

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 27 October 2016

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 9 November 2016 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

D Bowater, A D Brown, Mrs C F Chapman MBE, I Dalgarno, R W Johnstone, Ms C Maudlin and I Shingler]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

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# AGENDA

## Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 12 October 2016.

(circulated separately)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

## REPORT

Item	Subject	Page Nos.
5	<b>Planning Enforcement Cases where Formal Action Has Been Taken</b>	7 - 14

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

### **Planning and Related Applications**

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider  
the planning applications contained in the  
following schedules:**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<p><b>Planning Application No. CB/16/02901/FULL</b></p> <p><b>Address:</b> Land at Hillfoot Road, Shillington</p> <p>Erection of 41 dwellings with associated access,garaging, landscaping and ancillary works. Alterations to existing parking provision on Hillfoot Road to create 35 car parking spaces.</p> <p><b>Applicant:</b> Canton Ltd</p>	15 - 44
7	<p><b>Planning Application No. CB/16/02314/FULL</b></p> <p><b>Address:</b> Land to rear of 104 to 168 Station Road, Lower Stondon, Henlow, SG16 6JH</p> <p>Erection of 80 residential dwellings together with associated access and landscaping.</p> <p><b>Applicant:</b> Bovis Homes</p>	45 - 80
8	<p><b>Planning Application No. CB/16/03469/FULL</b></p> <p><b>Address:</b> Clifton Park, New Road, Clifton</p> <p>Change of use of land to create new community hub with community shop, meeting space, amenity area, woodland walk and wildlife pond and to site 29 residential park homes including 15 for affordable rent.</p> <p><b>Applicant:</b> Charles Simpson Organisation Ltd</p>	81 - 94
9	<p><b>Planning Application No. CB/16/02971/OUT</b></p> <p><b>Address:</b> Land at Chapel End Road and London Lane, Houghton Conquest</p> <p>Outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved; for the creation of 16 self-build homes and all associated works including surface water attenuation, car parking and landscaping.</p> <p><b>Applicant:</b> Self-Build-Developments Ltd</p>	95 - 114

- |    |  |              |
|----|--|--------------|
| 10 | <p><b>Planning Application No. CB/16/03378/OUT</b></p> <p><b>Address:</b> Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT</p> <p>Phased Construction of a new Independent Living Scheme for Older Persons comprising 168 apartments with support facilities, a Restaurant &amp; Bar, Retail Units, Cafe, 2no reablement Suites, the conversion and Change of Use of a Grade 2 listed building and the demolition of an existing Sheltered Housing scheme with associated parking and landscaping.</p> <p><b>Applicant:</b> Central Bedfordshire Council</p>                 | 115 -<br>168 |
| 11 | <p><b>Planning Application No. CB/16/03379/LB</b></p> <p><b>Address:</b> Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT</p> <p>Listed Building: Phased construction of a new Independent Living Scheme for older persons comprising 168 apartments with support facilities, a restaurant &amp; bar, retail units, cafe, 2no reablement suites, the conversion and change of use of a Grade 2 listed building and the demolition of an existing sheltered housing scheme with associated parking and landscaping.</p> <p><b>Applicant:</b> Central Bedfordshire Council</p> | 169 -<br>186 |
| 12 | <p><b>Planning Application No. CB/16/02821/FULL</b></p> <p><b>Address:</b> Land to the Rear of 3 - 5a High Street, Langford, Biggleswade, SG18 9RP</p> <p>Erection of detached bungalow, demolition of existing brick built shed.</p> <p><b>Applicant:</b> The Salvation Army Hall</p>   | 187 -<br>200 |
| 13 | <p><b>Planning Application No. CB/15/04456/FULL</b></p> <p><b>Address:</b> Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU</p> <p>Change of use of land to use as a residential caravan site for the accommodation of up to 5 gypsy families, including the laying of hardstanding.</p> <p><b>Applicant:</b> Mr L Connors</p>   | 201 -<br>216 |

14 **Planning Application No.CB/16/03914/FULL**

217 -  
226

**Applicant:** Amenity Land r/o 9-11 Green Lane, Kensworth,  
Dunstable, LU6 3RP

Construction of hardstanding and dropped kerb on  
grass amenity land to provide a disabled parking  
space.

**Applicant:** Central Bedfordshire Council

15 **Site Inspection Appointment(s)**

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on Wednesday 7 December 2016 and the Site Inspections will be undertaken on Monday 5 December 2016.

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**Meeting:** Development Management Committee  
**Date:** 9<sup>th</sup> November 2016  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed March 2014 .Magistrates Prosecution successful March 2016. Appeal to Crown Court	27-Sep-14	Not complied	Garage remains. Outcome of appeal against the prosecution offence considered at Luton Crown Court 21-23 Sept 2016 to be given on 14 November 2016.
3	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Presentation to PFMT - further work required before a decision on options to tackle all issues.
4	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
5	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		07-Mar-17	Appeal dismissed 07/03/16	Awaiting completion of the S.106 agreement and subsequent compliance with the notice.
6	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15		Jun-16	Appeal part allowed, but Enforcement Notice upheld with revision	Appeal decision made on 19th May 2016 & allowed with regards to the retention of the plastic rainwater goods. Enforcement notice upheld with variations regarding the remaining unauthorised works. Further visit is being arranged with the owners to confirm full compliance.
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice.

**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
8	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Planning permission granted 01/03/16 for a replacement horticultural building (App CB/15/00727/FULL), with condition requiring removal of all skips & containers prior to the building being brought into use.
9	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
10	CB/ENC/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisement							Further evidence to Legal 11/7/16 to consider prosecution action.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice -Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Further visit to be made to ascertain if works to comply with the condition has been completed.
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Planning appeal received 07/06	Aug-15		Residential use remains. Appeal against the refusal of the Section 191 application for the use of a dwellinghouse for residential purposes (CB/15/04424) to be considered at a hearing on 20 December 2016. Prosecution action deferred pending the outcome of the appeal.
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 -Erection of timber building  2 - Material change of use from agriculture to storage of motor vehicles  3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.  1XEnforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15  12-Aug-15  12-Aug-15  04-Feb-16	12-Sep-15  12-Sep-15  12-Sep-15  07-Mar-16	12-Nov-15  12-Nov-15  12-Nov-15  07-May 16 07-June-16		Not complied with  Complied with	Enforcement Notice 1 has not been complied with.  No further action needed  Enforcement Notice 3 has been part complied with.  Prosecution report prepared and with Legal for consideration.	

**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
14	CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16			Complied with	Enforcement Notice has been complied with. Case to be closed.
15	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Sale of the property has been completed. New owners have commenced works to comply with the notice.
16	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Discussions taking place around financial options available prior to deciding course of action.
17	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16		27/09/2016	Appeal decision 27/7/16 - Enforcement Notice upheld	The requirements of the Notice have not been complied with. The owner has been advised that he is committing an offence and is liable to prosecution. Further inspection to be carried out and evidence of non-compliance will be used in evidence.
18	CB/ENC/15/0182	8 The Avenue, Blunham, MK44 3NY	Enforcement Notice - Unauthorised fence	22-Mar-16	22-Apr-16	22-May-16			Not complied	As notice has not been complied with and no further planning application, file has been sent to legal department to consider prosecution action.
19	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection. Breach of Condition Notice - Condition 14 Transport Assessment details Breach of Condition Notice - Condition 15 Works to Harbrook Lane	19-Oct-15 09-Feb-16 09-Feb-16	19-Oct-15 09-Feb-16 09-Feb-16	18-Nov-15 09-May-16 09-May-16			Complied with	Works have been carried out to Harbrook Lane and completed. Final visit has been made & Notices have been complied with.
20	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			The outcome of the appeal is anticipated to be in December 2016 because the Inspector's site visit is planned for the end of November 2016.

**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Metal container and used tyres removed. Two mobile homes remain, and internal works to the barn continue. Legal dispute over land ownership remains before the courts. Planning position to be reviewed once outcome is known.
22	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16			Appeal dismissed	Continuation of Injunction granted 5/10/15 to prevent further unlawful development.  Planning application refused.  Appeal decision - Enforcement Notice varied, enforcement appeal and planning appeal dismissed. The removal of the caravans is required by 2 March 2017, and the removal of hard standing and internal fencing by 2 June 2017. Injunction remains in place.
23	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16				Check compliance 30/10/16
24	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16		19-Jan-17	Appeal dismissed	Further application to retain development and use refused but an appeal has been lodged. Compliance with the Notice is due by 19/01/17. Awaiting planning appeal decision.
25	CB/ENC/15/0585	10 Town Meadow, Shefford, SG17 5EF	Section 215 notice - untidy land	16-Jun-16	16-Jul-16	16-Aug-16				Further site meeting to take place in early October to ensure full compliance.
26	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Potton, SG19 2DP	Enforcement Notice - Material change of use of the land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition business.	01-Jun-16	01-Jul-16	01-Aug-16	Appeal received 10/06/16			Await outcome of appeal.
27	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and structures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16			Appeal hearing on 4/10/16. Await outcome of appeal.

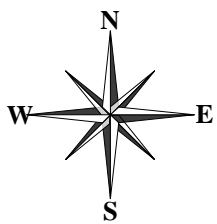
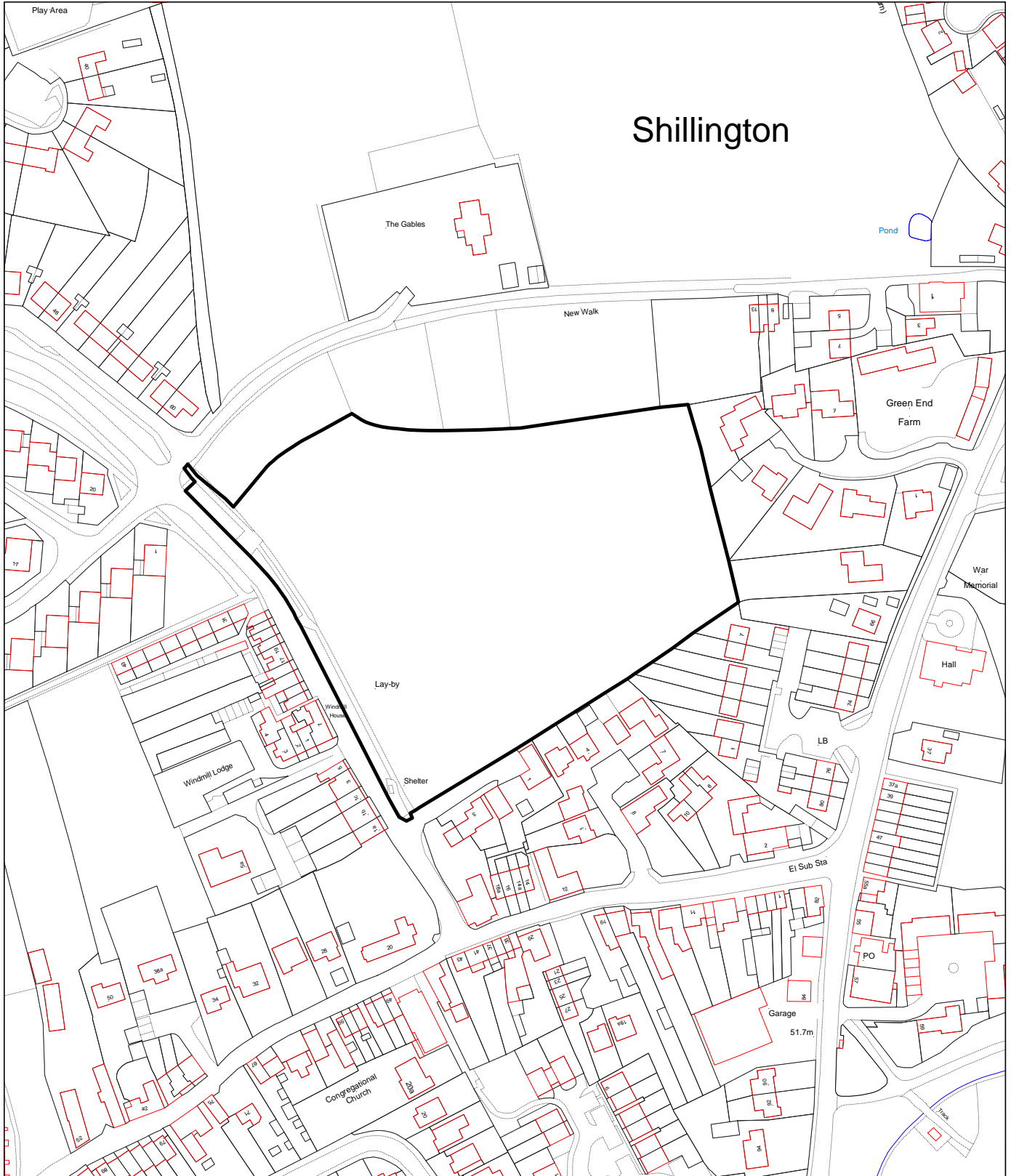
**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
28	CB/ENC/16/0077	Land to the South of, High Road, Shillington	Enforcement Notice - Material change of use from agriculture to the parking and storage of vehicles and trailers	24-May-16	24-Jun-16	24-Jul-16			Complied with	Fully complied with, case to be closed.
29	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16	06-May-16	06-June-16 06-July-16	Appeal received 06/05/16		Notices withdrawn	Both Enforcement Notices withdrawn following Planning Inspectorate advice and a planning application submitted for regularising the site currently under consideration.
			Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16	06-May-16	06-Jun-16				
30	CB/ENC/16/0109	Land opposite, The Elms and Upper Wood End Farm, Wood End, Marston Moretaine	Enforcement Notice - The unauthorised material change of use of the Land from agriculture to a mixed use for agriculture and the stationing siting and storage of a metal container, two water tanks, a wooden shelter and a wooden frame (being items and structures not associated with the lawful agricultural use of the Land).	04-Aug-16	04-Sep-16	04-Oct-16				Wooden Shelter remains on site and so the Enforcement Notice has not been fully complied with, will action accordingly.
31	CB/ENC/16/0179	Land at 81 The Rowlands, Biggleswade, SG18 8NZ	S215 Notice - Untidy land	02-Aug-16	02-Sep-16	02-Oct016				Notice not complied with prosecution file sent to legal on 05/10/2016.
32	CB/ENC/16/0214	Land at 27 Gardeners Close, Maulden, Bedford, MK45 2DY	Enforcement Notice - Unauthorised erection of an outbuilding, a raised platform and supporting frame.	22-Aug-16	22-Sep-16	22-Oct-16				Check compliance 22/10/16
33	CB/ENC/16/0239	Four Winds Garage, West End, Haynes, MK45 3QT	Enforcement Notice - The unauthorised erection of a timber structure on the land located around the A6 Cafe units.	05-Aug-16	05-Sep-16	05-Oct-16	Appeal received 11/08/16			Await outcome of appeal.
34	CB/ENC/16/0254	Tree Tops, Heath Lane, Aspley Heath, MK17 8TN	Unauthorised felling of trees in a Conservation Area							Planing plan received, awaiting comments from Tree Officer.
35	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16				Check compliance 03/12/16

**Planning Enforcement formal action (DM Committee 09th November 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
36	CB/ENC/16/0392	Waddingtons, Watling Street, Hockliffe, LU7 9LP	Temporary Stop Notice -Unauthorised works to develop the site, not in accordance with Planning Permission CB/15/04613/Full	26-Aug-16	26-Aug-16					No unauthorised work since TSN served. Awaiting revised planning application.

# Shillington



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Date: 25:October:2016

Map Sheet No

Application No.  
CB/16/02901/FULL

Scale: 1:2000

Land at Hillfoot Road, Shillington

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/16/02901/FULL</b>
<b>LOCATION</b>	<b>Land at Hillfoot Road, Shillington</b>
<b>PROPOSAL</b>	<b>Erection of 41 dwellings with associated access, garaging, landscaping and ancillary works. Alterations to existing parking provision on Hillfoot Road to create 35 car parking spaces.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ms Graham</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>06 July 2016</b>
<b>EXPIRY DATE</b>	<b>05 October 2016</b>
<b>APPLICANT</b>	<b>Canton Ltd</b>
<b>AGENT</b>	<b>Woods Hardwick Planning Ltd.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Graham</b> <ul style="list-style-type: none"><li>• <b>Contrary to settlement and conservation area policies</b></li><li>• <b>Streets already overused and parking designated on public highway</b></li><li>• <b>Inappropriate to the setting of the area and is an important green space</b></li><li>• <b>Infills an ancient meadow at the heart of a typical ‘ends’ village which is damaging.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Parish Council objection to a major application</b> <b>The application is a departure from the development plan that is recommended for approval</b>  <b>Full Application - Approval recommended</b>

**Reason for recommendation:**

The application is a balanced case. The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Shillington which is considered to be a sustainable location for planning purposes and is close to existing residential development in the village. The proposal would have an impact on the character and appearance of the area and would adversely affect the historic significance of the site and wider area. However the harm is considered to be less than substantial and it not therefore demonstrably harmful when considered against the benefits of the scheme. The proposal would provide affordable housing and the whole scheme would make a significant contribution towards the Council’s 5 year housing supply as a deliverable site within the period. The proposal also results in a number of contributions are sought to offset infrastructure impacts and enhance the right of way through the site. The proposal is acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development

Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable

**Site Location:**

The application site forms a parcel of open land located adjacent to the settlement envelope of Shillington. The site lies within the village conservation area. The site is landscaped on a large proportion of its boundaries but otherwise is an area of overgrown grassland which has a mowed/trodden path through the site constituting a public right of way. The land has no formal planning policy designation but is identified as a 'Significant Landscape Space' in the Shillington Conservation Area Appraisal 2006.

The site abuts existing residential development to the east and south. The western boundary abuts a row of unallocated highway parking spaces with dwellings beyond. A further landscaped area abuts the site to the north with open countryside beyond to the north and residential development beyond to the northwest.

**The Application:**

Full planning permission is sought for the construction of 41 dwellings on the site. The site will be accessed through the provision of two new points onto Hillfoot Road. On the western boundary. The dwellings are proposed in a mixture of housing types with 2-4 bed homes.

The right of way through the site is retained and formalised with a hardstanding route running alongside a green strip which forms the sustainable drainage pond and landscaped area.

The development will provide 35% affordable housing across the scheme.

To provide the access points a number of the unallocated highway parking spaces would be lost. These have been re-provided within the highway as part of the scheme along with a reconfiguration of all parking spaces to show a parallel arrangement, resulting in a net gain of 8 spaces.

The application has been amended since its original submission to address amenity concerns with some plots and removes previously allocated parking spaces from the highway.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

- CS1 Development Strategy
- CS2 Developer Contributions
- CS5 Providing Homes
- CS7 Affordable Housing
- CS14 High Quality Development

CS15 Heritage  
CS16 Landscape and Woodland  
DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings  
DM3 High Quality Development  
DM4 Development Within and Beyond the Settlement Envelopes  
DM10 Housing Mix  
DM13 Heritage in Development  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM17 Accessible Greenspaces

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)  
Sustainable Drainage Guidance SPD (May 2015)  
Shillington Conservation Area Appraisal 2006  
Shillington village Design Statement 1999

### **Relevant Planning History:**

None

### **Consultees:**

Parish/Town Council      The Parish Council do not support this application on the following grounds:

1. The site lies outside the settlement envelope and wholly within the Shillington Conservation Area in the centre of the village where many of the village's oldest building are located.

Shillington is described in the last Conservation Area Assessment (2006) as *'a village surrounded by a number of 'Ends', loosely strung along a figure of eight shaped framework of minor roads.'* 'The village core and its related 'Ends' are connected by a remarkably dense network of footpaths running across fields and along field boundaries' Hillfoot Road is at the core of the village and development of the application site would have a devastating affect on the character of not only the conservation area but the whole village and would not be in keeping with Shillington's rural nature.

In the last Conservation Area Assessment the site was identified as a 'significant landscape space' and it was stated that *'to maintain the distinctive character and appearance of the Conservation Area it will be necessary to (a) Seek to retain, where necessary, important views, significant landscape space, hedgerows and other important boundary treatment as identified in the conservation area plan and (b) Ensure that development proposals are resisted on sites identified as significant landscape space in the conservation area plan'*

In February 2015 the parish council submitted an application to Central Bedfordshire Council to have the application site designated as an 'Important Open Space' as part of the Allocations Local Plan. Because Central Bedfordshire Council's Development Strategy was withdrawn we understand that the process for assessing the application was put on hold. The application by the parish council to designate this land as an Important Open Space and thus protect it from future development clearly demonstrates the view of the village that the development of the site would adversely affect the character and amenity of the area. This is also backed up by reference to the site in the 2009 Shillington Parish Plan.

## 2. Impact on traffic, highways safety and parking.

The Traffic Statement accompanying the application is considered inadequate and contains a number of inaccuracies. The person preparing the desktop statement clearly has no knowledge of the local area and the 'similar sites' referred to in the statement are in no way similar to Shillington. Section 5.8 (page 11) of the Transport Statement regarding traffic movements states that *"The proposed development is predicted to generate 18 two-way trips during the AM peak hour (8.00am-9.00am) and 17 two-way trips during the PM peak hour (5.00pm-6.00pm)"*. To suggest that traffic from 41 properties would only generate this small number of traffic movements at peak times is unbelievable. Peak travel times are likely to be outside the parameters in the proposal. If there were a large number of London commuters they would certainly be leaving home far earlier in the morning and returning later than suggested. The suggestion that there would or could be a reduction in car usage in favour of bicycle or walking is very unlikely given the lack of public transport, our rural location and narrow unlit roads. A development of 41 houses on this site would undoubtedly generate far more traffic than the Traffic Statement suggests, on roads which are already unable to cope with the existing level and speed of traffic

and the parish council would strongly request that Central Bedfordshire Council insist that the applicant provide a full transport assessment survey before the application is determined.

The existing pavement along the front of the application site is a popular route for children walking to Shillington Lower School, many of whom are encouraged by the school to walk on their own during their last term at the school in readiness for their move to the middle school when they are expected to walk to the bus stops. The existing route is considered extremely safe, because there are few roads to cross on the route to school, but the addition of two new accesses into the application site and increase in traffic movements is a grave concern.

Parking in Hillfoot Road and Church Street is a major issue. Some years ago, in consultation with and at the request of residents of Hillfoot Road, Shillington Parish Council and Bedfordshire County Council jointly funded the provision of 27 echelon parking bays adjacent to the application site. These have worked well but there are still not enough parking spaces for the large number of properties in Hillfoot Road and Church Street which do not have their own off road parking. The parish council (with Central Bedfordshire Council's traffic management team and previously with Bedfordshire County Council) have strived to provide a solution to the problem. This has not been achieved to date and the addition of 41 new properties in this area will only worsen the situation. Despite most of the new properties having their own allocated parking spaces within the development site, it would in the council's opinion be most likely that those residents occupying the properties fronting onto Hillfoot Road, would instead park in the roadside parking bays at the front of their properties. This would impact on existing residents who already struggle to find space to park.

The application is somewhat misleading as it refers to 'alterations to existing parking provision on Hillfoot Road to create 35 car parking spaces' which could be taken to mean that 35 additional car parking spaces are to be created when in fact only 8 additional spaces will be created. Two of these additional spaces are shown as 'allocated' for residents of the development site and six for visitors (of the development site?). Section 10.4 of the Central Bedfordshire Council's Design Guide (Movements and Streets) states that '*All on street parking within the extent of the adopted highway will be unallocated*'.

Many of the older buildings in Church Street and Hillfoot

Road have shallow or no foundations as was common during the period in which they were constructed. The roads in this area are generally narrow and are made more so by on street parking. For this reason, and because of the 90° junction of Hillfoot Road and Church Street, Church Street has been identified by Central Bedfordshire Council as 'unsuitable for large vehicles' and signs to this effect are displayed in Church Street and Hillfoot Road. Large vehicles still continue to use the road however, and 'The Old Bells' (listed building) located at the junction has been hit on a number of occasions by large vehicles trying to navigate the junction. A concrete bollard was erected on the corner to protect the building but this in its self has been demolished by vehicles on two occasions and is currently missing as a result of being hit! There are concerns that if this application is approved, large construction vehicles visiting the application site will use Church Street to access Hillfoot Road putting the buildings in both roads at risk of damage and also creating traffic safety issues.

Section 14.1 (page 9) of the Transport Statement regarding the bus stop (shelter?) located near Bells Close states *"Due to the positioning of the secondary private access, this bus stop will need to be relocated to ensure it is outside of the 2.4m x 43m vision splay."* Given the lack of a suitable location identified when the relocation of the bus stop on the opposite side of the road was investigated in 2014, it is inconceivable that a suitable new location for this bus stop could be found. The village would not want to lose this bus stop.

### 3. Statement of Community Involvement

The Statement of Community Involvement contains a number of inaccuracies. It states that "In addition to consulting with Shillington residents, the applicant wrote to Shillington Parish Council to seek their views on the proposed development. No comment from the parish council has been received yet." The parish council has received no correspondence from the applicant seeking the council's views. The only correspondence received was prompted by the parish clerk emailing the applicant's agents three days before the public consultation event (which the parish council had only heard about 'through the grape vine') asking for details of the event.. Prompted by this request the applicant's agent then emailed the parish clerk details of the event (i.e. date, time, location) but did not invite the parish council's comments. A parish councillor attending the public consultation exercise suggested to the applicant's agent that they should meet with the parish council to discuss the proposals, but even

this did not prompt them to do so. We understand that our ward member was also not consulted on the proposal.

The Statement of Community Involvement states that 'Issues relating to parking provision have been directly addressed within the revised layout following the consultation event whilst the production of expert technical reports will primarily alleviate concerns over traffic, amongst other issues raised. Other matters can also be addressed and mitigated through the planning processes. Clearly residents concerns raised at the public consultation on 9 June have not been addressed as the concerns raised at the public consultation are the same as those raised by residents at the meeting of the parish council held on 16 August to consider the application which was attended by over 50 concerned residents.

#### 4. Impact on Local Infrastructure

Concerns are expressed about the impact this development could have on the existing local infrastructure. Shillington Lower School is we understand at capacity. Residents have to travel to Stondon, Barton, Shefford or even Hitchin to see a doctor. For many years there have been problems with the sewage system with areas of the village experiencing extremely unpleasant sewage odour emanating from the underground pipes which carry waste from not just Shillington but also neighbouring villages including Meppershall and Stondon both of which have already seen a significant increase in population due to new housing in recent years. The public bus service is limited.

Not only would this development, if approved, impact on the existing infrastructure, but consideration should be given to the impact the recently approved applications for a further 9 houses off Hillfoot Road, 19 houses at High Road and 15 houses in Hanscombe End Road will have, as well as the additional 13 new houses in Scyttels Court, 12 at Chalkley Bush Close, 11 at Marshalls Avenue and 20 at Wilson Close which have been built in recent years. Nearly 100 new properties already agreed or built. This application should not be considered in isolation.

#### 5. Surface Water Drainage

Neighbouring properties in Bells Close, at present experience surface water run off from the application site and at certain times there is a degree of flooding making the Close impassable on foot. There are concerns that the Flood Risk Assessment and Surface Water Drainage Strategy accompanying the application does not fully address the issues and the parish council would strongly request that Central Bedfordshire Council insist that a

detailed drainage scheme to be submitted before the application is determined.

#### 6. Affordable Housing

Section 5.11 (page 27) of the CBC Design Guide (Residential development) states that “*All developments should be tenure blind so that affordable housing cannot be differentiated from market housing...*”. Clearly by locating all the affordable housing in one part of the site affordable housing will be differentiated from market housing.

#### *Following amendments*

The parish council wish its original comments to stand and would reiterate that the application is somewhat misleading as it refers to ‘alterations to existing parking provision on Hillfoot Road to create 35 car parking spaces’ which could be taken to mean that 35 additional car parking spaces are to be created when in fact there are already 27 parking spaces adjacent to the site (provided at the request of residents of Hillfoot Road and jointly funded by Shillington Parish Council and Bedfordshire County Council some years ago) and only 8 new spaces will be created. 4 of those new spaces will replace space on the road where 4 vehicles can currently parallel park, thus effectively there will only be 4 additional parking spaces created.

#### Highways

There are issues with use of the public highway for allocated parking - the plan indicates that two spaces are to be allocated to plot 41. Whilst I acknowledge that they are providing additional parking outside the site I do feel that all allocated parking should be within the site especially when in practice I suspect those new spaces in front of the new dwellings will be ‘claimed’ by the occupiers.

#### *Comments awaited following amendments*

#### Historic England

Provided the following conclusion:

‘The application site makes a positive contribution to the significance of the Conservation Area and setting of the Grade I listed Parish Church. Developing the site could result in harm to the significance of those heritage assets in terms of paragraphs 132 and 134 of the NPPF. The Council should assess any public benefit derived from the proposed housing as required by paragraph 134 but if the ‘clear and convincing justification’ for the harmful impact required by paragraph 132 is not found we recommend the application is refused.’



Conservation Officer

The setting of Parish Church of All Saints (Grade I listed building)- the tall brick tower and high roof of the church and the raised churchyard, together with the elevated hilltop ridge situation, make a most prominent and distinctive landmark landscape feature, visible from far around. There are both some near glimpses and local views between and over roofs of the village buildings and far longer views at considerable distances and in all directions.

The points raised by CPRE Bedfordshire and many others, regarding the proposed development affecting setting and views to and from the church needs careful consideration. The closest part of the application site to the churchyard is some 150m distant, the east end of the church is around 190m, with the terraced houses on the west side of Hillfoot Road and some other dwellings in between. These restrict a clear view of the churchyard and the church. From parts of the application site and the public footpath, there is some degree of intervisibility possible, with a view to the church tower. To some extent, development of the site would inevitably have some, albeit limited, degree of impact. That impact, however, is much restricted by the distance involved and the intervening dwellings. Any actual (less than substantial) harm, in terms of NPPF para. 134 would, it is considered be negligible- and not sufficiently significant to amount to a sound reason for refusal of permission.

What is of importance, however, in terms of the conservation area and the village built form, with the distinctive relationship of remote ends to the core part of the village, is the separating affect of the open space. This makes the clear break, despite some encroachment of 20th century housing, to Hillfoot End, to the north. With regard to the historic village pattern, this gives the open space, considerable influence in the overall village identity. Should this residential development be considered acceptable in principle, then the loss of this Significant green open space will require careful weighing in the evaluation of the impact- and any possible harm- to this historic settlement pattern against the public benefits (NPPF para. 134).

As submitted, the house types are of a traditional standard design. The range and final selection of materials- for roofs, walls, rainwater goods and paving, edgings and surfacing (and hard and soft landscape treatment generally), together with architectural detailing, such as brick arches over window and door openings- will need careful handling and refinement to meet the usual

conservation area criteria- sustaining and enhancing the significance of the heritage assets and making a positive contribution to local character and distinctiveness- should the principle of this type of development be considered to be acceptable.

Landscape Officer

I am very concerned about the scale of this proposal and the loss of this open space within the village of Shillington. The site is an open grassy field, bordered in part by hedges but it provides an important function both in terms of enabling attractive views of the Church and the cottages of Hillfoot Road and also through retaining a sense of space between residential streets.

Shillington lies at the southern part of the Landscape Character Area 8D - Upper Gravenhurst- Meppershall Clay Hills - views from the north sweep across the village and its landmark church and on to the Chiltern Hills. One of the key visual sensitivities of the area are the views to the stone churches which crown the hills - this valued aspect includes the more intimate views within the settlement as well as the long distance views across the wider landscape.

Shillington is also distinctive for its settlement pattern of "Ends " - hamlets forming settlements around a sequence of small-scale pastures, typically surrounded by strong hedgerows. This domestic scale of agriculture contrasts with the much more extensive arable landscape present on the clay hills and vales and the chalk hillsides to the south.

In my view , the Application would result in a loss of landscape character ,resulting from the scale of infill . Although the route of the footpath is retained within a narrow green corridor, and would provide some views of the church , I do not consider the scale of the open space is a sufficient to create a feature for the village which responds to the setting. The views to the terraced properties of Hillfoot Road are important as the foreground to the Church - the assemblage of the buildings is particularly attractive. The existing residents on the eastern boundary enjoy open views across the meadow to the Church, other surrounding properties also benefit from rural views which would be lost through the urbanisation of this site.

I would like to provide more comment on the judgements made in the LVIA but in my view, this has underestimated the residual impact on the loss or detracting in the views from sensitive receptors eg local residents and users of the right of way crossing the site.

If this development were to be permitted, I would want to see a comprehensive revision of the planting specification. The proposed hedges eg beside the gardens fronting the access road and surrounding the LEAP are described as "evergreen" . New planting in the village needs to reflect the rural character of the village and although some evergreen species are suitable, particularly flowering ornamental evergreens such as Escallonia or species typical of cottage gardens such as Hebes . I am concerned that the typical urban style planting of Prunus, Photinia and Viburnum are intended for these hedges as these species are listed under shrub planting. I would also wish to see the ornamental birch removed from the planting list as this has too suburban a connotation and also tends to mature with a poor crown, requiring management.

I object to the Application as I consider the density to great to accord with Policy 14- High Quality Development, and 16 - Trees and Landscape. The loss of open space within the village and the impact of views within the settlement would result in a decline in landscape character.

#### Trees and Landscape

Looking at the information provided it would seem to be acceptable with retention of a number of boundary trees and enhancement of the Right of Way through the site to create a "Green Corridor". New hedging and Fruit trees are proposed and I would agree with Ecology comments that it may be preferable to incorporate trees into areas of the public realm as opposed to gardens.

An Illustrative Masterplan has been supplied but we will require detailed Landscape Plans showing location of proposed planting and densities

#### Ecologist

Having read through the submitted information I acknowledge the habitat and species surveys undertaken. No protected species interest has been found to be associated with the site but 6 territories of song thrush were identified in the boundary hedgerow / scrub habitats. The ecological survey notes the value of the hedgerows for bats and bird species, including song thrush which are UK Species of Principal Importance and the fact that so many were recorded on this site is quite significant. The protection of this habitat will be essential in minimising the impact to biodiversity on this site.

It is noted in the DandA that existing trees and landscaping are to be retained which is welcomed as this supports established habitats which in turn enhance the

setting of a development. The ecological report recommends that boundary features are maintained, particularly the northern boundary. Some of the plans show this as retained, figure 24 shows the 'developed sketch layout' within which hedgerows are retained, albeit within individual dwellings curtilages rather than the public realm which would be preferred as a way to ensure their continued appropriate management. It also appears that some of the garages on the northern boundary are very close to the hedgerow which could potentially be problematic.

I welcome the use of fruit trees in the planting pallet but once again I am sceptical over positioning them in private gardens as often these are removed shortly after occupation. A community orchard would be a desirable addition to the scheme so it may be more appropriate to group fruit trees in an area of POS.

The NPPF calls for development to deliver a net gain for biodiversity and the retention of a central green corridor along the RoW will provide an opportunity for habitat provision, as will new attenuation basins. The protected species report identified House Sparrow in the area and I would like to see 10 x integrated sparrow terraces and 10 x bat tubes to be incorporated into the built fabric of homes, positioned in accordance with RSPB and BCT guidance. Japanese Knotweed was also identified on site which will need to be removed safely to prevent its spread.

To ensure appropriate habitat protection and enhancement measures are in place together with ongoing maintenance programmes I would advise a condition is applied.

Sustainable Drainage	Urban	We consider that planning permission could be granted to the proposed development if planning conditions are included to investigate and confirm the most sustainable form of managing the surface water within the site and secure the appropriate construction and future management of this.
Internal Drainage Board		Please note the Board has no comments to make regarding the above planning application.
Pollution Team		No objection subject to a contamination condition.
Sustainable Officer	Growth	I welcome the applicant's approach to sustainability standards outlined in the Energy and Sustainability Statement.

To ensure that policies CS13, DM1 and DM2 requirements and standards are achieved I request the following planning conditions to be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources or energy demand reduced through energy efficiency measures if preferred by the developer;
- Water efficiency to achieve the higher water efficiency standard of 110 litres per person per day;
- Development is to design with climate change in mind and ensure that dwellings are not at risk of overheating.

The following evidence should be provided to discharge the above conditions:

- SAP calculations to show compliance with the Part L 2013 and delivery of 10% energy demand of the development is delivered from renewable sources or reduced through application of energy efficiency measures;
- Part G calculation output sheet to show that all dwellings achieve the higher water efficiency standards of 110 litres per person per day;
- Statement to demonstrate how the development and building design minimises risks of climate change and cover issues such as overheating and ventilation in dwellings; surface water management and landscaping to accommodate predicted climate changes.

CPRE

Provided an extensive objection on the grounds of:

- Out of character with Shillington and affects views to and setting of the Church
- Development would be unsustainable and an overdevelopment of Shillington
- Core strategy Policies are still relevant and can be considered as determined by a previous Henlow appeal
- Site is outside of the settlement and is not an exception scheme
- Does not amount to sustainable development.

Concluding with the following paragraph:

CPRE believes this application should be refused as the detriments to the local area clearly outweigh any perceived benefits and it conflicts with the sustainability objectives of National Planning Policy, as illustrated in the final conclusion of the Inspector in the Henlow Appeal Case.

Housing Development  
Officer

I support this application as it provides for 14 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting Design and Access Statement also indicates a fully tenure compliant scheme with the provision of 73% affordable rent (10 units) and 27% intermediate tenure (4 units).

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Archaeology

The proposed development is located on the edge of historic core of the settlement of Shillington (HER 17113), a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

A settlement at Shillington is recorded in the Domesday Survey of 1086 AD when it is clearly a well established and densely populated. It was centred on the parish church (HER 1119), located to the west on the top of a chalk knoll, with rest of the village developing at the foot of the knoll around Church Street and High Road. Shillington has a complex settlement history. There were a number of manors within the parish and also a total of eight subsidiary settlements or "ends"; for example Aspley End (HER 17115), Hanscombe End (HER 17114), Hillfoot End and Upton End (HER 4487). Frequently "ends" are the result of the expansion of settlement due to population pressure in the 12<sup>th</sup> and 13<sup>th</sup> centuries, however, it has been suggested that the Shillington "ends" may not be the result of this process and are in fact earlier in origin (White 1978). There are a two medieval moated sites close to the village Church Panel (HER 384) and north of Aspley End (HER 405). Small areas of medieval ridge and furrow earthworks also survive around the village (HER 4485). An archaeological investigation of land immediately to the east of High Road undertaken in 2012 identified linear features dating from 11<sup>th</sup> -14<sup>th</sup> centuries AD, possibly remain of a system of paddocks relating to the medieval village, a widespread alluvial deposit suggesting an episode or episodes of flooding in the late medieval or post-medieval periods and a post-medieval ditch, probably a boundary feature. In the wider area around Shillington there are a number of a cropmarks (HER 9412, HER 14678, HER 16816 and

HER 16759) which include enclosures and linear features that may be of later prehistoric date. There is also evidence of Roman occupation in the surrounding area including a Roman building identified during pipeline construction to the north (HER 15256), surface finds of Roman material (HER 16326) and a large number of metal detector finds (e.g. HERs 18394 and 18585). Evidence from archaeological investigations in other villages in Central Bedfordshire have shown that the structure of rural settlements was both dynamic and fluid in the Saxon and medieval periods with settlements growing, contracting and shifting around the landscape through time. There is growing evidence that areas beyond the presently identified historic cores of villages contain the remains of earlier phases of settlement. Therefore, the proposed development site has the potential contain archaeological remains belonging to earlier phases of occupation at Shillington.

Following pre-application advice from the Archaeology Team (CB/15/02780/PAPC) the applicant commissioned an archaeological field evaluation of the proposed development site comprising a geophysical survey (Davies and Reeves November 2015) and a programme of trial trenching (Albion Archaeology March 2016); reports on the geophysical survey evaluation (incorporating a *Heritage Statement*) accompany the application. The geophysical survey only identified the possible remains ridge and furrow, part of the medieval field system of Shillington. The trial trench evaluation largely confirmed the results of the geophysical survey, identifying furrows across much of the site. A ditch was also identified in two trenches in the south east corner of the site which appears to correlate with a boundary feature recorded on a map of 1881. The features contained a finds assemblage dating from the Roman to post-medieval periods, but it is suggested that the earlier material is residual and that the archaeological features date to the late medieval and post-medieval periods. It is concluded that the archaeological features identified within the proposed development site represent the prolonged agricultural activity close to but outside the focus of settlement (Albion Archaeology 2016, 16). The archaeological remains are considered to be of low significance with a low potential to address research objectives relating to medieval/post-medieval settlement. This is a reasonable description and assessment of the archaeological resources of the proposed development site and the significance of those resources.

Groundworks associated with the construction of the proposed development are identified as having the

potential to have a damaging impact on the archaeological remains which survive within the site. However, because of the low significance of the identified heritage assets with archaeological interest within the site and their low potential to address research aims the significance of the impact is described as slight to neutral. This is an appropriate assessment of the impact of the proposed development on archaeological remains.

The proposed development contains low density remains of medieval agricultural activity and a late medieval to post-medieval boundary. Development of the site will result in the destruction of these features and the result in a loss of significance to the heritage assets with archaeological interest they represent. However, because the archaeological remains are of limited importance the loss of significance to the heritage assets with archaeological interest does not represent a constraint on the proposed development and no further archaeological investigation will be required as a consequence of this development. Therefore, I have no objection to this application on archaeological grounds.

#### Anglian Water

##### Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

##### Wastewater Treatment

The foul drainage from this development is in the catchment of Shillington Water Recycling Centre that will have available capacity for these flows.

##### Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

##### Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.



Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Trade Effluent  
Not applicable

Rights of Way Officer

Pleased that the existing diagonal legal line is being retained. Although the path currently has no legal width, I would question whether the intended 2m width is going to be wide enough within the surrounding landscaping of the proposed swale, especially as planting grows and possibly encroaches. I would also like confirmation of the surfacing material intended to be used.

With regard to the new road crossing within the site, we would expect dropped kerbs either side of the road and appropriate new signage for users of the footpath as well as the road.

Ramblers Association

I have looked at the online plans for the erection of 41 dwellings and associated amenities in Hillfoot End, Shillington. There is a footpath which crosses the site but I note it is included in the plans with the comment it will be part of the development and will be "enhanced". This matter is my only concern.

### **Other Representations:**

Neighbours

137 letters have been received either raising objection (133) or making comments (4) on the application: the following summarised planning objections/issues are raised:

- Will adversely affect the character of the village. The proposal is an overdevelopment of the site and at too high a density.
- Local highway network is unable to accommodate the additional traffic with traffic bottlenecking at each end of Hillfoot Road. Increased risk of accidents in the village. Findings of the Transport Assessment questioned. Traffic calming measures should be provided in the area.
- Proposed access is poor.
- Site is within the Conservation Area.
- Retaining open land in the historic centre is crucial to maintaining its character and amenity space.
- Site is identified in Shillington Green Infrastructure Plan as an area to maintain the green centre of the

village.

- Development would remove one the 'ends' of the village and 'close in' the village in this location.
- Will damage the outlook and view of the listed church
- Development is unsustainable and the village does not have the right infrastructure.
- This scheme, along with other approved schemes is too much for the village.
- Lower school, doctor's surgery and other services not able to accommodate the growth
- Development is too large
- Development is in the wrong part of the village.
- Parking spaces not big enough.
- Development will increase noise and air pollution.
- Privacy and amenity impacts highlighted generally as affecting dwellings in the area.
- Adverse impact on wildlife in the area. Bat and bird boxes should be required.
- Adverse affect on sewerage in the village.
- Shillington has surface water drainage problems already and this will make things worse.
- Footpath should include dog fowling/litter bins with additional information and wayfinding at the site.
- More detail of the play area required.
- Concerns over Construction Traffic Management
- Quality of housing proposed is not outstanding.
- The site is not allocated and should be subject to the call for sites process first.

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations
7. Whether the scheme amounts to sustainable development
8. The Planning Balance

### **Considerations**

#### **1. Principle of Development.**

- 1.1 The application site is an undeveloped parcel and is overgrown with a right of way path running through it. The site has a clear relationship with existing built form of the village on 3 of its sides. The site lies outside of the settlement envelope of Shillington. CSDMP policy DM4 limits the extent of development allowed within and outside of settlement envelopes. The policy does not allow for new development in the open countryside and therefore the proposal is

contrary to this policy.

- 1.2 At the time of writing the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing (including DM4, DM14, and CS16 of the North Core Strategy) must be regarded as 'out-of-date', and the NPPF states that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.
- 1.3 However, recent case law tells us that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.
- 1.4 The amount of weight that should be given to those out of date policies is influenced by the proximity of housing supply to housing need. At the time of writing, the Council is very near to being in a position to demonstrate an ability to meet its housing for the five year period (4.76 years, or around 95%) and so appropriate weight can be given to housing restraint policies.
- 1.5 Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.
- 1.6 With this scheme, 41 dwellings would be provided by the development and 35% of those would be affordable homes. The applicant has committed to a legal obligation that would ensure the delivery of 100% of the units within a five year period from the date of a decision. The development would positively contribute towards the supply of housing to help meet need and weight should be attributed to that benefit in the planning balance.
- 1.7 Sustainability  
Concern has been raised regarding the sustainability of the proposal. Shillington is categorised as a Large Village under Policy CS1 of the Core Strategy. There are various facilities in the village including a shop, a pub, lower school, Church, village hall. There is also a bus service through the village and therefore Shillington is considered to be a sustainable location in planning terms.
- 1.8 Settlements that are classified as Large Villages are considered to be able to accommodate small scale housing and employment uses together with new facilities to serve the village. Although small scale development is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. The scale of this proposal is considered to be reflective of the scale of development on Hanscombe End Road.

- 1.9 The conflict with Policy DM4 in so far as it seeks to restrain development in the open countryside would not, in itself, significantly and demonstrably outweigh the benefit of housing provision. This is particularly apparent as the application site has a clear relationship with existing residential development in all directions.
- 1.10 Additional material planning considerations may contribute towards the benefits and the dis-benefits of the development and can impact of the final planning balance. These are considered in the report below.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 The application site located outside of the settlement envelope for the village and is therefore in an open countryside location. The site has a right of way running through which is identified through a flattened route across in what otherwise is an overgrown area of grassland with views across which gives it a sense of openness. The site rises to the east, elevating it from Hillfoot Road. The boundaries of the site are shown to be subject to mature planting of various species, regularly broken up with gaps, the majority of which are subject to residential boundary treatments. Access to the site by foot is gained at the southwestern and north western points, where the right of way runs although it is noted that the route beyond the north-eastern corner is heavily overgrown and not easily accessible.
- 2.2 The application proposal would permanently remove the openness from the site by introducing built form onto it. The changes would be significant and permanent. In visual terms the openness of the site is a characteristic of the area however it is also acknowledged that the land parcel is not subject to any formal designation in the Local Development Framework such as an Important Open Space or Important Countryside Gap (its identification through the Conservation Area Appraisal will be considered below). That is not to say that it is not a site that has local importance and value in the eyes of residents and the concern raised through the consultation period is duly noted. The comments from the Landscape Officer are also acknowledged.
- 2.3 As stated the development of the site would result in the loss of its openness and an increase in built form in the area. The development has to be considered not only against the loss of landscape but also the relationship of the site with its surroundings. The site abuts development on three of its four sides. Shillington is characterised by a village core surrounded by a number of 'Ends' loosely strung along the road network. The site relates directly to the village core and its relationship with existing built form means that the loss of the countryside parcel in this instance is significantly less than other edge of settlement sites. The nature of the area is such that the development does not give the impression that the village boundary is being stretched or pulled into the open countryside to the detriment of its character.
- 2.4 In terms of its detailed design the development is one of relatively low density that provides a suitable frontage to Hillfoot Road. The dwellings are considered to be appropriately scaled and reflective of the character of the area ensuring that while being visible they would not be overly prominent in the streetscene. Some of the existing landscaping at the boundaries is to be removed to allow for

the development. Notably the western boundary fronting Hillfoot Road would be cleared, opening the entire site to the streetscene. The layout plan shows new hedge planting would be done to this side which would soften the impact of development and can be secured through condition. The Tree Officer has been consulted on the application and raises no objection to the development.

- 2.5 The right of way is retained as part of the application site and the layout shows that it can be regarded as being enhanced through this application by virtue of providing a hard surface route and improved landscape appearance in this area.
- 2.6 Taking the design of the scheme on its own merits the development is considered to provide residential development as an appropriate density that takes account of the scale of neighbouring dwellings. It would not be overly prominent and the surrounding character of the area is such that development should integrate into the village without causing detrimental harm.
- 2.7 In considering the impact on the character of the area, it has to be done taking account of the Council's current housing land situation. Para 14 of the NPPF states that adverse impacts of a scheme would need to significantly and demonstrably outweigh the benefits of the scheme to warrant a reason to refuse planning permission. With this application there is an adverse impact through the loss of the openness in this area however it is not considered to be significant to outweigh the benefit of housing provision due to its relationship with the existing settlement.

### **3. The Historic Environment**

- 3.1 The Shillington Village Design Statement is a Supplementary Planning Guidance Document carried over from Mid Bedfordshire Council which was adopted in 1999. The document seeks to illustrate some of the distinctive element and characteristics of the village that should be considered in new design. The document states that development must not impinge on or detract from views of All Saints Church and this is a relevant consideration with this application. The application site currently affords uninterrupted views to the Church at all points on the right of way route. Development of the site will result in these views from the right of way being removed at the north-eastern part of the footpath route. The layout as proposed would retain views that are currently experienced and therefore the impact on views is partial across the site.
- 3.2 The site is located entirely within the village Conservation Area. The site is identified within the Shillington Conservation Area Appraisal (2006) as a significant landscape space although it does not benefit through a formal Core Strategy policy designation. Development will result in the loss of the vast majority of this landscape space. The Conservation Officer has pointed out that the separating effect of the open space is an important consideration and with regard to the historic village pattern, the open space has considerable influence in the overall village identity. Its importance is also highlighted by the concerns of the Landscape Officer. The comments from Historic England also point out the positive role the open space plays in the Conservation Area.
- 3.3 As well as being within the conservation area, the development affects the setting of the Grade I listed Parish Church. The Local Planning Authority has particular duties when considering applications that affect the setting of listed

buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...'. Section 72 makes it a duty to '*pay special attention... to the desirability of preserving or enhancing the character of appearance*' of a conservation area.

- 3.4 The NPPF reinforces the statutory weight given to heritage assets. At para 129 it states that Local Planning Authorities should 'avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 132 states that when considering the impact of development...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. At para 134 it states that 'harm may be weighed against the public benefits' of a proposal where the proposal will lead to less than substantial harm.
- 3.5 The comments received from the Conservation Officer and Historic England are such that it is acknowledged that the development of this site, and the loss of the open space will impact on the character of the conservation area and the setting of the Grade I listed church. Considerations have to be made as to whether or not these impacts are detrimental and, if so, whether or not the harm outweighs the public benefits of the scheme.
- 3.6 The application site does make a contribution to the character of the conservation area in that it provides an open character to what is a populated and built up area. The pattern of the village is such that it is not a clear end to the village as development almost immediately continues along the highway to the northwest. It was observed at numerous site visits that the site is unkempt and overgrown which has made it inaccessible outside of the mowed/trodden footpath route running through it. It is privately owned. Regardless of its accessibility and how it is currently maintained it sits as a feature of the streetscene in this area and therefore its development to provide housing will materially affect the character and appearance of this part of the conservation area. The setting of the Church is considered to be affected to the extent that views across the site to the Church would be affected. However it is noted that the scheme retains and enhances the footpath route across the site. From this public realm area views to the Church should be afforded on the majority of the route which means that it is considered that while views are reduced they are not removed and the harm to this extent is not considered to be substantial.
- 3.7 The scheme therefore adversely impacts the historic significance of the site and wider area. As stated above the NPPF advises that these impacts should be considered against the public benefits of the proposal. This is considered in more detail in section 8 of this report below. To summarise, it determines that the case is balanced. The impacts are apparent however; given the Council's housing land supply scenario and the relationship of this site to built form of the village, there are benefits that are also apparent and have to be give appropriate weight in considering the application. There are a number of reasonable and relevant contributions that can be sought from the developer in order to make this scheme acceptable in planning terms. It is therefore considered that the

impacts are acknowledged and not ideal however they amount to less than substantial harm and they are, in this instance, outweighed by the benefits and there is no substantial and demonstrable harm to the historic significance that would justify a sustainable reason to refuse planning permission.

#### **4. Neighbouring Amenity**

- 4.1 The application site sits adjacent to existing built form on the majority of its boundaries, all of which are residential. The layout was amended over the course of the application to relocate plots as the southern part of the site to establish a greater distance between the proposed units and existing dwellings at Bell Close and Elmhurst Gardens. This has been achieved and the relationship is now considered to be acceptable. At the north-eastern corner, an existing property has a balcony facing the site. The applicant has addressed this by positioning Plot 14 so that it would not be overbearing to this balcony feature and would not result in the balcony looking into gardens of the proposal. The remainder of the site has been proposed with suitable distances to existing dwellings to ensure that while there maybe habitable windows facing towards existing homes, notably in Present Close, Bell Close, Elmhurst Close and Wheelwright Close, there would not be direct overlooking impacts from them.
- 4.2 It is acknowledged that there have been a number of objections raised on the ground of noise impact. The introduction of residential development on the site will increase noise levels but not to an overly excessive degree. The area is predominantly residential already and while there may be an impact on adjacent properties to the site it would not be considered detrimental to the amenity of their occupiers in principle.
- 4.3 In terms of the provision of suitable amenity space for future residents the proposed layout has been design taking account of the Design Guide recommendations of a minimum of 50 sq. metres (minimum 10 metres depth) garden area for 2 bed homes and 60 sq. metres (minimum 12 metres depth) for 3 beds and upwards. This has been achieved across the majority of the development and it is considered that the development provides suitable garden sizes for future residents.
- 4.4 The amended scheme shows a layout that takes account of the Design Guide recommendation for back to back distances between dwellings of 21 metres. This provides suitable distances between the proposed dwellings and there would be no overlooking issues within the development as a result.
- 4.5 As a result it is considered that the development does not harm the amenity of existing residents and will provide suitable amenity levels for proposed residents.

#### **5. Highway Considerations**

- 5.1 The scheme has been amended since it original submission as the initial layout showed two parking spaces for Plot 41 allocated in the public highway. The amendment removes these and provides the parking within the application site.
- 5.2 Following the amendment the scheme is considered to provide suitable parking

and turning space within the site for the development proposed. The parking provision relies on the use of garages to accommodate the numbers and these have been proposed to be Design Guide compliant and therefore can be considered as parking spaces. No allocated parking is proposed in the highway and the amended layout to these highway spaces has allowed for the provision of an additional 8 spaces in the public highway. This can be regarded as a benefit to the scheme given the number of existing dwellings in the area that do not benefit from parking provision.

- 5.3 Visitor parking is provided within the site amounting to 12 spaces within the street and this is acceptable in light of the Design Guide recommendations of one space per 4 dwellings. The layout plan shows 7 of the highway parking spaces on Hillfoot Road set aside as visitor spaces. These have not been considered as they are on the public highway and it is not possible for any allocation on these types of spaces. Discounting these spaces does not adversely affect the parking provision for the scheme
- 5.4 The roads within the development are designed so that the main spine road is to an adoptable standard. A number of tegula paved shared drives are proposed off these which include the provision of bin collection points to ensure all properties can be served by Council waste vehicles.
- 5.5 The application proposes a number of works to the public highway. The unallocated parking spaces adjacent to plots 26, 35 and 41 have been realigned and set away from the road as a result the public footway is also realigned to accommodate the relocation. Adjacent to proposed Plots 1, 2 and 3 additional parking spaces have been provided on the public highway
- 5.6 The provision of the new accesses to serve the development means that, in order to provide visibility splays the existing bus stop on Hillfoot Road will need to be relocated. It is shown on the layout as being located in the same area, outside of the visibility splays. This is considered acceptable however it is necessary for the applicant to re-provide the shelter and this can be secured as part of the S106 agreement.
- 5.7 The Highway Officer initially raised no concerns other than a need to remove allocated parking from spaces within the public highway. It is considered that this issue has been addressed through the changes and therefore the scheme is considered to be acceptable. The Highways Officer has been consulted on the changes and any comments received will be included on the late sheet.

## **6. Other Considerations**

### **6.1 Drainage**

In terms of drainage, if a scheme were considered acceptable in principle it would be subject to ensuring details of suitable drainage systems are proposed and in place to accommodate drainage impacts. The application included details of sustainable urban drainage details and there are no objections to this in principle. It is necessary to condition the approval of drainage details on the outline consent to ensure the specifics of a scheme are acceptable in accordance with the Council's adopted Sustainable Drainage SPD and to ensure appropriate management and maintenance is secured.



6.2 Ecology

Objections have been received relating to the impact on wildlife. The application included an Ecological Survey and this has been considered by the Council Ecologist and no objection has been raised subject to a condition. The Ecologist has opined that a requirement for bat and bird boxes will help to provide a net gain in biodiversity and this is considered a reasonable requirement for the applicant to meet in this instance.

6.3 Local Plan Process

Objection was received on the grounds that the site has been put forward to the Council under the 'call for sites' process, seeking its formal allocation for housing development in the new Local Plan and therefore the consideration should wait until this process is complete. The Council is obliged to determine applications as they are submitted on the basis of planning policies and other material considerations as they are apparent at that time. It is unreasonable to defer consideration until the local plan site allocation process is carried out and while the objection is noted it is not one that can be upheld.

6.4 S106 agreement

Spending Officers were consulted and comments returned from Education and Leisure. NHS England were consulted on the application but no comments were received. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent.

Education:

Early Years – £28,344.12  
Lower school - £94,480.40  
Middle School - £95,070.14  
Upper School - £116,581.17

To offset the removal of the bus shelter an obligation will be sought for the applicant to re-provide a shelter.

To aid the enhancement of the right of way a contribution will be sought for the provision of bins and an information/notice board on the route. A further contribution is considered reasonable to provide dog bins and wayfinding on this route and to fund a continuation of the footpath north of the site as it joins New Walk.

To help with the connectivity of the site and its relationship to the existing town a contribution will be sought to enhance the right of way route beyond the site to the northeast.

Timetable for delivery of housing:

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council. Failure to enter into such an agreement will result in the application being refused on the grounds that it is not demonstrated that the site is deliverable.

## 7. Whether the scheme is Sustainable Development

7.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. However, at the time of writing the Council considers that it is close to being able to demonstrate such a supply. Paragraph 14 of the NPPF still applies and states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given some weight as it is noted that recent case law advises that the nearer an Authority gets to having a deliverable supply, the greater weight can be applied to policies such as DM4. This has been considered and in this instance the benefit of providing housing through this scheme, making a significant contribution towards the completion of a deliverable 5 year housing land supply is considered to outweigh the fact that the site is outside the settlement envelope bearing in mind its relationship with the existing settlement.

7.2 Consideration should still be given to the individual merits of the scheme in light of said presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

### 7.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the impact is not considered to be of such significance that it would warrant a reason to refuse planning permission. It will sit adjacent to existing residential properties and while materially altering the character of the area will not appear isolated and it is considered that this is an instance where the impact of developing adjacent the settlement envelope does not result in significant and demonstrable harm.

The report has identified that there is a detrimental impact on the historic significance of the site. The development removes some views through to the church from the site however this is not a holistic removal across the site and the enhanced right of way increases accessibility through the site which could

promote the views. The conservation area impact removes a recognised landscaped space although and the report has considered these impacts against the public benefits of the proposal. Archaeologically, no objection is raised to the scheme. Therefore there is not significant harm to the historic environment as a result of this development.

Some weight can be given to what is an enhancement to the right of way route through the site and beyond.

#### 7.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As is the provision of affordable housing. Both of these considerations are regarded as benefits of the scheme.

The site is adjacent to an existing bus route and the bus stop would be relocated to ensure continuity with provision. The village is well served by existing footways making the site accessible to the village core. The report has detailed that Shillington is regarded as a sustainable settlement and it is considered that it offers the services and facilities that can accommodate the growth from this scheme.

#### 7.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

### **8. Planning balance.**

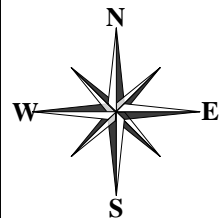
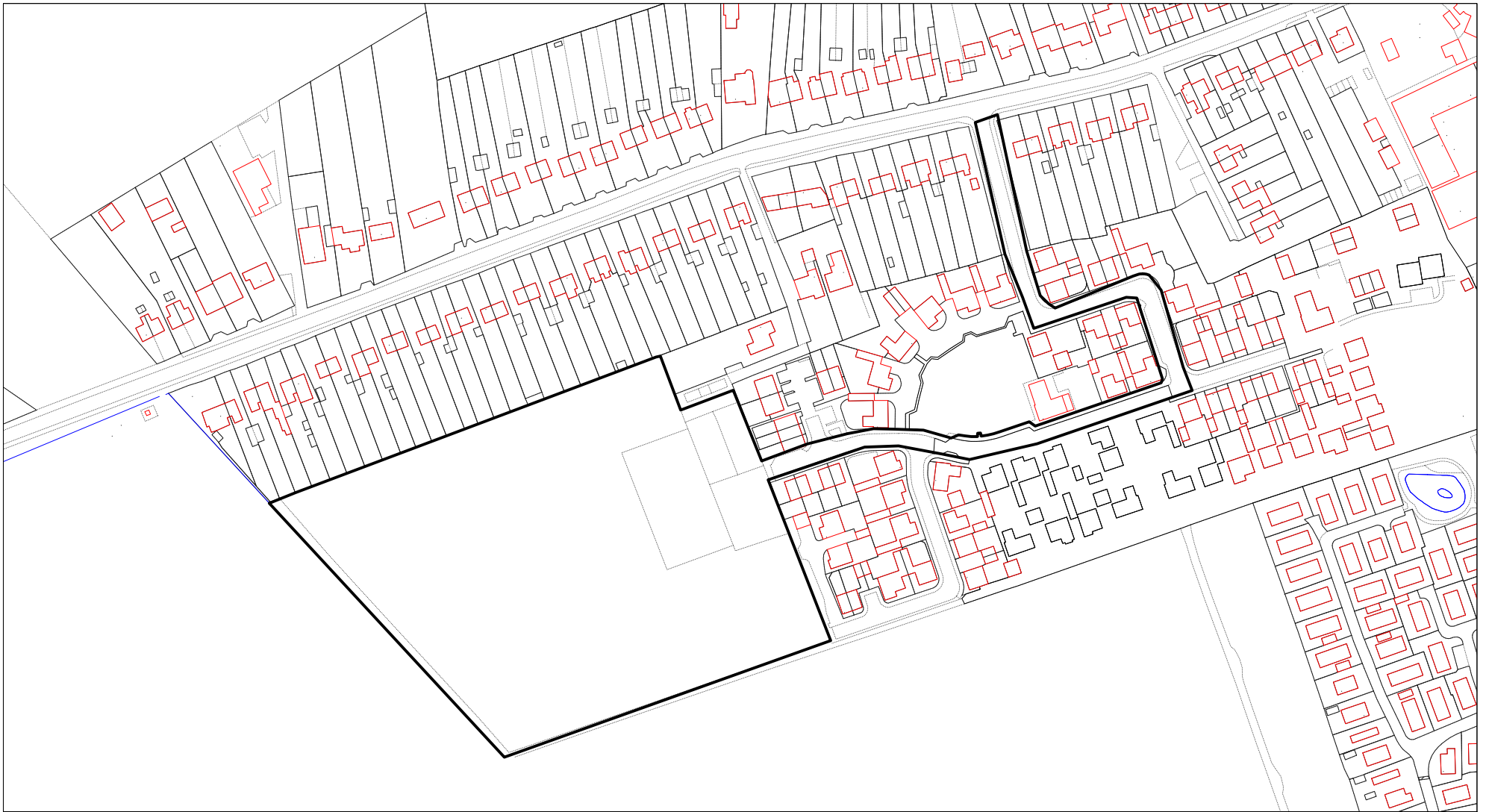
8.1 In this case, the provision of housing and the provision of some affordable housing units would be a significant benefit by contributing to the 5 year supply. The scheme would also enhance the right of way route through the site, provide additional parking accessible to the public on Hillfoot Road and make contributions towards education and the provision of a relocated bus shelter. Contributions would also be sought for further enhancements of the public right of way in the form of contributions for street furniture such as bins and a hard surface for the small section of the route north of the site. The report has considered the impacts of the scheme and the case is finely balanced. It is considered that the benefits are considered to outweigh the adverse impact on the character of the area that would occur from developing land in the open countryside, the impact it has on the character of the area and the heritage impacts of the scheme. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

#### 8.2 Conditions

At the time of drafting this report conditions relating to highways and the Conservation Area are awaited. Any additional conditions will be included as part of the late sheet update.

**Recommendation:**

That Planning Permission be Granted subject to the completion of a S106 agreement and the following:



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Date: 25:October:2016

Map Sheet No

Scale: 1:2500

Application No: CB/16/02314/FULL

Land to rear of 104 to 168 Station Road, Lower Stondon,  
 Henlow, SG16 6JH

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/16/02314/FULL</b>
<b>LOCATION</b>	<b>Land to rear of 104 to 168 Station Road, Lower Stondon, Henlow, SG16 6JH</b>
<b>PROPOSAL</b>	<b>Erection of 80 residential dwellings together with associated access and landscaping</b>
<b>PARISH</b>	<b>Stondon</b>
<b>WARD</b>	<b>Arleseey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>30 June 2016</b>
<b>EXPIRY DATE</b>	<b>29 September 2016</b>
<b>APPLICANT</b>	<b>Bovis Homes</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with Parish Council objection.</b> <b>Departure from the Development Plan.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - approve</b>

**Reason for recommendation:**

This development would fall outside of the Settlement Envelope for Stondon but would constitute sustainable development because the harm caused by it would not significantly and demonstrably outweigh the benefits, which include the delivery of up to 80 new homes within the five year period.

**Background**

Development Management Committee resolved to grant Outline Planning Permission for up to 80 units at this site subject to conditions and a legal agreement in September 2016. At the time of writing, that permission is pending as the s106 agreement is finalised.

This application is for Full Planning Permission and is for 80 dwellings at the site.

In resolving to grant Outline Planning Permission for residential development at this site, the Committee accepted the principle of residential development in this location, the suitability of the access to the site and heads of terms.

**Site Location:**

The site has an area of approximately 2.3ha and located immediately to the west of an existing housing development constructed by the applicant (referred to as Stondon Park). To the west and south of the site is Mount Pleasant Golf Course, where planning permission has been granted for a nine hole extension. To the north of the site are gardens serving properties on Station Road.

The site is undeveloped, open space and is currently used for horse grazing. It has an Agricultural Land Classification of 3b and so it cannot be classified as Best and Most Versatile agricultural land.

The site is adjacent to but outside of the Stotfold Settlement Envelope.

**The Application:**

Full planning permission is sought for the erection of 80 dwellings, with the following housing mix:

1 bedroom flat	9
2 bedroom house	16
3 bedroom house	40
4 bedroom house	11
5 bedroom house	4
Total	80

35% of the dwellings would be affordable homes with 73% for rent and 27% for shared ownership.

There would be a Local Area of Play (LAP) within the site.

Access would be taken from Station Road, through the existing Bovis development and into the site via Redwig Close. Two existing visitor parking spaces near to the proposed entrance to the development would be relocated within it.

**Relevant Policies:**

National Policy and guidance

- National Planning Policy Framework (NPPF) (2012)
- National Planning Practice Guidance (NPPG) (2014)

Local Policy and guidance

Central Bedfordshire Core Strategy and Development Management Policies - North (2009)

- CS1 Development Strategy
- CS2 Developer Contributions
- CS3 Healthy and Sustainable Communities
- CS4 Linking Communities – Accessibility and Transport
- CS5 Providing Homes
- CS6 Delivery and Timing of Housing Provision
- CS7 Affordable Housing
- CS13 Climate Change
- CS14 High Quality Development
- CS15 Heritage
- CS16 Landscape and Woodland
- CS17 Green Infrastructure



CS18	Biodiversity and Geological Conservation
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM13	Heritage in Development
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure
DM17	Accessible Green Spaces

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Mid-Bedfordshire Landscape Character Assessment (2007)

Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

#### Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

#### **Relevant Planning History:**

CB/12/02929/FULL    Erection of 98 dwellings, garaging and associated works after the demolition of No's 186 and 188 Station Road to provide for a new access road.

Approved: 4<sup>th</sup> November 2013

CB/15/01454/MW    9 hole extension to existing golf course through the importation of inert waste, incorporating landscaping works and water harvesting system.

Approved: 22<sup>nd</sup> July 2015

CB/16/2132OUT    Erection of 80 residential dwellings together with associated

Decision pending. DMC gave resolution to grant in September 2016.

**Consultation responses:**

Neighbours were written to and press and site notices were published. The responses are summarised below:

Stondon Parish Council    Objection for the following reasons:

Following the Parish Council meeting on the 27 July 2016 it was resolved to object to this application.

I have enclosed a list of reasons and supplementary information in regard to this matter.

Stondon Parish Council Planning Application response  
[CB/16/02314/FULL](#)

Item 1516 b) Land to rear of 104 to 168 Station Road, Lower Stondon - Major Developments approx. 80 houses together with associated landscaping and access  
[CB/16/02314/FULL](#)

We discussed this proposal at the July 2016 Stondon Parish Council meeting and resolved to **OBJECT** to this development in a number of areas.

- 1) This Development falls outside any identified the local development boundary and will need full assessment if is applicable and appropriate.
- 2) The Parish Council has never been consulted about this extensive development and is contrary to the information published in Design and Access statement page 11 item 2.12.3 in the Outline Application previously submitted.
- 3) We do not believe a viable assessment of traffic movement of lorries and deliveries has been done and the impact on the neighbours already living in the current development. No alternative access solutions have been proposed in the documents provided.
- 4) There is potentially a high risk of an accident or fatality from the additional traffic entering the estate, such as large trucks, delivery wagons, contractors cars etc. They will have to negotiate the narrow streets and paving that is at the same level of the road surface (i.e. no providing clear delineation between road and the pedestrian area) while children, parents and others are going to work and school
- 5) The traffic assessment does not include the proposed volume of additional traffic that will be present during the development of the Golf Course.
- 6) We have not seen an independent survey of the

agricultural land and believe that this maybe of a quality suitable for farming.

- 7) The local Schools cannot accommodate additional children without extensive redevelopment and this project does not propose to address this.
- 8) Inconsistent notification and consultation with the local residents on street signs and via letters etc, nor had any consultation with local residents been done at the time of this meeting.

In addition at Stondon Parish Council meeting on 27 July 2016

The Developer (Chris O'Conner, Bovis Homes, Justin Wickersham and Phillipa, Optimis Consulting), attended this meeting with a small number of the local residents (approximately 40 members of the public present).

- 9) The Developer recognised that a number of errors exist in the initial Outline application documents submitted but did not provide any dates on when the correction have been or will be addressed.
- 10) The Developer but did not provide any specific information on how they intend to assist the local community as part of this development plan just some vague assurances and in our experience vague assurances tend to disappear.

Local residents also identified the need for traffic calming in Station Road and issues entering and leaving the estate including contractors. Plus the lack of respect Bovis workers have shown local residents by parking on the road, breaking pavements and in one case damaging a driveway with no offer of resolving.

They, the local residents, also noted that there was no suggestion of introducing a 20 mph zone on the estate in line with many other local developments and they felt this would help with traffic safety.

The current Bovis Phase 1 development has put a stain on local community resources and this additional unplanned development is almost doubling the volume of houses adding more pressure on those limited local resources. Some of the promises made have still yet to surface including the Traffic Calming in Station Road. The MUGA connected with initial development had problems with implementation as Bovis took time to move on the project and some of the promises in connection with the

initial proposal have yet to appear including a link path to Birch Grove and other local amenities.

Once again this seems to be a large housing developer blatantly ignoring the local community and only looking for the maximum profit from minimum outlay. It does not seem to care about talking to the community or discussing the development and the benefits to propose to deliver to the community.

If Bovis Homes takes the time to come and talk to the local community in greater depth and provides a much more rounded and guaranteed set of proposals to the local community this may help in winning their trust. It does not help when a Developer, such as Bovis, shirks its responsibility's and fails to engage the community prior to moving forward on a development.

## Neighbours

Site and press notices were displayed. Letters were sent to neighbours of the site. Amended plans were received. The amendments to the scheme were minor in scale in the context of the proposed development and so no further consultation exercise was undertaken in accordance with the National Planning Practice Guidance.

28 letters of objection were received. Comments made can be summarised as follows:

- There is no sufficient infrastructure in the area to accommodate the development
- Local traffic is already bad
- Station Road parking is already problematic
- There should be a separate access road
- Residents on the existing estate have been misled
- The internal roads cannot accommodate additional traffic on the scale proposed
- Speeding on Station Road is a problem
- Traffic calming on Station Road is delayed
- The scheme should not be called 'Phase 2'
- The application is premature
- Harm would be caused to the appearance of the site, the area and the landscape
- There would be noise and disturbance and a lack of privacy
- The five bedroom houses should be located elsewhere at the site
- There should be privacy fencing between existing and proposed houses
- The scheme would be over development
- Local people have already had to cope with the

- existing development being built.
- Traffic will also be caused by the golf course extension
  - Construction traffic should not be taken through the estate
  - The LEAP would no longer be safe on account of additional traffic
  - There could be an impact on house prices
  - The traffic information submitted is inaccurate
  - There would be a loss of light for existing residents
  - The site is too small
  - There would be a harm to existing local ecology
  - There would be harm caused to the existing streetscene

**Consultee responses:**

Highways

There is no justifiable reason to raise and sustain a highway objection to this proposal.

The outline application demonstrated that there is no issue with the ability of the surrounding highway network to accommodate the increase in traffic generation and the proposed layout is compliant with the CBC Design Guide with regard to highway elements.

Trees and Landscape

Proposal is for permission to allow development of this area of land for housing and associated infrastructure.

The site is currently agricultural land with boundary hedgelines and trees. Supplied with the application is a Tree Survey and Arboricultural Impact Assessment that identifies all trees and hedges on site along with their retention categories and root protection areas.

The impact on trees should be minimal but will require protection throughout development through the use of tree protection fencing and ground protection as required. To this end we will require a Method Statement showing these details, and steps to be taken through development.

Two groups of trees are identified for removal which would be acceptable.

We will require conditioned landscape detail.

Ecology

I have no objection to the proposed development. I note that houses adjacent to boundary hedgerows will be orientated to overlook hedgerows rather than back onto them which is welcomed. The NPPF calls for development to deliver a net gain for biodiversity and opportunities for enhancement should be considered. The POS in the SE

should ideally be seeded with a species rich grassland mix and I would like to see integrated bird / bat bricks used in all properties at a ratio of 1 per unit. SuDS should be multifunctional, providing ecological and GI benefits in addition to attenuation. A nectar / berry rich planting palette would also achieve biodiversity gains.

#### Sustainable Growth

The proposed development should comply with the requirements of the development management policies: DM1: Renewable Energy; DM2: Sustainable Construction of New Buildings; and Core Strategy policy CS13: Climate Change. The policies require all new development of more than 10 dwellings to meet CfSH Level 3 and deliver 10% energy demand from renewable or low carbon sources. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources. In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage).

I welcome the applicant's fabric first approach to develop energy efficient dwellings. This approach will ensure that the dwellings have low energy demand throughout their lifetime. However the policy DM1, which is not mentioned in the Design and Access Statement, asks for the developments above threshold of 10 dwellings to deliver 10% of its energy demand from renewable or low carbon sources. The fabric first approach will ensure that energy demand will be reduced and therefore the installation of renewable or low carbon technology will be smaller to satisfy the policy requirement.

Policy CS13 requires that all development takes into account climate change and its impacts on the development. The development therefore should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

I would like more information on how policies' requirements will be met to be submitted with the full planning application. The information should cover:

energy and water efficiency, renewable energy contribution, climate change adaptation measures to minimise risk of overheating in dwellings and proposed ventilation strategy.

To ensure that the policies requirements are met I request following planning condition to be attached, should the planning permission be granted:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres (including 5 litres for external use) per person per day;
- Assessment of overheating risk in dwellings.

LDF Team

The proposal site is located outside of the settlement envelope of Stondon which is categorized as a Large Village.

At the time of writing (20/07/16) the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing (including DM4, DM14, and CS16 of the North Core Strategy) must be regarded as 'out-of-date', and that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.

However, recent case law and legal advice (FTB, 4<sup>th</sup> May 2015) tells us that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.

At the time of writing the Council can demonstrate a supply of 4.76 years, this equivalent to 95% of the five year requirement and is a shortfall of 467 dwellings. The Council is confident that there is sufficient development coming forward in the short term to make up this shortfall. In this context it is reasonable to afford Policies DM4, DM14 and CS16 a level of weight proportionate to this supply when considering the planning balance.

Minerals and Waste

The application site is adjacent to a permitted golf course

extension to the west and south. This is acknowledged on the drawings, but is not fully assessed within the application. There are three issues that need to be considered.

1. The golf course extension is to be created/landscaped through the importation of approximately 300,000 cubic metres of inert waste over a 2 year period. During the development phase this has the potential to cause some nuisance in terms of dust, noise and vibration, and phase 2 of the housing development would be more exposed than phase 1. The golf course consent is subject to a noise condition but that would have been calculated in relation to houses existing or permitted at the time. The scheme could become less workable by introducing a larger number of houses and extending the length of the boundary over which the two are immediately adjacent. The noise assessment submitted with the housing application does not acknowledge this permitted development or give consideration to the potential noise impact. As such it is deficient.

Clearly the timing of the two operations is the critical factor here. The golf course development must commence by the 22nd July 2018 and be completed within a further two years. Either the applicants should be asked to amend the noise assessment to take account of this or a condition should be imposed to prevent the occupation of the houses until the golf course development is complete. The latter would also avoid any potential issues with regard to dust and vibration.

Potentially, a condition could be worded to say that the houses should not be occupied 'before the 22nd July 2020 or until the Council confirms in writing that the adjacent golf course development is complete, whichever is the sooner'. In practice, it is anticipated that the golf course development will commence shortly, so the acceptable date could be as early as the second half of 2018.

2. The development of the golf course will generate up to 182 HGV movements a day. The Traffic Impact Assessment does have regard to this and allows for 12 HGV movements per hour during the peak periods. The planning permission for the golf course actually allows 14, but I am not assuming this will make a significant difference. The Assessment does not consider construction traffic for the housing development but, again, that may not be important.

3. Once the golf course is complete, there would appear to be some potential for golf balls to come across the



boundary into the housing development given the proximity, particularly from fairway number 5. Some consideration needs to be given to this and expert advice may be required. This might possibly result in the need to modify the proposed boundary treatment. There is no condition on the golf course permission relating to this, but the layout of the fairways was agreed in the absence of houses on this area.

In conclusion, therefore, points 1 and 3 require some further assessment by the applicants, ideally in consultation with the owners of the golf course to arrive at an agreed position. On point 2, I leave it with our colleagues in Highways DC to advise whether or not this is an issue.

N.B. An updated Noise Report was later submitted.

#### Pollution Control

Having considered the Opus Geo Environmental Investigation Report dated April 2016 I concur that all potential pollution pathways for contamination appear to be broken and therefore it is very unlikely that there is any land contamination at the proposed development site.

I have also considered the contents of the noise.co.uk Environmental Noise Survey and assessment dated 4th April 2016 and note the mitigation required for windows and ventilators to achieve noise standards with respect to road traffic noise from station road as stated in table 9.2.1 as living rooms 16 dB Rw+Ctr, Dining rooms 11 dB Rw + Ctr, and Bedrooms 15 dB Rw +Ctr. the report has shown that the developers standard window and ventilator specification comfortably exceeds these sound insulation requirements.

In response to the updated Noise Report, that looked more closely at the relationship with the approved golf course works, the following comments were received:

Whilst I appreciate that there could be construction noise impacts during the construction of the Golf Course this matter would be regulated under The Control of Pollution Act 1974 Section 60 (CPA) by the pollution team if complaints are received. BS5228 Part 1 2009 section A.3.3.2 summarises the power to serve a notice imposing requirements on construction sites as follows;

Section 60 of the Control of Pollution Act 1974 [9] enables a local authority, in whose area work is going to be carried out, or is being carried out, to serve a notice of its requirements for the control of site noise on the person

who appears to the local authority to be carrying out the works and on such other persons appearing to the local authority to be responsible for, or to have control over, the carrying out of the works.

This notice can perform the following functions.

a) Specify the plant or machinery that is or is not to be used.

However, before specifying any particular methods or plant or machinery, the local authority has to consider the desirability, in the interests of the recipient of the notice in question, of specifying other methods or plant or machinery that will be substantially as effective in minimizing noise and vibration and that will be more acceptable to the recipient.

b) Specify the hours during which the construction work can be carried out.

c) Specify the level of noise and vibration that can be emitted from the premises in question or at any specified point on those premises or that can be emitted during the specified hours.

d) Provide for any change of circumstances. An example of such a provision might be that if ground conditions change and do not allow the present method of working to be continued then alternative methods of working should be discussed with the local authority.

The S60 CPA notice can be served to protect the new properties in addition to existing ones and has even been served to protect new houses on a large site from the construction noise of other houses on the same development. Of course new residents of the Bovis development itself may complain about the construction noise for the later phases of the development.

Conditions 15 and 28 of the golf course permission do seek to protect existing houses from golf course construction noise and in meeting these conditions for existing houses some protection will also be provided to the Bovis development although I do agree with the point that the noise level (condition 28) cannot be enforced if the noise levels specified are exceeded at the Bovis site but not at any of the existing properties.

Unfortunately condition 15 of the golf course permission specifies hours of work from 0700 to 1900 hrs Monday to Friday and 0700 to 1300 hrs Saturdays whereas under The Control of Pollution Act 1974 section 60 CBC (pollution) require all noisy construction works (works which are audible at the site boundary) in the district to be undertaken between the hours of 0800 to 1800 hrs Monday to Friday and 0800 to 1300 hrs on Saturdays and at no time on Sundays, Bank or Public Holidays. This situation has occurred before and whilst developers can complain that one part of the council has permitted them to work certain hours and another has restricted them to different times we have had to serve S60 CPA notices in similar circumstances before.

With reference to Mike's e mail comments below regarding the report, table 8.2.1 is listing the minimum sound reduction required by the housing façade to achieve the internal noise standards with respect to measured existing road traffic noise levels of 50.8 dBA. If you look at appendix D they have provided a facade calculation for daytime and night time conditions. This calculation shows that for an external noise level of 50.8 dBA (daytime) they will achieve 23.9 dBA internally in habitable rooms assuming that the windows are Saint Gobain Weber 4/20/4 and the ventilator is a Triton XS3 which they state is Bovis's standard specification. Therefore they achieve a 26.9 dB sound reduction through the building facade. Therefore if the external noise level is 55 dBA the internal noise level would be 28.1 dBA and still meet the BS8233 standards (with windows closed).

In conclusion I am satisfied that the proposed site will comfortably achieve the CBC noise standards with a typical standard form of construction for monitored existing road traffic noise. Construction noise from the golf course (if the houses are built before it is completed) can be controlled under The Control of Pollution Act 1974 S60 with respect to existing and new occupants.

Finally, it should be noted that the developers would potentially have a defence against charges under the Control of Pollution Act 1974 if they are using "best practicable means" (BPM) to control noise emissions. BPM may differ from the 55 dBA level quoted in condition 28 of the Golf Course permission.

Housing Development Officer      I support this application as it provides for 28 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation however does not indicate the proposed tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) indicates the tenure requirement as being 73% rent and 27% intermediate tenure from sites meeting the affordable threshold. This would make a requirement of 20 units of affordable rent and 8 units of intermediate tenure (shared ownership) from this proposed development.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Anglian Water

Section 1 – Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted:

*“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”*

Section 2 – Wastewater Treatment

The foul drainage from this development is in the catchment of Shillington Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise

them of the most suitable point of connection.

#### Section 4 – Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We have calculated the permitted 1 in 1 year discharge rate to be 7.93 l/s, the proposed discharge rate is too high and may cause a risk of flooding downstream. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We will request that the agreed strategy is reflected in the planning approval.

#### Adult Social Care

##### Summary:

Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support a significant proportion of houses in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.

#### Public Art

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

##### Key requirements are:

- Public Art be integrated in the development design process and be addressed in Master plans and Design Codes.
- Where possible artists should be appointed as part of the design team.
- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Artists can include:

Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

If the application were to be approved I request a Condition be applied with suggested wording but await your advice on this:

*No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority. Installation of Public Art shall commence on site prior to occupation of 50% of dwellings. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.*

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

Education No objection subject to contribution.

Leisure No objection.

Archaeology The proposed development site lies within an area that is known to contain archaeological remains dating to the late Bronze Age through to the middle Iron Age (HER 16973, HER 19455 and HER 20309) and under the terms of the *National Planning Policy Framework* (NPPF) these are heritage assets with archaeological interest.

To the east of the proposed development site lie a series of enclosures (HER 19455) that were investigated prior to the construction of the current Bovis housing development. These enclosures may have formed agricultural paddocks and were dated to the early-middle Iron Age (Albion Archaeology 2013). To the south of the proposed development site lies another single enclosure which also dates to the early - middle Iron Age (HER 16973) and a water pit (HER 20309) which may be late Bronze Age in date (Albion Archaeology 2015). Given the

co-location of these features and the similar date range it is likely that they all form part of a broadly contemporary landscape.

This application is accompanied by a geophysical survey report (Stratascan, dated 05/05/16) and an archaeological desk-based assessment (CgMs, dated May 2016). The geophysical survey suggests that no archaeological features of a substantial size are present within the application area. The archaeological desk-based assessment concludes that while the Central Bedfordshire Council Historic Environment Record (HER) mapping suggests that cropmarks HER 16973 partially cover the proposed development site, the geophysical survey suggests that there are in fact no archaeological features within the application area.

It is disappointing that the applicant did not chose to wait for the Local Planning Authority to issue its pre-application response (reference CB/16/01592/PAPC) before submitting this planning application. If they had waiting for the pre-application response, then they may have noted that the archaeological advice referred to an archaeological investigation on the land immediately to the south, which was undertaken in 2015. This investigation confirmed the presence of the features which show as cropmarks (HER 16973) but also uncovered other features (for example HER 20309) which were hitherto unknown and which did not show up when a geophysical survey was undertaken at that particular site. The desk-based assessment that accompanies this planning application makes no reference to the features identified on the land to the south and therefore its conclusions cannot be considered valid, because it has not considered all of the available data for this area.

While the geophysical survey results indicate that the application area does not contain any substantial archaeological remains, it is known that smaller features, dating to the later Bronze Age do exist on the land immediately to the south. These are features that were not picked up during a comparable geophysical survey. As a consequence the presence of archaeological remains at this site cannot be entirely discounted.

Understanding landscape development and settlement patterns, the relationship between settlement and enclosure (Going and Plouviez 2000, 21 and Oake et al 2007, 11 - 12) and the ritual codes underlying the later prehistoric and Roman periods are regional archaeological research objectives (Oake et al 2007, 12 and Medlycott 2011, 48).

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012).

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the following condition to any permission granted in respect of this application.

“No development shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.”

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

This request is in line with the requirements of Chapter 12 of the NPPF.

Green Infrastructure

The application does not clearly demonstrate a net gain in green infrastructure. There is little information about the design of the central green space, and how it would



contribute to green infrastructure enhancement, and is integral to the overall design and sense of place of the scheme.

The proposals for sustainable drainage, and the extent to which they deliver multiple environmental benefits are not satisfactory. The SuDS are not integrated within the development, and are essentially limited to an attenuation pond in the corner of the site. There is contradictory information in the application regarding the relationship between the built form of development and this attenuation pond, with the parameters plan showing an outward facing built form, but the indicative layout in the Design and Access Statement showing it backed onto by housing.

There is no at surface conveyance of surface water; the Flood Risk Assessment notes that swales will not be incorporated into the drainage strategy, with no justification for this. Given that CBC's SPD identifies a local requirement for conveyance to be at surface, rather than piped, this is not an acceptable approach, and the application is contrary to CBC's adopted guidance.

The SuDS system should be integrated within the development, with development relating positively to SuDS features, that are designed to be an integral part of the green space network, and providing multiple environmental benefits.

Clear information about adoption of SuDS is not provided. The applicant indicates that the preferred option is for Anglian Water to adopt the attenuation pond, but a secondary option would be for CBC to adopt it as LLFA. This indicates a lack of discussion with CBC, and comprehension of adoption issues. As and LLFA, CBC does not adopt SuDS, so this proposal indicates a lack of realistic options on adoption. Given the requirement under national guidance for LPAs to satisfy themselves that there are clear proposals in place for the management and maintenance of the SuDS over the lifetime of the scheme, I do not consider that we can be confident that this is the case.

Overall, therefore, I do not consider that the scheme demonstrates a net gain in Green Infrastructure, and is therefore contrary to CS17 of the Core Strategy for Central Bedfordshire. The proposals for sustainable drainage do not meet requirements in CBC's Sustainable Drainage SPD, and do not provide clear information on adoption.

I would not recommend the granting of planning permission until the development can demonstrate a net GI gain, and includes proposals for SuDS that are in line with CBC's Sustainable Drainage SPD, and have clear information on adoption proposals.

Landscape Officer

I have no objections to the continuation of the Stondon Park development. However, I would hope that this development would bring a greater number of street trees as the Phase 1 development appears to have very few planted, particularly along the main access. The urban style bow top fencing along the boundary of Phase 1 is a feature I would not want to be extended into Phase 2.

A fully detailed Landscape scheme will be required as a Condition. Most crucially in landscape terms is the need to maintain the boundary hedge and hedgerow trees - the trees on the western boundary create a valuable landscape feature. A Landscape Management Plan will also be required, which will guide sympathetic management of the boundary hedge as well as the other features. A balance needs to be found between the proposed height reduction of the hedge and the need to maintain screening integration of the new development as well as the wildlife corridor. A final height of no less than 1.75m should be maintained - this would allow for annual growth extending up to 2m. The properties can enjoy views of the golf course from the upper stories.

I would also prefer a scheme with a more imaginative design for the SuDS - a scheme which would contribute to the landscape structure eg with tree planting, play features or seating. The location of the LAP could also be more central to this phase of the development.

New tree planting needs to be of predominantly native species near the site boundary, and I welcome the planting of alternate species to ash, with the aim of diversifying the tree stock. Within the residential area more ornamental street trees could be selected. I would like the ornamental shrub planting to avoid over use of evergreen mews style planting which has an urban style. Grassed areas forming a corridor with the boundary hedge would benefit from being of ecological value, as with the attenuation basin.

The need to minimise light intrusion is also an important design consideration.

SuDS Team

We consider that planning permission could be granted to the proposed development and the final design, sizing and

maintenance of the surface water system agreed at the detailed design stage

Internal Drainage Board No objection

NHS

The current situation in Lower Stondon is that there is one GP surgery which will be affected by the proposed development that, in the opinion of NHS England, does not have the capacity to absorb the additional requirement for general medical services (GMS) should this application be successful.

Should the proposed development go ahead it will result in circa 192 additional patient registrations for primary care.

There is a GP surgery in Lower Stondon which provides primary healthcare services to this community. The practice as it currently stands would not be able to provide a good primary care service to the additional patients as a result of this development. Lower Stondon Surgery is deemed constrained.

‘Constrained’ means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. A practice in this situation would usually need to be re-configured, extended or even relocated to absorb a significant number of new registrations.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Commissioning Team of NHS England. Even when surgeries are significantly constrained NHS England would not wish an individual patient to be denied access to their nearest GP surgery. Patient lists are therefore only closed in exceptional circumstances.

However, when a large number of new dwellings and registrations is planned the preferred option is to try and find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. re-configuring or extending the practice, increasing clinical space and human resources and thus keeping the patient lists open. A developer contribution under these circumstances is considered fair and reasonable.

The building housing Lower Stondon Surgery is a single storey circa 1990 purpose built premise. While it is

unlikely the building could be significantly altered externally, there may be opportunities for an extension and re-configuration to increase the clinical areas.

As noted above there is no capacity to absorb the patients this development would generate and therefore a S106 contribution is requested to help support Lower Stondon Surgery increase its clinical capacity and to make this scheme favourable to NHS England.

Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS provision:

80 dwellings x 2.4 = 192 new patients

192/2000 = .096 of a GP \*GP based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England "Premises Principles of Best Practice, Part 1 Procurement& Development"

.096 x 199 = 19.104m<sup>2</sup> additional GMS space required

19.104 x £2,600 = £49,670 (\*Build cost; includes fit out and fees)

£49,670 / 80 = £620.88 (rounded to £621 per dwelling)

NHS England would be grateful if you would ask for a contribution of £49,670 relative to this planning application

### **Determining Issues:**

The considerations in the determination of this application are:

1. The weight that should be afforded to the development plan
2. The principle of the development
3. The appearance of the site, the area, the landscape impact and Green Infrastructure
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Archaeology
7. Trees and hedgerows
8. Ecology and biodiversity
9. Land quality
10. Drainage
11. Energy efficiency
12. Planning obligations
13. The planning balance and conclusions

### **Considerations:**

## **1. The weight that should be afforded to the development plan**

S38(6) of the Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) (2012) set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para 11).

At the heart of the NPPF is a presumption in favour of sustainable development. Local planning authorities should positively seek opportunities to meet the development needs of their area. Local Plans should meet objectively assessed needs. For decision making this means that planning permission should be granted where the development plan is absent, silent or out-of-date (para 14). Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para 49). There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (para 47).

Recent appeal decisions have found that the Council does not have a five year housing land supply and insofar as a number of the Council's policies are concerned with the supply housing, they should be considered out of date. Policy DM4, where it prevents development outside of Settlement Envelopes, is one such policy.

The amount of weight that should be given to those out of date policies is influenced by the proximity of housing supply to housing need. At the time of writing, the Council is very near to being in a position to demonstrate an ability to meet its housing for the five year period (4.76 years, or around 95%) and so appropriate weight can be given to housing restraint policies.

Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.

## **2. The Principle of the development and housing delivery**

The site falls outside of the Stondon Settlement Envelope and Policy DM4 seeks to restrain development within the open countryside. The proposed development would conflict with that policy and appropriate weight can be given to this conflict on account of the current relationship between housing supply and need. This conflict weighs against the approval of the development.

The NPPF sets out that where a full five year housing supply cannot be demonstrated, development should be considered sustainable unless harm caused by it significantly and demonstrably outweighs the benefits.

Here, 80 dwellings would be provided by the development and 35% of those would be affordable homes. The applicant has committed to a legal obligation that would ensure the delivery of 100% of the units within a five year period from the date of a decision.

As a result, the development would positively contribute towards the supply of housing to help meet need. Significant weight should be attributed to that benefit in the planning balance.

The conflict with Policy DM4 in so far as it seeks to restrain development in the open countryside would not, in itself, significantly and demonstrably outweigh that benefit.

Additional material planning considerations may contribute towards the benefits and the dis-benefits of the development and can impact of the final planning balance. These are described below.

### **3. The appearance of the site and the area, the landscape impact and Green Infrastructure**

#### Appearance of the site the area

Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The pre-ambule to Policy CS16 states that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development.

The appearance of the site would clearly change significantly because it would be built on. Its rural character would be replaced by an urban one.

The site is, though, relatively secluded, set behind houses on Station Road and with only limited views in to it from public areas to the north and the impact of the development on the appearance of the area would be less significant and would be further reduced by landscaping.

It is important that the site should not be developed in a fashion that would conflict with the existing built character of the area. Whilst relatively secluded, it would become part of the urban context of this part of Stondon.

The density at the site would be around 34dph, which would be broadly appropriate for a site on the edge of a settlement, like this one.

The site has a good relationship with the existing urban area of Stondon with housing to the north and east. The golf course to the west and south forms a natural edge to the settlement and the development would be sit to the north of that 'buffer'.

The buildings at the site would be well designed, and they would relate

successfully with the existing new build development to the east at Stondon Park. Houses would be two and two and half storeys in height which would be appropriate in this location. A block of nine flats would be a larger building, in footprint and height but it would be located at around the centre of the site where longer views of it would be reduced. It would not undermine the quality of the development as a whole.

The layout at the site would be legible and logical. The relationship, in visual terms, between the existing and proposed developments would be good.

#### Landscape impact

The Council's Landscape Officer has raised no objection to this application and there would no significant harm caused to the wider landscape setting of the site.

#### **4. The impact on neighbours and future living conditions**

Policy DM3 requires that new development to respect the amenity of neighbouring properties. The neighbours most likely to be affected by the development are those to the north on Station Road and those within the existing Stondon Park Development.

The layout of the site has been designed so as to respect living conditions at these properties. Houses at the north of the site would have gardens backing on to the gardens serving the houses on Station Road and there would be a minimum of 21m between facing habitable windows at existing and proposed properties. There would be no significant overlooking, light or outlook issues.

One area of concern for a number of residents within the Stondon Park development is disruption caused by additional traffic passing through the estate in to the new development. Whilst there would be a significant change for these residents (the road that would lead in to the new development is currently a cul-de-sac), that change would not likely cause noise or disturbance on a level that could be considered materially harmful.

Another concern is that disruption would be caused by construction vehicles passing through the existing development. A condition would require a Construction Management Plan so as to seek reduce those impacts as far as possible.

Policies CS14 and DM3 seek design that is of a high quality. That includes complying with the current guidance on noise. The Council's Design Guide reinforces the objectives that new residential development is of a high quality that provides an acceptable standard of living accommodation for future occupiers.

All of the properties would be served by reasonably sized gardens and would have acceptable outlook. Internal space standards would be acceptable.

Planning permission has recently been granted for an extension to the Mount Pleasant Golf Course to the south and west of the site. This will involve the

transportation of large amounts of earth to the site. Construction could take around two years.

The Council's Minerals and Waste Team are concerned that these works would cause significant disruption to future residents of the proposed development in the event that they are occupied before or during the golf club extension. The Council's Public Protection Team is satisfied, though, that because of the temporary (albeit relatively lengthy) construction period and construction hours conditions attached to the golf club consent, together with protection afforded to potential future residents by other legislation, the impact should not, in itself, prevent planning permission being granted.

## **5. Access to the site and other highways implications**

### Highways

Policies CS14 and DM3 require that developments incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport and that they provide adequate areas for parking and servicing. The Council's Design Guide provides further detailed technical standards that should be applied to new residential development.

The proposed access to the site would be in the same location as that which exists from Station Road through Stondon Park. The Council's Highways Officer is satisfied that this access is safe and could accommodate the additional traffic associated with the proposed development.

A number of residents have correctly highlighted that it is possible that should permission be granted for this development, both it and the golf course development could take place at the same time. This would have an impact on the amount of heavy goods vehicles using the local road network. A Construction Management Plan would be secured by condition that would seek to control that impact and the Council's Highways Team is satisfied the cumulative, temporary highways implications of the developments would not result in a severe highways impact, which the NPPF sets out is the only time that planning permission should be withheld on transport grounds.

A planning condition would require a scheme for traffic calming measures between the entrance to Stondon Park at Station Road and the entrance to the proposed development.

All of the units would be provided with car and cycle parking in general alignment with the Council's standards. Where garages would be provided that would not meet the Council's internal space standards, they would not be counted as a parking space.

The highways implications of the development would be acceptable.

## **6. Heritage Assets**

Policies CS15 and DM13 seek to protect, conserve and enhance the district's heritage assets, including archaeology.



The applicant has submitted an Archaeological Assessment of the site and the County Archaeologists have requested that a condition requiring further investigation is attached to any planning permission.

**7. Trees and hedgerows**

The application has been supported by a tree survey which is satisfactory and a condition would seek to ensure that existing trees and hedgerows were properly protected during construction. A scheme for hard and soft landscaping across the site would be secured by planning condition..

**8. Ecology and biodiversity**

An Ecological Survey has been submitted in support of the application. The County Ecologist has raised no objection to the application. The NPPF calls for development to deliver a net gain for biodiversity. An acceptable scheme for the net gain for biodiversity would be secured by condition in line with policies CS18 and DM15 and the Council's Design Guide and the NPPF.

**9. Land quality**

The applicant has submitted a Geo-Environmental Survey. No objection has been raised by the Council's Public Protection Team.

**10. Flood risk and Drainage**

The site falls within Flood Zone 1 (low risk).

Policy DM3 requires that new development complies with current guidance on water. The Central Bedfordshire Sustainable Drainage Guidance SPD (2014) contains current guidance on how water should be managed within development sites.

Conditions would secure details of a sustainable drainage scheme for the site.

**11. Energy efficiency**

Policy DM1 requires that developments achieve 10% or more of their own energy requirements through on-site or near site renewable or low carbon technologies unless it can be demonstrated that to do so would be impracticable or unviable. Policy DM2 requires that all proposals for new development should contribute towards sustainable building principles.

A condition would require details of energy efficiency measures.

**12. Planning obligations**

Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate and existing deficiency.

Policy CS7 states that on all qualifying sites, 35% or more units should be affordable.

35% of the units at the site would be affordable homes.

The applicant has agreed to comply with a Build Rate Timetable that would see all of the units delivered within 5 years of planning permission being granted.

The following contributions would be secured through a legal agreement:

Stondon Lower School - £184,352.00  
Robert Bloomfield Middle School - £185,502.72  
Etonbury Upper School - £227,475.46

The Council's Education Team is satisfied that there is sufficient early year's capacity in the area and so contribution is sought.

Stondon Village Hall - £125,000.00  
Stondon allotments - £15,000.00

Lower Stondon Surgery - £49,670.00

### **13. The planning balance and conclusions**

Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Council cannot currently demonstrate an ability to meet its housing need for the next five-year period. As such, Policy DM4, insofar as it prevents development outside of the Settlement Envelope, is out of date. That said, appropriate weight can be afforded to 'out of date' policies because the Council can demonstrate an ability meet a large proportion of its housing need.

There is a presumption in favour of sustainable development at paragraph 14 of the NPPF. Where an ability to meet identified housing need cannot be demonstrated, the development would be sustainable if the dis-benefits of the development would not significantly and demonstrably outweigh the benefits.

Significant weight must be given to the delivery of up to 80 homes (including affordable homes) at the site over the next five-year period.

There are no harmful impacts associated with the development that individually or collectively would significantly and demonstrably outweigh that benefit, and the other benefits of the development.

#### **Recommendation:**

That Planning Permission is approved subject to the successful completion of a legal agreement and the following conditions:

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Notwithstanding the submitted materials schedule, no development shall commence at the site before details (including samples) of materials to be used in the external construction of the buildings at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 3 **Notwithstanding the submitted details, no development shall commence at the site before a landscaping scheme for the site, including a timetable for its implementation and a programme for its management and maintenance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 4 The car and cycle parking shown on the submitted plans shall be provided in advance of the unit to which it relates and all of the proposed car and cycle parking shall be provided in advance of the occupation of the last unit at the site.

Reason: To ensure that sufficient car and cycle parking is provided at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the central Bedfordshire Design Guide (2014).

- 5 **No development shall take place until a Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction Management Plan.**

**Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 6 **No development shall commence at the site before details of the**

existing and final ground, ridge and slab levels of the buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 No development shall take place until details of play areas together with a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure that the appearance of the development and facilities for residents would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 8 Notwithstanding the submitted information, no development shall commence until a detailed surface water drainage scheme and maintenance and management strategy for the site, has been submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. The scheme will include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of attenuation and a restriction in run-off rates. The scheme shall be implemented in accordance with the approved final details before the development is completed.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF and to ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written statement - HCWS161.

- 9 No development shall commence at the site before a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 10 **No development shall take place at the site before a scheme for biodiversity enhancement at the site including a timetable for its delivery has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

**Reason: To ensure that biodiversity is properly protected at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2012).**

- 11 **No development shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the NPPF (2012) that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.**

- 12 **No development shall commence at the site before a scheme for traffic calming between the junction of Stondon Park (the Bovis Homes development approved under reference CB/12/02929/FULL) and Station Road and the entrance to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed in advance of the first occupation of any dwelling at the site.**

**Reason: To ensure that the site is safe, in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the NPPF (2012).**

- 13 **No development shall take place at the site before a Method Statement detailing how retained trees and hedgerows will be protected at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that trees and hedgerows are properly protected at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 14 **Other than where specifically required by a condition attached to this decision the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and reports referenced Design and Access Statement dated May 2016, Level 1**

Flood Risk Assessment and Surface Water Drainage Strategy Revision A dated June 2016, Foul Sewerage and Utilities Assessment dated May 2016, Framework Travel Plan dated May 2016, Geo-Environmental Investigation Report dated April 2016, Preliminary Ecological Assessment dated March 2016, Arboricultural Impact Assessment dated April 2016, Transport Assessment dated May 2016, Planning Statement dated May 2016, Planning Obligations Report dated May 2016, Environmental Noise Survey and Assessment (updated), Archaeological Desk Based Assessment dated May 2016, Landscape and Visual Impact Assessment dated May 2016, Agricultural Land Classification document, LST1-02-100, LST1-02-110, LST1-02-120, LST1-02-130, S3180/03 rev A, Tree Constraints Plan, LST1-02-170, LST1-02-230, LST1-02-150A, LST1-02-210A, LST1-02-220A, LST1-02-140B, LST1-02-200A, LST1-02-190A, LST1-02-180A, LST1-01-160A, LST1-02-317A, LST1-02-316A, LST1-02-313, LST1-02-312, LST1-02-310, LST1-02-311, LST1-02-309, LST1-02-308, LST1-02-307, LST1-02-306, LST1-02-305, LST1-02-304, LST1-02-303, LST1-02-302, LST1-02-300, LST1-02-301, LST1-02-314A, LST1-02-315A

Reason: To identify the approved plan/s and to avoid doubt.

#### **INFORMATIVE NOTES TO APPLICANT**

1. The applicant is advised that in order to comply with 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 completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
2. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to

account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/16/03469/FULL</b>
<b>LOCATION</b>	<b>Clifton Park, New Road, Clifton</b>
<b>PROPOSAL</b>	<b>Change of use of land to create new community hub with community shop, meeting space, amenity area, woodland walk and wildlife pond and to site 29 residential park homes including 15 for affordable rent.</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>24 August 2016</b>
<b>EXPIRY DATE</b>	<b>19 October 2016</b>
<b>APPLICANT</b>	<b>Charles Simpson Organisation Ltd.</b>
<b>AGENT</b>	<b>GVA</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - approve</b>

**Reason for recommendation:**

This development would bring forward accommodation, including affordable accommodation for older people, for which there is an identified need in Central Bedfordshire, within the 5 year period. In addition, the development would deliver community facilities for the existing and proposed population at the Clifton Park. Whilst the site does fall outside of the Settlement Envelope for Clifton, the harm caused by the development would not significantly and demonstrably outweigh the benefits. The development would be sustainable and planning permission should be approved.

**Site Location:**

The site has an area of approximately 3.29ha and it is located to the west of Clifton Park, which contains 74 park homes. Some of these are privately owned and some are rented. They are typically lived in by older people.

The site, and Clifton Park sit outside of the Clifton Settlement Envelope and are in the Open Countryside.

The centre of Clifton is around 700m to the north and there is a continuous footway between it and the site. There is a bus stop within Clifton Park that connects residents to nearby towns and villages.

**The Application:**

Planning permission is sought to change the use of the land to allow the siting up 29

park homes. 15 of these would be 'affordable'.

There would also be a community building (that could include a shop), a community lawn and a woodland walk. A comprehensive landscaping scheme has been submitted.

### **Relevant Policies:**

#### National Policy and guidance

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance (NPPG) (2014)

#### Local Policy and guidance

Central Bedfordshire Core Strategy and Development Management Policies - North (2009)

CS1	Development Strategy
CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS6	Delivery and Timing of Housing Provision
CS7	Affordable Housing
CS14	High Quality Development
CS16	Landscape and Woodland
CS17	Green Infrastructure
CS18	Biodiversity and Geological Conservation
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure
DM17	Accessible Green Spaces

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Central Bedfordshire Landscape Character Assessment

#### Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun.

A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### Relevant Planning History:

CB/16/02044/FULL Change of use of land to site 29 residential park home caravans, caravan to serve as community hub, amenity area, sustainable drainage pond and landscaping.

Withdrawn: 06<sup>th</sup> July 2016

### Consultation responses:

Neighbours were written to and press and a site notice was published. The responses are summarised below:

Clifton Parish Council Clifton Parish Council welcome the addition of 15 affordable rent caravans and other planned additions and improvements to this site.

Whilst we raise No Objections to this application we do have concerns that safety improvements are needed by the entrance to this site.

The provision for an additional 61 vehicles highlights the need to ensure safe exit and entrance from /to this secluded site. At present the exit is a short distance via an unrestricted road from the unrestricted A507.

It can be seen from photographs within the submission that the restriction down to 30 mph is positioned less than 10yards from this busy site entrance.

There have been a number of fatalities at the New Road / A507 junction and residents report numerous near misses.

We would request that Highways Safety Officers undertake a risk assessment and make appropriate recommendations prior to any approval of this application.

Neighbours A site notice was displayed.

21 responses have been received (some of which are in a standard format) commenting as follows:

- The community hub, community lawn and amenity area would be beneficial for existing residents
- The landscaping would improve the view
- There would be very little visual impact

- The development would reinvigorate the site and create a more diverse community
- The new park homes should be for senior citizens
- The entrance onto the new site might not be wide enough for two way traffic
- The withdrawn application was acceptable. The Council should not be insisting on affordable rented homes.
- There would be too many affordable units.
- The new facilities will need to be maintained.

**Consultee responses:**

Pollution Team

No comment

Trees and Landscape

The area in question has already had substantial clearance of trees and vegetation, retaining a number of them and boundary hedeglines.

Supplied with the application is a comprehensive tree survey identifying trees on site and their retention categories which I would agree seem fairly accurate.

There are a number of trees that will still be removed although to some extent additional new planting will mitigate this loss. Proposed species would seem in keeping however I would like to include an additional Walnut to replace the one proposed for removal.

Landscape details would appear to be acceptable.

Highways

No changes are proposed to the existing means of access to the highway.

The documentation submitted in support of the application suggests that there is an existing licence and/or an extant permission to allow up to 103 caravans to be located on the site. Therefore the proposed increase of a further 29 units on the site would make up the current shortfall and bring the community into line with its original and permitted size.

In reviewing the highway impact of the proposal, residential caravans are relatively low generators of traffic, giving rise to perhaps two or three movements per unit per day. Therefore the proposed increase from 74 to 103 units could potentially give rise to an increase of 60 to 90 movements per day which when spread over a 12 hour day equates to some 5 to 8 movements per hour. This is a very modest increase and unlikely to have any adverse impact on the local road network, once completed.

IDB	No comment
Private Sector Housing	The park homes should abide by licensing requirements
SUDS	No objection subject to condition requiring Surface Water Drainage Strategy
Ecology	No objection subject to condition requiring additional bird boxes
Landscape	I do not object on landscape grounds as the site is well enclosed by hedgerows, which will be augmented by the landscape proposals. The Upper level character area is at risk of coalescence, particularly in this area of Clifton, Shefford and Henlow. However, the single storey nature of the development, together with the existing screening and tree and hedgerow proposals should limit visual intrusion and not result in a sense of loss of open countryside.

### **Determining Issues:**

The considerations in the determination of this application are:

1. The weight that should be afforded to the development plan
2. The principle of the development and the benefits that it would bring
3. The appearance of the site, the area and the landscape impact
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Trees and hedgerows
7. Ecology and biodiversity
8. Drainage
9. Planning obligations
10. The planning balance and conclusions

### **Considerations:**

#### **1. The weight that should be afforded to the development plan**

S38(6) of the Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) (2012) set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para 11).

At the heart of the NPPF is a presumption in favour of sustainable development. Local planning authorities should positively seek opportunities to meet the development needs of their area. Local Plans should meet objectively assessed needs. For decision making this means that planning permission should be granted where the development plan is absent, silent or out-of-date (para 14). Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para 49). There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and

competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (para 47).

Recent appeal decisions have found that the Council does not have a five year housing land supply and insofar as a number of the Council's policies are concerned with the supply housing, they should be considered out of date. Policy DM4, where it prevents development outside of Settlement Envelopes, is one such policy.

The amount of weight that should be given to those out of date policies is influenced by the proximity of housing supply to housing need. At the time of writing, the Council is very near to being in a position to demonstrate an ability to meet its housing for the five year period (4.76 years, or around 95%) and so appropriate weight can be given to housing restraint policies.

Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.

## **2. The Principle of the development and the benefits that it would bring**

The site falls outside of the Clifton Settlement Envelope and Policy DM4 seeks to restrain development within the open countryside. The proposed development would conflict with that policy and appropriate weight can be given to this conflict on account of the current relationship between housing supply and need. This conflict weighs against the approval of the development.

The NPPF sets out that where a full five year housing supply cannot be demonstrated, development should be considered sustainable unless harm caused by it significantly and demonstrably outweighs the benefits.

Park homes do contribute towards housing supply. Here, 29 park homes would be provided. These would make a valuable, if not significant contribution towards meeting housing need. In itself, that weighs in favour of the development. The applicant has agreed to a planning obligation that would require all of the units to have been provided within five years of the date of any permission.

The fact that park homes like those proposed are particularly attractive to older people (the policy of Clifton Park is that residents are 55 or over) amplifies the weight that should be given to that benefit. There is an identified need for accommodation for older people in Central Bedfordshire that this development would help to meet.

In addition, 52% of the homes (15 units) would be 'affordable'. In this case, that would mean that they were offered for rent at a maximum of 80% of the market rental value for comparable park homes. The applicant is proposing that



residents are sourced from the Council's waiting list of older people looking for affordable rented accommodation in Central Bedfordshire.

The development of the site would also allow for the provision of various community facilities. These would include a community building, a woodland walk and a community lawn. These facilities would be used by existing and future residents and would enhance the overall quality of accommodation provided at the site. In addition, the provision of these facilities at the site would improve the sustainability of the site, lessening the reliance on the private car to access those facilities.

This development would bring with it significant benefits. Planning permission should only be refused where the dis-benefits significantly and demonstrably outweigh those benefits. Whether or not that would be the case is described below.

### **3. The appearance of the site and the area and the landscape impact**

#### Appearance of the site, the area and the landscape

Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The pre-amble to Policy CS16 states that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development.

The development would result in an intrusion in to the countryside to the west of Clifton Park. It would result in the urbanisation of the countryside and that would be harmful. The single-storey nature of the structures and existing and proposed landscaping would reduce long views in to the site and there would be no overriding harmful landscape impact.

The development would cause harm to the appearance of the site and that should weigh against the approval of the development.

### **4. The impact on neighbours and future living conditions**

Policy DM3 requires that new development to respect the amenity of neighbouring properties.

The layout of the site would ensure that there would be no harm caused to the living conditions of existing and future residents. The increased range of community facilities would enhance the overall enjoyment of the site for residents.

### **5. Access to the site and other highways implications**

Policies CS14 and DM3 require that developments incorporate appropriate

access and linkages, including provision for pedestrians, cyclists and public transport and that they provide adequate areas for parking and servicing. The Council's Design Guide provides further detailed technical standards that should be applied to new residential development.

The access and exit arrangement to the wider site from New Road would remain as existing. The increased number of park homes at the site would not have a significant impact on the levels of traffic in the area and the highways arrangements would be safe.

Parking would be provided for residents of the new park homes in line with the Council's standards.

The highways implications of the development would be acceptable.

## **6. Trees and hedgerows**

A comprehensive landscaping scheme has been provided which shows how existing trees at the site would be protected and that new planting would take place. This is important because of the rural character of the site and the surrounding area and a condition would ensure that it was implemented in full.

## **7. Ecology and biodiversity**

An acceptable scheme for the net gain for biodiversity would be secured by condition in line with policies CS18 and DM15 and the Council's Design Guide and the NPPF.

## **8. Flood risk and Drainage**

The site falls within Flood Zone 1 (low risk).

Policy DM3 requires that new development complies with current guidance on water. The Central Bedfordshire Sustainable Drainage Guidance SPD (2014) contains current guidance on how water should be managed within development sites.

Conditions would secure details of a sustainable drainage scheme for the site.

## **9. Planning obligations**

Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate and existing deficiency.

Policy CS7 states that on all qualifying sites, 35% or more units should be affordable.

The applicant is preparing a Unilateral Undertaking (the heads of terms of which have been agreed). It would secure:

The provision of 15 (52%) of the units for rented accommodation at no more

than 80% of the market rate for those units. It is proposed that they would be available for residents on the Council's waiting lists for this type of accommodation who are 55 years old or more.

A Build Rate Timetable securing the delivery of all of the units within a five year period from the date of a decision.

## **10. The planning balance and conclusions**

Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Council cannot currently demonstrate an ability to meet its housing need for the next five-year period. As such, Policy DM4, insofar as it prevents development outside of the Settlement Envelope, is out of date. That said, appropriate weight can be afforded to 'out of date' policies because the Council can demonstrate an ability meet a large proportion of its housing need.

There is a presumption in favour of sustainable development at paragraph 14 of the NPPF. Where an ability to meet identified housing need cannot be demonstrated, the development would be sustainable if the dis-benefits of the development would not significantly and demonstrably outweigh the benefits.

This development would result in planning harm in so far as it would cause harm to the appearance of the site and the area through the urbanisation of the open countryside, outside of the Settlement Envelope.

This harm, would not, though, significantly and demonstrably outweigh the range of benefits that would result from the development and which are set out in this report.

### **Recommendation:**

That Planning Permission is approved subject to the successful completion of a legal agreement and the following conditions:

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The Community Shop and Meeting Space structures and landscaping scheme shown on plan number 779.2/07E shall be completed prior to the occupation of the last park home at the site and shall be retained permanently thereafter unless otherwise agreed beforehand in writing by the Local Planning Authority.

To ensure that the community facilities and landscaping at the site are provided and retained in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the objectives of the National Planning Policy Framework (2012).

- 3 **No development shall take place (including any ground works or site clearance) until a method statement for the creation of new wildlife features, erection of bird boxes, ponds and semi-natural habitats has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:**
- a) purpose and objectives for the proposed works;**
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;**
  - c) extent and location of proposed works shown on appropriate scale maps and plans;**
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
  - e) persons responsible for implementing the works;**
  - f) initial after care and long-term maintenance (where relevant);**

**The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.**

**Reason:** To ensure that the development results in biodiversity enhancements at the site in accordance with Policy DM18 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the NPPF.

- 4 **No development shall take place until a detailed surface water drainage scheme for the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason:** To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance in accordance with the Central Bedfordshire Sustainable Drainage SPD (2014).

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Un-numbered site location plan, 779.2/07E, Planning, Design and Access Statement, Landscape and Visual Statement, Tree Survey Report and Arboricultural Impact Assessment and Flood Risk Assessment and Surface Water Drainage Strategy

**Reason:** To identify the approved plan/s and to avoid doubt.

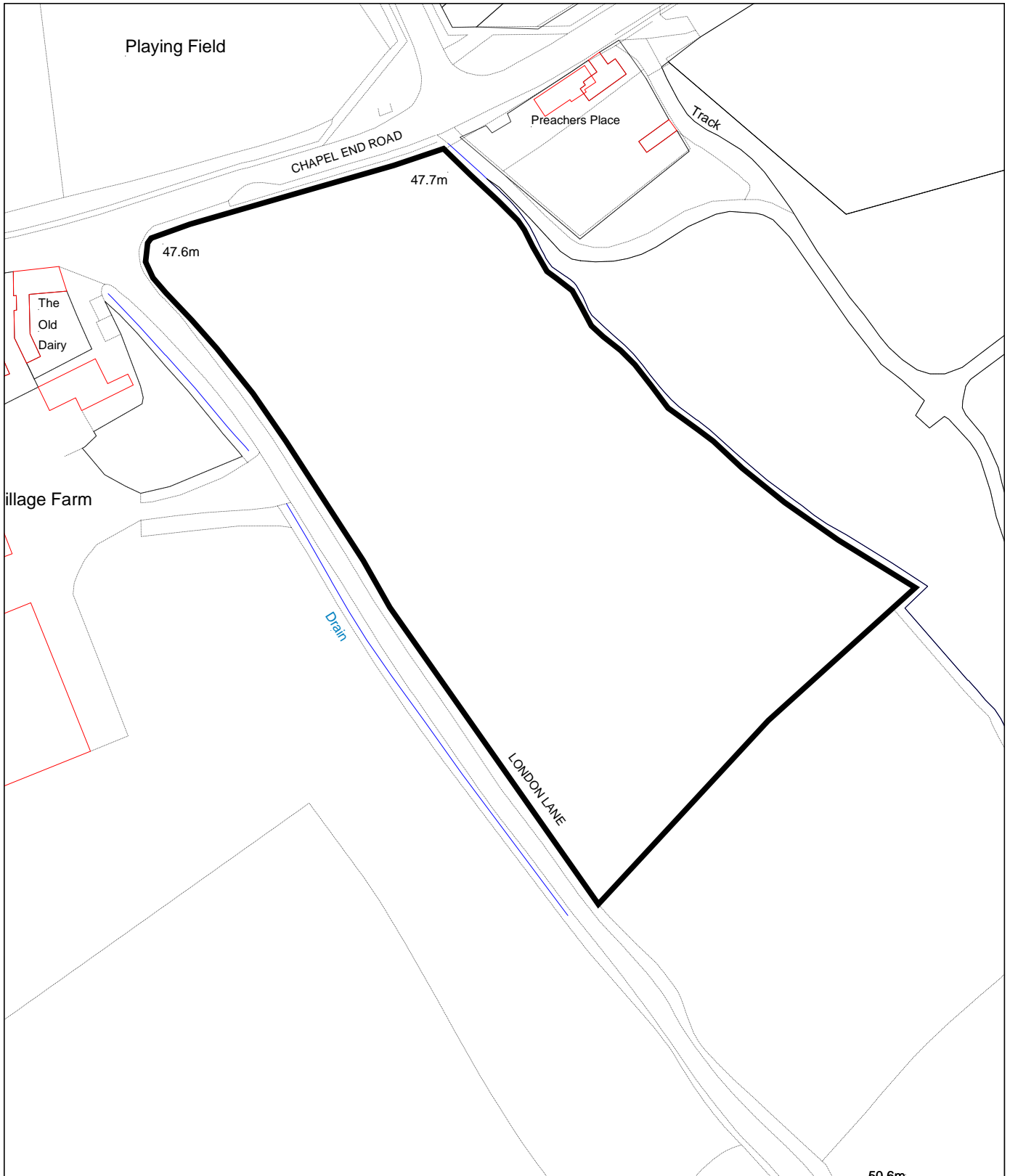
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<p style="text-align: center;">Application No: CB/16/02971/OUT</p>
	Date: 25:October:2016  Map Sheet No	
Scale: 1:1250	Land at Chapel End Road and London Lane, Houghton Conquest	

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**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/16/02971/OUT</b>
<b>LOCATION</b>	<b>Land at Chapel End Road and London Lane, Houghton Conquest</b>
<b>PROPOSAL</b>	<b>Outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved; for the creation of 16 self- build homes and all associated works including surface water attenuation, car parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Conquest</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Andrew Horner</b>
<b>DATE REGISTERED</b>	<b>07 July 2016</b>
<b>EXPIRY DATE</b>	<b>30 November 2016</b>
<b>APPLICANT</b>	<b>Self-Build-Developments Ltd</b>
<b>AGENT</b>	<b>DLP Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development recommended for approval with Parish Council objection and departure from the Development Plan. Call in from Cllr Mrs Barker: The site is outside the settlement envelope The site is in open countryside Concern over new access and parking Self build scheme so only details for outline and reserved matters, also no contributions on Section 106 to local school</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approval</b>

**Summary of Recommendation**

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Houghton Conquest which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area and would result in the loss of agricultural land however this impact is not considered to be harmful. The proposal is also considered to be acceptable in terms of highway safety and residential amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing through a commuted sum. The proposal would deliver 16 serviced plots towards meeting the need identified in the Council's Self Build Register. The scheme would also contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to

outweigh the harm arising from the development and the proposal is, therefore, considered to be acceptable.

**Site Location:**

The application site lies to the south east of the main built up area of Houghton Conquest to the east of the junction between Chapel End Road and London Lane. The site forms a field used for arable cultivation. To the east of the site lies Conquest Wood (part of the Marston Vale Forest) with its footpath network. A small gypsy and traveller site adjoins the north east corner of the site.

To the west is agricultural land and Village Farm with further agricultural land to the south. A recreation ground/local park lies to the immediate north of the site.

There is an existing agricultural access to the site from London Lane which creates an opening in the mature hedge that marks the site's boundaries. The site is generally level and rises gently from north to south.

**The Application:**

The application is made in outline form with all matters except access from London Lane reserved for subsequent approval. The application is supported by a comprehensive suite of documents including: Design and access Statement, Planning Statement, Transport Assessment, Landscape and visual assessment and Ecological Appraisal. An indicative layout drawing is also submitted in support of the application.

The application proposes the erection of 16 dwellings together with associated, garden and parking facilities. Access to the site would be from a new access off London Lane with the existing agricultural access being closed. The proposed drainage strategy would follow a Sustainable Drainage System (SuDS) approach with the indicative plans indicating provision of an attenuation facility in the north east corner.

The proposed dwellings would be in the form of self build and/or custom build dwellings rather than general open market dwellings delivered by a single builder. Self Build and Custom Build dwellings are properties that are built by, or for, an individual to meet their particular needs and aspirations rather than rely on the standardised product of house builders or occupying existing dwellings. Such dwellings are occupied by those that have been responsible for their construction rather than sold on the open market (or let out) upon completion.

Self Build and Custom Build Housing is subject to specific legislation in the Self-build and Custom Housebuilding Act 2015 and associated regulations.. The Act requires Council's to maintain a register of persons wishing to carry out a self build development. Council's are also required to maintain a five year supply of self/custom build plots (this is distinct from the general five year supply of all types of dwelling).

The development strategy put forward by the applicant is the provision of serviced plots that would be offered to individuals who would build (or commission the building) of bespoke dwellings on each plot. The services would include access, electricity water and drainage. Individual plot developers would be responsible for

the submission of reserved matters applications for each plot.

Self Build and Custom Build Housing is intended to support those looking to build a property in a specific location for reasons such as family connections or the location of their place of work. The building of such houses is normally funded by the prospective occupier who would then live in the property. The area of search is effectively set by the individual and may be limited to a single town or Parish but may extend to a wider geographic area dependent on the aspirations and circumstances of the individual.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Delivering sustainable Development

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

#### **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking Communities - Accessibility and Transport

CS5 Providing Homes

CS6 Delivery and Timing of Housing Provision

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape and Woodland

CS17 Green Infrastructure

CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes

DM10 Housing Mix

DM14 Landscape and Woodland

DM15 Biodiversity

DM16 Green Infrastructure

DM17 Accessible Green Spaces

South Bedfordshire Local Plan Review Policies

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the

NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)

**Relevant Planning History:**

Application Number	CB/15/01362/OUT
Address	Land off Chapel End Road, Houghton Conquest
Description	Outline application: of up to 125 dwellings with associated landscaping, public open space and infrastructure with all matters reserved except for access.
Decision	Outline Application - Granted
Decision Date	02/06/2016

Application Number	CB/15/03706/OUT
Address	Land off Bedford Road and rear of Duck End Close, Houghton Conquest
Description	Outline: The erection of up to 52 dwellings with all matters reserved except for access
Decision	Resolution to grant outline planning permission subject to completion of a section 106 agreement made at Development Management Committee meeting on 30/03/2016
Decision Date	n/a

**Consultees:**

Houghton Conquest Parish Council The Parish Council OBJECTS to this application for the following reasons:

- The land is outside of the village settlement envelope.
- The site is an inappropriate location for development.
- The highway access is inadequate & the impact of increased traffic at this location is a concern.
- The problems with the fragility water main in village are well documented. This increase in demand on an already

frail system is of great concern. We would urge the Planning Authority to seek definitive assurance from Anglian Water, that this development on top of the 125 homes on Chapel End Rd, & the 52 homes in Duck End Close, will be able to cope.

There is no local evidence to suggest Houghton Conquest needs further housing. It should be noted that the recent successful application for 125 homes on Chapel End Rd, & the 52 homes in Duck End Close are both very close by.

The local amenity infrastructure is not adequate to accommodate even more housing on top of what has recently been approved. The school is full & doctor's surgery is already at capacity. Public Transport links are also inadequate.

Trees and Landscape

Retention of existing hedgelines will be looked for along with detailed and comprehensive landscape plans.

Landscape

No objections to the development of self build homes on this land. The site is bounded by particularly good hedgerows which will aid integration and development will be screened by the new woodland to the east.

Bedfordshire and River Ivel Internal Drainage Board

The Board has no comments to make regarding the above planning application

Highways

The existing is agricultural land at the village edge with Chapel End Road at the north (20mph road with speed reduction build outs), and London Lane to the west; a 30mph single width road.

The existing speed reduction build out on Chapel End Road reduces the carriageway to single width and adding a pedestrian crossing at this location will cause confusion between drivers and pedestrians over who has priority and could lead to issues of safety. This alteration should be supported with a safety audit.

It would be better to have a footway along the frontage of the site along Chapel End Road and allow pedestrians to cross where they want. The majority of the village is west of the site and that is where the pedestrian will be walking from, it is unlikely they will use the link proposed in the north east corner.

The applicant has also not provided any tracking diagrams to indicate that the refuse vehicle can enter/exit the site.

Conditions and informatives are recommended to address

the concerns highlighted as part of the reserved matters submission.

Ecology	No objection to a self-build development. Site is currently arable agricultural land with hedgerows which are to be retained. The NPPF calls for development to deliver a net gain for biodiversity and with the introduction of additional planting attenuation feature this could be achieved.
SuDS Management Team	Consider that planning permission could be granted for the proposed development subject to the final surface water drainage design being submitted and approved by the planning authority before any development commences on site. The imposition of conditions to address matters of detail is recommended.
Self Build Officer	<p>Central Bedfordshire’s Self Build Register has currently 43 people registered. At the moment there is no interest in a plot located in Houghton Conquest, but 6 people are looking for a plot anywhere in Central Bedfordshire and 30 people would consider location outside their preference. This development could therefore help to meet the demand for serviced plots in Central Bedfordshire.</p> <p>The Register shows that majority of people are looking for a plot to accommodate a detached 3-5 bedroom dwelling with parking for 2-3 cars and above; two people are looking to build a semi-detached property; and 4 people a bungalow. The Council expectation is that these plots will be offered to people on the CBC Register first, before being marketed to a wider open market.</p> <p>Should the planning permission be granted for this development a time limitation for completion should be secured to ensure quick delivery of projects and prevent land banking of the plots.</p>
Meeting the Accommodation Needs of Older People Team	<p>Advise that the Ward has an increasing number of residents aged 65 and over and if people live in properties that do not meet their needs it can have an adverse impact on health and well-being. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.</p> <p>It would be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people.</p>
Campaign to Protect Rural England	<p>Objection:</p> <p>The proposed self build site in Houghton Conquest is set outside of the Village Envelope and on productive agricultural land, currently in cultivation. The site sits in open countryside and development here would not be a natural</p>

extension to the village and would have significant impacts on the rural setting of Houghton Conquest. The site is also adjacent to Conquest Wood – community woodland, which is being planted as part of the Forest of Marston Vale.

Houghton Conquest has been subject to other hostile applications, resulting in a substantial development of 125 houses being agreed outside of the Local Plan process. CBC are progressing the development of a new Local Plan. There has been a call for sites, bringing forward over 800 sites for consideration, the site assessment criteria has been subject to consultation and the agreed criteria will ultimately be used to assess the sites put forward.

CPRE understand that CBC have made considerable progress in ‘closing the gap’ in the 5 year land supply for Central Beds and approving this site would not contribute to this process in any meaningful way.

There are significant road safety issues regarding the position of this site in Chapel End Road, which require that access has to be made from London Lane. This road is narrow and winding and there is no footpath. The access point indicated would be too close to the Dairy Farm access opposite.

A number of appeal decisions have shown support for the refusal of residential development outside settlement envelopes despite the Council not being able to demonstrate a five year supply of deliverable housing land

The proposal is contrary to Core Strategy & Development Management Policies: DM3, DM4, CS8, DM14, CS16, DM16, TP1A and DPS19.

This site lies on the very edge of this rural village from which most residents commute by car to work, larger shopping centres, GP and schools and it is highly likely that this pattern would be replicated by the residents of any development in Houghton Conquest.

CPRE believes this application should be refused as the detriments to the local area clearly outweigh any perceived benefits and it conflicts with the sustainability objectives of National Planning Policy.

Anglian Water

A drainage strategy will need to be prepared.

We request a condition requiring a drainage strategy to be submitted.

The sewerage system at present has available capacity for these flows.

Planning conditions are recommended.

Housing  
Development Officer

This application of 16 self build units provides for the provision of zero affordable homes on site contrary to Council policy requirements of 35% with a commuted sum to be paid in lieu of the onsite provision.

The Council's preference is to see the onsite provision of the units unless there is a lack of interest from Registered Providers (RP's) in taking on the affordable element of the scheme. The agent approached RP's from the contact details provided by Strategic Housing. The response received indicated there would be no interest in taking the affordable element from a self build scheme. Evidence of this has been submitted to the Council.

In terms of calculation for any commuted sum, the Council policy is for 50% of the open market value for each unit in question. The affordable requirement from this scheme would equate to six units on which we would expect a commuted sum in lieu of the onsite provision. The commuted sum would be put towards future affordable housing in any location within the administrative area of Central Bedfordshire.

### **Other Representations:**

Seven nearby neighbours were notified of the application by letter, site notices were posted and a press advert published but no third party comments have been submitted in response to this publicity.

### **Determining Issues:**

The main considerations of the application are;

1. Compliance with National and Local policy
2. Infrastructure and affordable housing
3. Other Section 106 issues
4. Highways matters
5. Matters of detail
6. Agricultural Land
7. Other Considerations

### **Considerations**

#### **1. Compliance with National and Local policy**

##### **1.1 NPPF/Core Strategy**

The site lies outside the settlement envelope of Houghton Conquest and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit



new housing development on unallocated sites to within settlement envelopes (Policy DM4). Houghton Conquest is designated as a large village where Policy DM4 limits new housing development to small scale developments. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether other material considerations outweigh the non-compliance with Policy.

- 1.2 However, recent case law and legal advice makes it clear that the Policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.
- 1.3 **Self-build and Custom Housebuilding Act**  
The Self-build and Custom Housebuilding Act 2015 places a number of duties on Local Planning Authorities which include to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. Council's are required to publicise their registers and have regard to their register when carrying out their functions such as planning, housing, disposal of land and regeneration. The register is a material consideration in planning decisions.
- 1.4 The Self-build and Custom Housebuilding (Register) Regulations 2016 set legislative requirements for local Registers, such as specified eligibility criteria for individuals and group to be entered on to the register. CBC's Register was launched on 26th April 2016 and so far has 42 people registered.
- 1.5 To meet demand for serviced plots The Housing and Planning Act 2016 made changes to the Self-Build and Custom Housebuilding Act and introduced a legal duty for Council's to meet the demand from the Register. This is to be met through granting suitable development permissions in respect of enough serviced plots of land to meet the demand in the authority's area arising from each base period.
- 1.6 The first base period is from the date the Register is established to the day before the day on which section 10 of the Act comes into force (11th May 2016). Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period; second base period therefore is 12th May 2016 to 11th May 2017.
- 1.7 A serviced plot is defined by the Act as a plot of land that has access to a public highway and has connections for electricity, water and waste water; or can be provided with those things in specified circumstances or within a specified period.
- 1.8 At the present time there are no serviced plots available within Central Bedfordshire. The Houghton Regis North development includes provision for a significant number of serviced plots to be delivered; however, this provision is unlikely to be delivered for some years and cannot meet the demand arising from those currently on the register.

- 1.9 The current application would deliver 16 plots that could meet around 40% the demand identified through the CBC register. If this application was to be granted then the plots could become available in a relatively short time and help the Council to meet its duties under the amended Self-Build and Custom Housebuilding Act to meet demand.
- 1.10 The site is adjacent to the Houghton Conquest Settlement Envelope. The areas north and east of the site form the edge of the existing residential development. The proposal will amount to an encroachment of built form into the open countryside but its relationship with the existing settlement is close and it is not regarded as an isolated site.
- 1.11 **Relevant Applications/Decisions**  
It is noted that there is a Committee resolution to approve 52 dwellings off Bedford Road/Duck End and planning permission for 125 dwellings at a large edge of settlement site off Chapel End Road elsewhere in the village. In assessing both of these applications it was concluded that the development comprised sustainable development in accord with the NPPF and was acceptable due to the lack of a current 5 year housing land supply. These decisions are considered to be material to the determination of this application; particularly in respect of Houghton Conquest being considered as a sustainable location. Both decisions were, however, subject to completion of section 106 agreements to deliver additional infrastructure to meet the needs of the developments.
- 1.12 Whilst the proposal is not considered to accord with Development Plan policies it is considered that the other considerations outlined above in respect of 5 year housing land supply and delivery of serviced plots are considered to outweigh this. The principal of development is considered, on balance, to be acceptable.

## 2. Infrastructure and affordable housing

### 2.1 Infrastructure

The proposed development would involve the erection of more than 10 dwellings and as such contributions would normally be sought towards additional infrastructure. The regulations relating to Self and Custom Build development provide an exemption from payments made under the Community Infrastructure Levy (CIL) towards infrastructure. Whilst CBC does not have a CIL it is considered that the exemption set out in the regulations is intended to apply to all forms of contribution to off site infrastructure as the reason for the exemption is to avoid placing an additional financial burden on the individuals building the plots. It is, therefore, considered that it is not appropriate to seek infrastructure contributions for the proposed development.

- 2.2 The Town Council have raised concerns over the impact of this development on local services. In the absence of the opportunity to request contributions it is considered that the small number of additional units proposed will not have a significant impact on local services (such as schools and healthcare) to outweigh the other issues outlined in this report.

### 2.4 Affordable Housing

The regulations do not make any exception for affordable housing (which is not subject to CIL) and affordable housing should, therefore, be sought as part of the development. The evidence from the applicant demonstrates that Registered Providers would not be willing/able to deliver affordable housing on site. Following discussions with officers the applicants have confirmed that they are willing to make a commuted sum contribution to provision of affordable housing off site. This approach is acceptable and a commuted sum equating to six units (the policy compliant level of provision for this site) is appropriate. The commuted sum, to be secured by a Section 106 Agreement, would be put towards future affordable housing in any location within the administrative area of Central Bedfordshire.

### **3. Other Section 106 issues**

- 3.1 The proposed development is acceptable as an exception to the general policy framework to meet a specific need. It is considered that the development should be delivered within a reasonable time period; 5 years is considered appropriate given that the development will contribute towards the global five year housing land supply and delivery of serviced plots.
- 3.2 It is further considered that the agreement will need to be controlled to ensure that the plots are delivered as serviced plots to individuals and occupied by the self builder for a reasonable time period. Priority should be given to those on the Council's register living in (or connected to) the area with a cascade mechanism should there not be sufficient demand. These matters should also be addressed in the proposed section 106 agreement.

### **4. Highways matters**

- 4.1 The proposed vehicular access would be from London Lane and this is considered to be acceptable in principle. The proposed junction could be detailed with appropriate geometry and provided with adequate visibility sight lines. The detailed design of the internal road network is a matter for a future reserved matters application.
- 4.2 The highway officer has raised concern over the proposed pedestrian routes/facilities. The principal of connecting to the local pedestrian network is acceptable and can be delivered; however, the submitted details do not reflect likely pedestrian desire lines and the highway officer has recommended that these be reconsidered. The applicant is reviewing the proposals and any revisions will be subject to an update to committee.
- 4.3 The documentation supplied in support of the application indicates that there is adequate capacity in the local road network to accommodate traffic from the proposed development. The highway officer has not raised any concerns over the capacity of the local highway network.

Overall the proposed development is considered to be acceptable in highway terms.

### **5. Matters of detail**

- 5.1 Detailed design matters are reserved and therefore a full assessment of the merits of the application and impact on neighbours cannot be made. The

relationship of the site to the existing settlement is such that the new dwellings will be set away from existing dwellings. The indicative layout also indicates a substantial separation from the mobile homes to the north east.

- 5.2 Overall the indicative layout shows that it would be possible in principle to develop the site for the quantum of units shown without detrimentally harming the amenity of neighbouring residents and delivering good levels of amenity for prospective residents. It is also considered that there is sufficient space to provide parking, access and garden space to serve each of the plots along with a SuDS drainage scheme.
- 5.3 The overall development offers significant scope to deliver substantial landscaping and enhance bio-diversity. The retention of the majority of the existing boundary hedging is also considered to be a positive element of the scheme. The reserved matters applications would address these issues.
- 5.4 The proposed development would involve sixteen bespoke dwelling designs and could lead to a discordant development. To address the applicants have set out a number of design parameters in the submitted details including a limit to two storey development and no more than 50% of the plots being hard surfaced. This approach is welcomed, however, it is considered that a condition be imposed requiring a set of design parameters to be agreed and applied prior to submission of any reserved matters application. The parameters would provide a framework for development setting limits on matters such as scale and height but still allowing for high quality and innovative design compatible with the edge of village location.

## **6. Agricultural Land**

- 6.1 Development of the site results in a loss of productive agricultural land extending to approximately 0.75ha. This is an acknowledged planning consideration and the NPPF advises that development should be directed to the areas of poorer land. In this instance the amount of land to be lost is small and there is a need for housing land, particularly serviced plots, and it is considered that the benefit of housing development should be given significant weight. It is considered that the benefit of the housing outweighs the impact of the loss of agricultural land in this case.

## **7. Other Considerations**

### **7.1 Human Rights issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights Act and as such there would be no relevant implications with this proposal.

### **7.2 Equality Act 2010:**

Based on the information submitted there are no known issues raised in the context of Equalities Act and as such there would be no relevant implications with this proposal.

**Recommendation:**

That the outline planning application be APPROVED subject to completion of amended publicity, the prior completion of a Section 106 Agreement and the following:

**RECOMMENDED CONDITIONS**

**RECOMMENDED CONDITIONS / REASONS**

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas and materials storage areas has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

**Reason: This condition relates to the construction period of the development and is necessary in the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and**

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and in accordance with the principles of the NPPF.

- 6 The landscaping details required to be submitted by condition 2 of this permission shall include details of hard and soft landscaping (including details of boundary treatments and any public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.

The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread); measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.

- 7 Unless an alternative routing is agreed at reserved matters approval the development shall not be brought into use until a 2.0m wide footway has been constructed from the junction of the proposed access along the east side of London Lane to Chapel End Road, to join with a 2.0m wide footway along the south side of Chapel End Road along the length of the frontage of the site to join the existing footway, in accordance with details to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway

Reason

In the interest of road safety and pedestrian movement in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 8 Before the new access is brought into use the existing access to the north of the site fronting London Lane and not incorporated in the access hereby approved shall be closed.  
(see notes to applicant)

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 9 The details required by Condition 2 of this permission shall include full engineering details of the access arrangements shown for indicative purposes on drawing no. 5074-PL02, including tracking diagrams for an 11.5m length refuse vehicle entering/exiting the site, shall be submitted to and approved in writing by the local planning authority. The internal layout of the site approved under any subsequent reserved matters application shall not be brought into use until such a time as the agreed works, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, have been implemented.

Reason

To provide adequate access visibility between the existing highway and the proposed access, to make the access safe and convenient for the traffic which is likely to use it in the interest of highway safety. In accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 10 Prior to approval of the details required by Condition 2 of this permission, a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy Report (July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Run off shall be restricted to greenfield run off rate and fully attenuated for the (1 in 100 + 35% allowance for climate change).
- Detailed infiltration testing shall be undertaken in accordance with BRE365 to determine if infiltration systems can be used on any part of the site, including permeable paving on private driveways.
- Each plot's drainage requirements shall be in line with the requirements set out in the approved flood risk assessment, drainage strategy report and the design and access statement. The proposals shall not include impermeable areas of over 50% of a plot's total area,

unless it is demonstrated that the increase in surface water can be managed appropriately on plot without increasing the agreed run off rate or volume. The need for culverting of surface water features including swales shall be avoided, where this is proposed the length involved should be restricted to a minimum, the hydraulic and environmental design assessed, and appropriate mitigating enhancements to the surrounding environment provided. Maintenance requirements shall also be considered.

- Management of exceedance in the event of system failure shall be demonstrated with the detailed design and finished floor levels shall be set a minimum of 150 mm above ground level, for plots shown to be at risk from any source of flooding floor levels should be set or 300 mm above the estimated flood level.
- Details of land drainage consent shall be provided with the full detailed design, and an easement provided on the developable side of any existing watercourse to allow access for maintenance.
- Details of the arrangements for future management and maintenance of the design for the entire surface water drainage system.

The development shall be carried out in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance details.

Reason : To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 11 **No development shall commence until a waste water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the approved works have been carried out in accordance with the approved waste water strategy.**

**Reason: The approved details may affect the resulting layout of the development and to prevent environmental and amenity problems in accordance with the principles of the NPPF.**

- 12 Prior to the submission of any reserved matters application a Development Parameters Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the guiding principals to be applied in the design of any dwelling, associated structures, hard surfaces and landscaping to be constructed pursuant to this planning permission. The scheme shall include, but not be limited to: maximum building height, built form, materials, plot coverage, set back from plot boundaries, boundary treatment, access and parking facilities and, protection of existing trees and hedges. The design of each dwelling the



subject of this permission shall be developed in accordance with the approved Development Parameters Scheme.

Reason: In the interest of visual amenity and to ensure a consistent design approach to the dwellings hereby permitted in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 5074-PL02, TS16-212W\1 and TS16-212W\1.

Reason: To identify the approved plan/s and to avoid doubt.

### **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that in order to comply with the highway related conditions 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 completion of the access and associated road improvements. Further details can be obtained from the Highways Development Management, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. 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 Highways Help Desk tel: 0300 300 8049
5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements,

including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .

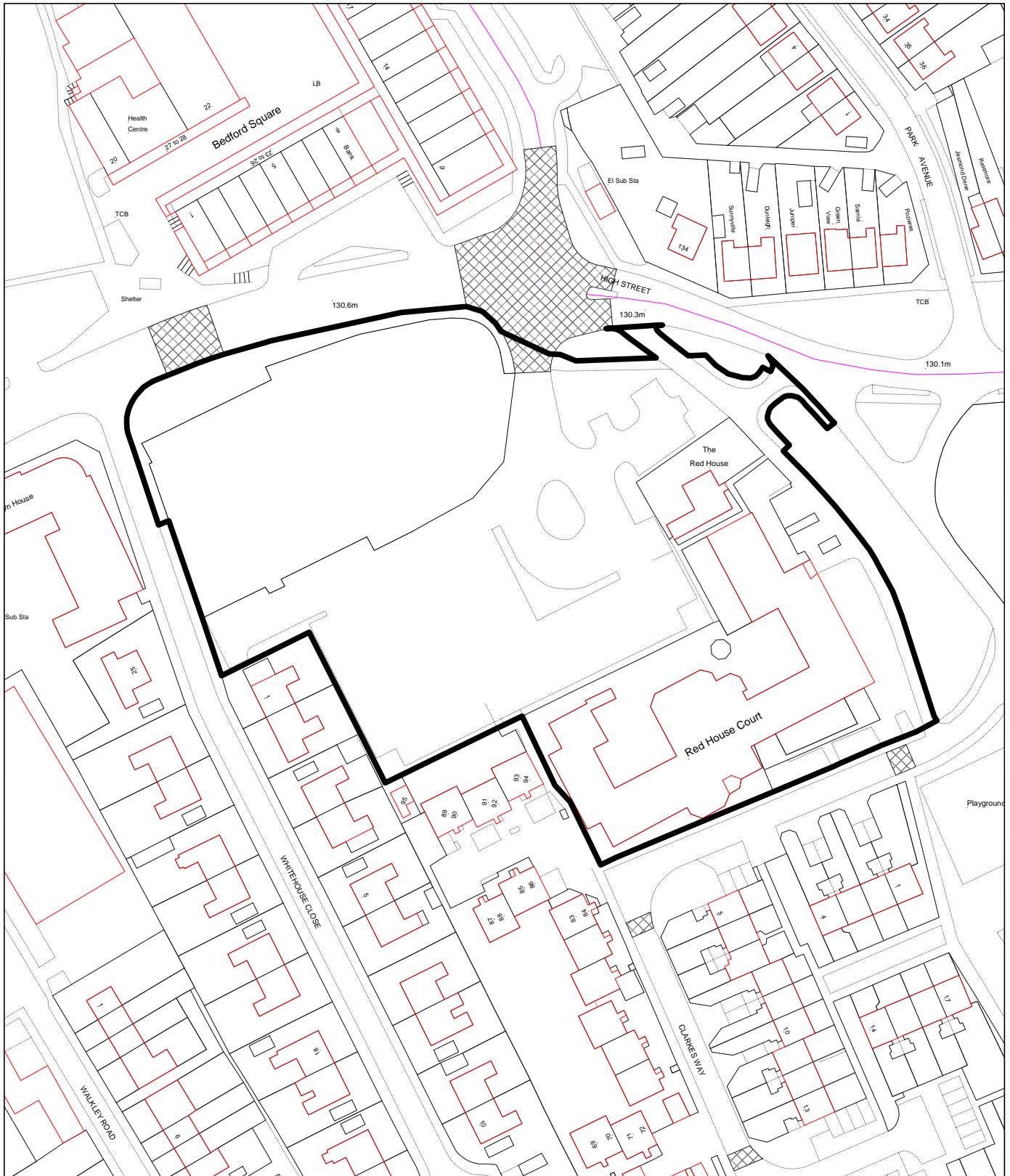
- 6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council’s publication “Design in Central Bedfordshire A Guide to Development” and the Department for Transport’s “Manual for Streets”, or any amendment thereto.
  
- 7. The applicant is advised that no private surface water drainage system designed as part of the new development will be allowed to enter any existing highway surface water drainage system.
  
- 8. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council’s “Cycle Parking Annexes – July 2010”.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through engagement with the applicant during the application process which led to revisions and additional information in relation to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. <b>CB/16/03378/FULL</b>
	Date: 24:October:2016  Grid Ref: 501987; 223874	
Scale: 1:1250	Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT	

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**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/16/03378/FULL</b>
<b>LOCATION</b>	<b>Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT</b>
<b>PROPOSAL</b>	<b>Phased Construction of a new Independent Living Scheme for Older Persons comprising 168 apartments with support facilities, a Restaurant &amp; Bar, Retail Units, Cafe, 2no Reablement Suites, the conversion and Change of Use of a Grade 2 listed building and the demolition of an existing Sheltered Housing scheme with associated parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>12 August 2016</b>
<b>EXPIRY DATE</b>	<b>11 November 2016</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Kyle Smart Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Central Bedfordshire Council is the applicant</b>
<b>RECOMMENDED DECISION</b>	<b>Full application - Recommended for Approval</b>

**Reason for recommendation:**

There is an identified need for additional housing in the district of Central Bedfordshire and a specific need for independent living accommodation for older people. The proposed development would be a prominent building designed to create a landmark structure in the centre of Houghton Regis. For reasons discussed in the report it is considered that, although there would be adverse impacts arising from the development, including car parking facing on to The Green and the loss of trees, these would be mitigated, and the benefits of the scheme, including the need for the specified type of housing, the creation of a landmark building on a largely vacant town centre site, an improved retail offer, and a development that enhances the town centre, would significantly and demonstrably outweigh the adverse impacts.

**Site Location:**

The 1.46 hectare application site is in Houghton Regis town centre, and the eastern section is in the Houghton Regis Conservation Area. It was developed previously with houses and small commercial buildings including a smithy in the north and east of the site prior to 1880 until the 1960s/1970s when the majority of these buildings were demolished, with the exception of The Red House, a Grade II Listed Building.

Sheltered accommodation (Red House Court) was built in the south east corner of the site in the late 1970s and extended to the south west in the late 1990s.

A Co-op supermarket and Community Centre was built in the north of the site, with associated car parking in the south west in the early 1980s but was demolished in 2005 following a large scale fire. Since then, a smaller store operated until early summer 2014, and a social club used temporary portacabins on part of the site.

The site returned back into the full ownership of Central Bedfordshire Council in 2015 and the vacant areas of the site are currently enclosed by timber hoarding.

The Red House, which was formerly part of the Council's housing stock, is presently vacant. Red House Court is still occupied and contains 33 sheltered housing flats.

Vehicular access into the site is from the High Street via a four-arm roundabout which also links into The Green and Tithe Farm Road. The site is relatively flat, although there is a slight slope of around 1.5m from the north west to the south east. The site contains 37 individual trees and five groups of trees, most of which are located near to the site boundaries and in the north eastern part of the site.

The area around the site contains a variety of land uses. Immediately to the north is Bedford Square shopping centre, comprising shop units on the ground floor with flats above. To the north west is All Saints Church which is Grade I listed, originating from the 14th century. To the north east are detached and semi detached residential properties on the High Street.

To the west, positioned at the junction of the High Street and Whitehouse Close, is Rosalyn House, a 46 bedroom care home. Whitehouse Close and Clarkes Way, to the south, contain residential properties, varying in type. To the south east there is a public open space containing a children's playground. There is a large green open space known as The Green to the east of the site. Running along the western edge of The Green is Redhouse Court Road. Located at the end of this road is Houghton Hall, a late 17th century building which is Grade II\* listed.

There is an existing unofficial pedestrian route through the site which enters via Clarkes Way to the south and provides a connection to the High Street to the north.

### **The Application:**

Full planning permission is sought for a new Independent Living Scheme for Older Persons comprising 168 apartments. Independent Living Schemes are sometimes referred to as Extra Care and are intended for people who are aged 55 or over who may or may not require care. The 168 units would comprise 84 affordable rent apartments (79 x one-bedroom and 5 x two-bedroom), 57 shared ownership apartments (30 x one-bedroom and 27 x two-bedroom), and 27 apartments for outright sale (1 x one-bedroom and 26 x two-bedroom).

Also proposed are six retail units, and communal facilities including a cafe, restaurant, lounge, multi-purpose rooms, hobby rooms, assisted bathing facilities, treatment rooms, and two re-ablement suites.

The Grade II Listed Red House would be converted and its use changed to a multi-purpose facility at ground floor, offices at first floor and storage at second floor.

The proposal would be designed as a single building shaped as a figure of eight and would range from single storey to five storey. The highest part of the development, fronting the High Street, would be 16.45m high. External landscaped areas would be provided.

The scheme would include 106 car parking spaces. Vehicular access would be provided from the High Street and from Clarkes Way. A public footpath between Clarkes Way and the High Street would be retained.

The existing Sheltered Housing building, Red House Court, would be demolished to facilitate the new development.

### **Relevant Policies:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Achieving sustainable development

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

#### **South Bedfordshire Local Plan Review Policies**

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy H3: Meeting Local Housing Needs

Policy TCS1: Sustaining and Enhancing the District's Town Centres

Policy TCS3: Houghton Regis Town Centre

Policy TCS5: Houghton Regis Town Centre Enhancement

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policies BE8 and H3 are broadly consistent with the Framework and carry significant weight. Policies T10, TCS1, TCS3 and TCS5 carry less weight but are considered relevant to the proposal.

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the

NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide, March 2014  
Affordable Housing: Guidance Note for Central Bedfordshire (South Area), 5 April 2016  
Houghton Regis Town Centre Masterplan Supplementary Planning Document (SPD), 2008  
Central Bedfordshire Sustainable Drainage Guidance, April 2014

### **Relevant Planning History:**

Application Number	CB/16/01922/SCN
Description	EIA Screening Opinion: Construction of new Independent Living Scheme for Older persons comprising 167 apartments with support facilities, a restaurant & Bar, 6 no retail units, a cafe, 2 no re-ablement suites, the conversion and change of use of a grade 2 listed building and the demolition of an existing sheltered housing scheme
Decision	Environmental Impact Assessment not required
Decision Date	8 July 2016

Application Number	SB/08/00214/FULL
Description	Siting of a temporary building for use as a library
Decision	Conditional planning permission
Decision Date	14 July 2008

Application Number	SB/06/01165/FULL
Description	Temporary siting of single storey building for use as social club (pending replacement of building demolished following fire)
Decision	Conditional planning permission
Decision Date	23 November 2006

Application Number	SB/03/00007/LB
Description	Stripping and Replacement of Roof Tiles (The Red House)
Decision	Conditional Listed Building Consent
Decision Date	28 May 2003

### **Consultees:**

Houghton Regis Town Council	Comments: No objections in principle. However, the following concerns were expressed.
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1. The effect the height of the building would have on the general outlook of the area, but in particular on some of the residents of Whitehouse Close.
2. As the residents of the building will be elderly,



improvements would need to be made to facilitate an easier crossing of the High Street, i.e. controlled crossing.

3. Concerned that there does not appear to be a report from English Heritage within the documents.

4. The Town Council would like to see proof that CBC does indeed own the access road adjacent to Red House Court and The Red House.

Highways  
(Development  
Management)

The proposal is for 167 independent living apartments and 963 Sq.m of retail space (which is assumed to be none food) with 107 parking spaces.

In accordance with the authority's parking standard in the Central Bedfordshire Local Transport Plan; Appendix F the standard for retirement homes is 1 space per unit plus 1 space for every 4 units for visitors. This brings the total to 220 spaces for the residential portion of the proposal while as the documents states that a discount for the commercial would warrant a parking provision for an additional 19 spaces. Clearly this standard has not been met and the standard does not permit discounting for residential use. However, there is not a standard for this type of development and while I am disappointed that the applicant had not taken my advice and carried out surveys to determine the usage at the existing site I am mindful that the usage is not going to be as high as that as private dwellings.

The proposal along the Easterly boundary encroaches into the public highway including the widening of the access road. While I would not object to the stopping up of public highway this is not part of the application. Further, the Highway Authority may very well object to some of the landscaping elements shown. There are three options as follows:-

- While this is an issue which will need to be addressed I do not see why this matter should not be dealt with by way of condition.
- I do not agree with a number of issues within the Transport Statement for instance reference is made that there is good local public car parks within the area available for use by the development. I take exception to this statement as a survey of these car parks are not identified and indeed the statement goes on to say that they are not required.
- Within the TS there is evidence that a refuse vehicle and articulated vehicle can both take access to the undercroft parking and carry out any servicing required. These vehicles measure 3.8 and 4.0m high respectfully while the clearance into this undercroft area only

measure, 3.8m. It would be reasonable to conclude that the vehicles that are required to service this site will be unable to access the service area. Before permission is given this matter will need to be addressed by the applicant.

- The access from Clarkes Way only benefits from a headroom of 2.6m, so neither a Light Goods Delivery vehicle or ambulance could take access. As a result deliveries to this area will be from the kerb side. Further, there are a number of parking bays taking access along this road so where ever a delivery vehicle parks it will be causing an obstruction. This matter needs further consideration.
- Further the refuse bins will also need to be emptied by parking the refuse collection vehicle on Clark's Way. Considering the distance and number of refuse collection containers there are, this operation to empty these bins could take anything between 45 and 90 minutes, Again this will need further consideration.
- Putting these matters aside and on the understanding that there is a general acceptance of the issues I highlight above I am content to make a recommendation that on Highway grounds, permission should not be withheld.

Subsequently, in a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of the alteration on the public highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

#### Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

Before the new accesses are first brought into use, any existing accesses within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval. (HC 19)

#### Reason

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

The development shall not be occupied until a residential travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
- Details of provision of cycle parking in accordance with County Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include walking, cycling, public transport and rights of way information.
- Details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

#### Reason

To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

#### Reason

In the interests of the safety of persons using the access and users of the highway.

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.

Before development begins, a scheme for the parking of cycles on the site 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 for this purpose.

Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason

To ensure adequate off street parking during construction in the interests of road safety.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

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's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.

The applicant is advised that in order to comply with Condition ... of this permission it will be necessary for the developer of the site to enter into an agreement with the Highway Authority to ensure the satisfactory completion of the associated road improvements.

Trees and Landscape I have examined the plans and documents associated with this application, namely the Arboricultural Impact Assessment (Stage 1 and 2 Arboricultural Report) prepared by RSK Environment dated July 2016, and site plans.

To put the scale of tree removal into context, it should be noted that of the 37 individual trees and five groups of trees

surveyed within the site, this application will involve the removal of 23 of these individual trees and 4 of these groups of trees, both in order to facilitate development, and to allow working space for demolition and construction. It should also be recognised that many of these trees are of a "B" quality rating that make a significant contribution to the existing locality and character of the Houghton Regis Conservation Area.

Also of concern is that those trees being retained are all on the periphery of the site, and many are being incorporated into areas where there will be severe incursions into their Root Protection Areas, and where the potential for root disturbance will be high given the proximity of trees to proposed changes in surface treatments. Significant pruning will also be required to accommodate their canopies into the development layout, and subsequently there will then be repeated requests for future tree pruning once the pressure of occupancy comes to bear, leading to disfigured trees of lower amenity value.

This suggests to me that the site is being overdeveloped at the expense of acceptable tree retention, and is likely to have an adverse impact on the character of the Houghton Regis Conservation Area, which as a Local Authority, sets a bad example to the wider public when we are currently striving to protect our Conservation Areas from tree loss due to development.

For this reason I could not support such a large scale of tree loss as being indicated with this scheme, and therefore object to the application on the basis that such tree loss will have an adverse impact on the visual amenity provided by existing treescape.

Conservation and Design

The application site occupies a prominent corner plot with aspects both on The Green (where the site is within the boundaries of the designated Houghton Regis Conservation Area) and High Street (outside the Conservation Area but part of the townscape setting of the Grade I Listed Parish Church of All Saints). Beyond this 'strategic' historic environment significance, the application site includes the Grade II Listed Red House, a distinctive traditional property representing historic settlement around the edges of The Green. Roughly half of the application site lies within the designated Conservation Area.

The proposed redevelopment of this site, an independent living development of 168 apartments, restaurant and bar, café and retail units is a strident architectural departure for Houghton Regis. Initial Scheme design benefitted from direct pre-application discussion with Historic England, and further Historic England and CBC involvement has resulted in minor

design changes responding specifically to historic environment issues.

In view of this achievement, and the potential high 'public benefit' deliverable through the Scheme, I am happy for Permission to be granted with the following Conditions and Informative attached:-

(recommended Conditions and Informative)

Reason for Conditions: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(standard – Case Officer to add) external material samples - a full suite of external materials for the development is required, including windows, doors, RWG and hard landscape materials

(standard - Case Officer to add) external finishes schedule (for complete development)

(Enclosure walling - recommended Condition):

- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, details of the following in respect of all proposed new and/or altered boundary enclosure structures shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details-

- (brick wall and wall-top railings) - drawn elevation detail at 1:10; drawn elevation and layout plan at 1:50

- (Red House garden wall) – drawn detail at a scale between 1:10 and 1:20 in elevation and section, showing the method of the formation of the proposed decorative brick arch gate opening

- Masonry wall details, including coping type, brickwork bond and mortar jointwork finishing

- Notwithstanding the details submitted with the application, full details of all new gates, timber and metal bollards and exterior lighting installations proposed to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in

accordance with the approved details..

(Cobbled hard landscape surfaces) - method statement and sample panel

- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of construction of the proposed natural stone cobble/river washed pebble hard landscape surfacing hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be implemented strictly in accordance with the approved details..

- Notwithstanding the details submitted with the application and prior to the laying out of the cobbled hard landscape surfaces hereby approved, a finished sample section demonstrating clearly the materials to be used (including edgings and representative cobbles/pebbles) and the manner of surfacing bedding and finishing, shall be constructed on site, and retained, for agreement in writing by the Local Planning Authority, and the approved works shall be implemented thereafter in strict accordance with the approved details.

(Informative):

1. (Explanation of terms used) For the complete avoidance of doubt, both applicant and applicant's agent should be advised that the use of the term 'external' in the Conditions attached to this Permission is taken to refer to the true external envelope (ie outside walls as existing) of the building(s) that occupy the site prior to incorporation within the Scheme of development hereby approved.

SuDS Management  
Team

Our position and reason for position

We consider that planning permission could be granted for the proposed development subject to the final surface water drainage design being submitted and approved by the planning authority before construction is commenced.

The final detailed design must address the following concerns outlined in this response:

1. Restriction of run off rates: The proposed site has been previously developed. The peak runoff rate for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must therefore be as close as reasonably practicable to the greenfield runoff rate for the same rainfall event, but should never exceed the rate of discharge from the development prior

to redevelopment for that event. This in accordance with *Standard 3 of the 'Sustainable Drainage Systems Non-statutory technical standards for SuDS', Defra March 2015*. Existing discharge rates and volumes have not been provided as a comparison to the proposed and it has not been demonstrated that the proposed rate of 5l/s does not exceed the greenfield run off rate for the development, or has been restricted to provide a betterment of the existing brownfield runoff rate, and we therefore find it unacceptable on these grounds.

2. Outfall and control structure: We also find the statement that '*flow control mechanisms for lesser rates are prone to blockage unacceptable*' and that this does not justify an approach which does not mitigate flood risk appropriately. Guidance states that the minimum recommended size for the opening to Hydro-Brake should be not less than 75mm, correspondence with manufacturers also suggest that, in some cases, a Hydro-Brake may have an opening size of <40mm to restrict to a lower outflow rate.

It is unclear who will be responsible for the future maintenance of the control structure, adoption by Anglian Water would further reduce the risk of blockage through regular, planned maintenance by the authority. Details would need to be provided with the final detailed design to demonstrate how the surface water drainage system, in its entirety, shall be maintained and managed after completion. This will be for the lifetime of the development to ensure the features remain functional.

3. Storage and attenuation: Provision of surface water run-off attenuation storage must accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year (plus allowance for climate change) critical rain storm and will comply with national standard S7 & S8 (*Defra March 2015*). It is not clear how the indicative volume required for attenuation has been determined, and must be provided with full calculations at the detailed design stage. Subject to any changes to the final discharge rate, the indicative attenuation figure provided will need to be revised. The final detailed design of all attenuation features should demonstrate half-drain within 24 hours and fully drain within 48 hours, to ensure that there is sufficient capacity retained within the drainage system for subsequent rainfall events. The area draining to a geo-cellular tank should be as small as practical, however this is not the case with the proposed drainage approach. Opportunities for temporary storage across the site should be maximised. This should integrate wider site objectives for the treatment of water quality and the



opportunity to provide betterment of the current frequency, rate and volume of surface runoff, both for day-to-day rainfall as well as for the more extreme events, through the use of SuDS in sequence.

The FRA states that 1010m<sup>2</sup> of the 6542m<sup>2</sup> roof area proposed will consist of green roof. It is unclear from the drainage plans provided where this is located and how it will integrate with the wider system. Details of the layout, function, construction and proposed arrangements for future maintenance must be provided with the final detailed design for the drainages system in its entirety.

4. Water quality and treatment: The proposed drainage approach relies on modular geo-cellular systems, which do not have inherent treatment capability and therefore require integration with a site wide surface water treatment strategy. Upstream treatment has not been proposed and must be demonstrated with the final detailed design, as well as details to deliver section 5.30 of the FRA which states that at least 2 treatment stages are required in accordance with the Ciria SuDS Manual.

5. Exceedance management: The final detailed design must demonstrate management of exceedance and ensure overland flows are accounted for, in case of a more extreme storm event than the design event or a failure of an element of the drainage system. A plan showing proposed exceedance routes should be submitted with the final detailed design and should be informed by the survey of the existing drainage network to ensure any localised flooding or weaknesses in the wider drainage system can be addressed, where appropriate.

Flood resilience of individual buildings should be considered to reduce the risk of flooding from system exceedance or failure with the final detailed design. Given the likelihood for exceedance flows to affect High Street and Redhouse Court details must be provided for the final finished floor levels, these should be set 300mm above the design water level in any local foul, combined or surface water drainage system, and 150mm above local ground levels to minimise flood risk.

6. Compliance with CBC adopted SuDS requirements: While it is to be commended that the developer has considered SuDS early in the development process, the approach as proposed fails to meet CBCs local requirements in a number of ways (*Sustainable Drainage Guidance, Adopted April 2014, Updated May 2015*).

It does not maximise opportunities to enhance biodiversity, it does not result in multi-functional SuDS, it creates a system that is not easy to maintain due to its accessibility, it does not create a sense of place, and it fails to reduce reliance on pipes and pumps by managing water on the surface. Details of how SuDS integrate with wider site objectives for amenity, biodiversity and water quality should be provided with the detailed design and demonstrate compliance with the Council's SuDS SPD. SuDS should be used in sequence as part of a management train in the final detailed design and should address issues identified in this response associated with a lack of treatment of surface water, storage attenuation and the rate of discharge of surface water off site.

We therefore recommend that the following conditions be attached to any permission.

Condition 1

*No development shall take place until the detailed design for the surface water drainage for the site and associated details of its proposed management and maintenance have been submitted to and approved in writing by the Local Planning Authority. The final design shall be based on sustainable drainage principles and a site-specific assessment carried out in accordance with BRE Digest 365, and shall include provision of attenuation and a restriction in run-off rates to replicate greenfield conditions or provide betterment of the existing drainage regime. The approved drainage system shall then be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.*

*The scheme shall be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753); and will include the following:*

- Clear details of the existing and proposed impermeable areas and run off rates.*
- Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;*

- *Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;*
- *Details of flow control measures to be used, demonstrating that runoff rate and volume will not exceed greenfield rates where practicable;*
- *Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;*
- *Flooded areas for the 1 in 100 year storm when system is at capacity, demonstrating flow paths for design for exceedance.*
- *Resilience and resistance of individuals to flooding, including finished floor levels.*
- *Integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and Amenity.*
- *Details of the structural integrity, proposed construction of the system, and any phasing of works.*
- *Full details of the provision of access for maintenance and the proposed responsible parties for maintaining and/or adopting surface water drainage, for the entire drainage system. Including any proposed split of the surface water management system and/or maintenance responsibilities between private (i.e. within curtilage) and public (i.e. in public open space and/or highway).*

#### Reason 1

*To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance. The applicant should address the following concerns when submitting details to discharge the condition.*

Condition 2

*No building shall be occupied until a 'Management and Maintenance Plan' for the entire surface water drainage system, demonstrating that all surface water management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed.*

Reason 2

*To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement - HCWS161*

Public Protection

Topics considered:

Air Quality  
Contaminated Land  
Noise  
Light  
Odour

Noise:

Road Noise:

The report recommends that mitigation is required against road traffic for some of the development, mitigation through the building fabric for internal noise between the commercial and residential units and recommends noise limits for external plant installed as part of this project. There is also a recommendation to seek to manage noise from deliveries/service vehicles arriving and leaving the commercial aspect of the development. Conditions to address these areas have been recommended below.

Plant noise from commercial units:

Limits have been recommended for plant affecting the residential premises facing the High Street and for residential units at other locations on the site. A condition has been recommended below which requires these limits to be achieved.

Internal noise from commercial premises:

The noise report submitted advises that internal noise transmission between the as yet unknown commercial uses and residential units can be controlled via construction methods. To this end I have recommended a condition based

on this conclusion.

*Contamination:*

The land contamination report recommends that further investigations (intrusive) are made to fully establish the extent of any contamination. Further to this a recommended condition is also set out below.

*Other:*

Due to the scale and location of this development, I have recommended a condition requesting a Construction Management Plan.

*Conditions Required:* Without prejudice to any decision you shall make should you be mindful to grant permission against the recommendations of Public Protection I ask that the following conditions are inserted on any permission granted.

*Prior to the commencement of development a scheme shall be submitted for the protection of the dwellings from noise from road traffic for approval in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Cass Allen noise impact assessment report (Ref RP01-15382Rev1) dated 14th June 2016. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.*

*Noise resulting from the use of plant machinery or equipment in relation to the use hereby approved shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014. The levels shall not exceed those stated in table 4 of the Cass Allen noise impact assessment report (Ref RP01-15382Rev1) dated 14th June 2016.*

*Prior to the commencement of development a scheme shall be submitted for the protection of the residential dwellings from internal and external noise (including deliveries) from adjacent commercial premises for approval in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Cass Allen noise impact assessment report (Ref RP01-15382Rev1) dated 14th June 2016. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The*

*approved scheme shall be retained in accordance with those details thereafter.*

*Reason: To protect the residential amenity of any future occupiers.*

Note: Notwithstanding the detail of the layout/uses etc has not been decided at this stage, as stated in the acoustic report, the scheme to be agreed will potentially include restrictions on hours of use and deliveries etc to ensure that residential amenity is not compromised.

*No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted FWS Consultants Ltd report dated January 2016 (Ref: 19720R01), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.*

*Reason: To protect human health and the environment.*

*Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:*

*The construction programme and phasing*

- a) Hours of operation, delivery and storage of materials*
- b) Details of any highway works necessary to enable construction to take place*
- c) Parking and loading arrangements*
- d) Details of hoarding*
- e) Control of dust and dirt on the public highway*
- f) Details of consultation and complaint management with local businesses and neighbours*
- g) Waste management proposals*
- h) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.*

*Reason: In the interests of highway safety and the control of environmental impacts*

Needs of Older  
People (MANOP)  
Team

The proposed development falls within the Chiltern Vale locality and the Houghton Hall ward. Chiltern Vale has a total population of 77,900 and 6,070 of these residents are aged over 75 years. This is forecast to rise to 9,934 by 2030. Delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.

In 2013 the Houghton Hall ward had 8,300 residents and 13% of its population was over 65 years old<sup>1</sup>. For the same area 9.7% of households consist of one person of 65 years of age and over and a further 5.3% of households have more than one occupant, all of who are aged 65 and over<sup>2</sup>. In 2011 9.6% of the population in this ward were retired, which is lower than the average for Central Bedfordshire (13.5%) and England (13.7%)<sup>3</sup>.

The number of older residents in this ward and the predicted rise in the people over 65 in the Chiltern Vale area demonstrates that there is likely to be demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Houghton Hall 8.2% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and a further 8.1% of residents said they were limited a little<sup>4</sup>. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

Central Bedfordshire Council uses the 'More Choice, Greater Voice' model to estimate demand for extra care dwellings based on the number of people over 75 in the population of the area. This model indicates a current demand for extra care dwellings in Chiltern Vale of 160, rising to 173 by 2020 and 217 by 2025. In the same area the supply of places is currently 116. There are currently no other extra care schemes in the locality under construction or with planning consent and the proposed scheme would meet forecast demand to 2030.

*Design and layout*

Good design can not only provide a better quality of life for

occupants but can reduce running costs. For extra care schemes the following features are considered important:

- Self-contained homes that are built with older people in mind, which can be easily adapted to accommodate increasing frailty.
- Hardwired and Wi-Fi enabled Telecare and Telehealth equipment.
- A restaurant to give residents the option to eat a hot meal with friends and visitors.
- Modern building standards and energy efficient design to help to keep energy costs as low as possible.
- Maximise levels of natural light throughout the scheme and include windows with low window sills to allow people who are seated or in bed to easily see out of the windows.
- Equipment, signage, internal décor and landscaping that enable people who have physical, sensory or cognitive impairments to be as independent as possible.
- Fully accessible, landscaped outside space that is stimulating contains seating and opportunities to be active.
- Communal facilities that are sufficient for the size of the scheme (ideally no less than 25% communal space), providing facilities and activities that are complimentary to those available in the local community and that facilitate a healthy and active lifestyle.
- Located close to local amenities in order to enhance the opportunities for residents to take part in the life of the local community. Residents should have easy access to shops, doctors, pharmacists and leisure activities.

The submitted plans indicate that the scheme is capable of meeting all of the above criteria.

#### *Summary*

Our view is that there is unmet demand for extra care dwellings in this area, that the design is appropriate and location is very suitable for this type of use. We therefore support the application.

*1 Office for National Statistics, Mid-2013 Population Estimates for 2013 Wards in England and Wales, by Single Year of Age*



*and Sex*

*2 Office for National Statistics, 2011 Census, Household composition, Table KS105EW and Office for National Statistics, 2001 Census, Household composition by tenure and occupancy rating, Table CAS053*

*3 Office for National Statistics, 2011 Census, Economic Activity, Table KS601EW*

*4 Source: Office for National Statistics, 2011 Census, Long term health problem or disability, Table QS303EW*

#### Sustainable Growth

The proposed development is located within south Central Bedfordshire area and development management policies are set by the saved policies from the South Bedfordshire Local Plan. Policy BE8: Design and Environmental Standards states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

The policy does not stipulate amount of energy to be delivered from the renewable sources. The Council has undertaken review of renewable and low carbon technologies to establish a reasonable expectation for renewable energy generation.

The study concluded that 10% energy demand can be met from renewable or low carbon sources on site and is both technically feasible and economically viable to achieve. The study used the 2013 Part L to determine energy demand baseline.

The policy also requires efficient use of scarce resources. Central Bedfordshire is located within water stressed area as identified in the Council's Climate Change Risk Assessment study. All developments in Central Bedfordshire are required to achieve a higher water efficiency standard of 110 litres per person per day to mitigate against potential water shortages. This standard can be easily achieved through installation of water efficient fittings.

The above requirements on energy efficiency, renewable energy contribution, water efficiency and adaptation to climate change are supported by the NPPF policies in section 10: Meeting the Challenge of climate change, flooding and coastal change

The applicant proposes that the development is to achieve high energy efficiency and minimise energy demand through application of fabric first approach and efficient services. It is proposed that the development is to achieve AECB Silver or even Passivhaus standard. This will result in much lower energy demand and carbon emissions than required by the Building Regulations. Both standards expect the development to have energy demand not exceeding 15kWh/m<sup>2</sup> per annum. As the energy demand is likely to be more than 10% lower than maximum required by the Building Regulations the scheme will not be required to source its 10% of energy from renewable or low carbon sources. However I would recommend installation of PV panels that can even further reduce cost and carbon emissions of using grid electricity, particularly that the scheme will have a number of communal areas. Installation of PV panels on roofs is supported by the Government's Solar Strategy.

The applicant states that scheme's design will address issues of solar gains and overheating and will achieve good summer comfort as well as good indoor air quality. This is welcomed.

The applicant proposes to include water saving measures such as aerated taps, dual flush toilets and water butts. This approach is welcomed as the scheme will be expected to achieve 110 litres per person per day for each individual residential unit.

To ensure that the proposed approach is implemented I request the following planning conditions to be attached:

- *All residential units must achieve the higher water efficiency standard of 110 litres per person per day;*
- *Overall the scheme must achieve minimum 10% energy demand reduction from baseline of Part L of the Building Regulations (either through fabric improvement and /or renewable and low carbon technologies).*

Water efficiency condition will be dealt with through the building control process.

Energy condition must be discharged prior to construction through submission of documents demonstrating at least 10% reduction in energy demand.

#### Ecology

I have read through the Ecological Appraisal and I am satisfied that the proposals will not impact on a protected species. However, in 6.5, the appraisal states, *'The layout offers opportunities to provide enhancements for local habitats and fauna. These may be achieved through the planting of new native tree and shrub species, and providing features for*

*fauna, such as bat and bird boxes or bug hotels, within the layout. These enhancements would help achieve net benefits for a range of species, including those known to occur in the local area.'*

Whilst I acknowledge and welcome the proposed roof garden I would like to ensure that opportunities to secure a net gain for biodiversity in line with the NPPF are secured. Plant species are not fully listed but these should include nectar rich species to benefit pollinators. I would also ask that integrated bird and bat boxes are incorporated into the built fabric of the new development, I would expect at least 10 of each to be provided. Bat surveys identified a bat interest in the surrounding area so providing roosting opportunities would be a gain for bats. Equally the presence of birds, including the potential for feeding stations would provide valuable interest for residents whilst enhancing the area for wildlife.

## Landscape

Many thanks for the opportunity to comment on the proposals regarding landscape; whilst I have no objection over all to the proposed re-development and landscape proposals in general it is disappointing that there hasn't been more dialogue via the site / development promoter regarding the built form and landscaping - especially given the extensive public consultation that apparently has been undertaken.

Considering the submitted landscape proposals:  
the proposed inclusion of primarily native planting to some external hedgerows is a real positive.

The arrangement of space/ ground floor level landscaping to the north-eastern side of the development including car parking facing on to The Green is not acceptable; this elevation is potentially the most sensitive as it is orientated on to a key public and historic open space within Houghton Regis, forms part of the setting to the Conservation Area and formal approach to Houghton Hall Park House entrance. I recommend this frontage remain primarily soft landscaped in character with The Green with footpath access only, simple shared surface if emergency access is required, but the inclusion of parking is not acceptable.

An open outlook from the proposed southerly facing elevation on to garages at Clarkes Way is not acceptable and I recommend additional street trees be introduced to veil views and aid shade to rooms given the southerly sunny aspect.

The actual areas of green roofs needs to be confirmed in landscape drawings; the D&AS suggests there will be substantial areas of 'green' sedum roofs, and which I thoroughly endorse, but the actual areas / locations aren't detailed in submitted landscape plans along with

specifications for substrate, planting specs' and maintenance / access requirements - this needs to be clear and confirmed on plan.

Given green roofs form a valuable initial feature as part of a SuDS management train, in slowing and attenuating surface water run off as part of a site wide SuDS system, it is very disappointing that the general principle of dealing with surface water appears to be a piped solution and attenuation in mainly employing sub surface containers. Surface water drainage systems needs to be in accordance with the CBC SuDS SPD Guidance, employing a series of SuDS filter and attenuation features and linked to infiltration if possible.

The opportunity to include SuDS within landscape areas including bio retention areas / 'rain water gardens' and including surface water drainage as features within the development and landscape needs to be considered further as part of a re-submission of landscape proposals. The following images are examples of landscape SuDS features including; filter strips within hard surfaces, small attenuation basins linked to out falls, bio retention areas, rain water chains to slow run off from roofs as features in building design, and bio retention 'rain water gardens'.

The proposed landscape design includes very defined internal gardens and garden character areas which adds interest visually but I query if there is 'over design' of communal garden spaces and the opportunity for future residents to participate in gardening individually on site to 'grow your own' or as part of a small group of intensive growers including raised vegetable beds or even green walls which can include planting structures supporting salad and fruit crops to celebrate interaction with flowers, vegetable and fruit cultivation on site - as urban intensive and interactive horticultural asset land directly linked to health and wellbeing of future residents.

Green Infrastructure      The site interfaces with the village green, and for green infrastructure, this is an important interface.

Although the buildings are oriented positively towards this, the parking between the buildings and the village green could have a negative impact. The opportunity to relocate this parking, or improve the design of the area through screening where appropriate should be considered. There are also some trees being removed in this area, these should be replaced with appropriate species.

The proposals for SuDS show some very positive features, particularly the use of roof gardens / green roofs. Further details of the design and planting would be required - this

could be included in the drainage condition suggested by flood risk colleagues. The design should enhance biodiversity.

However, the use of crated attenuation is not acceptable, in line with CBC's adopted sustainable drainage SPD. As suggested by flood risk colleagues, this could be addressed through condition, but the applicant should consider the SPD, and submit further designs to comply with the local requirements set out in the SPD.

## Public Art

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Public Art enhances sense of place and quality in the environments, Public Art projects can also be a valuable tool in community engagement; bringing together existing and new communities to engender sense of ownership and reinforce community cohesion.

The proposed development is of a scale and character to offer numerous opportunities for a series of artistic interventions to create an exemplar scheme in terms of bespoke design and detail and engender a sense of place for new and existing communities. The submitted Design & Access Statement suggests a key sculptural piece at the main entrance but I recommend there are many more aspects where public artists and craftspeople can be involved in the detail design of, for example; entrances, doorways, glazing and furniture, ironwork in railings and balconies, mosaics in walls and floors capes, furniture, carpets and fabrics.

Therefore I recommend a Public Art Plan be developed by the applicant, and submitted for approval by the LPA, identifying a series of opportunities for Public Art to be included in the design of the proposed development in terms of structures, furnishings as well as standalone features and budgets identified to support this aspect of the development, which could include budgets for standard items such as for railings being given over to public artists / craftspeople to reinterpret in a unique way specific to the development, community and surrounds.

Key requirements of the Public Art Plan are:

- Public Art be integrated in the development design process and be addressed in Masterplans and Design Codes.
- Where possible artists should be appointed as part of the design team.

- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Artists can include:

- Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

If the application were to be approved I request a Condition be applied with suggested wording but await your advice on this:

*No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority. Installation of Public Art shall commence on site prior to occupation of 50% of dwellings. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.*

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development, suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

The Central Bedfordshire Design Guide, Section 4 Public Realm is available on the CBC website and offers comprehensive advice on the integration of Public Art within development. I would also be very happy to liaise with the applicant / developer to provide advice and support if required.

Bedfordshire and  
River Ivel Drainage  
Board

No comments

Anglian Water

ASSETS

#### *Section 1 - Assets Affected*

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

## WASTEWATER SERVICES

### *Section 2 - Wastewater Treatment*

2.1 The foul drainage from this development is in the catchment of Dunstable Water Recycling Centre that will have available capacity for these flows.

### *Section 3 - Foul Sewerage Network*

3.1 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

### *Section 4 - Surface Water Disposal*

4.1 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).

We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

### *Section 5 - Trade Effluent*

5.1 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

*“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”*

*Section 6 - Suggested Planning Conditions*

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

*Surface Water Disposal (Section 4)*

Condition

*No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.*

Reason

*To prevent environmental and amenity problems arising from flooding.*

Archaeology

The proposed development site is located within the core of the historic settlement of Houghton Regis (HER 16988), a heritage asset with archaeological interest as defined by the *National Planning Policy Statement (NPPF)*.

The settlement of Houghton Regis is of Saxon origin. At the time of the Domesday Survey of 1086 AD it was a Royal manor, with a church and an estate of just over 2000 hectares that included Dunstable, Puddlehill, Thorn, Calcutt and Sewell. Documentary evidence suggests that at the time of the Norman Conquest, Houghton manor was wealthy and prosperous. In the early 12th century, Houghton's significance was eclipsed by Dunstable, when Henry I invested in the creation of a new, planned market town, a Royal residence and the foundation of the Augustinian Priory of St Peter. Around this time the manor of Houghton was given to Hugh de Gurney, and the Church (which is assumed was at the same location as the present All Saints) was given to the Earl of Gloucester, eventually passing to St Albans Abbey and remaining with it until the Dissolution in the 16th century. The medieval parish church of All Saints (HER 5385) a Grade I Listed Building lies to the north west. The present church is 14<sup>th</sup> century in origin but was extensively restored in the 19<sup>th</sup> century. It is likely to be on the site of an earlier church. The fortunes of the manor of Houghton remained intrinsically



linked with Dunstable and the Priory of St Peter, which had been granted substantial amounts of land in Houghton, and inevitably this led to tensions between the two manors. The medieval settlement of Houghton Regis developed in a fairly typical nucleated fashion, with the focus centred upon All Saints Church and the Green (HER 12240). The location of the original manorial complex is, however, not known. It has been suggested that it lay to the immediate north of the Green in a large enclosed area (as shown on the Enclosure Map of 1776) but there is nothing further to substantiate this assertion. From the mid 16<sup>th</sup> to mid 17<sup>th</sup> century it passed through a succession of owners. Around 1653 however it was bought by Henry Brandreth and it was Brandreth's daughter Alice who was responsible for building Houghton Hall, to the south of the Green and what was to become Houghton Hall Park. Houghton Hall (HER 5687 and Grade II\* Listed Building) and its associated Park (7024) are located to the south east of the proposed development site. Construction of the Hall was complete by 1700. In 1750 the estate was sold to the Duke of Bedford although the Brandreth family reacquired the estate in the late 18<sup>th</sup> century and increased the extent of the Park. The Red House (HER 5688 and Grade II Listed Building), a 17<sup>th</sup> century timber framed building is on the eastern edge of the site. There is evidence for a number of former buildings on the site, all now demolished including a blacksmiths shop (HER 12235), 141-147 High Street, a series of late 18<sup>th</sup> century houses (HER 5699) and a 19<sup>th</sup> century Church of England School (HER 6618).

Historical evidence for Saxon and medieval Houghton is supported by an emerging archaeological record from within the settlement and the surrounding area. The earliest evidence for the original settlement was discovered between the late 1930's and 1960's (prior to the re-development of the area), when a number of features; including ditches, pits, a burial and well were recorded to the north east of the proposed development site at Easthill and Chantry Farms and surrounding area (HERs 142 and 1919). Artefact remains included Stamford Ware and St Neots Ware pottery dating from the 10<sup>th</sup> to 12<sup>th</sup> centuries.

The application is accompanied by two documents relating to the archaeological resources of the site: an *Archaeological Evaluation and Heritage Statement* (Albion Archaeology 12<sup>th</sup> May 2016) and a *Heritage Statement* (Albion Archaeology 8<sup>th</sup>

August 2016). The archaeological evaluation comprised of the excavation of six trial trenches evenly distributed across the site. A number of archaeological features were identified, but only one was of any antiquity: a pit dated by pottery finds to the 12<sup>th</sup>-13<sup>th</sup> century AD. The other features, where they were dated, all appeared to be 19<sup>th</sup> century or later. The evaluation also showed that previous development had been subject to extensive levelling and construction activity which will have compromised the survival of archaeological remains within the proposed development site. The *Archaeological Evaluation and Heritage Statement* concludes that low to moderate potential to contain archaeological remains dating to the medieval period and negligible to low potential for earlier periods. This is a reasonable conclusion based on the available evidence.

Groundworks associated construction of the development are identified in the *Archaeological Evaluation and Heritage Statement* as having the potential to cause moderate to substantial harm to sub-surface archaeological features. It is suggested that it would be possible to mitigate this impact on archaeological remains through a programme of archaeological investigation and recording.

It has been shown that the proposed development was occupied during the medieval period, though the evaluation did not produce clear evidence about the nature of that occupation. This may be partly because the occupation was not particularly substantial and did not leave extensive remains. The lack of extensive archaeological remains is also a function of later use and development of the site, particularly in the 20<sup>th</sup> century which has resulted in levels of ground reduction and disturbance which has severely reduced the likelihood that substantive archaeological remains from the medieval period will survive within the site. The proposed development will result in the destruction of any archaeological remains within the site which will result in a loss of significance to the heritage asset with archaeological interest; however, because the survival of archaeological remains likely to be limited the loss of significance will consequently be small. The loss of significance to the heritage asset will be similarly small and not enough to justify any further archaeological investigation in advance of development. Therefore, I have no objection to this application on archaeological grounds.

Environment Agency No objection

Housing Development I support this application for 168 independent living units with the development providing far in excess of a policy compliant scheme from an affordable housing perspective. The development is looking to maximise the delivery of both affordable rented and shared ownership units from the scheme with a limited number of market units incorporated which is welcomed by the Council. The scheme will deliver a range of 1 & 2 bed apartments for both rent and shared ownership.

From a Strategic Housing perspective I am fully supportive of the proposed development.

Leisure and Open Space No comments

Private Sector Housing No comments

Waste Services - It is unclear which bin stores are assigned to residential and which to retail (e.g. Bins 03) Please clarify how much capacity of each waste type has been allocated. Communal waste provision is allocated on the basis of 90l per week per waste stream per property and we anticipate that all properties will share bins. Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. 1100l bins will be charged at £350 + VAT per bin.

- Space for a vehicle of a minimum 12metres in length and 2.5 metres in width should be provided. Wherever possible, refuse collection vehicles will only use adopted highways. If the access road is to be used, it must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a prearranged point. Our collection staff will collect bins from a bin store, but will only move them a maximum of 10m, therefore the location of the bin store should be reconsidered. If residents are required to pull their bins to the entrance to the highway, a hard standing area needs to be provided for at least 1 wheelie bin per property and a food waste caddy, in addition to reusable garden waste bags. Please advise from where you anticipate our RCVs will collect the waste.

- Dropped kerbs are required to empty communal bins.

Highways England No objection

Strategic Transport - Travel Plans The framework travel plan which is included in the Transport Assessment is quite light in content, but proposed measures

such as the electric car club are welcomed and are proving successful at similar sites. If, as per section 5.1 of the TA, this application is outline rather than full then it is the framework travel plan submitted is acceptable at this stage provided there is a condition as below to produce and seek approval for a full plan pre occupation.

The development shall not be occupied until a Full Travel Plan has been submitted to and approved in writing by the Council, such a Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
  - Site specific travel and transport information
  - Travel vouchers
  - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site
  - Copies of relevant bus and rail timetables
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Bedfordshire Clinical Commissioning Group (BCCG) Unfortunately we are not yet in a position to calculate the cost pressure to services other than GP Core services - the below is the response for GP Core Services:

*If this development materialises, it would affect Houghton Regis Medical Centre, which is already operating at capacity and their ability to accept new patients is very limited.*

*According to our records they currently occupy a floor area of 378m<sup>2</sup> NIA (net internal area). Their patient list as of 1 April 2016 was 10,805 and this results in practice having 28.57 patients per m<sup>2</sup>, which is considered extremely high in comparison to the region's average (across Hertfordshire, Northamptonshire, Bedfordshire, Milton Keynes) of 22.*

*According to the Department of Health's Principles of Best Practice, a surgery with 10,000 registered patients is recommended to have 730-750m<sup>2</sup> NIA (net internal area) of floor space, which is more than double of what they currently have. It should also be noted that the Principles of Best Practice is only concerned with the GP core services and does not provide size guidance for extended services, which most surgeries are offering.*

*In light of the above, in order to make this application acceptable to NHS England, we would like to request that a charge is made per dwelling as calculated below:*

*168 dwellings x 2.4= 403 new patients*

*403/ 2,000 = 0.2016 GP (based on ratio of 2,000 patients per 1 GP and 199m<sup>2</sup> as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development")*

*0.2016 x 199m<sup>2</sup> = 40.1184m<sup>2</sup> additional space required*

*40.1184 x £2,964 (build costs including fit out and all fees based on our previous projects) = £212,340.96*

*£118,910.9376/ 168 = £707.80 rounded up to £708 per dwelling*

*Our calculations above are based on the impact of this development only, on the number of dwellings proposed and do not take into account any existing deficiencies.*

*There is a formula that measures GP Core services as a third of all the cost pressure to Health services, which would mean that any other services are twice as much as quoted above i.e. £1,416 which added together would be £2,124. However, our BCCG financial officer does not agree with this formula and we are yet to agree a new way of working it out so until we are able to do this (which we do hope is very soon) the above is the best we can provide.*

- |                    |                            |
|--------------------|----------------------------|
| Countryside Access | No comments                |
| Historic England   | No representation received |

**Other Representations:**

Neighbours                      Representations objecting to the proposal were received from Nos. 5, 8, 9, 11, 12, 15 and 24 Whitehouse Close:

Proposal visually overbearing, dominant and overpowering due to height and colour.

Inappropriate design for this part of town.

Large building out of keeping with neighbouring properties.

Pedestrian and vehicular access points into Whitehouse Close would encourage parking in the road and additional footfall, and additional traffic, causing noise, pollution and inconvenience. Access should only be in the event of an emergency.

Overspill or convenience parking in Whitehouse Close.

Negative environmental impact.

Due consideration not given to what is in keeping with existing aspects of High Street and village green.

Building materials not appropriate.

Proposal could set unwanted precedent for future regeneration, e.g. Bedford Square.

Car parking inadequate.

In light of extra motor traffic and pedestrians on an already dangerous traffic system, Highways must view with urgency what can be done to increase safety.

**Determining Issues:**

The main considerations of the application are:

1. Principle of Development
2. Character and Appearance, and Impact on Conservation Area and Listed Buildings
3. Tree Impact
4. Impact on Amenity of Neighbouring and Future Occupants
5. Highway Considerations
6. Archaeological Impact
7. Ecological Impact
8. Contamination
9. Affordable Housing and Section 106 Requirements
10. Other Considerations

**Considerations:**

**1. Principle of Development**

- 1.1 Paragraph 47 of the National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing and policy 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Then paragraph 50 seeks a wide choice of high quality homes.
- 1.2 The proposal would deliver 168 units, which would provide a significant housing contribution, when there is an identified need for additional housing in the district of Central Bedfordshire. The latest five year housing supply position (July 2016) is a supply of 4.82 years (which equates to a shortage of 353 units).
- 1.3 The proposal would provide 168 independent living, or extra care, apartments, intended for people who are aged 55 or over who may or may not require care. They would comprise 84 affordable rent apartments, 57 shared ownership apartments, and 27 apartments for outright sale.
- 1.4 The proposed development falls within the Chiltern Vale locality and the Houghton Hall ward. Chiltern Vale has a total population of 77,900 and 6,070 of these residents are aged over 75 years. This is forecast to rise to 9,934 by 2030. As stated in the consultation response from the Meeting the Accommodation Needs of Older People (MANOP) team, delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.
- 1.5 In 2013 the Houghton Hall ward had 8,300 residents and 13% of its population was over 65 years old. For the same area 9.7% of households consist of one person of 65 years of age and over and a further 5.3% of households have more than one occupant, all of who are aged 65 and over. In 2011 9.6% of the population in this ward were retired, which is lower than the average for Central Bedfordshire (13.5%) and England (13.7%).
- 1.6 The number of older residents in this ward and the predicted rise in people over 65 in the Chiltern Vale area demonstrates that there is likely to be demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.
- 1.7 If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Houghton Hall 8.2% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and a further 8.1% of residents said they were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.
- 1.8 Central Bedfordshire Council uses the 'More Choice, Greater Voice' model to estimate demand for extra care dwellings based on the number of people

over 75 in the population of the area. This model indicates a current demand for extra care dwellings in Chiltern Vale of 160, rising to 173 by 2020 and 217 by 2025. In the same area the supply of places is currently 116. There are currently no other extra care schemes in the locality under construction or with planning permission and the proposed scheme would meet forecast demand to 2030.

1.9 Specifically in relation to the town centre location, NPPF paragraph 23 refers to the important role residential development can play in ensuring the viability of centres. South Bedfordshire Local Plan Review (SBLPR) policy TCS1 states that favourable consideration will be given to proposals which will sustain and enhance the vitality and viability of the town centre and in particular those which support the retail function and contribute to town centre regeneration. The policy states that the redevelopment of vacant sites for retail and/or other uses which support the vitality and viability of the town centre will be given favourable consideration.

1.10 Also of note is the Houghton Regis Town Centre Masterplan Supplementary Planning Document (SPD), 2008 which refers to the application site having retail use at ground floor with residential above. It also refers to the provision of a pedestrian link between Clarkes Way and the High Street.

1.11 In light of the above policy context, the general need for additional housing in Central Bedfordshire, the specific need for independent living accommodation, the range of tenure types, and the provision of six ground floor retail units, the principle of residential and retail development on a large and partly vacant town centre site is acceptable.

## **2. Character and Appearance, and Impact on Conservation Area and Listed Buildings**

2.1 The application site is in Houghton Regis town centre, and the eastern section is in the Houghton Regis Conservation Area. The site also contains The Red House, a Grade II Listed Building. To the north west is All Saints Church which is Grade I listed. The proposed development needs to relate to its surrounding environment, including the Heritage Assets and other nearby buildings.

2.2 The proposed development would be designed as a single building shaped as a figure of eight to create a range of public spaces, and would range from single storey to five storey. External landscaped areas would be provided.

2.3 The proposed five storey element would front the High Street; this would consist of four standard storeys with the fifth floor of accommodation recessed back from the main building line. This part of the development would be immediately to the east of the three storey Rosalyn House and opposite the two storey Bedford Square. Clearly, and particularly in the context of the surrounding area where buildings (with the exception of the Church tower) have a maximum height of three storeys, it would be a structure of considerable height (16.45m), length (72.0m) and therefore overall size. However, the fifth floor setback would partly mitigate this, as would the large setback from the High Street (up to 12.75m) in order to



provide a wide strip of public space. This setback would ensure that views of All Saints Church are not impaired when entering the centre of Houghton Regis from the east.

- 2.4 Furthermore, it is noted that during pre-application negotiation, comments from Historic England resulted in the proposed copper roof with a series of pitches changing to a simpler flat overhanging copper roof, with a reduction in height of between 1.5m and 2.0m. This would give the building a less heavy appearance and make it less prominent in views from Bedford Road with All Saints Church in the foreground.
- 2.5 Also, in considering the acceptability of the height and scale of the High Street, it needs to be borne in mind that this part of the proposal is deliberately designed to be prominent and to have a strong frontage to create a sense of arrival when approaching the centre of Houghton Regis.
- 2.6 In view of the above, it is considered that the proposed five storey element would lead to less than substantial harm to the setting and significance of a designated heritage asset, i.e. Houghton Regis Conservation Area (this part of the proposal is outside the Conservation Area). Paragraph 134 of the NPPF advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of the scheme, including securing a viable use for the site, outlined in the 'Principle of Development' section above, are considered to clearly outweigh the less than substantial harm.
- 2.7 Moving around from the High Street and into Whitehouse Close, the building would step down from five, to three and then two storey where it meets the first bungalow (No. 1) on this side of the road. This gradual dropping of height would give the proposed Whitehouse Close street scene an acceptable appearance.
- 2.8 From the western edge of the proposed elevation fronting Clarkes Way where the building extends northwards, it is two storey in height to reflect the scale of the properties directly opposite. The Clarkes Way elevation has been designed as three storeys which reflects, in part, the elevation of the existing Red House Court building in this location. Where the eastern part of the Red House Court frontage is two storey, the proposed building would be setback to make it less dominant in the street scene.
- 2.9 The Clarkes Way and The Green corner of the development would be marked by a two storey projecting bay feature with a balcony above serving the third floor. This would be at a 45 degree angle to both elevations and ensure that this corner is a focal point. The elevation fronting The Green would also be predominantly three storey; however, the element adjacent to The Red House would be reduced to two storeys with dormer windows. This would ensure that the proposed elevation fronting The Green has an acceptable relationship with The Red House. The impact of the proposal on The Red House is considered further below.
- 2.10 From the rear of the Red House, the proposed building would wrap around the proposed entrance piazza and step up in height from three to four to

five storeys until it meets the High Street frontage.

- 2.11 Beyond the five storey frontage building with a flat overhanging copper roof, the lesser height elements would display a range of pitched and flat roof elements. A series of projecting parapets, gables, bays, chimneys and balconies would be incorporated into the design. The range of features and varying roof lines would create interest but ensure a traditionally domestic form.
- 2.12 The proposed material palette would consist of a mixture of stone, light and dark facing brick, copper cladding and render. The use of stone cladding on the upper floors of the High Street elevation respond to the material palette of All Saints Church. The use of large areas of glazing and dark brick panels at ground floor level, with a mixture of light stone cladding and light facing brick above, and the roof of the recessed upper floor clad in copper, would give the High Street elevation a sleek, modern appearance.
- 2.13 Beyond the five storey High Street building, the materials palette is generally less varied to reflect the more residential aesthetic. Here brick and pitched roof tiles are predominant, but with render and natural stone used to pick out key features on the facades. The roof tiles on the nearest segment of the new building to the Red House would be chosen to compliment the existing roof tiles of The Red House.
- 2.14 A single storey glazed link is proposed to connect the Red House into the rest of the development. Glazed sections to both sides and the rear would expand the useable floor space within the building. The glazed elements would be single storey and setback from the front of the Red House, in order to limit their impact on its setting. Pre and during application negotiation has resulted in a number of improvements to the treatment of the Red House and its setting. These include the provision of a courtyard garden to the front enclosed by a brick wall and wall-top railings.
- 2.15 Other changes include the recessing of the brick infills to the existing openings to allow the original window positions to be identified. Also access from the café into the Red House has been adjusted to line with the existing window jambs. The reduced opening size has resulting in a smaller sliding door, which has been adjusted to a glazed sliding screen. The existing flint wall is now visible when the screen is left in the open position.
- 2.16 The proposed layout contains several landscaped areas, both at ground level and in roof gardens. As well as such spaces providing amenity for residents and visitors, in some instances, for example the enclosed garden to the rear of the site, they also provide a green buffer between the proposed building and the existing properties in Whitehouse Close and Clarkes Way. The inclusion of primarily native planting to some external hedgerows and substantial areas of 'green' sedum roofs, and the provision of trees and landscaping on the High Street to facilitate a green corridor linking The Green and All Saints Church, are positive aspects of the landscape proposal.

- 2.17 However, the Landscape consultation response raises several concerns. Firstly, a concern is raised with the arrangement of space / ground floor level landscaping to the north-eastern side of the development including car parking facing on to The Green due to the impact on the setting of the Conservation Area and formal approach to Houghton Hall Park House entrance. Whilst acknowledging this concern, it is also recognised that this part of the site currently contains areas of hardstanding and car parking. Also, the attempt to provide a limited number of car parking spaces throughout the scheme whilst meeting demand needs to be considered (see 'Highway Considerations' section below). Furthermore, the proposal indicates that this space would be broken up by areas of landscaping and tree retention, and a substantial area of grass and trees exists outside the site between the access road (within the site) and Redhouse Court Road. In view of these factors, on balance, the provision of car parking on the north-eastern side of the development would not be harmful to the character of the Conservation Area and The Green.
- 2.18 Secondly a concern is raised in respect of an open outlook from the proposed southerly facing elevation on to garages at Clarkes Way and that additional street trees should be introduced to veil views and aid shade to rooms. Whilst acknowledging this concern, it is also recognised that the view would be the same as from the existing Red House Court development, and the use of trees to veil views of garages opposite needs to be weighed against achieving acceptable levels of daylight and sunlight to rooms. In view of these factors, on balance, the provision of additional street trees in Clarkes Way is not considered necessary.
- 2.19 The landscape consultation response also raises concerns with the principle of dealing with surface water. However, drainage is dealt with in the consultation response of the SuDS Management Team, and as referred to below, conditions should be imposed in respect of the detailed design for surface water drainage based on sustainable drainage principles.
- 2.20 To safeguard the character and appearance of the completed development, its surroundings, the Conservation Area and its setting, and the historic significance and traditional character of the Listed Buildings within and near to the site, any planning permission granted should be subject to conditions. These include the provision of an external material samples and an external finishes schedule, details of boundary enclosure structures, details of all new gates, timber and metal bollards and exterior lighting installations, and details of hard and soft landscaping.
- 2.21 Overall, the proposal would be compatible with the character and appearance of its surroundings and the Houghton Regis Conservation Area, and would relate to and not be detrimental to the historic significance and traditional character of the Listed Buildings within and near to the site. The proposal would comply with Section 7 (Requiring good design) and Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and Policy BE8 (Design Considerations) of the South Bedfordshire Local Plan Review.

**3. Tree Impact**

- 3.1 The application is accompanied by an Arboricultural Impact Assessment (RSK, July 2016). This surveys 37 individual trees and five groups of trees within the site. The Trees and Landscape consultation response expresses concern at the removal of 23 of these individual trees and four of these groups of trees, both in order to facilitate development, and to allow space for demolition and construction. Concern is also expressed in respect of severe incursions into the Root Protection Areas and significant pruning of the canopies of trees to be retained on the periphery of the site. The response states that the loss of trees would have an adverse impact on the character of the Houghton Regis Conservation Area and on the visual amenity provided by the existing treescape.
- 3.2 Following the consultation response, negotiation has taken place with the agent for the applicant which has resulted in the retention of five individual trees previously intended for removal; therefore 18 individual trees would be lost.
- 3.3 The first is T34, located at the sensitive south east corner of the development adjacent to The Green. Also T31, on The Green frontage, and T36 on the Clarkes Way frontage would be retained. This would require the omission of two proposed car parking spaces; however, as the car parking provision is considered acceptable (see 'Highway Considerations' section below), this omission is acceptable. Finally, T20 and T21, on the High Street frontage, would be retained and incorporated into the proposed green corridor linking The Green and All Saints Church.
- 3.4 Whilst it is acknowledged that the proposal would still result in the loss of a large number of trees, significantly Group 5 on the prominent north east corner of the site adjacent to the High Street would be retained. Furthermore most of the trees fronting The Green would be kept, and these would be supplemented by the trees outside the site between the access road (within the site) and Redhouse Court Road. Also, the loss of trees needs to be balanced against the significant benefits of the scheme explained in the 'Principle of Development' section above, i.e. assisting in meeting the general need for additional housing in Central Bedfordshire, and the specific need for independent living accommodation.

**4. Impact on Amenity of Neighbouring and Future Occupants**

- 4.1 There is existing residential development surrounding the application site in Bedford Square, the High Street, Whitehouse Close and Clarkes Way. The flats above shop units in Bedford Square and the houses on the High Street are a minimum of 30m from the proposed development, on the opposite side of the High Street. Given this separation, the occupants of these properties would not suffer any loss of amenity from the proposal.
- 4.2 Likewise the houses at Nos. 1 to 4 Clarkes Way would be positioned at least 30m from the proposal, and the house at No. 5 Clarkes Way and the flats at No's 83 to 86 Clarkes Way would be separated by a minimum of 12m; none of these would be front to front relationships. These distances would again be sufficient to ensure there is no loss of amenity to occupants.

- 4.3 The proposal would face directly towards the two storey side windowless gable elevation of the flats at Nos. 93 and 94 Clarkes Way at a minimum distance of 9.5m. Whilst there would be first floor side windows facing towards the communal rear gardens of these properties and Nos. 89, 90, 91, 92 and 95 Clarkes Way, these would be at a minimum distance of 10m and intervening tree planting is proposed. On balance, it is not considered that harmful overlooking and a loss of privacy would result. It should also be noted that the existing Red House Court building is also two storey in this location, with a side elevation containing first floor windows closer to the boundary with Nos. 93 and 94.
- 4.4 The proposed two storey building adjacent to the boundary with Nos. 93 and 94 Clarkes Way would have a height to eaves level of 5.9m and a height to ridgeline of 8.2m. This would be lower than the existing building (equivalent eaves height of 5.05m and ridgeline height of 9.2m) and would not appear dominant or overbearing to the occupants of Nos. 93 and 94.
- 4.5 To the rear of the flats at Nos. 89 to 95 Clarkes Way and to the rear of the bungalows at Nos. 1 to 3 Whitehouse Close is a proposed landscaped area, free of any proposed buildings. No. 1 Whitehouse Close is a semi detached bungalow with an attached side garage adjacent to the boundary with the application site. The proposed development adjacent to this boundary would be two storey (it would step down from the junction of Whitehouse Close with the High Street from five, to three and then two storey). It would have a height to eaves of 7.25m and a height to ridgeline of 9.65m. Whilst this would be higher than No. 1 (eaves height of 3.15m and ridgeline height of 6.1m), given a separation distance of 7.65m, the proposal being setback from the front of No. 1, and the intervening garage, the proposal would not appear dominant or overbearing to the occupants of No. 1. There are two high level first floor side windows (height of over 2.5m above floor level) on the proposed development and none on the side roof of No. 1, and therefore no overlooking or loss of privacy would result. A condition should be attached to any planning permission granted removing permitted development rights for any further first floor side windows in this location.
- 4.6 Rosalyn House care home and No. 25 Whitehouse Close would be positioned on the opposite side of the street at a minimum distance of 17m. Given this separation, the occupants of these properties would not suffer any loss of amenity from the proposal.
- 4.7 The proposed building and the apartments within would be built using design principles to enable all residents of the building, along with members of the community, to access the facilities. This includes the incorporation of dementia needs into the building. All habitable rooms would have windows.
- 4.8 The application is accompanied by a Noise Impact Assessment (Cass Allen, 14 June 2016). The report recommends that mitigation is required against road traffic, noise from external plant, and noise from deliveries / service vehicles, to protect potential occupants of the scheme. Conditions

in this respect should be attached to any planning permission granted.

- 4.9 Section 5 of the Central Bedfordshire Design Guide states that within flatted developments, each apartment must have access to private open space. Various private shared gardens, including a large enclosed garden to the rear of the site adjacent to the boundaries with properties in Clarkes Way and Whitehouse Close, and a roof garden, would be provided. Also, some of the apartments would benefit from balconies. Furthermore, The Green - adjacent to the site - provides a substantial area of public open space which residents can benefit from.
- 4.10 The proposal is therefore in accordance with Policy BE8 of the SBLPR which requires proposed development to not have an unacceptable adverse effect upon residential amenity, and Section 5 of the Design Guide.

## **5. Highway Considerations**

- 5.1 In accordance with the Central Bedfordshire Local Transport Plan; Appendix F, the parking standard for retirement homes is 1 space per unit plus 1 space for every 4 units for visitors. This results in a requirement of 220 spaces for the residential portion of the proposal, whilst the retail element warrants an additional 19 spaces. With a provision of 106 on-site parking spaces, clearly these standards have not been met. However, it should be noted that use would not be as high as that for private dwellings, and the car parking provision is therefore acceptable.
- 5.2 Elements of the proposal adjacent to the eastern boundary of the site, for example pedestrian areas and access to car parking spaces, encroach into the public highway, i.e. a site access road adjacent to Red House Court and The Red House. Highways (Development Management) do not object to the stopping up of the public highway.
- 5.3 The Transport Statement includes a Travel Plan Framework (TPF) for the proposed development which outlines the content that will be provided within the full Travel Plan (TP). The requirement for a full TP, setting out site specific initiatives aimed at improving the availability and choice of travel modes to and from the development, should be the subject of a condition attached to any planning permission granted.
- 5.4 The application is accompanied by a Transport Statement (Stuart Michael Associates, June 2016) which provides evidence that a refuse vehicle and articulated vehicle can both enter and exit the undercroft parking area to the rear of the retail units. These vehicles measure 3.8m and 4.0m high respectively, whilst the clearance into the undercroft area only measures 3.8m. It would be reasonable to conclude that the vehicles that are required to service the site would be unable to access the service area.
- 5.5 Furthermore, the proposed vehicular access from Clarkes Way would only have a headroom of 2.6m, so neither a Light Goods Delivery Vehicle or an ambulance could take access. As a result deliveries to this area would be from the kerb side. However, there are parking bays proposed along the Clarkes Way frontage so wherever a delivery vehicle parks, it would be

causing an obstruction. Also, refuse bins could only be collected from a refuse vehicle parking on Clarkes Way. Considering the distance and number of refuse collection containers there are, the operation to empty the bins could take anything between 45 and 90 minutes.

5.6 The above issues in respect of the inability of various types of vehicles to access the site are, at the time of writing, being given further consideration by the agent on behalf of the applicant.

5.7 Notwithstanding the resolution of the issue concerning vehicles accessing the site, the proposal is otherwise acceptable in highway terms, subject to compliance with conditions in respect of the provision of details regarding alterations on the public highway, the closure of existing redundant accesses, submission of a Travel Plan, the maximum gradient of all vehicular accesses, the surfacing of on site vehicular areas, a scheme for the parking of cycles, and a scheme detailing provision for on site parking for construction workers.

## **6. Archaeological Impact**

6.1 The proposed development site is located within the core of the historic settlement of Houghton Regis (HER 16988), a heritage asset with archaeological interest as defined by the National Planning Policy Framework (NPPF).

6.2 The history of the site and its surroundings is documented in the Archaeology response above.

6.3 The application is accompanied by two documents relating to the archaeological resources of the site: an Archaeological Evaluation and Heritage Statement (Albion Archaeology, 12 May 2016) and a Heritage Statement (Albion Archaeology, 8 August 2016). These documents conclude that the site has low to moderate potential to contain archaeological remains dating to the medieval period and negligible to low potential for earlier periods. This is a reasonable conclusion based on the available evidence.

6.4 The proposed development will result in the destruction of any archaeological remains within the site which will result in a loss of significance to the heritage asset with archaeological interest; however, because the survival of archaeological remains is likely to be limited the loss of significance will consequently be small. The loss of significance to the heritage asset will be similarly small and not enough to justify any further archaeological investigation in advance of development. As such, there is no objection to the proposal on archaeological grounds.

## **7. Ecological Impact**

7.1 The application is accompanied by an Ecological Appraisal providing details of an Extended Phase 1 Habitat, Preliminary Protected Species Survey and Initial Impact Assessment (FPC Environment and Design, July 2016). The site was found to be dominated by habitats, such as hardstanding and buildings, that are of low value nature conservation interest. Surveys did not find bats present on the site. The proposal would not impact on a protected species.

7.2 Paragraph 6.5 in the Appraisal refers to the layout offering opportunities to provide enhancements for local habitats and fauna. The proposed roof garden is welcomed; further opportunities to secure a net gain for biodiversity in line with the National Planning Policy Framework, paragraph 109, should be secured. To this end, a condition should be attached to any planning permission granted requiring measures such as the inclusion of nectar rich species to benefit pollinators, the use of bird and bat boxes, and the provision of feeding stations for birds.

## **8. Contamination**

8.1 The application is accompanied by a Preliminary Contamination Risk Assessment (FWS Consultants, January 2016). This identifies that no significant risks and no mitigation measures are required in respect of gas and vapour, groundwater and surface water. However, in respect of ground contamination, further concrete and made ground investigations are required in the location of former buildings, in the north and south east of the site, including the smithy. To this end, a condition should be attached to any planning permission granted requiring further intrusive investigations to establish the extent of any contamination, and if necessary a remediation strategy to deal with the risks associated with contamination of the site.

## **9. Affordable Housing and Section 106 Requirements**

9.1 An Affordable Housing: Guidance Note for Central Bedfordshire (South Area) was endorsed by Central Bedfordshire Council's Executive on 5 April 2016 as interim guidance whilst the Central Bedfordshire Local Plan is being prepared. This states a proposed target of 30% affordable housing on qualifying sites.

9.2 Of the 168 independent living units proposed, 84 would be affordable rent and 57 shared ownership, with the remaining 27 market units. The rent and shared ownership apartments would be a range of one and two-bedroom. The development would therefore provide far in excess of a policy complaint scheme, i.e. 83.9%, from an affordable housing perspective.

9.3 The only contribution requested, to be secured through a Section 106 legal agreement, is from the Bedfordshire Clinical Commissioning Group (BCCG) and provides a response for GP Core Services. The response states that if the development materialises, it would affect Houghton Regis Medical Centre, which is already operating at capacity and has a very limited ability to accept new patients. As detailed in the response above, an overall contribution of £118,910 is sought, or £708 per dwelling.

9.4 However, it should be noted that the proposed development would be designed to meet the health and social care needs of older people, many of whom would have health needs (long term conditions) and disabilities, including dementia. This is in line with a Central Bedfordshire Health and Social Care system wide approach to reducing reliance on use of residential and nursing homes. The scheme is designed to reduce cost to



the Health and Social Care system, by enabling people to live independently and well for longer. Currently there is substantial under-provision of older person's specialist accommodation within Houghton Regis.

- 9.5 The Council has a clear policy position that applicants must have a local connection to Central Bedfordshire. The people who live in the scheme are more than likely to be current patients of the health Centre in Houghton Regis, and as such would not be an additional pressure to the health system. Whilst it is recognised that people moving into homes vacated by people moving into the proposed development may not currently live locally and therefore would create an additional demand on the local health system, overall given the expected reduction in demand resulting from the proposal, it is not considered that this factor justifies a contribution towards GP Core Services.
- 9.6 The scheme includes two Re-ablement Suites, which will enable people to return home from hospital and regain their independence, so costing the health and social care economy less money.
- 9.7 The wider benefits of the scheme in reducing social isolation and promoting wellness means that there will be less demand on GPs because people are healthier and when they are unwell or have conditions which need to be managed, the wrap around care offered by the scheme would help to mitigate the demand.
- 9.8 The provision of affordable housing, far in excess of policy compliance of 30%, should also be noted. Clearly this makes the scheme less economically viable than a proposal with a higher percentage of market units.
- 9.9 In view of the above factors - in particular the proposal meeting the health and social needs of older people, the potential occupants of the scheme currently living locally, and the lack of additional demand on the health system - it is not considered that a contribution towards GP Core Services meets the following tests for planning obligations outlined in the National Planning Policy Framework, paragraph 204:
- necessary to make the development acceptable in planning terms; and
  - fairly and reasonably related in scale and kind to the development.
- 9.10 Therefore a financial contribution towards GP core services should not be sought.

## **10. Other Considerations**

### **10.1 Response to Town Council concerns**

10.2 The matters raised in respect of the height of the building are considered in the discussion above.

10.3 There is an existing zebra crossing of the High Street; the consultation response from Highways Development Management does not refer to the

need for a controlled crossing.

- 10.4 A Heritage Statement (Albion Archaeology, 8 August 2016) accompanies the application.
- 10.5 A search has been undertaken which confirms that the access road adjacent to Red House Court and The Red House is publicly maintained highway.
- 10.6 Response to neighbour objections
- 10.7 The matters raised in respect of the proposal being overbearing and dominant, its design, the size of the building and its materials, how the proposal relates to the High Street and the village green, car parking, and the impact of additional traffic and pedestrians.
- 10.8 The proposal does not include a vehicular access onto Whitehouse Close. There is a proposed pedestrian access to the rear of retail unit 1; this is for emergency use only. For the avoidance of doubt, a condition should be attached to any planning permission granted to prevent general use. There are double yellow lines on Whitehouse Close which extend beyond where the proposed development would front this road. In view of these factors, it is not considered that the proposal would result in overspill or convenience parking in Whitehouse Close.
- 10.9 Any proposal for future re-generation of Houghton Regis town centre, for example, Bedford Square, would be considered on its own merits.
- 10.10 Public Art
- 10.11 The proposed development is of a scale and character to offer numerous opportunities for a series of artistic interventions to create an exemplar scheme in terms of bespoke design and detail and engender a sense of place for new and existing communities. A condition should therefore be attached to any planning permission granted requiring the submission of a Public Art Plan.
- 10.12 Sustainable Drainage
- 10.13 Conditions should be attached to any planning permission granted in respect of the detailed design for the surface water drainage for the site management and maintenance based on sustainable drainage principles, and requiring a Management and Maintenance Plan for the entire surface water drainage system.
- 10.14 Sustainable Growth
- 10.15 The Sustainable Growth Officer requests that conditions in respect of a water efficiency standard and a minimum 10% energy demand reduction from baseline of Part L of the Building Regulations are attached to any planning permission granted. However, such conditions are not considered necessary as these are matters which will be dealt with

through the building control process.

10.16 Human Rights issues

10.17 The proposal raises no Human Rights issues.

10.18 Equality Act 2010

10.19 It is acknowledged that the building has been designed to ensure that it adopts inclusive design principles to enable all residents of the building, along with members of the community, to access and benefit from the facilities. Furthermore, the building and landscape design incorporates dementia needs. An informative will be attached to any Listed Building Consent granted drawing the attention of the applicant to their responsibility under The Equality Act 2010.

**Recommendation:**

That Planning Permission be GRANTED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 External material samples shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 3 An external finishes schedule shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 4 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, details of the following in respect of all proposed new and/or altered boundary enclosure structures shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details-

– (brick wall and wall-top railings) - drawn elevation detail at 1:10; drawn

elevation and layout plan at 1:50;

- (Red House garden wall) – drawn detail at a scale between 1:10 and 1:20 in elevation and section, showing the method of the formation of the proposed decorative brick arch gate opening;
- Masonry wall details, including coping type, brickwork bond and mortar jointwork finishing.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 5 Notwithstanding the details submitted with the application, full details of all new gates, timber and metal bollards and exterior lighting installations proposed to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 6 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of construction of the proposed natural stone cobble/river washed pebble hard landscape surfacing hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 7 Notwithstanding the details submitted with the application and prior to the laying out of the cobbled hard landscape surfaces hereby approved, a finished sample section demonstrating clearly the materials to be used (including edgings and representative cobbles/pebbles) and the manner of surfacing bedding and finishing, shall be constructed on site, and retained, for agreement in writing by the Local Planning Authority, and the approved works shall be implemented thereafter in strict accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's

listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 8 Development shall not begin until details of the alteration on the public highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

- 9 Before the new accesses are first brought into use, any existing accesses within the frontage of the land to be developed, not incorporated in the access hereby approved 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.

- 10 The development shall not be occupied until a Full Travel Plan has been submitted to and approved in writing by the Council, such a Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
  - Site specific travel and transport information;
  - Travel vouchers;
  - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site;
  - Copies of relevant bus and rail timetables.
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

- 11 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

- 12 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.

- 13 Before development begins, a scheme for the parking of cycles on the site 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 for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 14 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The applicant and the Council engaged in discussion and negotiation at pre-application and application stage which led to improvements to the scheme. The applicant and the Council have therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

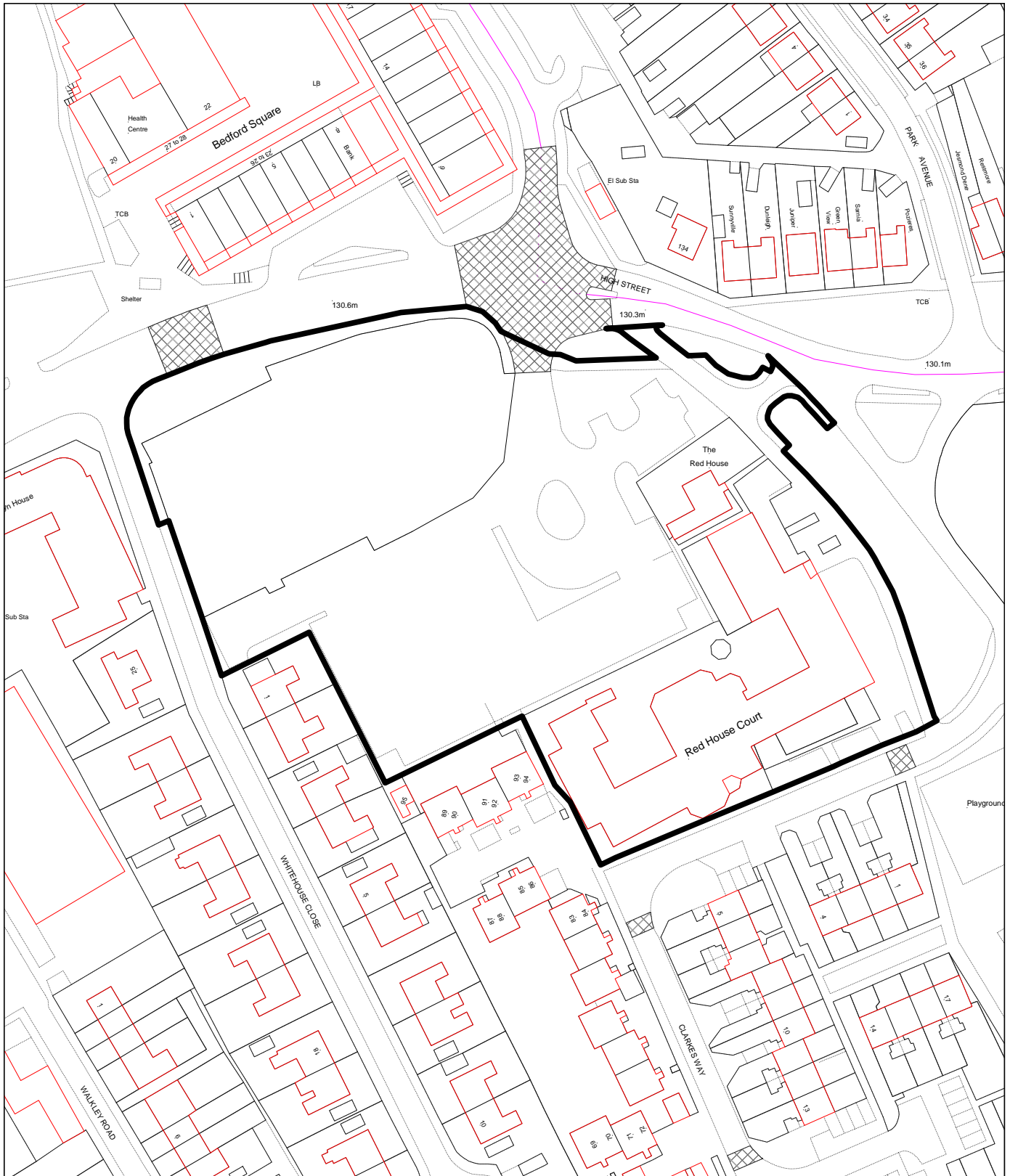
**DECISION**

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	<p>Date: 24:October:2016</p> <p>Grid Ref: 501987; 223874</p>	
<p>Scale: 1:1250</p>	<p><b>Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT</b></p>	

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**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/16/03379/LB</b>
<b>LOCATION</b>	<b>Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT</b>
<b>PROPOSAL</b>	<b>Listed Building: Phased construction of a new Independent Living Scheme for older persons comprising 168 apartments with support facilities, a restaurant &amp; bar, retail units, cafe, 2no reablement suites, the conversion and change of use of a Grade 2 listed building and the demolition of an existing sheltered housing scheme with associated parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>12 August 2016</b>
<b>EXPIRY DATE</b>	<b>07 October 2016</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Kyle Smart Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Central Bedfordshire Council is the applicant  Listed Building Consent - Recommended for Approval</b>

**Reason for recommendation:**

The proposed development would relate to and would not be detrimental to the historic significance and traditional character of the Red House, a Grade II Listed Building. The proposal would therefore comply with Section 7 (Requiring good design) and Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, and Policy BE8 (Design Considerations) of the South Bedfordshire Local Plan Review.

**Site Location:**

The 1.46 hectare application site is in Houghton Regis town centre, and the eastern section is in the Houghton Regis Conservation Area. It was developed previously with houses and small commercial buildings including a smithy in the north and east of the site prior to 1880 until the 1960s/1970s when the majority of these buildings were demolished, with the exception of The Red House, a Grade II Listed Building.

Sheltered accommodation (Red House Court) was built in the south east corner of the site in the late 1970s and extended to the south west in the late 1990s.

A Co-op supermarket and Community Centre was built in the north of the site, with associated car parking in the south west in the early 1980s but was demolished in 2005 following a large scale fire. Since then, a smaller store operated until early

summer 2014, and a social club used temporary portacabins on part of the site.

The site returned back into the full ownership of Central Bedfordshire Council in 2015 and the vacant areas of the site are currently enclosed by timber hoarding.

The Red House, which was formerly part of the Council's housing stock, is presently vacant. Red House Court is still occupied and contains 33 sheltered housing flats.

Vehicular access into the site is from the High Street via a four-arm roundabout which also links into The Green and Tithe Farm Road. The site is relatively flat, although there is a slight slope of around 1.5m from the north west to the south east. The site contains 37 individual trees and five groups of trees, most of which are located near to the site boundaries and in the north eastern part of the site.

The area around the site contains a variety of land uses. Immediately to the north is Bedford Square shopping centre, comprising shop units on the ground floor with flats above. To the north west is All Saints Church which is Grade I listed, originating from the 14th century. To the north east are detached and semi detached residential properties on the High Street.

To the west, positioned at the junction of the High Street and Whitehouse Close, is Rosalyn House, a 46 bedroom care home. Whitehouse Close and Clarkes Way, to the south, contain residential properties, varying in type. To the south east there is a public open space containing a children's playground. There is a large green open space known as The Green to the east of the site. Running along the western edge of The Green is Redhouse Court Road. Located at the end of this road is Houghton Hall, a late 17th century building which is Grade II\* listed.

There is an existing unofficial pedestrian route through the site which enters via Clarkes Way to the south and provides a connection to the High Street to the north.

### **The Application:**

Listed Building Consent is sought for a new Independent Living Scheme for Older Persons comprising 168 apartments. Independent Living Schemes are sometimes referred to as Extra Care and are intended for people who are aged 55 or over who may or may not require care. The 168 units would comprise 84 affordable rent apartments (79 x one-bedroom and 5 x two-bedroom), 57 shared ownership apartments (30 x one-bedroom and 27 x two-bedroom), and 27 apartments for outright sale (1 x one-bedroom and 26 x two-bedroom).

Also proposed are six retail units, and communal facilities including a cafe, restaurant, lounge, multi-purpose rooms, hobby rooms, assisted bathing facilities, treatment rooms, and two re-ablement suites.

The Grade II Listed Red House would be converted and its use changed to a multi-purpose facility at ground floor, offices at first floor and storage at second floor.

The proposal would be designed as a single building shaped as a figure of eight and would range from single storey to five storey. The highest part of the development, fronting the High Street, would be 16.45m high. External landscaped areas would be provided.

The scheme would include 106 car parking spaces. Vehicular access would be provided from the High Street and from Clarkes Way. A public footpath between Clarkes Way and the High Street would be retained.

The existing Sheltered Housing building, Red House Court, would be demolished to facilitate the new development.

**Relevant Policies:**

**National Planning Policy Framework (NPPF) (March 2012)**

Achieving sustainable development  
Section 7: Requiring good design  
Section 12: Conserving and enhancing the historic environment

**South Bedfordshire Local Plan Review Policies**

Policy BE8: Design Considerations

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policy BE8 is broadly consistent with the Framework and carries significant weight.

**Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide, March 2014

**Relevant Planning History:**

Application Number	CB/16/01922/SCN
Description	EIA Screening Opinion: Construction of new Independent Living Scheme for Older persons comprising 167 apartments with support facilities, a restaurant & Bar, 6 no retail units, a cafe, 2 no re-ablement suites, the conversion and change of use of a grade 2 listed building and the demolition of an existing sheltered housing scheme
Decision	Environmental Impact Assessment not required
Decision Date	8 July 2016

Application Number	SB/08/00214/FULL
Description	Siting of a temporary building for use as a library
Decision	Conditional planning permission
Decision Date	14 July 2008
Application Number	SB/06/01165/FULL
Description	Temporary siting of single storey building for use as social club (pending replacement of building demolished following fire)
Decision	Conditional planning permission
Decision Date	23 November 2006
Application Number	SB/03/00007/LB
Description	Stripping and Replacement of Roof Tiles (The Red House)
Decision	Conditional Listed Building Consent
Decision Date	28 May 2003

**Consultees:**

Houghton Regis Town Council                      Comments: No objections in principle. However, the following concerns were expressed.

1. The effect the height of the building would have on the general outlook of the area, but in particular on some of the residents of Whitehouse Close.
2. As the residents of the building will be elderly, improvements would need to be made to facilitate an easier crossing of the High Street, i.e. controlled crossing.
3. Concerned that there does not appear to be a report from English Heritage within the documents.
4. The Town Council would like to see proof that CBC does indeed own the access road adjacent to Red House Court and The Red House.

Trees and Landscape    I have examined the plans and documents associated with this application, namely the Arboricultural Impact Assessment (Stage 1 and 2 Arboricultural Report) prepared by RSK Environment dated July 2016, and site plans.

To put the scale of tree removal into context, it should be noted that of the 37 individual trees and five groups of trees surveyed within the site, this application will involve the removal of 23 of these individual trees and 4 of these groups of trees, both in order to facilitate development, and to allow working space for demolition and construction. It should also be recognised that many of these trees are of a "B" quality rating that make a significant contribution to the existing locality and character of the Houghton Regis Conservation Area.

Also of concern is that those trees being retained are all on the periphery of the site, and many are being incorporated into

areas where there will be severe incursions into their Root Protection Areas, and where the potential for root disturbance will be high given the proximity of trees to proposed changes in surface treatments. Significant pruning will also be required to accommodate their canopies into the development layout, and subsequently there will then be repeated requests for future tree pruning once the pressure of occupancy comes to bear, leading to disfigured trees of lower amenity value.

This suggests to me that the site is being overdeveloped at the expense of acceptable tree retention, and is likely to have an adverse impact on the character of the Houghton Regis Conservation Area, which as a Local Authority, sets a bad example to the wider public when we are currently striving to protect our Conservation Areas from tree loss due to development.

For this reason I could not support such a large scale of tree loss as being indicated with this scheme, and therefore object to the application on the basis that such tree loss will have an adverse impact on the visual amenity provided by existing treescape.

#### Conservation and Design

The application site occupies a prominent corner plot with aspects both on The Green (where the site is within the boundaries of the designated Houghton Regis Conservation Area) and High Street (outside the Conservation Area but part of the townscape setting of the Grade I Listed Parish Church of All Saints). Beyond this 'strategic' historic environment significance, the application site includes the Grade II Listed Red House, a distinctive traditional property representing historic settlement around the edges of The Green. Roughly half of the application site lies within the designated Conservation Area.

The proposed redevelopment of this site, an independent living development of 168 apartments, restaurant and bar, café and retail units is a strident architectural departure for Houghton Regis. Initial Scheme design benefitted from direct pre-application discussion with Historic England, and further Historic England and CBC involvement has resulted in minor design changes responding specifically to historic environment issues.

In view of this achievement, and the potential high 'public benefit' deliverable through the Scheme, I am happy for Permission to be granted with the following Conditions and Informatives attached:-

(recommended Conditions and Informatives)

Reason for Conditions: To ensure that the development is carried out in a manner that safeguards the historic

significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a full selection of external material samples, including facing and detail brick, flint nodules, boundary wall bricks and copings and rainwater goods proposed to be used in works of new build and external masonry repairs and 'making-good' shall be made available on site for inspection by, and written approval of, the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details.
- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of the 'making good' of traditional flintwork wall sections to be retained in the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details.
- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of all internal and external works of 'making good', including the reinstatement of final wall finishes, resulting from the implementation of the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details
- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, drawn detail at an appropriate scale between 1:10 and 1:20, as appropriate, showing the following shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details



- section detail demonstrating the construction and depth of recessed masonry to be used in any blocking of existing window or door openings
- section detail showing the relationship of new window and door installations hereby approved to the external envelope of the existing building(s) to be retained including cill detail, window and door brick arch detailing, as appropriate
- Notwithstanding the details submitted with the application, the rainwater goods to be installed as part of the development hereby approved shall be of 'Heritage Range' painted cast aluminium, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained as such thereafter.
- Notwithstanding the details submitted with the application, full details of all new windows, secondary glazing and external doors proposed to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in accordance with the approved details and shall be maintained as such thereafter.
- Notwithstanding the details submitted with the application, full details of any proposed internal floor raising/levelling including the method of detailing at the abutment of raised flooring with any existing historic wall plinth and timber framing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in accordance with the approved details and shall be maintained as such thereafter.
- Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, details of the following in respect of all proposed new and/or altered boundary enclosure structures shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details-
  - (brick wall and wall-top railings) - drawn elevation detail at 1:10; drawn elevation and layout plan at 1:50

- (Red House garden wall) – drawn detail at a scale between 1:10 and 1:20 in elevation and section, showing the method of the formation of the proposed decorative brick arch gate opening
- Masonry wall details, including coping type, brickwork bond and mortar jointwork finishing

(Informatives):

- (Explanation of terms used) For the complete avoidance of doubt, both applicant and applicant's agent should be advised that the use of the term 'external' in the Conditions attached to this Consent is taken to refer to the true external envelope (ie outside walls as existing) of the building(s) that occupy the site prior to incorporation within the Scheme of development hereby approved.
- (Requirement of additional Listed Building Consent) For the complete avoidance of doubt, both applicant and applicant's agent should be advised that this Consent does not authorise the undertaking of any or all of the following works, for which the obtaining of additional Listed Building Consent will be required:-
  - Works to the timber framed structure of the main building and attached single storey outbuilding to be retained,, including roof works
  - Works to the chimney structure to be retained
  - Works to staircases to be retained
  - Works to windows and external doors to be retained (including joinery structure and glazing repairs)
  - Damp proofing works

Archaeology

The proposed development site is located within the core of the historic settlement of Houghton Regis (HER 16988), a heritage asset with archaeological interest as defined by the *National Planning Policy Statement (NPPF)*.

The settlement of Houghton Regis is of Saxon origin. At the time of the Domesday Survey of 1086 AD it was a Royal manor, with a church and an estate of just over 2000 hectares that included Dunstable, Puddlehill, Thorn, Calcutt and Sewell. Documentary evidence suggests that at the time of the Norman Conquest, Houghton manor was wealthy and prosperous. In the early 12th century, Houghton's significance was eclipsed by Dunstable, when Henry I invested in the creation of a new, planned market town, a Royal residence

and the foundation of the Augustinian Priory of St Peter. Around this time the manor of Houghton was given to Hugh de Gurney, and the Church (which is assumed was at the same location as the present All Saints) was given to the Earl of Gloucester, eventually passing to St Albans Abbey and remaining with it until the Dissolution in the 16th century. The medieval parish church of All Saints (HER 5385) a Grade I Listed Building lies to the north west. The present church is 14<sup>th</sup> century in origin but was extensively restored in the 19<sup>th</sup> century. It is likely to be on the site of an earlier church. The fortunes of the manor of Houghton remained intrinsically linked with Dunstable and the Priory of St Peter, which had been granted substantial amounts of land in Houghton, and inevitably this led to tensions between the two manors. The medieval settlement of Houghton Regis developed in a fairly typical nucleated fashion, with the focus centred upon All Saints Church and the Green (HER 12240). The location of the original manorial complex is, however, not known. It has been suggested that it lay to the immediate north of the Green in a large enclosed area (as shown on the Enclosure Map of 1776) but there is nothing further to substantiate this assertion. From the mid 16<sup>th</sup> to mid 17<sup>th</sup> century it passed through a succession of owners. Around 1653 however it was bought by Henry Brandreth and it was Brandreth's daughter Alice was responsible for building Houghton Hall, to the south of the Green and what was to become Houghton Hall Park. Houghton Hall (HER 5687 and Grade II\* Listed Building) and its associated Park (7024) are located to the south east of the proposed development site. Construction of the Hall was complete by 1700. In 1750 the estate was sold to the Duke of Bedford although the Brandreth family reacquired the estate the late 18<sup>th</sup> century and increased the extent of the Park. The Red House (HER 5688 and Grade II Listed Building), a 17<sup>th</sup> century timber framed building is on eastern edge of the site. There is evidence for a number of former buildings on the site, all now demolished including a blacksmiths shop (HER 12235), 141-147 High Street, a series of late 18<sup>th</sup> century houses (HER 5699) and a 19<sup>th</sup> century Church of England School (HER 6618).

Historical evidence for Saxon and medieval Houghton is supported by an emerging archaeological record from within settlement and the surrounding area. The earliest evidence for the original settlement was discovered between the late 1930's and 1960's (prior to the re-development of the area), when a number of features; including ditches, pits, a burial and well were recorded to the north east of the proposed development site at Easthill and Chantry Farms and surrounding area (HERs 142 and 1919). Artefact remains included Stamford Ware and St Neots Ware pottery dating

from the 10<sup>th</sup> to 12<sup>th</sup> centuries.

The application is accompanied by two documents relating to the archaeological resources of the site: an *Archaeological Evaluation and Heritage Statement* (Albion Archaeology 12<sup>th</sup> May 2016) and a *Heritage Statement* (Albion Archaeology 8<sup>th</sup> August 2016). The archaeological evaluation comprised of the excavation of six trial trenches evenly distributed across the site. A number of archaeological features were identified, but only one was of any antiquity: a pit dated by pottery finds to the 12<sup>th</sup>-13<sup>th</sup> century AD. The other features, where they were dated, all appeared to be 19<sup>th</sup> century or later. The evaluation also showed that previous development had been subject to extensive levelling and construction activity which will have compromised the survival of archaeological remains within the proposed development site. The *Archaeological Evaluation and Heritage Statement* concludes that low to moderate potential to contain archaeological remains dating to the medieval period and negligible to low potential for earlier periods. This is a reasonable conclusion based on the available evidence.

Groundworks associated construction of the development are identified in the *Archaeological Evaluation and Heritage Statement* as having the potential to cause moderate to substantial harm to sub-surface archaeological features. It is suggested that it would be possible to mitigate this impact on archaeological remains through a programme of archaeological investigation and recording.

It has been shown that the proposed development was occupied during the medieval period, though the evaluation did not produce clear evidence about the nature of that occupation. This may be partly because the occupation was not particularly substantial and did not leave extensive remains. The lack of extensive archaeological remains is also a function of later use and development of the site, particularly in the 20<sup>th</sup> century which has resulted in levels of ground reduction and disturbance which has severely reduced the likelihood that substantive archaeological remains from the medieval period will survive within the site. The proposed development will result in the destruction of any archaeological remains within the site which will result in a loss of significance to the heritage asset with archaeological interest; however, because the survival of archaeological remains likely to be limited the loss of significance will consequently be small. The loss of significance to the heritage asset will be similarly small and not enough to justify any further archaeological investigation in advance of development. Therefore, I have no objection to this application on archaeological grounds.

Historic England      No representation received

**Other Representations:**

Neighbours      Representations objecting to the proposal were received from Nos. 2, 8, 22 and 24 Whitehouse Close:

Proposal visually overbearing, dominant and overpowering due to height and colour.

Inappropriate design for this part of town.

Large building out of keeping with neighbouring properties.

Pedestrian and vehicular access points into Whitehouse Close would encourage parking in the road and additional footfall, and additional traffic, causing noise, pollution and inconvenience. Access should only be in the event of an emergency.

Overspill or convenience parking in Whitehouse Close.

Negative environmental impact.

Due consideration not given to what is in keeping with existing aspects of High Street and village green.

Building materials not appropriate.

Proposal could set unwanted precedent for future regeneration, e.g. Bedford Square.

Car parking inadequate.

In light of extra motor traffic and pedestrians on an already dangerous traffic system, Highways must view with urgency what can be done to increase safety.

**Determining Issues:**

The main considerations of the application are:

1.      Impact on Listed Building
2.      Other Considerations

**Considerations:**

**1.      Impact on Listed Building**

- 1.1      The Red House, a Grade II Listed Building is to the east of the application site and fronts The Green.

- 1.2 A single storey glazed link is proposed to connect the Red House into the rest of the development. Glazed sections to both sides and the rear would expand the useable floor space within the building. The glazed elements would be single storey and setback from the front of the Red House, in order to limit their impact on its setting. Pre and during application negotiation has resulted in a number of improvements to the treatment of the Red House and its setting. These include the provision of a courtyard garden to the front enclosed by a brick wall and wall-top railings.
- 1.3 Other changes include the recessing of the brick infills to the existing openings to allow the original window positions to be identified. Also access from the café into the Red House has been adjusted to line with the existing window jambs. The reduced opening size has resulted in a smaller sliding door, which has been adjusted to a glazed sliding screen. The existing flint wall would now be visible when the screen is left in the open position.
- 1.4 The elevation of the proposed development fronting The Green would be predominantly three storey; however, the element adjacent to The Red House would be reduced to two storeys with dormer windows. Also, this part of the new building would have roof tiles chosen to compliment the existing roof tiles of The Red House. This would ensure that the proposed elevation fronting The Green has an acceptable relationship with The Red House.
- 1.5 To safeguard the historic significance and traditional character of the Red House, any Listed Building Consent granted should be subject to the conditions outlined in the Conservation and Design consultation response.
- 1.6 Overall, the proposal would relate to and would not be detrimental to the historic significance and traditional character of the Red House. The proposal would comply with Section 7 (Requiring good design) and Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework and Policy BE8 (Design Considerations) of the South Bedfordshire Local Plan Review.

## **2. Other Considerations**

### **2.1 Response to Town Council concerns**

2.2 The matters raised in respect of the height of the proposed building are considered in the discussion above.

2.3 A Heritage Statement (Albion Archaeology, 8 August 2016) accompanies the application.

2.4 The other matters raised are irrelevant to the consideration of an application for Listed Building Consent.

### **2.5 Response to neighbour objections**

2.6 The matters raised in respect of the proposal being overbearing and dominant, its design, the size of the building and its materials, and how the proposal relates to the village green are acknowledged; however it is not

considered that the proposal would have a detrimental impact on the Listed Building.

- 2.7 The other matters raised are irrelevant to the consideration of an application for Listed Building Consent.
- 2.8 Human Rights issues
- 2.9 The proposal raises no Human Rights issues.
- 2.10 Equality Act 2010
- 2.11 It is acknowledged that the building has been designed to ensure that it adopts inclusive design principles to enable all residents of the building, along with members of the community, to access and benefit from the facilities. Furthermore, the building and landscape design incorporates dementia needs. An informative will be attached to any Listed Building Consent granted drawing the attention of the applicant to their responsibility under The Equality Act 2010.

**Recommendation:**

That Listed Building Consent be GRANTED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The works shall begin not later than three years from the date of this consent.  
  
Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a full selection of external material samples, including facing and detail brick, flint nodules, boundary wall bricks and copings and rainwater goods proposed to be used in works of new build and external masonry repairs and 'making-good' shall be made available on site for inspection by, and written approval of, the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details.  
  
Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.
- 3 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of the 'making good' of traditional flintwork wall sections to be

retained in the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 4 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a method statement and specification detailing fully the proposed method of all internal and external works of 'making good', including the reinstatement of final wall finishes, resulting from the implementation of the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved detail.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 5 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, drawn detail at an appropriate scale between 1:10 and 1:20, as appropriate, showing the following shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details-

- section detail demonstrating the construction and depth of recessed masonry to be used in any blocking of existing window or door openings;
- section detail showing the relationship of new window and door installations hereby approved to the external envelope of the existing building(s) to be retained including cill detail, window and door brick arch detailing, as appropriate.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 6 Notwithstanding the details submitted with the application, the rainwater goods to be installed as part of the development hereby approved shall be of 'Heritage Range' painted cast aluminium, unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained as such thereafter.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.



- 7 Notwithstanding the details submitted with the application, full details of all new windows, secondary glazing and external doors proposed to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in accordance with the approved details and shall be maintained as such thereafter.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 8 Notwithstanding the details submitted with the application, full details of any proposed internal floor raising/levelling including the method of detailing at the abutment of raised flooring with any existing historic wall plinth and timber framing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site, and the approved development shall thereafter be implemented strictly in accordance with the approved details and shall be maintained as such thereafter.

Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

- 9 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, details of the following in respect of all proposed new and/or altered boundary enclosure structures shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details-

- (brick wall and wall-top railings) - drawn elevation detail at 1:10; drawn elevation and layout plan at 1:50

- (Red House garden wall) – drawn detail at a scale between 1:10 and 1:20 in elevation and section, showing the method of the formation of the proposed decorative brick arch gate opening

- Masonry wall details, including coping type, brickwork bond and mortar jointwork finishing

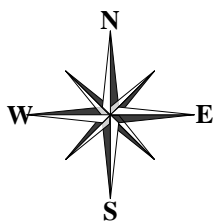
Reason: To ensure that the development is carried out in a manner that safeguards the historic significance and traditional character of the site's listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

**INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. (Explanation of terms used) For the complete avoidance of doubt, both applicant and applicant's agent should be advised that the use of the term 'external' in the Conditions attached to this Consent is taken to refer to the true external envelope (ie outside walls as existing) of the building(s) that occupy the site prior to incorporation within the Scheme of development hereby approved.
4. (Requirement of additional Listed Building Consent) For the complete avoidance of doubt, both applicant and applicant's agent should be advised that this Consent does not authorise the undertaking of any or all of the following works, for which the obtaining of additional Listed Building Consent will be required:-
  - Works to the timber framed structure of the main building and attached single storey outbuilding to be retained,, including roof works;
  - Works to the chimney structure to be retained;
  - Works to staircases to be retained;
  - Works to windows and external doors to be retained (including joinery structure and glazing repairs);
  - Damp proofing works.

**DECISION**

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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 25:October:2016  
 Map Sheet No

Application No:  
**CB/16/02821/FULL**

Scale: 1:1250

Land to the Rear of 3 - 5a High Street, Langford,  
 Biggleswade, SG18 9RP

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**Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/16/02821/FULL</b>
<b>LOCATION</b>	<b>Land to the Rear of 3 - 5a High Street, Langford, Biggleswade, SG18 9RP</b>
<b>PROPOSAL</b>	<b>Erection of detached bungalow, demolition of existing brick built shed.</b>
<b>PARISH</b>	<b>Langford</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Julia Ward</b>
<b>DATE REGISTERED</b>	<b>14 September 2016</b>
<b>EXPIRY DATE</b>	<b>09 November 2016</b>
<b>APPLICANT</b>	<b>The Salvation Army Hall</b>
<b>AGENT</b>	<b>Mr C Bailey</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in from Ward Member (Councillor Saunders) on the grounds of: Call in from Ward Member (Councillor Saunders) on the grounds of:</b>
	<ul style="list-style-type: none"><li><b>* over-development;</b></li><li><b>* highways safety grounds;</b></li><li><b>* parking;</b></li><li><b>* previous refusal due to historical conditions - site not appropriate.</b></li></ul> <ul style="list-style-type: none"><li><b>• over-development;</b></li><li><b>• highways safety grounds;</b></li><li><b>• parking;</b></li><li><b>• previous refusal due to historical conditions - site not appropriate.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

**Site Location:**

The application site is located at the rear of existing properties on the eastern side of High Street within the Settlement Envelope of the village of Langford.

The level site is currently an area of hardstanding behind the existing residential and commercial properties along High Street to the west and Station Road to the east. An existing single storey brick-built outbuilding is located in the north-western corner of the site. The site is bounded by high close-boarded fencing. The site is currently accessible from existing accesses from High Street and Station Road.

**The Application:**

This application is seeking planning permission for the erection of a detached 2-bedroomed bungalow following demolition of the existing garage building on the site. Vehicular access is from High Street via an existing access between 7 and 5A High Street. The proposed dwelling would have 2 no. car parking spaces to the south of the site and a garden area to the north of the site.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

CS1 - Development Strategy

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development within and beyond Settlement Envelopes

**Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

Supplement 1                      Placemaking in Central Bedfordshire

Supplement 5                      Residential Development

**Relevant Planning History:**

Application Number      CB/14/04036/FULL

Description                      Change of use from Salvation Army Hall to a dwelling. Part 1.5 storey rear extension and part single storey rear extension. Replacement fenestration.

Decision                              Granted

Decision Date                      09/12/14

**Consultees:**

Parish/Town Council              Langford Parish Council - Objects to the application for the following reasons:

1. Access is directly onto the busy High Street via a narrow gap of less than 2.7 metres, directly opposite are public parking bays restricting the road width and next to the exit is a busy shop and garage. A low level wall also prevents the visibility of children;
2. Currently access is limited to two residents and one office, the plans under consideration will increase this by a further 4 vehicles thus increasing the risk significantly;
3. We believe that an alternative access exists to the rear of the proposed property but this has been excluded from the plans submitted for some reason, whilst still difficult this appears to provide a better option;
4. The Council originally refused permission due to historical conditions, the developer's proposal includes an archaeological report which appears to support the council's conclusions;
5. The site proposed is inappropriate, it was previously a

builder's yard and not a garden as described. It is adjacent to 4 no. 1960's style concrete/ asbestos garages and the business premises of a windows company and vehicle repairers.

## Highways

The proposed bungalow will be served via the existing access/ driveway that runs between nos. 5a and 7 High Street and currently provides access to the parking at the rear of the former Salvation Army Hall. No changes are proposed to this existing means of access to the highway. Two off-street car parking spaces are shown to be provided to the side of the proposed dwelling and the shared access driveway across the front enables the vehicles to enter, turn and leave in a forward gear. The on-site parking provision can therefore be deemed compliant with the Council's parking standards.

The proposed development of a two bedroomed dwelling in this location has the potential to generate four to six additional traffic movements per day. Given that the means of access and the off-street parking provision are deemed acceptable, it is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse highway impacts, once completed.

It is recommended that conditions related to the provision of the shared access and parking spaces and details of cycle parking should be attached to any approval.

## Archaeology Officer

### **Archaeology Reference: HER/16982/WAB**

The proposed development site lies partly within the historic core of the settlement of Church End, Langford (HER 17135) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

Langford is first documented in a will of 944 AD and the manor was also recorded in the Domesday Survey of 1086 AD. This strongly suggests that the origins of the settlement date back to the Saxon period.

It would appear that by the medieval period Langford was polyfocal in nature, with a number of separate but interlinked settlements (referred to as "ends") in the parish. These included Flexmore End, Water End and Church End. Church End, where the proposed development site is situated was the most substantial of the settlements. Church End takes its name from the medieval parish church of St Andrew (HER 1087, NHLE 1113840: Grade I). St Andrews Church has 13th century origins although the main body of the building is 14th century with 15th century additions. Until recently there

has been a physical separation between Church End and the rest of the village to the south, this separation disappeared as the village expanded in the 20th century.

There have only been a small number of archaeological investigations undertaken in Langford; however, archaeological deposits relating to the medieval settlement have been recorded in a number of locations within Church End. An archaeological investigation undertaken at Mushroom Farmhouse, Langford identified archaeological deposits relating to medieval settlement (Albion Archaeology 2012). Extensive archaeological deposits dating from the late Saxon through to the early medieval periods have also been found on the land adjoining the Wrestlers on Church Street (HER 19481).

In addition to the later Saxon and medieval archaeology recorded within Langford, small scale archaeological investigations at Pound Close found ditches, flint flakes, animal bone and human remains (HER 16117). These finds are undated, but suggest the presence of prehistoric occupation in the area which would fit in with a pattern found in similar topographical locations elsewhere in the Ivel Valley (BCAS 1992). These remains may also tie in with the record of a group of "British mounds" that were recorded in the area of Tithe Close in the 19th century (HER 1420); it has been suggested that these may have been prehistoric funerary monuments although no archaeological evidence to substantiate the existence of these features has been found.

This application is accompanied by an *Archaeological Desk-Based Assessment Report* (September 2016), which identified that the development site had the potential to contain buried archaeological remains related to the Saxon, medieval and post medieval development of the village and that the foundations and other associated groundworks for the development the potential to any surviving deposits within the area.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will undertake a trial trench evaluation, which may be followed by further fieldwork if appropriate. The



archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the following condition to any permission granted in respect of this application.

**“No development shall take place until a written scheme of archaeological investigation; that includes the provision for post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.”**

**Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework (NPPF)* that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.**

This request is in line with the requirements of Chapter 12 of the NPPF.

Pollution Team

No comments have been received at the time of writing the report. Any comments received will be reported at Committee.

**Other Representations:**

Neighbours

Objections have been received from the occupiers of the following addresses:

5 High Street - Objects to the application for the following reasons:

1. For at least the last 17 years the plot has been used as a builder's storage yard, not as a domestic garden as stated;
2. Access to the plot has been via the driveway between 30 Station Road and the Ivy Leaf Club;
3. The proposed access way is shared by residents of nos. 5, 5A, 7A, 7B and 7C who all contributed to the cost of laying tarmac around 11 years ago. On the advice of the then retained land owner, 25mm tarmac depth was regarded as sufficient due to the light use it would receive. There was no access to the rear of no. 3A via the access way between nos. 5A and 7. Increased flow of traffic will have an impact on the deterioration rate of the tarmac;
4. The land directly in front of the garages owned by nos.

5 and 5A when fully occupied will severely restrict the turning ability of any site construction vehicles;

5. I understand that there is a significant interest in some archaeological finds on the site. What are the plans for recovering/ preserving these artefacts?;

6. The proposed access way narrows down to less than 3 metres. The access/ egress point from the High Street is opposite on-street parking and the visibility when existing is poor due to the limited field of vision. Both restrict the turning circle of any larger vehicles. These factors would almost certainly pose a risk to pedestrians and other road users. It would be wholly unsustainable for construction traffic to use this access;

7. There is no provision for on-site parking for construction workers. The on-road parking is limited so where are the workers going to park?

The access/ egress point to the site is totally unsuitable. A better solution would be to use the driveway between 30 Station Road and the Ivy Leaf Club.

5A High Street - Objects to the application for the following reasons:

1. The access shown on the location map and site plan has never been in regular use either for the application plot or for rear access to the Salvation Army Hall. The Hall did not have any rear access until the owner purchased the rear gardens of nos. 22 and 24 Station Road;

2. The plot has not been used as a domestic garden as stated on the application but as storage, and both this area and the rear gardens of no's 22 and 24 Station Road are regularly accessed via the drive between 30 Station Road and the Club. The proposed access is shown on the application as being between 5A and 7 High Street. This access has not been used by them;

3. The access as shown is a shared access for the 5 residents of no, 5 and 5A whose garages and parking spaces form part of the drive and no. 7A, 7B and 7C who have parking spaces off the access. 11 years ago, the shared users paid to have it re-surfaced. The width narrows between 5 A and 7 to less than the minimum width for a shared driveway. The walls of the buildings are only 2.7 metres apart;

4. Additionally, the visibility for the pedestrian footpath in front of 5A and 7 is very restricted and the road access point has poor vehicular visibility. Whilst the application is for a new house with 2 parking spaces, it also appears to include a new access for the The Salvation Army parking to use this access, This property has never used this access before, as stated above, it has always used the access onto Station Road;

5. The proposed demolition, archaeological works and construction works will all require vehicles to pass up the access between 5A and 7 High Street, according to the application. There is inadequate turning space for materials delivery lorries within the site and the drive is too narrow for such deliveries to be made from High Street. There is no parking provision for workers and construction vehicles within the site as the bungalow is sited close to the access point;
6. There is no statement for wheel cleaning for construction vehicles so mud is probably going to be spread beyond the boundary of the plot onto the shared driveway;
7. The application should be withdrawn and re-submitted with the access changed to the existing drive used by the plot and the Salvation Army Hall, between 30 Station Road and the Club.

### **Determining Issues:**

The main considerations of the application are:

1. **Principle of the development**
2. **Impact of the proposal on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Other considerations**

### **Considerations**

#### **1. Principle of the development**

The application site is located within the defined Settlement Envelope boundary of Langford. Policy CS1 of the Core Strategy and Development Management Policies (2009) identifies Langford as a Large Village. Policy DM4 states that within Settlement Envelopes of Large Villages, small scale housing uses will be permitted. It is therefore considered that the principle of a new dwelling within the Settlement Envelope boundary is acceptable, subject to the proposal meeting the criteria of policy DM3 of the Core Strategy.

#### **2. Impact of the proposal on the character and appearance of the area**

- 2.1 The proposed dwelling is single storey and would be located to the rear of existing properties along High Street and Station Road. The property would not be visible from either road and therefore it is considered that the proposal would not have a significant impact on the character and appearance of the streetscene along this part of High Street and Station Road.
- 2.2 The information submitted with the application indicates that the proposed dwelling would be constructed from reclaimed yellow facing brickwork, blue/ grey roof slates and white upvc windows. It is considered appropriate to attach a condition requiring full details of proposed materials to be submitted prior to the commencement of development to ensure that the proposed dwelling appears acceptable within the context of the existing properties surrounding the site.

#### **3. Neighbouring Amenity**

- 3.1 The proposed dwelling would be single storey with a hipped roof (4.9 metres to the ridge of the roof, 2.3 metres to eaves height). Two parking spaces would be

provided to the south of the building and a garden area measuring 60.5 metres would be located to the north of the building. The dwelling would comprise two bedrooms, a hallway, a bathroom and a kitchen/ lounge area. No habitable room windows are proposed on the eastern elevation along the boundary with properties in Station Road, although a bathroom window is proposed on the elevation. The site is currently bounded by a close-boarded wooden fence. An existing pathway runs along the eastern boundary of the site giving pedestrian access to properties along Station Road. Existing business units, including a windows manufacturer and vehicle bodywork premises, are located to the south of the site.

- 3.2 It is considered that given the distance of 12 metres between the proposal and the rear elevations of houses in Station Road, together with no habitable room windows on the eastern elevation, and 21 metres between the proposal and the existing houses in High Street, the proposal would not result in any overlooking or loss of privacy to adjoining residents. In addition, given the single storey nature of the dwelling, the proposal would not result in any significant overshadowing, overbearing impact or loss of light to surrounding properties.
- 3.3 It is noted that there is an existing window on the side elevation of 5A High Street facing the access into the site. It is considered that given that there are existing vehicular movements into and out of the area to the rear of these properties adjacent to the application site, the proposal would not result in any significant additional noise and disturbance to the occupiers of 5A High Street.
- 3.4 It is considered relevant and necessary to attach a condition to any approval requiring full details of all landscaping and boundary treatments to be submitted to, and agreed by, the Local Planning Authority prior to the commencement of development to ensure that the all boundary treatments will appear in keeping with the surrounding properties.
- 3.5 The Central Bedfordshire Design Guide (2014) (Supplement 5 - Residential Development) advises that an acceptable garden area for a two bedroomed dwelling is 50 square metres with a minimum depth of 10 metres. Ideally both the minimum area and minimum depth should be met. However, it is recognised that in certain circumstances, such as infill sites, this may not be possible. In these cases, one of the standards should be met. In this instance, a 10 metre depth is not proposed (9.1 metres by 6.9 metres). However, as the proposed garden would be of an appropriate square metre in accordance with the same technical guidance, in this instance the garden size is considered acceptable.
- 3.6 Given the position of the dwelling and the size of the proposed garden area, it is considered relevant and necessary to attach a condition removing permitted development rights for extensions to the property to ensure that adequate garden space is maintained.
- 3.7 It is noted that the proposed dwelling will be located in close proximity (36 metres) to existing commercial premises to the south of the site. Whilst this proposed location is not ideal, there are existing residential properties already in close proximity to the site, some of which are closer to the commercial premises, and it is therefore considered that the introduction of a further residential unit in this location would not result in a detrimental impact on the existing residential amenities of surrounding residents, nor on the amenities of the future occupiers

of the proposed dwelling. Any comments from the Pollution Team will be reported at Committee.

#### **4. Other Considerations**

##### **4.1 Highways issues**

The highways officer has not raised any objection to the proposal. Whilst it is acknowledged that the existing access from High Street is only 2 metres wide at its narrowest point, it is clear that the access is currently used by vehicular traffic using the existing garages to the rear of the site, parking for the commercial premises along High Street and 1 no. parking space for the dwelling formerly known as the Salvation Army Hall. It is considered that the additional traffic movements created by a two bedroomed dwelling would not result in any significant additional impact on the local road network or pedestrian/ highway safety in the area.

It is noted that the highways officer has recommended a condition be attached for the provision of cycle parking at the premises. However, given that the proposal is for a single dwelling and there is clearly space for cycle parking within the curtilage of the site, it is considered that this condition would be unnecessary in this instance to make the proposal acceptable in planning terms.

##### **4.2 Impact on historic character and appearance of the area**

The application site is not located in a conservation area and there are no listed buildings adjoining the site edged red. However, the proposed development site lies partly within the historic core of the settlement of Church End, Langford (HER 17135) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

It is therefore considered necessary and relevant to attach a condition to any approval requiring the applicant to submit a full archaeological survey prior to the commencement of development to ensure that the development will not have any adverse impact on any archaeological remains in the area.

##### **4.3 Neighbours' concerns**

Concerns raised on highways grounds are discussed above. Whilst the site may also be accessed via Station Road, this access does not form part of this application and therefore cannot be considered as part of this application. In any event, this access is shared with the existing commercial premises to the south of the site and may not be suitable for further access to a residential premises.

The concerns raised regarding construction workers' parking and wheel cleaning during construction works, as well as access to the site during construction, are noted. It is accepted that there would be an impact to local residents during construction work. However, this would be a temporary impact and would not warrant refusal of the application. It is considered that conditions requiring temporary parking for construction workers and wheel cleaning would be unreasonable and unenforceable in this instance given that the proposal is for a single dwelling. Any nuisance caused on the public highway would be dealt with under separate planning legislation. In addition, access for construction vehicles would be a civil matter between the owners of the access and the applicant.

##### **4.4 Human Rights/ Equality issues**

Based on the information submitted, there are no known issues raised in the context of Human Rights legislation/ The Equality Act 2010 and, as such, there would be no relevant implications.

**Recommendation:**

That Planning Permission be Recommended for APPROVAL subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Section 7, NPPF)**

- 3 **Prior to the commencement of development, a scheme shall be submitted for approval in writing 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 building is occupied and be thereafter retained.**

**Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.  
(Section 7, NPPF)**

- 4 **The dwelling hereby permitted shall not be occupied until the shared access driveway, parking areas and turning area shown on approved drawing ref: P001 have been laid out, drained and surfaced in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority and those areas shall not thereafter be used for any other purpose.**

**Reason**

**To provide a satisfactory means of access and to enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 5 **No development shall take place until a written scheme of archaeological investigation that includes the provision for post**

excavation analysis and publication, has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.

**Reason: A failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.**

- 6 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.  
(Section 7, NPPF)

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the eastern flank elevation of the proposed dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.  
(Section 7, NPPF)

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001; CBC/002; P001; P002

Reason: To identify the approved plan/s and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

### **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new

owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

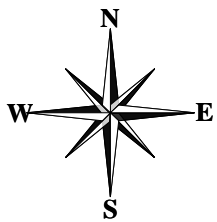
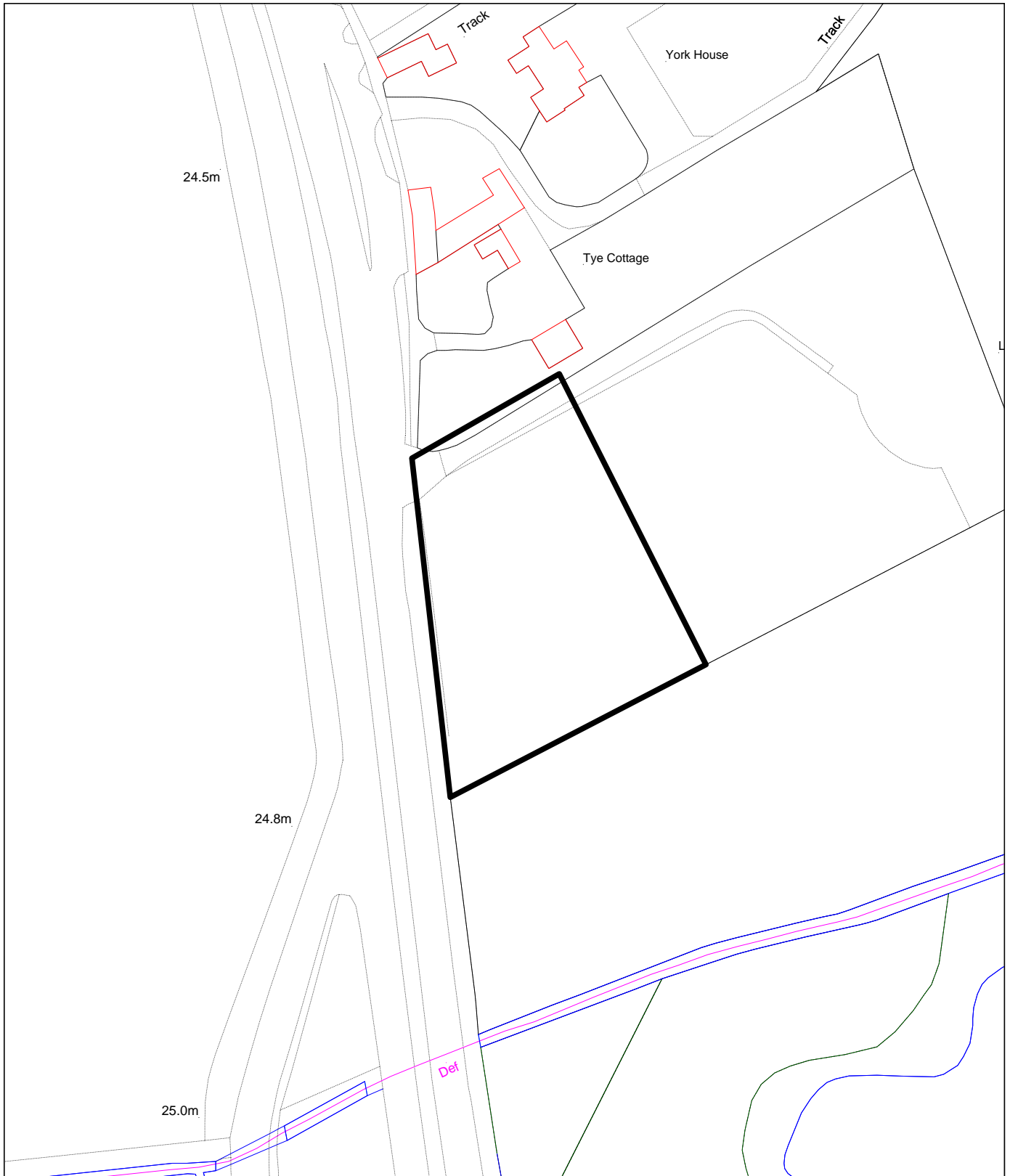
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 25:October:2016  
Map Sheet No

Application No:  
**CB/15/04456/FULL**

Scale: 1:1250

Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/15/04456/FULL</b>
<b>LOCATION</b>	<b>Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU</b>
<b>PROPOSAL</b>	<b>Change of use of land to use as a residential caravan site for the accommodation of up to 5 gypsy families, including the laying of hardstanding.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Maudlin, Smith &amp; Stock</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>18 November 2015</b>
<b>EXPIRY DATE</b>	<b>13 January 2016</b>
<b>APPLICANT</b>	<b>Mr L Connors</b>
<b>AGENT</b>	<b>Philip Brown Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Maudlin for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>Highway safety due to additional traffic at the access in a dangerous location.</b></li><li>• <b>Noise pollution to potential residents</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Approval Recommended</b>

**Reason for Recommendation:**

The proposed development is in a sustainable location and would provide permanent pitches towards the Councils 5 year supply of gypsy and traveller accommodation needs in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposal would not result in significant harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties to the extent that it would outweigh the benefit of providing pitches at a time when the Council cannot demonstrate a 5 year land supply. It is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller.

**Site Location:**

The site is located at Long Lake Meadow, High Road in the small hamlet of Seddington, accessed directly off the A1 trunk road. It is located within the open countryside, in a relatively isolated position with the closest residential property being Tye Cottage 30m to the north of the access track.

The land within which the application relates is a field to the west of a gypsy/traveller caravan site and stable and paddock all of which is under the control of the applicant and access from the same site entrance. The site is close to but outside of

the Environment Agency Flood Zone 3.

### **The Application:**

Planning permission is sought to change the use of the land to provide up to 5 pitches for Gypsy and Traveller accommodation.

The accommodation would be for permanent pitches and would have space for a caravan, either a static caravan or mobile home or tourer, and car parking for two vehicles.

The application was withdrawn from the Committee Agenda of 20 July 2016 following a request from Highways England for additional information relating to the access to the site. This information was submitted and has since been considered.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

#### **Core Strategy and Development Management Policies - North 2009**

CS5 (Providing Homes)

CS14 (High Quality Development)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM14 (Landscape and Woodland)

#### **Mid Bedfordshire Local Plan Review December (2005)**

Saved policy - HO12 - Gypsies

#### **Draft Gypsy and Traveller Plan**

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August 2014 and subsequently at Council on 11th September 2014) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

## Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

MB/90/00136	Full: Permanent siting of mobile home – Refused 13.03.1990 Appeal Dismissed
MB/95/01068	Full: Retention of use of land for siting of mobile home, driveway and barn for storage purposes – Refused 21.11.1995 Appeal Granted 18.06.1997
MB/99/00416	Full: Retention of mobile home and alteration of existing vehicular access – Refused Appeal Granted 15.11.1999
MB/00/01795	Full: Retain mobile home for residential use without compliance with the temporary period specified in condition 2 attached to appeal decision dated 15.11.1999 ref: T/APP/J0215/A/1027879/P4 – Refused
CB/09/05652	Lawful Development Certificate (Existing): Use of land and dwelling for residential (C3) – Refused
CB/10/02306	Lawful Development Certificate for existing use: Retention of existing dwelling house. Refused.
CB/13/00450	Lawful Development Certificate Existing: Stationing and use of structure for residential purposes
CB/13/04088	Lawful Development Certificate Proposed use: Increase the number of caravans from 1 to 5 for occupation for residential purposes. Allowed on appeal.
CB/ENC/13/0492	Enforcement Notice. Requiring removal of hardstanding. Appeal allowed in respect of land shown hatched black. Appeal dismissed in respect of land outside the land shown hatched black.
CB/15/00892/FULL	Erection of stable building & laying of hardstanding. Approved.

**Consultees:**

Sandy Town Council      The Council has previously received reports that Central Bedfordshire Council Officers were in the process of enforcement action in relation to this site. The enforcement action was against the same applicant as the above. I do not believe the Council were notified of the outcome of that action.

To assist Members I would be grateful if you could advise the definitive position of the site, including how matters currently stand regarding the site; whether the applicant is still in breach of previous decisions and if enforcement action is still pending.

Highways      The proposal is for the siting of five residential caravans using an existing access taken from the A1. The proposal will affect Highways East and they should be consulted regarding any highway implications relating to the proposal.

However it would be prudent to include conditions for surfacing and drainage within the site, a turning area and a refuse collection point if permission is issued.

Highways England      No objection raised.

Internal Drainage Board      The Board objects to this application as the applicant previously agreed to provide a flood compensation area, and it is unclear if the proposed development is on land that was designated as a flood compensation area for a previous application.

Environment Agency      Raised no objections

Pollution Team      The applicant has failed to demonstrate:

- That noise from the A1M trunk road and adjacent land uses will not be to the detriment of future occupiers
- The site is free from any land contamination

Waste Services      Regarding the above planning application, please see our comments below:

- The Council's waste collection pattern for Seddington / Sandy is as follows:
- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 25 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 1 x 25 litre food waste caddy.
- Garden waste bags will not be provided as the allocated sites do not include any grassed areas.

Wherever possible, refuse collection vehicles will only use adopted highways. The properties on the proposed development are accessed via a private driveway, therefore these residents will be required to pull their bins to the entrance of the adopted highway. The plan should indicate both where bins are to be stored and where they are to be presented on waste collection days, with enough space for the waste collection vehicle to pull off from the A1 main highway.

Housing Development Had no comments to make  
 Officer  
 Ecology

I have no objection to the proposal but as the site lies within the Greensand Ridge Nature Improvement Area and as the NPPF calls for development to deliver a net gain for biodiversity I would ask that the impact on hard standing on the existing grassland is offset by the introduction of a grassland management plan. This should support biodiversity friendly management techniques such as that recommended by Bumblebee Conservation

**Other Representations:**

Neighbours

1 letter of objection received from the occupier of Tye Cottage raising the following objections:

- The new development is outside the Inspector’s recommended permitted development area.
- The increase in traffic flow would constitute an increased danger on a major road. The entrance is at the end of a lay-by with barely enough room to turn in and an increase of traffic would exacerbate this problem even more.
- There is a government legislation against permitting the increases of green field sites and open countryside to travellers.
- As a resident of the area we or no one in this hamlet have mains drainage due to the age and small population. With an increase of this development there would need to have some major infrastructure.
- Fear of future development if this is permitted.

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Planning Balance

6. Other Considerations

**Considerations**

**1. Principle of Development**

1.1 The site lies outside of any settlement, the closest being Biggleswade to the south. In policy terms it is within the open countryside where there is a general presumption against the granting of planning permission for new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). There are no dwellings or other buildings in the immediate vicinity of the site.

1.2 Planning Policy for Traveller Sites 2015 (PPTS) guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area and identify a supply of deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.

1.3 Paragraph 25 of the PPTS sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.

1.4 Gypsy and Traveller Pitch Provision

The need for Gypsy and Traveller pitches to 2035 is set out in the Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) (August 2016) This identifies a need for 23 pitches over this period with up to a further 48 pitches to be delivered through a criteria based policy. The total need within the plan period is up to 71 pitches. 14 of these pitches need to be delivered by 2021 in order to ensure the Council has an up to date 5 year supply.

1.5 Sustainability

The PPTS states, in para 14, that:

*14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*

However, para 25 of that document also states that:

*25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

1.6 The site is within the open countryside it would be an extension to an existing site. Therefore while it is new development it is not per se establishing a new site. The content of the PPTS seeks to ensure sites are sustainable in their location but also acknowledges that sites can be in rural locations. A 2015 appeal decision at Woodside, Hatch provides guidance into the location of sites



and distances from services. It noted that there were sizeable settlements nearby, explicitly listing Sandy (1.4 miles), Upper Caldecote (2 miles) and Northill (1.3 miles). This application site is 1.6 miles to Biggleswade however it is noted that the return journey would be somewhat longer due to the nature of the A1 as residents would have to travel to the edge of Sandy to then come back to the site, approx. 4.3 miles. The distance to Biggleswade for services is comparable to those already considered acceptable by the Planning Inspectorate and while the return journey would be longer it is considered that, as an extension to an existing site, this would not be sufficient reason to refuse planning permission when considering the location of a site. Therefore it is considered that there should be no objection to the location of the site away from any established settlements in this location.

1.7 The issue of need.

In a recent appeal decision at Twin Acres, Arlesey the Inspector noted:

*"Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."*

This decision has previously been referred to in reports to this Committee. The Inspector went on to say:

*"It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."*

1.8 Recent planning permissions and appeal decisions over the last year have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of gypsies and travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2).

1.9 In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, and a new site at Dunton Lane was recently approved, there remains an unmet, albeit currently imprecise, need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This application for five permanent additional gypsy and traveller pitches as an extension to an existing site is therefore considered acceptable in principle.

**2. The effect on the character and appearance of the area**

2.1 Currently the site lies outside of any recognised settlement envelope and is located on the edge of Seddington, a small hamlet of dwellings. It is well

screened from the public realm by existing tree planting adjacent to the A1 timber fencing behind and there are no views through to the site as a result. The character of the site and views from the wider area will materially change as a result of this proposal. The screening would be retained as part of the application and there are opportunities to shore up the southern boundary by requiring landscaping to be provided by condition.

2.2 When considering planning applications, paragraph 26 of the PTSS states:

*26. When considering applications, local planning authorities should attach weight to the following matters:*

- *effective use of previously developed (brownfield), untidy or derelict land*
- *sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- *promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- *not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

2.3 Development of the site will materially alter the character and appearance of the area. Built form will be introduced onto the site in the form of 5 permanent pitches. This built form will affect the character of the area and although the existing significant landscape buffer on the west boundary screens the site from the public realm. It is noted that advice states that screening should not be designed to hide developments such as this however in this regard the landscaping is existing.

2.4 The existing and further proposed landscaping secured by condition would soften the impact of the development and accord with para 26 of the PTSS. The buffer would help screen a development that proposes what is regarded as low-scale buildings and its associated development. The PPTS states that, in considering applications weight should be given to not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community (para 26). The landscape buffers avoid a need to consider this type of enclosure and would screen any erection of a more solid enclosure if necessary.

2.5 On the basis of the considerations above the impact on the character and appearance of the area is considered to not be detrimental to the extent that it would warrant a refusal of planning permission when considered as part of the individual merits of the scheme.

### **3. The Impact on residential amenity**

#### **3.1 Existing residential amenity.**

There are existing dwellings to the north of the site, the nearest of which is Tye cottage, adjacent to the access for the site. The application site is screened from this neighbour by virtue of an existing row of mature conifer trees within the applicant's control. Admittedly some of these would have to be removed to create the access into the site however the layout plan shows the majority retained. The presence of these trees would act as a visual barrier for the neighbouring residents and ensure they would not be overlooked. It would also contribute to reducing noise impacts although these would be considered

against the background noise level of vehicles travelling on the A1 at national speed limit. It is therefore considered that the proposed development would not detrimentally harm the amenity of the adjacent neighbouring resident

### 3.2 Proposed Residential Amenity.

The proposed layout shows that the pitches are sited with adequate room for accommodation. Each pitch also has space around these provisions and the proposal is therefore considered to provide suitable amenity space for future residents. There are no standards as to pitch sizes to consider proposals against and as a result the spacing between pitches and nature of development are considered to ensure suitable amenity and privacy levels would be established for residents of the proposed development

- 3.3 The Council's Pollution Team has raised objection on the grounds that the applicant has failed to demonstrate that the development addresses noise impact from the A1. No such information has been provided with this application however it is considered that the nature of the site is such that measures could be incorporated to address the concern. The Pollution Team do not consider that the matter can be dealt with via condition however this is not agreed with and it is considered that a condition would be pertinent. The existing landscaping is dense to the extent that an acoustic fence could be set up behind it, within the site, to address noise issues, without being overly prominent and affecting the character of the area. Therefore while the objection from the Pollution Team is noted it is considered that it would be matter that could be dealt with by condition and would not therefore substantiate a reason to refuse planning permission.

## 4. **Highway Considerations**

- 4.1 The site can be accessed via a slip lane off of the A1 which serves the existing properties in Seddington and therefore it is not gained directly from the trunk road itself. The Highway Officer has raised no objection to the application subject to a condition requiring the access to be in place before the pitches are occupied which is reasonable. The nature of the existing access is such that it is considered to be able to accommodate the additional traffic capacity and there is no requirement to make alterations. Highways England had previously requested an assessment of the access junction onto the A1 to ensure that the increased traffic numbers could safely access the trunk road. Following the submission of additional information Highways England confirmed they had no objection to the scheme.
- 4.2 In terms of on site provision the report has advised that each pitch provides suitable space for two vehicles. The on-site parking provision is therefore considered to be generous and acceptable as a result.
- 4.3 On the basis of the information provided the application is not considered to cause any concerns regarding highway impacts that would warrant a reason to refuse planning permission.

## 5. **Planning Balance**

- 5.1 The Council is unable to demonstrate a deliverable 5 year supply of sites. Therefore significant weight should be afforded to sites subject to planning

applications that would contribute to this supply. The PTTS states that proposals should be assessed in accordance with the presumption in favour of sustainable development. The report has concluded that the site is considered to be in a sustainable location for a gypsy and traveller site and would be suitably close to services and facilities within Biggleswade. The site is located close to an existing community although it is acknowledged that Seddington is not large and cannot sustain a community on its own. It can be regarded as an extension of an existing site in a rural location which would not be dominated by the proposal, which does accord with government advice. The site would provide G&T accommodation at a time when there is a need for pitches and this application would contribute to its growth. The principal impact of the scheme is that it amounts to development in the open countryside

- 5.2 Taking account of the above points the site is considered to be acceptable in light of the three strands (social, environmental and economical) of sustainable development as set out in the NPPF and can therefore be regarded as such.
- 5.3 In terms of the impacts resulting from the scheme, they should be weighed against the benefits as perceived. In this instance the report has highlighted that the impacts would not result in significant and demonstrable harm. The concerns regarding its isolated location are noted however it is clear that gypsy and traveller provision in rural locations can be accommodated.
- 5.4 In considering the previous appeal decisions at Twin Acres and at Woodside it is considered that the weight that should be attributed to the provision of pitches is significant to the extent that it should outweigh the impacts of the scheme.

## **6 Other Issues**

### **6.1 Flooding**

Objection is raised on the grounds that the site is potentially an area of flood compensation required by the Internal Drainage Board in approving the application for the stable block and paddock east of the site. This compensation area was required by condition and has not yet been approved. As the works have been carried out this detail is being pursued by enforcement. The agent has advised and submitted a plan to show that the required flood compensation area can be provided elsewhere on land within the applicants control and therefore this application does not result in its removal. This area can be secured by condition.

### **6.2 Drainage**

Concern has been raised on this ground. The concerns are noted however it is reasonable to require such details as condition. Given the site's location close to the flood risk zone and the increase in hardstanding proposed it is considered to be reasonable to require such details by condition to ensure that measures are put in place to provide suitable site drainage.

### **6.3 Enforcement issues**

The Town Council has raised comments over clarification on previous enforcement matters on the site. An enforcement investigation was made over the laying of hardstanding east of this site on land within the blue line area. Since the enforcement case was opened the Council has granted consent for a

stable and paddock which include the aforementioned hardstanding. approval made the hardstanding lawful and no further enforcement proceedings were required.

#### 6.4 Human Rights and Equality issues:

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

#### **Recommendation:**

That Planning Permission be granted subject to the following:

#### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance.  
  
Reason: To limit the use of the site to gypsies and travellers as the proposal is justified on addressing a need for such accommodation in accordance with the Planning Policy for Traveller Sites 2015.
- 3 No commercial activities shall take place on the land, including the storage of materials.  
  
Reason: In order to ensure appropriate development in the open countryside and to protect the amenities of local residents in the interests of policies DM3 and DM4 of the Core Strategy and Development Management Policies 2009.
- 4 **Notwithstanding the details in the approved plans, no development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be submitted as part of a revised site layout showing a planting strip running the length of the southern boundary and shall include details, including sections, of the proposed landscaping bund hereby approved. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance**

scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

**Reason: To ensure an acceptable standard of landscaping.  
(Sections 7 & 11, NPPF)**

- 5 **Notwithstanding the details in the approved plans, no development shall take place until details of the proposed walls and means of enclosures have been submitted to and approved in writing 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 use hereby permitted is commenced and be thereafter retained.**

**Reason: To safeguard the appearance of the completed development and the visual amenities of the locality. (Section 7, NPPF)**

- 6 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of proposed noise mitigation at the site to address noise impacts from vehicles on the A1 trunk road. The works shall be carried out in accordance with the approved plans, be in place prior to the occupation of the first pitch hereby approved and thereafter be retained.**

**Reason: To ensure that the site is able to achieve suitable amenity levels for residents in respect of noise to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 7 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any pitch. The permitted works shall be retained thereafter.**

**Reason: To ensure suitable drainage is provided and maintained in the interests of flooding and high quality development.**

- 8 **No development shall take place on site until a detailed scheme for the provision and future management and maintenance of surface water drainage, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details and timetable and shall be retained thereafter.**

**Reason: To ensure suitable drainage is provided and maintained in the interests of flooding and high quality development.**

- 9 **No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.**

**Reason: In order to protect the amenities of local residents.**

- 10 **No development shall take place until the applicant has provided**

details showing the extent of and position of an area of land within their control to be lowered to provide equal flood storage to that lost by construction of the stable block (CB/15/00892/FULL) and the development hereby approved and that land has been lowered in accordance with the approved details.

**Reason: A pre commencement condition is required as the site is located within Flood Zone 3 and as such the details of compensatory work to allow for the loss of flood storage to prevent flood risk to adjacent properties and those downstream will need to be agreed and implemented. Policy CS13 CSDMP**

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002 and CBC/003.

Reason: To identify the approved plan/s and to avoid doubt.

**INFORMATIVE NOTES TO APPLICANT**

- 1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

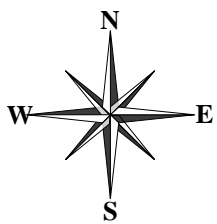
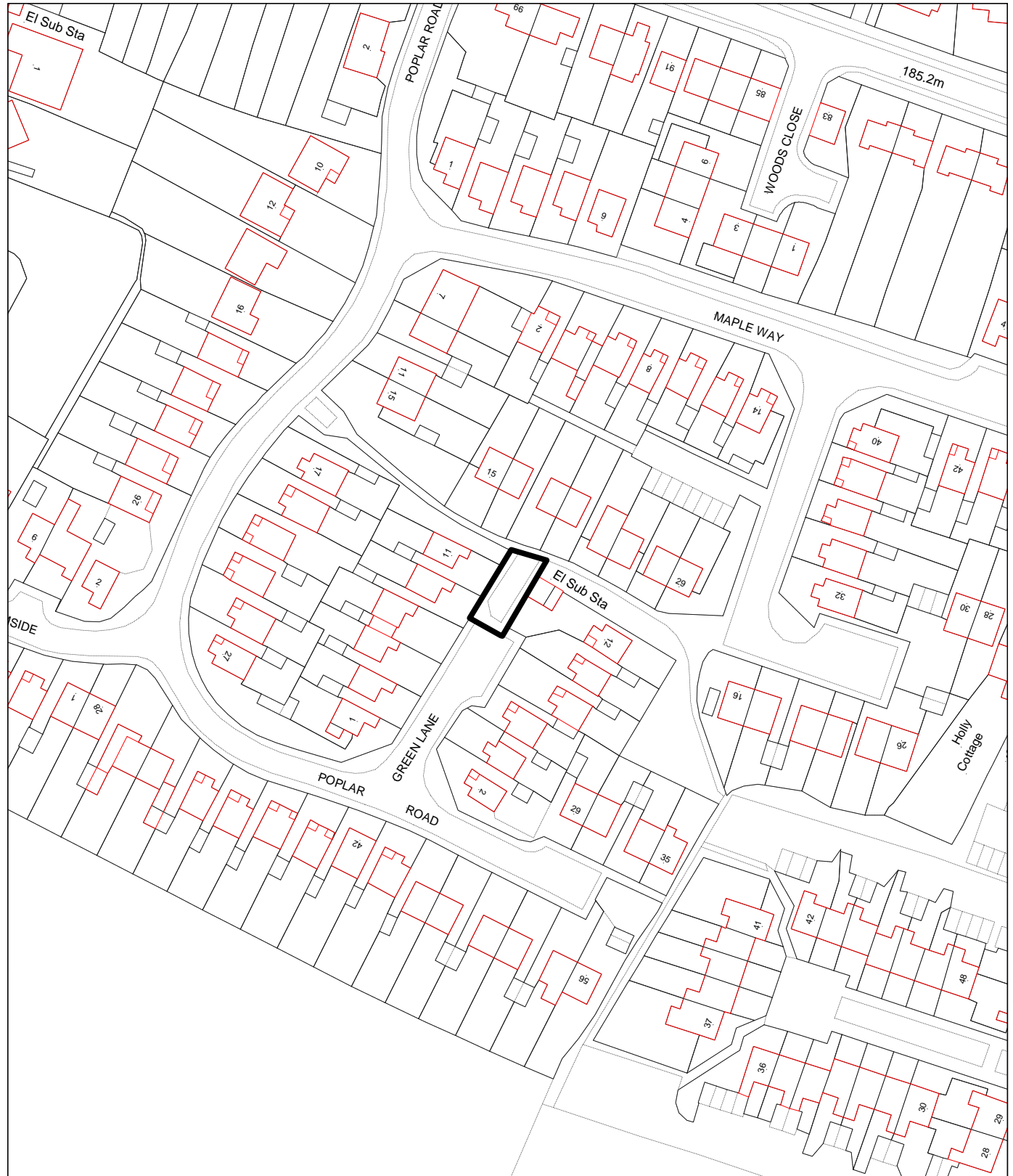
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 24:October:2016  
 Grid Ref: 503124; 217931

**Application No.**  
**CB/16/03914/FULL**

Scale: 1:1250

**Amenity Land r/o 9-11 Green Lane, Kensworth, Dunstable, LU6 3RP**

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**Item No. 14**

<b>APPLICATION NUMBER</b>	<b>CB/16/03914/FULL</b>
<b>LOCATION</b>	<b>Amenity Land f/o 9-11 Green Lane, Kensworth, Dunstable, LU6 3RP</b>
<b>PROPOSAL</b>	<b>Construction of hardstanding and dropped kerb on grass amenity land to provide a disabled parking space</b>
<b>PARISH</b>	<b>Kensworth</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>James Peck</b>
<b>DATE REGISTERED</b>	<b>11 August 2016</b>
<b>EXPIRY DATE</b>	<b>06 October 2016</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Objection raised by Kensworth Parish Council to CBC planning application</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for APPROVAL</b>

**Reasons for Recommendation**

The principle of a disabled parking space is considered acceptable. The development would not have an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore, subject to conditions, the proposed development is in conformity with Policies GB3, NE3 and T10 of the South Bedfordshire Local Plan Review and Sections four and seven of The National Planning Policy Framework.

**Site Location:**

The application site is a section of grassed amenity land situated to the front of properties numbered 9, 11, 19 and 21 Green Lane in the village of Kensworth. It currently features nine concrete bollards along its perimeter adjacent to Green Lane and a footpath.

The application site is situated within the Kensworth Infill Boundary and is washed over by the South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty as well as an Area of Great Landscape Value. Its vicinity is residential in nature and is comprised of two-storey semi-detached and detached dwellings and associated areas of grass amenity land which affords pedestrian access only to many of the properties.

**The Application:**

The applicant, Central Bedfordshire Council, seeks planning permission to re-position the existing concrete bollards further north on the subject grassed amenity

land to allow for the extension of the existing drop kerb and the creation of vehicular hard-standing on the edge of the highway for a disabled parking space. In the first instance this is understood to be on behalf of the disabled occupier of number 19 Green Lane.

The disabled parking space would measure 3m in width and 5.5m in depth and adjoin a footpath. The proposed disabled parking bay could be utilised by any blue badge holder including the occupier of 19 Green Lane.

Before the submission of this planning application, the provision of a disabled parking space directly on the highway serving Green Lane was found to not be viable under a feasibility study. A disabled parking space was instead proposed on the highway for Poplar Road, Kensworth which was first advertised by public notice in October 2015. A number of objections were raised by local residents including that the proposed parking space would, in the first instance, be utilised by the occupier of 19 Green Lane and not by a resident of Poplar Close, would restrict emergency vehicle access down the rest of Poplar Close, Elmside and Green Lane, would raise highway safety concerns for neighbours reversing out into Poplar Close and the fact that it would impede the maintenance of the green amenity land between Poplar Close and Maple Way.

At the Executive Traffic Management Meeting which took place on 4th February 2016, Executive Members recommended that the proposed Poplar Close scheme should not be implemented and alternative locations for a proposed disabled parking space should be found. This planning application now seeks to place a disabled parking space in the alternative location of the subject grassed amenity land in Green Lane, Kensworth.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (March 2012)**

Section 4: Promoting sustainable transport  
Section 7: Requiring good design

### **South Bedfordshire Local Plan Review Policies**

GB3: Green Belt Villages  
NE3: Control of Development in the Areas of Great Landscape Value (AGLV)  
T10: Controlling Parking in New Developments

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies GB3 and NE3 are still given significant weight. Policy T10 is afforded less weight).*

### **Development Strategy**

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)  
1 - Placemaking

The Building Regulations 2010 - Access to and use of buildings (Part M)

### Relevant Planning History:

Nil.

### Consultees:

Kensworth Parish Council  
(09/09/16) - OBJECT on grounds of loss of amenity land where children currently play and concerned could set a precedence for vehicles parking on amenity land. Questions also raised of actual need and what will happen once disabled badge holder moves?

CBC Archaeology (13/09/16) - No objection.

CBC Highways DM (13/09/16) - No objection to the proposed disabled parking bay but recommended that the following conditions should be attached to any approval of this planning application:

1. The proposed parking space shall not be brought into use until the new access has been formally constructed in accordance with Central Bedfordshire Council's Specification for vehicular access.

Reason  
In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

2. The parking space length shall be at least 5.5m as measured from the bollard to the highway boundary.

Reason  
To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

### Other Representations:

Neighbours -  
Objection from the occupier of 11 Green

- Construction of the disabled parking space will lead to a further increase in anti-social parking as the on road

Lane (13/09/16)

parking will be removed due to the proposed position of the drop down kerb.

- Anti-social parking has already been the subject of a letter received from Central Beds and this proposal will make matters worse.
- Young families with pushchairs, elderly people etc will all find it more difficult to walk safely in Green Lane & their safety is of paramount importance.
- The disabled parking space will reduce the amount of the grass amenity area available to all.
- The disabled parking space will almost certainly be abused by people who don't have a disabled badge (blue badge).
- The space will be extremely close to our house (11 Green Lane) and will impact on our privacy.

Objection from the occupier of 18 Poplar Road (07/09/16)

I object to further loss of amenity land and the permanent destruction of permeable ground for an ephemeral issue.

Objection from the occupiers of 15 Green Lane (18/09/16)

- The need for a disabled space in the vicinity of Green Lane is not warranted as the owner of 21 Green Lane has a garage adjacent to her property and the ability to access this directly from her garden.
- The proposal to use amenity land contradicts CBC Council's green and open space policies as the land on which it is proposed to place the parking space is currently designated amenity land and is used by the local children as a play area, as per the requirements of the local authority policy. It would pose a danger to the children playing on this land should permission be granted.
- There are other places in the area around Green Lane on the public highway which would not cause traffic issues or encroach on amenity land which could be designated as a disability parking space.
- If permission was granted to utilise amenity land, this would set a dangerous precedent for further owners of properties with no road frontage to apply for parking spaces.
- Any loss of amenity land, however small, is detrimental to the local community and does not support (Central Bedfordshire) Council's open spaces policy.
- The owner of 21 Green Lane appears to be already using this amenity land to park vehicles and is flagrantly breaking the law by driving continuously on amenity land. This careless disregard for the elderly and young children will result in an accident as this land is in regular use by the residents and other people of Kensworth.

**Considerations:**

**1. Impact on the Openness and Character of the Streetscape, the Chilterns Area of Outstanding Natural Beauty and the Area of Great Landscape Value**

- 1.1 Whilst the creation of the extended drop kerb and vehicular hardstanding for the proposed disabled parking space would result in some loss of green amenity space, this loss is considered to not be sufficient to be deemed as detrimental to the open and green character of the streetscape, the South Bedfordshire Green Belt or the Chilterns Area of Outstanding Natural Beauty.

**2. Disabled Access**

- 2.1 The proposed disabled parking space would be located approximately 22m away from property number 19 Green Lane whilst the previously proposed disabled parking space on Poplar Close put forward to the Traffic Management Meeting in February 2016 would have been approximately 70m from this same property. The currently proposed disabled parking space would therefore provide easier access to the disabled occupier's property and eliminate the need to park on the grassed amenity land itself.

**3. Neighbouring Amenity**

- 3.1 The disabled parking space is situated 12m away from property number 11 Green Lane. It is therefore deemed that its occupiers' residential amenity would not be compromised with regards to privacy or outlook.

**4. Highway and Pedestrian Safety**

- 4.1 As the proposed parking space would have sufficient dimensions to be utilised for disabled use, would feature bollards and the drop kerb would be built according to Highway standards, it is considered that it would not compromise highway or pedestrian safety.
- 4.2 As such, on balance, the proposed development is deemed to accord with policies GB3, NE3 and T10 of the South Bedfordshire Local Plan Review, Sections four and seven of the National Planning Policy Framework and Section one of the Central Bedfordshire Design Guide.

**5. Other Considerations**

**5.1 Highway Comments:**

After receiving a consultation response from the CBC Highways officer, clarification was subsequently sought and then provided stating that the proposed scheme would comply with all necessary Highways standards. As such, less conditions will need to be attached to any approval of this planning application.

## 5.2 Human Rights issues:

The proposed development raises no human rights issues.

## 5.3 Equality Act 2010:

The proposed disabled parking space's specification is deemed to comply with the Equalities Act 2010.

## Recommendation:

That Planning Permission be **GRANTED** subject to the following:

## RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The proposed parking space shall not be brought into use until the new access has been formally constructed in accordance with Central Bedfordshire Council's Specification for vehicular access.  
  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policy, T10, SBLPR and Section 4, NPPF)
- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number CBC-0185615.  
  
Reason: To identify the approved plan and to avoid doubt.

## INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.



**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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