Devon DC, 11/8/05).

Replacing Community Hall

46 dwellings/restaurants/chandlery at Jericho Canalside, Oxford would be acceptable in terms of its setting but part of site should be reserved for replacement community centre and financial contribution insufficient. 35% affordable housing sufficient due to high cost of development. Appeal dismissed (Oxford CC, 5/8/05).

Unacceptable Flood Risk

Residential development at Landoverly would be on Zone C2 of flood risk map. Government policy to move away from flood defence/mitigation (which would be adequate on this site) and not to allow such development in this type of area. Appeal dismissed (Carmarthenshire CC, 12/4/05).

Family House Kept

Six flats at Wimbourne Road, Bournemouth would remove a family house which made a positive contribution to the character and appearance of the conservation area. Appeal dismissed (Bournemouth BC, 17/8/05).

HOUSING: SUPPLY

Housing Oversupply

Subject to suitable conditions regarding the control of methane and other gases housing at Midland Road, Bramhall would be acceptable, but the Secretary of State felt that with a 13 year supply of housing land there would be conflict with the regional spatial strategy. He was therefore minded to dismiss the appeal but requested the parties' views (Stockport MBC, 1/8/05).

No Prejudice to Phasing

200 dwellings instead of 153 on a phased redevelopment of agricultural land at Long Stanton was permissible although this would take the overall development above its limit. This was efficient use of land and would not prejudice future phases. Appeal allowed (S Cambridgeshire DC, 23/8/05).

No Harm to Village

4 houses at Chapel Road, Nebo would cause no harm to the locality nor the fabric of the village although five had been allowed previously on another site. Appeal allowed (Ceredigion CC, 4/8/05).

New or Old Conversion

Conversion of a workshop at Upper Rissington into 16 houses was objected to because a policy restricted this to 10 houses in the area. However the inspector said this related to new houses and not conversion. The building was near a range of facilities. Appeal allowed (Cotswold DC, 18/7/05).

Change of Allocation

Six dwellings redeveloping farm buildings at New Mill Lane, Mansfield would be on a site reserved for a pub/restaurant/hotel as part of a wider housing area. This was no longer necessary but the site should now be regarded as agricultural having blended in with the area, rather than previously developed land. There was no housing need and harm would result to the area. Appeal dismissed (Mansfield BC, 10/8/05).

AFFORDABLE HOUSING

Failure to Explain Affordable Element

33 dwellings at Green Street, Eastbourne would have 10 affordable units initially for shared equity release at a 35% discount and then available to a registered social landlord. The flats would be worth at least £200K and with a discount would be £130K needing an income of £40K. As such they were not affordable. The appellant should have produced an expert to discuss this matter as his planning witness was not familiar with such agreements. Appeal dismissed (Eastbourne BC, 27/7/05).

No Affordable Units

Conversion of a hotel into 16 flats was outside the council's policy for affordable housing which required 25 units. However they sought to rely on draft government policy suggesting a threshold of 15 units. This was the wrong approach and appeal allowed without affordable housing at Market Place, Bideford (Torridge DC, 9/8/05).

HOUSING: LOSS OF EMPLOYMENT

Premature to Lose Factory

An inspector agreed that the local economy was buoyant and that a factory at London Road, Great Chesterford could be released as it was not required for structure plan purposes. However the site had been shown together with an adjoining one for employment in the recently approved local plan and it would be wrong to release the site on an ad hoc basis. Appeal dismissed (Uttlesford DC, 12/7/05).

Employment Loss Sanctioned

117 dwellings at Valletort Road, Plymouth would be partly on a disused builder's yard, a former railway depot and a factory. The latter was in poor condition the occupier was relocating elsewhere. There was sufficient employment land in the city and the urban capacity study had

shown the entire site for housing whereas the council now preferred a mixed use. Appeal allowed (Plymouth CC, 22/8/05).

Industrial Stays

17 dwellings at an industrial estate in Brookers Road, Billingshurst would not suffer from noise and disturbance but there was no shortage of housing land to justify an unacceptable loss of employment land. Appeal dismissed (Horsham DC, 21/6/05).

Unsustainable Housing Location

24 dwellings at Little Browns Lane, Edenbridge would be on industrial units in the green belt. While there would be a reduction in the built area there would be little benefit to the green belt in an unsustainable location due to car reliance. There had been inadequate marketing of the site to overcome loss of employment use. Removal of HGV traffic and reduced volume of development were very not very special reasons. Appeal dismissed (Sevenoaks DC, 11/8/05).

Housing Harms Green Belt

31 dwellings redeveloping a brickworks in the green belt at Pikes Lane, Crowhurst would be inappropriate in the green belt. This was not outweighed by removal of a B2 industrial use or possible resumption of mineral working or provision of affordable housing. An unsustainable location despite an innovative travel plan. Appeal dismissed (Tandridge DC, 28/6/05).

RETAIL

Supermarket Meets Need

A store of up to 5,000 m² would meet a quantitative need in the area at Robert Street Arbroath. The public supported a wider range of stores and the trading impact fell within acceptable limits. Appeal allowed (Angus C, 18/7/05).

Car Showroom not Key Use

A car dealership at Middle Engine Lane, Wallsend was not a main town centre use and thus the disaggregation of the car showroom element was not necessary. The reuse of the site would give employment benefits and was therefore acceptable. However an adjoining retail warehouse, although it would give employment and open up an industrial area with employment, was not acceptable as it failed the sequential test and was format driven. There were alternative preferable sites available and application for this refused (N Tyneside BC, 25/7/05).

Local Expenditure Clawback

There were no main DIY stores in the town so a large unit at Mill Lane, Alton would retain expenditure and reduce car journeys. There were no alternative sites available within two to three years and no need to desegregate the unit in accordance with PPS6 advice. There was between 9 and 13 years supply of employment land and thus loss of this site would not be significant particularly as it would improve the run-down industrial estate with new investment. Appeal allowed (E Hampshire DC, 10/8/05).

Large Retail Scheme

A non-food scheme of 13,663m² at Aiscombe Way, Weston Super Mare would be too large to

disaggregate to meet need and alternative sites not suitable. No harm to vitality and viability of town centre but with green travel plan and the provision of employment appeal allowed (N Somerset DC, 4/8/05).

Rounding of Retail

3,300m² retail warehouse on undeveloped land as Victoria Park, Netherfield would not cause harm by loss of a potential employment site. There was a quantitative and qualitative need and the sequential test succeeded. This would logically round off the existing retail park. Appeal allowed (Gedling BC, 25/8/05).

Encouraging Redevelopment

An Aldi food store on a factory site at Station Street, Atherstone would be acceptable in the conservation area adjoining listed buildings. Although the council wanted a mixed use development a new store would encourage this rather than prejudice the matter. No harm to vitality or viability of the town centre and appeal allowed (N Warwickshire DC, 24/8/05).

Poor Design Halts Retail

A supermarket at Newport Road, Middlesborough would be harmful to the area through lack of windows and a bland frontage. Also three sides of parking around the building would be visually intrusive. Appeal dismissed (Middlesborough BC, 4/8/05).

PUBS & RESTAURANTS

Planning or Licensing

Changing a postal sorting office at Middle Brook Street, Winchester into a late night bar/disco would introduce noise and disturbance. This, said the appellant, should be controlled under the Licensing Act 2003 and not be a planning matter. The inspector disagreed. He felt that there would be a significant increase in the number of the people in the towns with noise and disturbance and dismissed the appeal (Winchester CC, 21/7/05).

Harm to Residents

The erection of a restaurant and public house in a seaside area close to residential property would introduce noise and disturbance. The scheme had been designed to minimise this but with large glazed areas there would be much overlooking. Most customers would arrive by a car and no assessment of this had been undertaken. Appeal at Harbour Place, Dalgety Bay dismissed (Fife C, 21/7/05).

Extended Opening Hours

Allowing premises to open between 7:00 am and 3:00 am at St Mary's Street, Cardiff would be acceptable as it would cater for a wide clientele and contribute to the daytime and evening economy allowing people to gradually disperse from the unit (Cardiff CC, 4/8/05).

Noise and Disturbance

A restaurant/wine bar with offices over at Bostock Street, Preston would redevelop vacant garage premises with no hazard to road safety or the character or appearance of the area but would add to potential of crime and disorder. Appeal dismissed (Preston BC, 31/3/05).

Restaurant Supports Regeneration

A drive-through restaurant at Ashton Old Road, Openshaw although outside a town centre would be on a main road. It would not harm regeneration objectives as these had not been formally placed in a local plan. Nor there be harm to local residents who were some distance away. Appeal allowed (Manchester CC, 28/7/05).

MEANING OF PLANNING PERMISSION

Permission Authorises Minerals

It was argued that a mineral permission at Dennes Lane, Lydd was restricted to provision of material for the channel tunnel link. It was argued that the 1998 permission allowed the extraction of sand and gravel; its processing on site; and delivery by road to the tunnel.

The inspector accepted that destination of the materials had nothing to do with how the development had to be carried out. It was not permissible to look at supporting documents and even if there was a condition requiring extraction only for a particular purpose there was no mechanism for enforcing this. Enforcement notice quashed (Kent CC, 19/7/05).

Wrong Notice Issued

The council issued a notice granting permission for a caravan but included reasons for refusal in the body of this. They claimed that no permission had been granted at Sponden Lane, Sandhurst but the notice was clear on its face and a permission therefore existed. Enforcement notice quashed (Tunbridge Wells BC, 19/7/05).

Portable Buildings Only Temporary

Metal storage containers and portable buildings at a canal basin in Over were of a temporary nature although they have been on the site for some time. They did not have foundations and rested on the soil. They were being used in conjunction with the canal's restoration. As there was no permanency the structures did not amount to development and enforcement notice quashed (Tewkesbury BC, 22/7/05).

Discontinuing Caravan Use

A discontinuance notice on touring caravans and tents at Warren Road, Dawlish has been upheld as there was considerable harm to amenity by the varying colours of the structures. Although there might be an increasing need for such sites this did not outweigh the environmental harm.

An enforcement notice was quashed as a limitation in the description of development could not be enforced. Further, one condition allowed development to commence within five years yet another limited it to only a short period. The conflict was fatal (Teignbridge DC, 25/7/05).

MISCELLANEOUS

Wind Turbines Acceptable

Eight turbines at Knabs Ridge on the edge of an AONB in the Yorkshire Dales was criticised for its effect on the landscape. They were required to meet national policy on green energy and a pressing need for new renewable generation in the area which was not as tranquil or

remote as some of the moorlands of Yorkshire. Appeal allowed (Harrogate BC, 8/9/05).

Launderette a Key Facility

This unit at Kensington Park Road W11 was a key facility and its loss to a shop was resisted by policy. There were launderettes in other centres but these would not be convenient. Marketing had taken place at £30K whereas the rent in the view of valuers was no more than £20K. Also there had been no separate marketing of the ground floor basement. Appeal dismissed (Kensington & Chelsea RBC 10/8/05).

For more information please speak to your usual contact at **CgMs** or **Tony Bowhill** on 01702 551148 or tony.bowhill@cgms.co.uk

The views expressed in this news letter although given in good faith must not be treated as a definitive statement of the law or practice. CgMs cannot hold themselves liable for any action taken on such general advice and recommend that specific advice is taken on any particular problem.

CgMs NEWS

CHAIRMANSHIP OF THE INSTITUTE OF FIELD ARCHAEOLOGISTS

CgMs is pleased to announce that Mike Dawson has become the Chairman of the Institute of Field Archaeologists (IFA) the professional body for archaeology in the UK.

Michael took over the Chair after three years as Chairman of the Committee for Working Practices. It was this committee that promoted, with the Institute of Civil Engineers, the recent ICE Conditions of Contract, published by Thomas Telford in 2004. Michael is the first archaeological consultant in the Chair. His chairmanship of the Institute is a recognition of the growing importance and professionalization of archaeology and of the key role of consultancies in promoting best practice and accountability in the sector.

With over 2000 members, and an office in Reading University, the Institute is recognized throughout the UK. It publishes a quarterly news journal and represents the profession at national level to ministers, Tessa Jowell, Secretary of State for Culture Media and Sport and David Lammy, Minister for Culture. The Institute also has regular consultations with executive agencies English Heritage, the Highways Agency and DEFRA.

The Institute also represents the profession to other stakeholders and works closely with building conservation officers through joint initiatives with IHBC and the Association of Local Government Archaeology Officers (ALGAO). The IFA is actively involved in the current Heritage Protection Review by English Heritage.

PLANNING

Iver, Buckinghamshire

Planning permission has been granted at appeal for the demolition of 3 houses and the erection of 30 dwellings together with the formation of a new access at Meadow Cottage in Iver, Bucks. The site, just off Bangors Road South, is to be developed by Kebell Homes who are currently in the

process of developing land at Old Orchard 100m to the south of Meadow Cottage for 14 flats, pursuant to permission obtained also by CgMs.

The Meadow Cottage permission, granted after an Informal Hearing, followed a previous dismissal at appeal for 28 dwellings. CgMs worked with the developer and the traffic consultants, Capita Symonds, to come up with an alternative highways solution that dealt with the concerns of the Inspector in relation to the previous scheme.

For further information, please contact Steve Wilson, Planning Director at steve.wilson@cgms.co.uk

Goldington Road, Bedford

Planning permission has just been granted, subject to the completion of a Section 106 agreement, for the conversion of, and extensions to Heron House on Goldington Road, Bedford. The 1960s office block - the former home of the Government Office for the East of England and the Highways Agency - will be converted into 78 apartments, 23 of which will be affordable, the vast majority for shared equity or discounted purchase.

CgMs worked with, and co-ordinated, a team of professionals including architects, traffic consultants, arboriculturalist and sustainability experts, to produce a scheme unique to Bedford. The design solution will see the complete remodelling of the building facade using brickwork, render, timber and glass, together with the construction of a new floor to accommodate penthouse units.

For further information, please contact Steve Wilson, Planning Director at steve.wilson@cgms.co.uk

Wymondham, Norfolk

CgMs has recently provided expert retail advice in connection with a full planning application for the development of a Focus DIY store, garden centre and car parking on land at Gateway 11 at Wymondham in Norfolk. The application, that has recently been lodged, seeks permission for approximately 26,000 sq. ft of floorspace plus a 10, 000 sq. ft. garden centre that will significantly enhance the level of provision in Wymondham which is currently not served by any of the major national DIY chains. A household survey commissioned for the application showed that almost 70% of expenditure arising in the Wymondham area was spent at the major DIY stores in Norwich, thus increasing travel by the private car, contrary to sustainability aims, as well as adversely affecting the local economy.

CgMs, working as part of a team, advised on retail strategy, commissioned the household survey to assess shopping patterns in the area and prepared a detailed retail planning assessment dealing with the key issues of retail need, the sequential approach and retail impact.

For further information please contact Steve Wilson, Planning Director at steve.wilson@cgms.co.uk

457 Fulham Road, The Royal Borough of Kensington & Chelsea

The Royal Borough of Kensington & Chelsea resolved to grant planning permission and conservation area consent on the 28th of September 2005 for the demolition of this vacant property and replacement with a building comprising of a restaurant and four apartments.

CgMs were instructed by Dereham Investments Ltd at a point when two earlier applications had

been submitted and were going to be refused. CgMs recommended that the applications be withdrawn, and coordinated a series of pre-application meetings and negotiations which resulted in a revised scheme that was approved within the Council's 13-week statutory deadline under delegated authority. The proposed pastiche building will not only increase the level of floorspace on site, but will replace the historical architectural features that partially remain and will re-instate positive features that have been lost over time.

457 Fulham Road forms one part of three terrace properties in the Sloane Stanley Conservation Area dating back to the early 19th Century. CgMs were instrumental in organising a sound planning argument to be put forward with the applications package. This documentation convinced Local Planning Authority Officers that total redevelopment was the most appropriate resolution, who had previously been opposed to the demolition of the building and wanted the original structure retained as much as possible.

For further information please contact Will Thompson at will.thompson@cgms.co.uk

Mulberry House, 583 Fulham Road, London

CgMs' planning strategy was successful for Aspect Property Group's site in the heart of Fulham Town Centre successful following the approval of three alternative appeal proposals for a café or restaurant use at the ground floor. The alternative schemes include the opening up of the building's frontages with Fulham Road and Argon Mews.

CgMs had earlier convinced Hammersmith & Fulham that the established employment use was unviable at ground floor level, and planning permission had been granted for Class A1 or A2 uses. However, the Council believed the introduction of a further Class A3 use would harm the vitality and viability of Fulham Town Centre and that the associated flue would be detrimental to the character and appearance of the Walham Green Conservation Area.

Following an Informal Hearing, the Inspector agreed with CgMs that the introduction of a Class A3 use would contribute more to street level activity than the existing office use, and that no harm would be created to the amenity of any residents, nor would any adverse car parking or traffic impacts arise. The Inspector considered the flue could be appropriately designed such that it would not be seen as a noticeably alien or incongruous feature.

As a result of the appeal proposals, a 350m² unit is available for either Class A1, A2 or A3 use.

For future information please contact Matthew Roe at matthew.roe@cgms.co.uk