



## Appeal Decision

Site visit made on 12 February 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2024

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Appeal Ref: APP/K0235/W/23/3329838

44 & 48 Allhallows and 50-54 St Loyes Street, Bedford MK40 1LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class G, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr N Briggs on behalf of NB Property Holdings Ltd against the decision of Bedford Borough Council.
  - The application Ref 23/01540/CPNG, dated 13 July 2023, was refused by notice dated 6 September 2023.
  - The development proposed is described as the 'change of use of 44 & 48 Allhallows & 50 – 54 St Loyes Street from use as financial and professional services (use class E) to use as nine one-bedroom and one two-bedroom residential dwellings (use class C3) with associated refuse storage & cycle parking. The class E use remains unaltered on the ground floor'.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class G, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of 44 & 48 Allhallows & 50 – 54 St Loyes Street from use as financial and professional services (use class E) to use as nine one-bedroom and one two-bedroom residential dwellings (use class C3) with associated refuse storage & cycle parking. The class E use remains unaltered on the **ground floor'** at 44 & 48 Allhallows and 50-54 St Loyes Street, Bedford MK40 1LN in accordance with the terms of the application, Ref 23/01540/CPNG, dated 13 July 2023, and the details submitted with it including the Block and Location Plans dwg No. 2021-201 Rev A, Proposed Floor Plans & Elevations dwg No. 2021-203 Rev A and the Waste Servicing Plan dwg No: 2021 Rev B.

### Preliminary Matters

2. The description of development above is taken from the application form; however, I have removed some extraneous text.
3. A revised Waste Servicing Plan<sup>1</sup> was submitted as part of the appeal which confirms that household waste from the development would be collected by Bedford Borough Council Waste & Collection Services. The Council has had the opportunity to comment on the revised plan through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of

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<sup>1</sup> Drawing No: 2021 – 204 Rev B

it, therefore no injustice would occur. For the avoidance of doubt, I have therefore determined the appeal on the basis of the amended plan.

### Background and Main Issue

4. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The provisions of Schedule 2, Part 3, Class G of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan only in so far as they are a material consideration where relevant to the case.
5. Article 3(1) and Schedule 2, Part 3, Class G of the GPDO permits development consisting of a change of use of a building from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order<sup>2</sup>, to a mixed use for any purpose within that Class and as up to 2 flats. The change of use is permitted subject to the conditions set out at paragraph G.1. Condition G.1.(d) requires that, before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in respect of several matters.
6. The Council refused prior approval due to the considered effect of the development having regard to the collection of householder waste. The only matter in dispute is whether, under condition G.1.(d)(v) of the GPDO, prior approval should be given as to the arrangements for the storage and management of domestic waste. The main issue is therefore whether the development would include suitable arrangements for refuse collection from the site.

### Reasons

7. The appeal site lies within Bedford town centre. The proposal would see the conversion of the upper floors of the building to residential use. The properties would benefit from refuse storage facilities within a bin store on land to the rear of the building, in an area also used for the parking of vehicles and the ad hoc storage of various wheelie bins. Vehicular access to this area is via Brace Street, to the rear of the site.
8. **The Council's Technical Guidance: Waste and Recycling in New Developments** dated March 2021 (TG) **sets out that, in line with the Council's Waste and Recycling Operational Policy, Council collection vehicles and crews will not under any circumstances enter a private road or driveway that is not adopted by Bedford Borough Council.** The refuse facilities to serve the development would be located on private land, beyond the extent of the adopted public highway, which terminates at the end of Brace Street. Residents would therefore be required to move the bins onto Brace Street on collection days.
9. The closest collection point at the end of Brace Street, approximately 15m from the bin store, would be impractical as the use of the footway for the storage of wheelie bins, albeit temporary, would prevent access to an existing driveway. I **note the Council's contention that the only** potential alternative safe collection point within the adopted highway would be on the opposite side of Brace Street, just over 37m away from the bin store. This would exceed the

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<sup>2</sup> The Town and Country Planning (Use Classes) Order 1987 (as amended).

maximum distance of 25m that residents should be required to pull their bins as indicated in the TG.

10. Nonetheless, the appellant has identified an alternative point within the adopted highway at the end of Brace Street, on the opposite corner, where the wheelie bins could be stored temporarily on an area of hardstanding on collection days. The space is clear of the carriageway and bins left here could be done so as not to obstruct pedestrians using the short stretch of footpath to access the buildings. This area would also fall within the acceptable 25m drag distance as set out in the TG. In these regards it would represent an acceptable collection point.
11. The TG sets out that refuse collection vehicles must not be expected to reverse more than 15m. Whilst the distance the refuse collection vehicles would be required to reverse to reach the proposed collection point would exceed this distance, the appeal submissions indicate that this would reflect the current arrangements for the collection of refuse from the properties located at the end of Brace Street. Consequently, the proposal would not require the waste collection vehicles to operate any differently.
12. As such, there is no substantive evidence before me to demonstrate that the collection point suggested by the appellant would not represent suitable, safe and convenient provision for the storage of bins on collection day.
13. I therefore conclude that the development would include suitable arrangements for refuse collection from the site. In that regard, in that they are material considerations, the proposal would accord with Policies 29 (viii) and 32 (v) of the Bedford Borough Local Plan 2030, which require new development to include refuse/recycling storage and to have regard to the arrangements for dealing with waste (including recyclable materials) storage and collection in relation to pollution and disturbance.

#### Other Matters

14. The appeal site is located within the Bedford Conservation Area (the CA). Although the Council has raised no concerns regarding the impact of the proposed development on this designated heritage asset, I am nevertheless required to have special regard to the desirability of preserving or enhancing the character or appearance of the CA. As the ground floor of the building would be retained in commercial use and only minor changes are proposed to the external appearance of the building, I am satisfied the proposal would preserve the character and appearance of the CA.

#### Conclusion

15. For the reasons given above, the appeal is allowed and prior approval is hereby granted.

*E Worley*

INSPECTOR