

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

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



**Central  
Bedfordshire**

**please ask for** Leslie Manning  
**direct line** 0300 300 5132  
**date** 26 October 2017

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 8 November 2017 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, I Dalgarno, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

Cllrs D Bowater, A D Brown, Mrs C F Chapman MBE, S Dixon, Ms C Maudlin, A Ryan and B J Spurr]

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**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 11 October 2017 (copy to follow).

4. **Members' Interests**

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

## Report

Item	Subject	Page Nos.
5.	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7 - 12

To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Prior to considering the planning applications contained in the following schedules Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6.	<b>Planning Application No. CB/17/02941/FULL</b>  <b>Address:</b> Land to the east of High Road, Shillington, SG5 3LL  Demolition of existing village hall; construction of 26 no. residential units, together with adequate off-road parking, private amenity garden space and landscaping; and erection of double garage for No. 37 High Road.  <b>Applicant:</b> Shillington Village Hall	13 - 34
7.	<b>Planning Application No. CB/17/02417/RM</b>  <b>Address:</b> Land adjacent to St Marys (Stotfold) Lower School, Rook Tree Lane, Stotfold, Hitchin, SG5 4DJ  Reserved Matters: Appearance, landscaping, layout and scale for 15 dwellings, Application No. CB/16/01148/OUT dated 08/09/2016  <b>Applicant:</b> Staske (London) Ltd	35 - 54
8.	<b>Planning Application No. CB/17/03228/OUT</b>  <b>Address:</b> Land west of Jacques Lane, Clophill, Bedford, MK45 4BS  Outline: Erection of 8 dwellings and formation of vehicular and pedestrian access with associated landscaping.  <b>Applicant:</b> Anthony Catlin Will Trust	55 - 74

9. **Planning Application No. CB/17/02942/REG3** 75 - 88

**Address:** Puddlehill (Former All Saints Vicarage), Bedford Road, Houghton Regis, Dunstable, LU5 5DJ

Refurbishment and extension of existing detached property (the former Vicarage) to provide accommodation in the form of 5 nos. individual bedrooms in the original house and 8 nos. studios in the new extension, including ancillary spaces such as office, laundry, shower rooms, communal areas and parking in order to provide supported accommodation and service hub for the vulnerable members of our communities.

**Applicant:** CBC Housing Directorate

10. **Planning Application No. CB/17/01600/OUT** 89 - 104

**Address:** Land adjacent to 17, The Green, Beeston (nearest postcode SG19 1PE)

Outline Application: Erection of six affordable dwellings including access and parking.

**Applicant:** CBC

11. **Planning Application No. CB/17/02681/FULL** 105 - 120

**Address:** Land at Chase Farm, east of High Street and land to the east of the A507, Arlesey (nearest postcode SG15 6XS)

Erection of new pedestrian and cycle bridge over the A507.

**Applicant:** Telereal Ventures Ltd

12. **Planning Application No. CB/17/04232/FULL** 121 - 128

**Address:** St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA

Dismantle and rebuild the garden wall adjacent to the church hall.

**Applicant:** St Nicolas Church

13. **Planning Application No. CB/17/01775/LB**

129 -  
138

**Address:** St Nicholas Church, Church Road, Barton-le-Clay,  
Bedford, MK45 4LA

Listed Building: Dismantle and rebuild the garden wall adjacent  
to the church hall.

**Applicant:** St Nicolas Church

14. **Late Sheet**

To receive and note, prior to considering the planning  
applications contained in the schedules above, any additional  
information detailed in the Late Sheet to be circulated on  
**7 November 2017**.

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  
**6 December 2017** and the Site Inspections will be undertaken  
on **4 December 2017**.

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**Meeting:** Development Management Committee  
**Date:** 8<sup>th</sup> November 2017  
**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 8th November 2017)**

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	Consultation on further action.
2	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		Not complied	Consultation on further action
3	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	No compliance. Legal advice being sought as to next steps.
4	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	04-Apr-17	Not complied	Revised scheme for the provision of a flat roof to the dwelling approved in May 2017. (CB/17/02434/FULL) Work on site is in progress to implement this permission. The demolition of the pitched roof with associated front windows and balconies has been carried out in association with the 2017 approved scheme. The Enforcement Notice is still in effect. The site is being regularly visited to check that the implementation of the 2017 permission accords with the approved drawings. It is anticipated that the external site works will be completed by the end of 2017
5	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	Consultation on further action
6	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	Appeal dismissed.	02-May-17	(Part complied) Residential use ceased and negotiations continue to ensure that all associated fittings are removed. Prosecution pending outcome of negotiations.

**Planning Enforcement formal action (DM Committee 8th November 2017)**

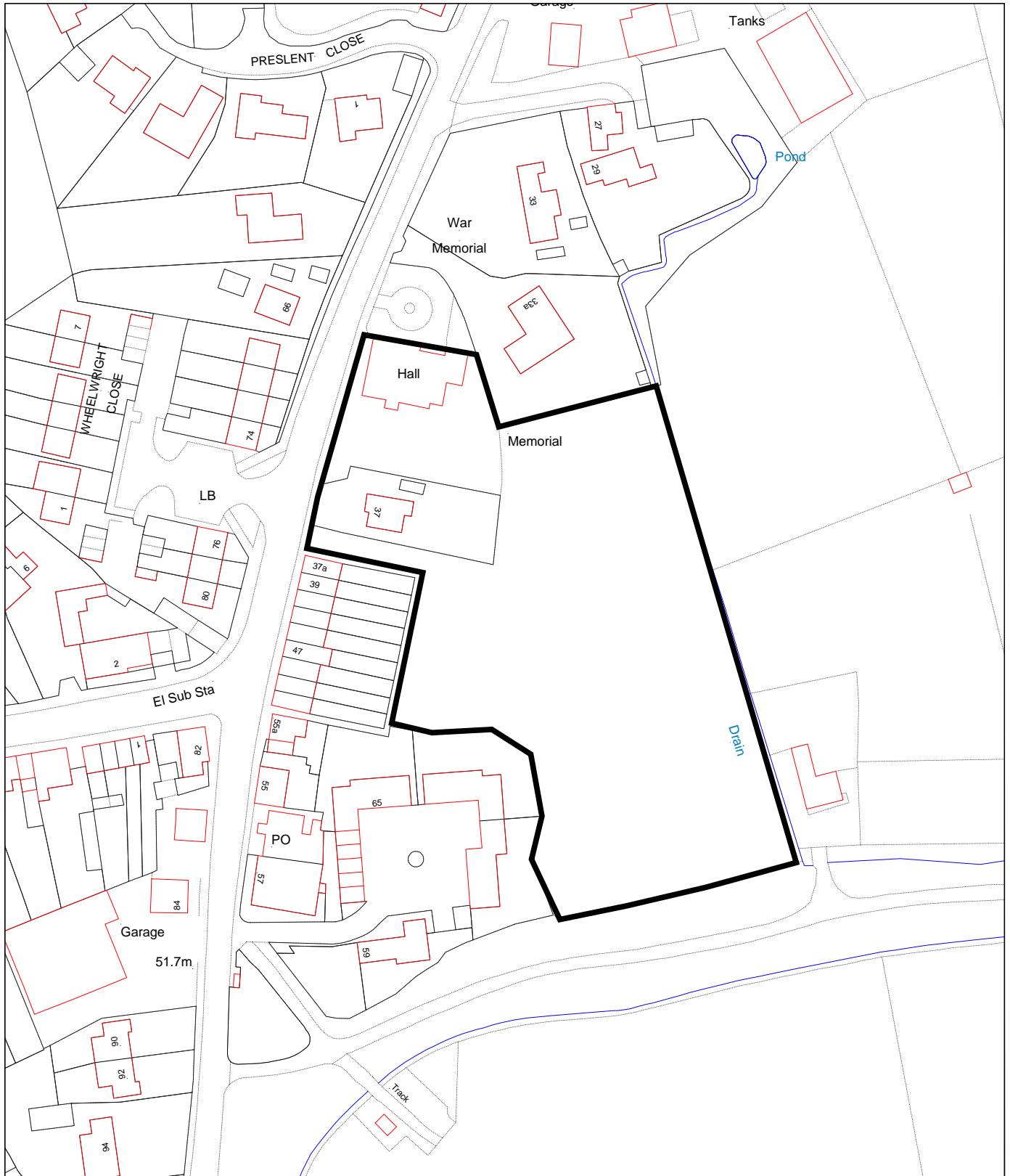
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015	Not complied	Discussions to take place with regard to options available.
8	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal decision - Enforcement Notice upheld	27/09/2016	Not complied	Court date for initial hearing given as 24th October 2017.
9	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16			Part complied	Part compliance with the Section 215 Notice. Tyres and scrap removed.
			Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes	07-Apr-17	08-May-17	08-Jul-17 08-Aug-17	Appeal received 26/04/17			
10	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.							Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused.
			Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal dismissed	02-Mar-17 02-Jun-17	Not complied	Injunction remains in place to prevent further development. Enforcement Notice remains in effect. Residential use has ceased. Mobile home has been removed, 1 touring caravan remains on site. Owner's application for permission to bring a judicial review claim in respect of the Council's refusal to consider the latest planning application rejected. Owner has been reminded that the Enforcement requirements to remove the hardstanding area and associated items is still required to be carried out. The site continues to be regularly monitored.
11	CB/ENC/15/0466	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				Works underway to comply with Enforcement Notice.

**Planning Enforcement formal action (DM Committee 8th November 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
12	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16			Not complied	Section 215 Notice not complied with. Lawful use certificate application submitted for parking of vehicles and use of rear garage for car repairs (CB/17/02115/LDCE) awaiting to be determined. Prosecution file with Legal to consider whether to take formal action.
13	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	Appeal dismissed	19-Jan-17	Not complied	Challenge against Appeal decision has now been lodged. All action held in abeyance.
14	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17			Part complied	Awaiting confirmation that the door knocker has been reinstated.
15	CB/ENC/16/0170	Car Park, The Pack Horse Public House, Watling Street, Kensworth	Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan.	20-Apr-17	18-May-17	18-Jul-17			Not complied	Part compliance - caravan removed and no vehicle servicing taking place. Occupant has been given formal notice to quit by 31st October.
16	CB/ENC/16/0216	Falcons Field, Lower Rads End, Eversholt, MK17 9EE	Enforcement Notice - Unauthorised construction of a tree house	08-Mar-17	08-Apr-17	08-May-17	Appeal received 28/03/17			Planning appeal underway with documents to be exchanged.
17	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16		02-Jul-17	Not complied	Second Prosecution to be held on 07/11/2017 at Luton Magistrates Court.
18	CB/ENC/16/0331	Rear of Grange Nurseries, The Green, Beeston, SG19 1PG	Enforcement Notice - Unauthorised change of use from agriculture to use for the parking and storage of military vehicles, trailers, containers, structures, associated paraphernalia and the installation of a septic tank	03-Jul-17	03-Aug-17	03-Sep-17	Appeal submitted 02/08/17			Await outcome of enforcement notice appeal.

**Planning Enforcement formal action (DM Committee 8th November 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/16/0534	Lynmore House, Sharpenhoe Road, Sharpenhoe, MK45 4SU	Breach of Condition x2	22-Jun-17	22-Jun-17	22-Jul-17				Await update from The Planning Inspectorate regarding appeal against refusal of planning permission.
20	CB/ENC/16/0548	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17	Appeal received 09/02/17	24-Sep-17		Appeal dismissed by the Planning Inspectorate and date for compliance is 24/09/17. Property being sold and compliance being monitored.
21	CB/ENC/16/0584	63 Katherine Drive, Dunstable, LU5 4NP	Enforcement Notice - Unauthorised change of use to gym	30-Jun-17	28-Jul-17	28-Aug-17				Some improvement regarding noise. Advice being sought for relocation of business.
22	CB/ENC/17/0235	New Spring Farm, London Road, Biggleswade, SG18 9SZ	Unauthorised Advertisement							Advertisement & hoarding have now been removed, legal will review the file to determine if it is still in the public interest to prosecute.
23	CB/ENC/17/0265	Gravenhurst Lane/A6, Silsoe	Enforcement Notice - Change of use, barn to residential	02-Aug-17	04-Sep-17	04-Oct-17	Appeal received 18/9/17			Appeal Inquiry 13th/14th March 2018. Await outcome of Inquiry
24	CB/ENC/17/0266	Gravenhurst Lane/A6, Silsoe	Enforcement Notice - Creation of Bund	02-Aug-17	04-Sep-17	04-Oct-17	Appeal received 18/9/17			Appeal Inquiry 13th/14th March 2018. Await outcome of Inquiry
25	CB/ENC/17/0333	Four Winds Garage, West End, Haynes, MK45 3QT	Enforcement Notice - Unauthorised erection of a timber structure above the A6 Café units	05-Oct-17	05-Nov-17	05-Dec-17				Enforcement Notice served on 05/10/2017, effective on 05/11/2017 and compliance by 05/12/2017 regarding the unauthorised timber structure above the A6 Cafe.



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. <b>CB/17/02941/FULL</b>
	Date: 23:October:2017  Map Sheet No	
Scale: 1:1250	Land to the East of High Road, Shillington, SG5 3LL	

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/17/02941/FULL</b>
<b>LOCATION</b>	<b>Land to the East of High Road, Shillington, SG5 3LL</b>
<b>PROPOSAL</b>	<b>Demolition of existing village hall; construction of 26 no. residential units, together with adequate off-road parking, private amenity garden space and landscaping; and erection of double garage for No. 37 High Road.</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>30 June 2017</b>
<b>EXPIRY DATE</b>	<b>29 September 2017</b>
<b>APPLICANT</b>	<b>Shillington Village Hall</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The scheme is contrary to Policy DM4 and is recommended for approval.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - approval recommended.</b>

**Reason for recommendation.**

The development of the site for residential purposes is contrary to policies within the Core Strategy and Development Management Policies 2009. However in this instance the development is considered acceptable as an exception on the basis that the material considerations with the scheme, that being that monies generated from the development will be directed towards the provision of a new Community Hall within the village at the Memorial Playing Fields, outweighing the non-compliance with policy. The proposed access is considered to be safe and the scheme provides suitable parking for the new dwellings and also parking for existing dwellings that do not benefit from off street parking presently. The amended scheme has produced a design that would be acceptable in its Conservation Area context and would not harm the character and appearance of the area. The proposal does not harm neighbouring residential amenity and provides a suitable level of amenity for potential occupiers.

**Site Location:**

The application site is an area of land which is, in the majority outside of the settlement envelope of Shillington and regarded as open countryside. A proportion of the site lies within the settlement envelope and comprises the existing village hall site and car park, residential property known as 37 High Road and a strip of land

adjacent the dwelling.

The site lies partially within the village conservation area. The area outside of the conservation area is considered to affect its setting.

### **The Application:**

Full Planning permission is sought for the demolition of the existing village hall and the construction of 26 dwellings on the site with associated gardens and parking. Development includes a change of use of land to be incorporated into an enlarged curtilage of 37 High Road Shillington and for a detached garage on this land as well as the provision of 9 parking spaces to be used by residents of existing dwellings at 37a – 53 High Road.

The application has been amended since its initial submission to take account of a number of concerns. The scheme originally proposed 27 units and has been reduced as a result of the changes.

This application is a second proposal to residential development on this site. Members have previously resolved to approve residential development at this site for a scheme of 19 dwellings (CB/15/02102/FULL) at the Committee meeting of 11 November 2015

### **RELEVANT POLICIES:**

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

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

CS1 Development Strategy  
CS3 Healthy and Sustainable Communities.  
CS7 Affordable Housing  
CS14 High Quality Development  
CS15 Heritage  
CS16 Landscape and Woodland  
DM2 Sustainable Construction of New Buildings  
DM3 High Quality Development  
DM4 Development within and Beyond Settlement Envelopes.  
DM10 Housing Mix  
DM13 Heritage in Development  
DM14 Landscape and Woodland

#### **Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform



development management decisions.

### Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

Application Number	CB/15/02102/FULL
Description	Erection of 19 dwellings following demolition of existing village hall, off road parking, private amenity garden space, landscaping, public open space and erection of double garage for No. 37 High Road.
Decision	Resolved to approved subject to S106 (26/10/15)
Decision Date	-

#### Also pertinent

Application Number	CB/17/02990/FULL
Description	Demolition of existing club house and construction of a purpose-built community facility with gym, together with associated car parking. Relocation of existing storage container
Decision	Approved
Decision Date	October 2017

### Consultees:

Shillington Council	Parish	Support the application
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Highways	<u>Original scheme</u> Acknowledged that the access was previously considered acceptable under application CB/1502102/FULL.
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Commented that trip generation rates are acceptable.

Raised concerns over compliance with the Design Guide in respect of footway provision commenting that an adoptable road layout will be required. Noted a shortfall in parking and that a turning area will be required.

Amended plans  
No comments received at the time of drafting.

Landscape Officer	<u>Original scheme</u> Considered the proposal failed to provide adequate landscape mitigation.
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Amended scheme  
Retained objection.

Trees and Landscape	<u>Original scheme</u> Raised no objections requiring the retention of boundary hedges to the south and east of the site and protection during construction.
	<u>Amended scheme</u> No additional comments.
Ecology	<u>Original scheme</u> Requested additional bat survey to be submitted.
	<u>Amended scheme</u> Raised no objections subject to conditions relating to lighting and ecological mitigation.
Archaeology	<u>Original scheme</u> Raised objection on the grounds of lack of archaeological and heritage asset information.
	<u>Amended scheme</u> Raised no objections subject to a condition
Anglian Water	Raised no objections subject to conditions relating to wastewater treatment and foul sewerage.
Internal Drainage Board	<u>Original scheme</u> Raised objection to the drainage strategy as submitted.
	<u>Amended scheme</u> Commented that the drainage strategy is acceptable and that a charge to the developer is required as the discharge into the watercourse will be greater than the current run off rate.
Conservation Officer	<u>Original scheme</u> Raised no objections subject to conditions.
	<u>Amended Scheme</u> No further comments received.
Sustainable Drainage	Urban <u>Original scheme</u> Raised no objections subject to conditions
	<u>Amended scheme</u> Raised no objections subject to conditions
Waste Officer	Provided information on waste collections in the Shillington Area.
Housing Officer	Development Comments awaited.

**Other Representations:**

Neighbours

29 letters have been received, 28 raising objection and 1 in favour. The following planning objections and issues are raised:

- Concerns over access location opposite an existing access and concerns over increased traffic causing congestion on street parking to High Road.
- Concerns that parking to High Road terraces are boxed in and not enough spaces.
- Inadequate parking within the development.
- Development is out of character and overbearing compared to the existing High Road. It is an overdevelopment and too dense a development for a rural location.
- Part of the site is within the Conservation Area.
- Majority of existing dwellings do not have off road parking and the High Road is already overwhelmed with dwellings, businesses and vehicles.
- Proposed detached garage at no. 37 is on the soakaway for the adjacent cottages.
- Development is on Greenfield Land and outside the Village Envelope.
- Disturbance to residents during construction.
- Overlooking and noise impacts to existing dwellings.
- Confirmation required that the proposed parking spaces for the existing cottages are allocated as such.
- Confirmation required that alleyway to the rear of the terrace on the High Road will not be used by new residents as a footpath and will be fenced..
- Concerns over village infrastructure being able to cope with the increased population.
- Concerns raised over habitat impacts and the impact on existing trees.
- Loss of privacy to 72 High Road through headlight through windows and overlooking from cars at the access.
- Overlooking to 27 and 63 and 65 High Road.
- Loss of privacy to 47 and 49 High Road
- No prior consultation from the applicant with this scheme.

1 letter received in favour raising the following points:

- Smaller units allow for greater diversity.
- Parking for the cottages eases highway concerns
- New community facility is much needed.

### **Determining Issues:**

The main considerations of the application are;

1. The Principle of Development
2. The Loss of a Community Facility
3. Impact on the Character of the Area
4. Impact on Neighbouring Amenity
5. Impact on Parking and the Highway
6. Other Issues
7. Is the scheme sustainable development?
8. The planning balance.

### **Considerations**

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

- 1.1 The proposal is contrary to development plan policy DM4. The majority of the site lies outside the settlement envelope and is therefore not a site that is considered appropriate for residential development in policy terms. However in this instance material considerations are that the application is submitted alongside another separate scheme in the village for a new community facility at the Memorial Playing Fields. This application, ref: CB/17/02990/FULL, has been approved under delegated powers. The delivery of this residential scheme would result in various funding sources that would go towards the delivery of the proposed community facility for the village. A principal funding amount will be provided through the applicant, Rowan Homes, by way of redirected profit and S106 monies from the housing development. Furthermore the purchase of the land for the residential application generates funding that will also be used to deliver this project. The scheme does not propose any affordable housing units as a result of the commitment to direct monies from the development to the provision of this village wide community facility.
- 1.2 Therefore the justification for the proposed residential development is that it would provide the majority of funding for the delivery of the new community facility which will be provided by the applicants. This is the same justification that Members accepted for the previous application for 19 dwellings on the site under ref CB/15/02102/FULL. The lack of affordable housing provision means that the scheme does not comply with policy which seeks to secure such accommodation. The view of CB/17/02990/FULL in principle is that the new facility is regarded as an enhanced offering for the village and therefore it is considered in this instance that the residential development will facilitate the delivery of the community hall, the delivery of which would be secured through S106 agreement, and therefore can be considered acceptable in principle as an exception.

#### **2. The Loss of a Community Facility**

- 2.1 The proposal does result in the loss of an existing village hall. The direct consequence is that there is a loss of community facility as a result of the proposal. However, as detailed above, there is a separate application for a new community facility in a different location within the village. While not on the High Road the new site is accessible to the rest of the village and the accompanying

application on this agenda is recommended for approval. Therefore in principle it is considered that in this instance, a loss of community facility is acceptable on the site and ultimately the development will enable the delivery of an enhanced facility elsewhere.

- 2.2 The existing village hall would have to be demolished to allow the construction of the dwellings proposed. It would potentially mean that there is a period where the existing village hall is gone and the new facility, if approved, is not complete. In order to ensure that the new hall is delivered on the basis of the justification for this residential scheme it will be necessary to secure the delivery of the hall through a S106 agreement.

### **3. Impact on the Character of the Area**

- 3.1 The development of the site amounts to an intrusion of development into the open countryside. As previously advised this can be considered acceptable in this instance. The impact of the development is minimised by the site boundaries aligning to the existing field boundary which is strongly defined by existing planting. The development would read as a minor extension to the village envelope but is of a scale that it is likely that it would integrate into the existing village successfully.
- 3.2 The scheme has drawn concern from the Council's Landscape Officer. These comments are noted however consideration, and in this instance greater weight, is given to the previous resolution to approve the development of this site. The layouts, including the extent of landscaping are very similar to that previously proposed. It is acknowledged that countryside will be lost from this development however it is also noted that the Tree Officer raises no objections if the hedgerows are to be retained, which can be conditioned. The impact is noted however not considered to be harmful to the extent that permission should be refused.
- 3.3 The proposed residential development has been amended since its original submission to take account of comments from the case officer in relation to the design detail. As with the first application the scheme continues to propose 4 dwellings facing High Road which will have the largest impact on the streetscene. These units are also located in the Conservation Area. The plans show that these units to result in a higher quality dwelling that sits comfortably in the Conservation Area. The Conservation Officer has raised no objection.
- 3.4 The initial submission drew concerns on the grounds that the development appears cramped and over urban for the edge of settlement location. The increase in residential units over the first scheme will inevitably increase the built form of the development however given the location of the site it is necessary to ensure a softer and more rural character is achieved to the development where possible.
- 3.5 The layout has been amended to reduce a large bank of parking bays at the northern side of the access road with a number of dwellings now having on plot parking. The number of dwellings was reduced by one to 26 which reduced the extent of cramped character and a number of new housetypes were introduced as well including bungalow units which reduce the scale of development as well. The amended scheme proposes development that appears less dense and

established larger gaps between the properties addressing concerns of a cramped character.

- 3.6 The scheme has also been amended to reduce the extent of hard boundaries in prominent public realm locations. This was particularly apparent at the entrance to the development and with the boundary treatment at Plot 26. As a result the extent to which hard boundaries abut public realm areas is reduced which is an enhancement to the scheme.
- 3.7 The objections received in respect of over development and being out of character with the area are noted. The development is intensified in comparison to the previous scheme (CB/15/02102/FULL) however the dwellings are provided with suitable garden areas and on plot parking in the majority and while the extent of built form is increased it is not considered to be overly dense to the point that there would be a negative impact on the character of the area and the dwelling types are typical modern units, the style of which are apparent within the village.
- 3.8 In terms of the impact on the Conservation Area, the removal of the existing village hall is not considered to have an adverse impact on this character and appearance. The new dwellings have been amended to improve their design and it is considered that this could be a positive addition to this heritage area. The entrance to the residential development itself is low density and relatively spacious which would sit comfortably in the context of the conservation area. The entrance is likely to be subject to strong boundary features and it is therefore considered necessary to condition the approval of such details to ensure appropriate boundaries are established from a heritage context.
- 3.9 The proposed development is considered acceptable in principle and while it is acknowledged that it would materially alter the character of the area the impact is such that it would not do so to a harmful extent and therefore no objection is raised on the grounds of this impact.

#### **4. Impact on Neighbouring Amenity**

- 4.1 There are existing neighbouring properties immediately adjacent to the site to the north and western side. The scheme has been amended to ensure there is no direct overlooking or loss of light issues to any existing neighbouring property.
- 4.2 Concern was originally raised due to the proposed location of dwellings and their proximity to existing properties to the southwest of the site. The scheme was amended to increase the number of bungalows in this area which will remove first floor accommodation that was previously apparent and remove the overlooking impacts (as raised by 63 and 65 High Road). A condition will be necessary to remove permitted development rights to alter and extend the roofs of the bungalow units in the interests of preserving amenity levels. Objection was received on overlooking grounds from the occupier of 27 High Road however given that separation distances between the site and this neighbour there are no concerns in this respect. In respect of other dwellings abutting the application site, there will be dwellings close to the common boundaries but in respect of overlooking it is considered that there would be no direct and harmful

impact that would affect amenity to the extent that permission should be refused. Plots 18 and 19 have windows that face towards existing dwellings to the southwest of the site. Plot 18 has two first floor windows that serve bathrooms which would therefore be obscurely glazed and Plot 19 has windows serving bedrooms that are set at a distance of 19 metres from the rear of the garage/family room of the adjacent dwelling. The distance is not ideal but it is considered appropriate when taking account of the outlook towards the neighbouring dwelling and it is considered no harmful impact to amenity occurs. Plot 5 abuts 33a High Road and has a bathroom window facing this property which is acceptable given its obscurely glazed nature.

- 4.3 In respect of overbearing development objections are raised by the occupiers of 47 and 49 High Road due to the siting of a proposed bungalow (plot 25 on the amended scheme) to the rear of their properties. The amended plans have moved this unit away from the boundaries somewhat but it is acknowledged that it is still prominent. The impact of this unit when considering an overbearing nature is reduced due to it being a single storey building with a relatively low pitch roof. There are no windows above first floor level and no outlook to the existing gardens as a result. The distance between the rear extent of these properties and the side elevation of the bungalow is a minimum of 17 metres which is considered acceptable. The relationship is therefore not considered to be harmfully overbearing.
- 4.4 The concerns raised by the occupier of 24 High Road in respect of amenity harm caused by vehicles is noted however there is not considered to be any overlooking harm as car users would have less of an impact than pedestrians walking in front of the dwelling and the impact of headlights are not considered to be detrimentally harmful when considering likely existing impacts from the car park of the village hall which is the existing situation.
- 4.5 In terms of the provision of amenity for new occupiers the amended scheme has attempted to address previously raised concerns over the size of gardens for a number of the proposed plots. The amended plans have shown that suitable sized gardens are provided for each unit. While the Design Guide recommended depth for gardens is not met on all plots there are no amenity concerns resultant from this and therefore the provision can be considered acceptable.

## **5. Impact on Parking and the Highway**

- 5.1 The access has been considered and no objections have been raised by the Highway Officer. It is therefore regarded as safe and functional. The concerns raised by neighbours over increased traffic and parking are noted however the access arrangement is such that it is not considered that there would be a harmful impact. The intensification of development through increasing the units is also considered acceptable in terms of impact on highway capacity.
- 5.2 The proposal still provides nine parking spaces for existing cottages at 37a – 53 High Road. Currently these nine cottages have no off-street parking and park on High Road. The scheme gives each cottage a parking space which is an improvement over the existing situation and would contribute to a potential reduction in cars on High Road. The provision of parking is not required to make the scheme acceptable in planning terms but is considered to be a benefit of the

development. The provision and retention of these spaces will need to be secured through the S106 agreement.

- 5.3 In terms of parking on the development there is a shortfall of parking for the 6 bungalow units proposed. Each are given a single space whereas the Design Guide requires 2 spaces for 2 bedroom dwellings. The layout shows the bungalows to have a single parking space due to the provision of parking for the terraced homes detailed above. Consideration is therefore given to the benefit of potentially relieving parking pressure on High Road against possible on-street parking within the development site for bungalow occupiers and it is felt that while it is unfortunate that parking for the bungalows is short 1 space for each it is not considered harmful in this instance. If however Members feel it to be necessary to have compliant parking for these units the parking assigned for the existing terraces can be used to make the scheme Design Guide compliant instead of being associated with the existing dwellings.
- 5.4 At the time of drafting this report the Highway Officer has not commented on the revised layout to advise if previous comments relating to turning, parking and adoptable standards are still apparent. The road layout is very similar to the scheme that has previously been considered acceptable by this Committee and therefore it is reasonable to assume that it can continue to be presumed as such.
- 5.5 The proposed access and parking arrangements are considered to be acceptable and can potentially contribute to a reduction of vehicles parked on High Road. It is considered that there is no harm to highway safety as a result of this scheme.

## **6. Other Issues**

### **6.1 Delivery**

The provision of the previously mentioned Community Facility will be financed through a number of sources. A principal funding amount will be provided through the applicant, Rowan Homes, by way of redirected profit and S106 monies from a housing development on the edge of Shillington. Furthermore the sale of the land for the residential application generates funding that will also be used to deliver this project.

- 6.2 To ensure that the community facility is delivered as proposed it is necessary to secure this through a S106 agreement that requires the applicant to provide the hall within an appropriate timeframe or trigger and the recommendation reflects this.

### **6.3 S106 Contributions**

The Council's Education Officers have provided comments relating to the impacts of the proposed housing on the education infrastructure and have requested a number of contributions to offset the impact.

The requested amounts are as follows:

EY	£26,961.48
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Lower	£89,871.60
Middle	£90,432.58
Upper	£110,894.28
Total	£318,159.94

The contributions will form part of the proposed S106 discussion and will take account of the viability of the scheme in light of the community benefits it is providing and the scale of the development proposed in light of the CIL Regulations pertaining to the number of times a project can request contributions. Members will be updated on this in the forthcoming late sheet.

#### 6.4 Surface Water Drainage

Concern was raised on the grounds of drainage impacts from the new garage and increased curtilage of No 37. Currently the guttering from the adjacent cottages takes rainwater to this track to soakaway and this is potentially affected through the development of the proposed double garage. A conditions requiring the approval of surface water drainage details has been included in the recommendation and an informative can also be included to specifically raise the need for these details to take account of the impacts from the works and change of use at No 37 to ensure a suitable solution is reached.

### 7. **Whether the scheme is Sustainable Development**

7.1 The Council considers that it is able to demonstrate a deliverable 5 year housing land supply and therefore the policies in the Core Strategy and Development Management Policies can be given appropriate weight including policy DM4. The wording of policy DM4 limiting residential development to schemes within the settlement envelope should be given weight as the Council's housing land supply position is such that this policy is no longer considered out of date. This has been considered and in this instance the scale of development and its relationship with the existing settlement are such that although it is contrary to this policy any adverse impact from development is outweighed by the benefits.

7.2 Consideration should still be given to the individual merits of the scheme in light of the 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 to the western side and is enclosed by established landscaping. While materially altering the character of the area will not appear isolated, relating well to the existing settlement, 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.

7.4 Social

The provision of housing is a benefit to the scheme which should be given some weight as a benefit of the scheme. The commitment to provide a new community hall for the village can be given significant weight as a benefit.

The site is within walking distance to an existing bus route and village services and the village is well served by existing footways making the site accessible to the village core. Shillington is regarded as a sustainable settlement in planning terms 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 bungalow units and the provision of a new community facility for the village are considered to be a significant benefit to the community and would also contribute towards strengthening the Council's 5 year housing land supply. The site is considered to relate well to the existing settlement and represents a reasonable extension to the village. The loss of open countryside is considered to be an adverse impact but is not significant. The scheme proposes no affordable housing which is also an adverse impact but in this instance the commitment to provide a new community facility and the benefits that it would provide are considered to offset the lack of affordable housing (it is noted that the scheme previously considered acceptable also proposed no affordable housing). It is therefore considered that the benefits outweigh the adverse impact 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 no significant and demonstrable impacts have been identified. As such the application is recommended for approval.

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 Outline 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 No development relating to the construction of the dwellings hereby approved shall take place and notwithstanding the details submitted with the application, until details of the materials to be used for the external windows, doors, walls, roofs and rainwater goods of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.

Reason: To safeguard the special character and historic interest of the Shillington Conservation Area.  
(Section 7, NPPF)

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.  
(DM3 CSDMP)**

- 4 Notwithstanding the details in the approved plans, prior to the occupation of the first dwelling hereby approved 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 scheme shall include the retention of the existing hedgerow planting on the boundaries of the site and shall propose additional planting to strengthen these boundaries. 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.

- 5 None of the dwellings hereby approved shall be occupied until a scheme has been submitted for approval in writing by the Local Planning Authority

indicating the positions, design, materials and type of boundary treatment to be erected which shall include acoustic fencing on the western boundary of the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the amenities of the neighbouring occupants and the future occupiers of the buildings.  
(DM3 CSDMP)

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.  
(DM3 CSDMP)

- 7 The development shall not be occupied or brought into use until the parking scheme shown on Drawing No. 12494 200 BB has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.  
(DM3 CSDMP)

- 8 **No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:**

**a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

**c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

**Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any**

**unexpected contamination discovered during works.**

**Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 9 None of the dwellings hereby approved shall be occupied until all access and junction arrangements serving the development have been completed in accordance with the approved plans and all other existing access points within the highway frontage of the site have been stopped-up by raising the existing dropped kerb and reinstating the footway to the same line, level and detail as the adjoining footway.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.  
(DM3 CSDMP)

- 10 **No development shall take place until a written scheme of archaeological investigation; that includes 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: In accordance with paragraph 141 of the *National Planning Policy Framework*; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available. 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* that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

- 11 **Notwithstanding the details in the approved plans, no development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail the retention of the existing boundary hedgerow on the eastern and southern boundaries and details how these are to be protected during construction and shall also detail methodology for protection of existing trees adjacent to the site during construction. The works shall then be carried out in accordance with the approved details.**

**Reason: To ensure the retention of existing landscape features in the interests of establishing a rural character to this edge of settlement location.**  
(DM3 CSDMP)

- 12 No development on the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water

efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

Reason: In the interests of sustainability.  
(DM3 CSDMP)

- 13 **No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Surface Water Drainage Strategy (March 2017), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and a restriction in run-off rates to that outlined by the IDB. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan.**

**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.  
(DM3 CSDMP)**

- 14 No dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: 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.  
(DM3 CSDMP)

- 16 **Notwithstanding the details submitted in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised site layout showing an amended highway layout that includes the provision to of a formal turning head within the site and development shall be carried out in accordance with the approved details.**

**Reason: To ensure adequate arrangements to accommodate for refuse collection in the interests of highway safety.  
(DM3 CSDMP)**

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.  
(DM3 CSDMP)

- 18 Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the highway works approved under any reserved matters application 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.  
(DM3 CSDMP)

- 19 No development relating to the construction of the dwellings at Plots 1-4 inclusive hereby approved shall take place until details of all new doors and windows on the dwellings shall be timber and detailed drawings at a scale of 1:10 of all new doors and windows have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be carried out in strict accordance with the approved details.

Reason: To safeguard the special character and historic interest of the Shillington Conservation Area.  
(Section 7, NPPF)

- 20 Notwithstanding the approved plans, all new rainwater goods for Plots 1 - 4 inclusive hereby approved shall be of black painted cast iron or aluminium and shall be retained thereafter.

Reason: To safeguard the special character and historic interest of the Shillington Conservation Area.  
(Section 7, NPPF)

- 21 No dwellings shall be occupied until a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their

territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure development is implemented without harming biodiversity.  
(DM3 CSDMP)

- 22 Notwithstanding the provisions of Part 1, Class B or C 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 or alterations to the roofs of the bungalow units shown at Plots 20-25 inclusive and the dwelling at Plot 19 hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the enlargements of the buildings in the interests of the amenities of the area.  
(DM3 CSDMP)

- 23 Prior to the first occupation of the dwellings hereby the first floor window in the side elevation serving the bathrooms to Plots 5 and 18 shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and shall be non-opening up to an internal height of 1.7m above floor level and these windows shall thereafter be retained as such.

Reason: To safeguard the amenities of occupiers of adjoining properties.  
(CSDMP DM3)

- 24 **No development shall take place until a foul water strategy and wastewater strategy has been submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the details approved.**

**Reason: To prevent environmental and amenity problems arising from flooding.**  
(DM3 CSDMP)

- 25 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).



- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12494 200 BB, 12494 222 B, 12494 105 C, 12494 218 D, 12494 219 E, 12494 220 F, 12494 221 C, 12494 223 D, 12494 224 B, 12494 25 B, 12494 226 B, 12494 227, 12494 228, 12494 229 B, 12494 206 F, 12494 202 A and 12494 201.

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.
2. Applicant is advised to note that the requirements of surface water drainage proposals in condition 13 should include proposals that take account of the enlarged curtilage area of No 37 High Road and the approved garage to be constructed.
3. 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 at the junction onto Church Street. Further details can be obtained from the Development Control Group, Development Management Division, 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. The applicant is advised to contact the Central Bedfordshire Council's Highway Help Desk on 03003008049 for further information.
5. The applicant is advised that if it is the intention to request the 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 Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford Bedfordshire 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.

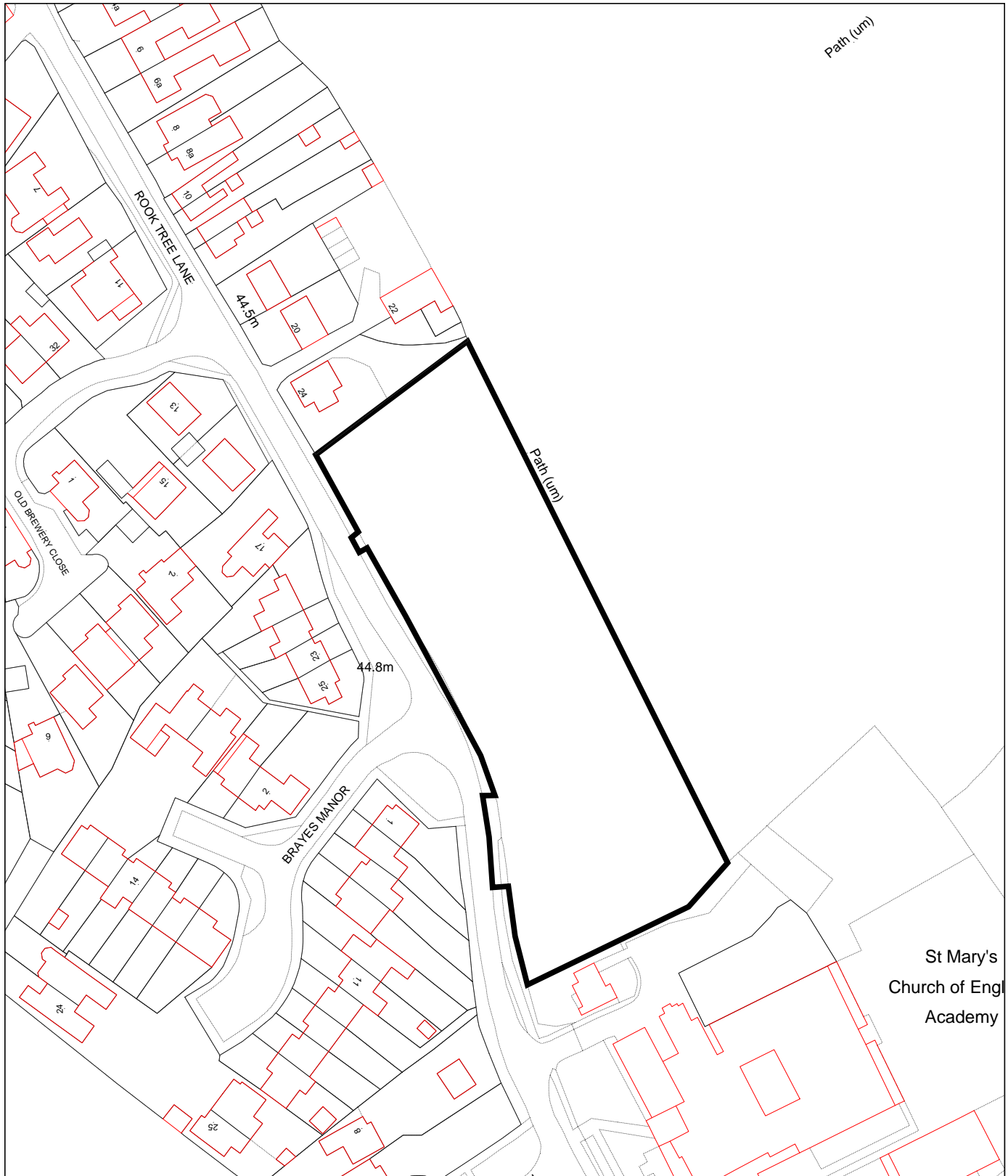
6. The applicant is advised to note that the British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. Applicants are also reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission
  
7. Applicant is advised to note that to discharge this condition the following points will need addressing;
  - Concern was raised on the grounds of drainage impacts from the new garage and increased curtilage of No 37. Currently the guttering from the adjacent cottages takes rainwater to this track to soakaway and this is potentially affected through the development of the proposed double garage. Details of current and proposed systems should be included in the detailed design of the surface water drainage system.
  - The final storage requirements have not been calculated, this should be completed to ensure capacity within proposed areas of permeable paving.
  - 2.0.7 Of the FRA & DS dated March 2017 revision B states that infiltration is not possible, however none of the permeable paved areas are connected to the surface water system this is not acceptable.
  - Discharge in to watercourses will require that those watercourses affected are modelled to ensure capacity.
  - Evidence of consent for discharge (including agreed rate) will be required.

**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 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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	Date: 24:October:2017  Map Sheet No	
Scale: 1:1250	Land adj to St Marys Lower School, Rook Tree lane, Stotfold, SG5 4DJ	

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/17/02417/RM</b>
<b>LOCATION</b>	<b>Land adjacent to St Marys (Stotfold) Lower School, Rook Tree Lane, Stotfold, Hitchin SG5 4DJ</b>
<b>PROPOSAL</b>	<b>Reserved Matters - Appearance, landscaping, layout and scale for 15 dwellings Application No CB/16/01148/OUT dated 08/09/2016</b>
<b>PARISH</b>	<b>Stotfold</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>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>09 June 2017</b>
<b>EXPIRY DATE</b>	<b>08 September 2017</b>
<b>APPLICANT</b>	<b>Staske (London) Ltd</b>
<b>AGENT</b>	<b>Alistair McIntyre RIBA</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with a Town Council objection</b>
<b>RECOMMENDED DECISION</b>	<b>Reserved Matters - Approval</b>

**Reason for Recommendation**

The proposal is for reserved matters and the scheme accords to the parameters agreed at the Outline stage and is of a design and scale that would compliment and harmonise with the prevailing streetscene. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and the Council's adopted Design Guidance (2014).

**Site Location:**

The application site consists of a site area of 0.67 hectares of paddock land located on the eastern edge of the town of Stotfold. The site is currently being used as pasture for horses. The site is flanked to the north by 22 & 24 Rook Tree Lane, to the south by St Marys Lower School and Caretakers House and to the east by part agricultural land and part land. This land to the east is proposed to be used in conjunction with the schools future plans for play area/wildlife conservation activities in mitigation to the schools recent expansion approved under planning permission reference CB/14/03601/FULL.

The site is located outside the settlement envelope of Stotfold and is designated as falling within an Area of Archaeological Interest.

**The Application:**

Approval of reserved matters is sought for the erection of 15 dwellings and associated landscaping and parking pursuant to the outline planning permission under CB/11/02261/OUT.

The overall density for the site would be approximately 30 dwellings per hectare over the 0.5 hectare net developable area of the site.

In terms of the provision of dwellings, the scheme would provide the following accommodation mix:

Market Housing

- 1 x 3 bed houses
- 6 x 4 bed houses
- 3 X 5 bed houses
- Total of 10 market houses

Affordable Housing

- 3 x 2 bed flats
- 2 x 3 bed houses
- Total of 5 affordable units

A total of 35% affordable units have been provided in accordance with the requirement under the outline permission.

The units proposed would consist of two storey in accordance with the heights specified in the outline planning permission. The materials schedule details that the external materials would comprise of a mixture of red and buff bricks, an off white colour render and Grey roof tiles. There would also be a variety in window treatments with a combination of varied window designs & detailing and porch canopy variations include both flat roof and mono pitch roof designs.

The parking schedule would be as follows:

Accommodation	Total No. Units	Total no. spaces required	No. car parking spaces proposed
2 Bed	3	6	6
3 Bed	3	9	9
4 Bed	6	18	18
5 Bed	3	9	9
Total	15	42	42
Visitor		5	5
Overall Total		47	47

The majority of vehicle parking would be on plot, although there would be some displacement on street parking to avoid a triple tandem parking provision. Where garages are proposed, these would meet the dimensions within the Councils Central Bedfordshire Design Guide. Visitor spaces are provided in most cases opposite locations where there is a perceived demand and where displacement parking is provided.

For recycling and refuse collection, the houses would have rear storage areas and

access from rear gardens in order to bring bins to the front of the properties on collection day. Some of the occupants would have to bring their bins to a communal collection point on refuse and recycling collection days but the majority would receive kerbside collection.

The boundary treatment proposed between most plots would be 1.8m fencing with 1.2 metre post and rail proposed between plots and the strategic landscape buffer.

A public amenity space and landscape buffer is proposed along the boundary shared with open countryside beyond and some additional public amenity space is proposed alongside the proposed playground extension to St Marys School and on the frontage of the site directly adjacent to Rook Tree Lane.

The following documents were supplied in support of the application:

- Noise Assessment
- Archaeological Project Design

## **RELEVANT POLICIES:**

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

Section 1 - Delivering Sustainable Development

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 10 - Meeting the Challenge of Climate Change & Flooding

Section 11 - Conserving the Natural Environment

Section 12 -Conserving and enhancing the Historic environment

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

CS2: Developer Contributions

CS3: Healthy and Sustainable Communities

CS4: Linking Communities – Accessibility and Transport

CS5: Providing Homes

CS7: Affordable Housing Provision

CS14: High Quality Development

CS15: Heritage

CS16: Landscape & Woodland

CS18: Biodiversity & Geological Conservation

DM1: Renewable Energy

DM2: Sustainable Construction of New Buildings

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM13: Heritage in Development

DM14: Landscape & Woodland

DM15: Biodiversity

### **Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of

evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance/Other Documents**

1. Planning Obligations Strategy, 23 October 2009
2. Central Bedfordshire Design Guide (March 2014)
3. Central Bedfordshire SuDs Guidance (April 2014)
4. Building for Life 12 (April 2014)

**Relevant Planning History:**

**Application Number CB/16/01148/OUT**

Description	Outline Application: residential development of up to 15 dwellings together with ancillary works (all matters reserved expect means of access)
Decision	Outline - Granted
Decision Date	08/09/2016

**Application Number CB/12/03191/FULL**

Description	Erection of one detached dwelling
Decision	Full Application - Refused
Decision Date	15/11/2012

Whilst previous planning permissions have been referred to on this site from 1974 - 1990s, due to the passage of time and the variation to planning policies since these previous refusals, these are not considered material to the determination of this current application.

**Directly related Planning History on adjacent land:**

**Application Number CB/17/01494/FULL**

Description	Change of use of agricultural land to green playspace
Decision	Full Application - Approved
Decision Date	15/06/2017

**Town Council:**

Stoffold Town Council Objects on the following grounds:  
(28.06.17)-

- Rook Tree Lane is a bus route and major route to school
- The proposed entrances will cut across the well used footpath to and from the school, on a narrow road, compromising the safety of pedestrians
- Two of the entrances demonstrate poor visibility splays which is against CBC guidance and the NPPF.
- The plans suggest, that on several buildings, tandem parking of up to three vehicles, which is impractical
- 5 visitor spaces are inadequate
- The new entrances will be in very close proximity to Brayes Manor junction and on a curve with existing poor visibility



- Compromises the school safety zone, recently created by CBC
- No information on the ongoing maintenance of landscaping, open spaces or visitor spaces
- If roads are to be adopted, recommends that road traffic orders are placed on the roads within the development to ensure parking of occupants remains within their curtilages
- What is the intention of the existing bus stop which will be compromised by one of the entrances?
- Concerns over the accuracy of the traffic survey which was supplied with the application.

Additional comments received on 04/10/17 following reconsultation:

Object. We question whether there is sufficient visitor parking for the proposed development. We are concerned that inadequate visitor parking 'on-site' would result in overflow on-street parking on to what is already a very congested road, particularly due to the large volume of vehicles parked along Rook Tree Lane.

Again, to reduce the potential of on-street parking on Rook Tree Lane, we request that plot no. 9 has a door into the kitchen on the side of the plot, which can be accessed by the side driveway. We feel this would encourage residents to park on the drive closest to a door, rather than on Rook Tree Lane closest to the front door. We feel that parking provision for nos. 11 and 12 should be paired so that the footway currently shown to separate the two parking spaces for no. 11 is moved to separate the paired parking for both properties, and that they are swapped over to ensure that parking is as close to the relevant property as possible.

We note that swift boxes are being provided, but point out that swift boxes on plot nos. 3, 4 and 8 are facing the wrong way, and should face East. We strongly feel that the school safety zone and safer route to school to the adjacent St Mary's Academy would be compromised by the proposed entrances to this development; the safety of both pedestrians and vehicles using this route are a cause for concern. We ask that a revision is made to the school safety zone to take into account these new entrances onto Rook Tree Lane, should the application be approved.

**Internal Consultees:**

1. CBC Housing Development Officer (23/06/17) - Supports the application, affordable housing meets the policy requirements and parameters of the outline permission.

2. CBC Ecology (28/06/17) & (15/09/17) - Concerns expressed about the lack of ecological gain.  
Further to the receipt of revised plans on 12.09.17 demonstrating ecological gain, no further concerns raised.
3. CBC SuDs Officer (28/06/17) & (14/09/17)- No Comments, SuDs to be discharged by condition prior to commencement of development.  
Following revised plans and information on maintenance, no further concerns raised.
4. CBC Pollution Officer (29/06/17) & (19/09/17) - Concerns expressed about the noise impact on future occupiers from the school and associated facilities, as such to address concerns, as per the outline, permission shall not commence until a noise mitigation scheme has been submitted and approved. Condition as per outline for any unsuspected contamination to be reported and remediated.  
A noise assessment was supplied for consideration to address concerns raised on 09.10.17
5. CBC Highways Officer (03/07/17) & (05/10/17)- Concerns expressed over lack of internal turning areas and triple tandem parking provision.  
Revised plans were submitted addressing the concerns raised by the Highways Officer on 12.09.17.
6. CBC Green Infrastructure (04/07/17) & (21/09/17) - Net gain in Green Infrastructure shall be demonstrated.  
Revised plans were submitted addressing the concerns raised which were considered helpful. Recommendations were made for opportunities to connect to the play area and footpath beyond the site however cannot be achieved as the footpath has been diverted and the play area is part of the school.
7. CBC Strategic Landscape Officer (04/07/17), (21/09/17) & (03/10/17)- Additional structural planting required along the southern boundary. No objection, subject to a fully specified planting plan and some alterations to planting species and densities.  
Revised plans were submitted during the life of the application which addressed the concerns raised and no further comments were made.
8. CBC Sustainable Growth Officer (05/07/17) & (20/09/17)- Details required to be submitted to discharge Cond 10 of the outline permission, prior to commencement.  
N.B. These details have been supplied by approval of

details on the outline permission and are considered acceptable.

9. CBC Trees & Landscape Officer (05/07/17) & (03/10/17)- Detailed landscape plans include species and densities are required to be submitted.

Revised plans were submitted addressing the concerns raised on 12.09.17 and as a result no further concerns were raised.

10. CBC Waste Services (06/07/17)- Details of bin storage and collection required to be submitted for consideration.

Revised plans were submitted addressing the concerns raised on 12.09.17.

11. CBC Rights of Way (07/07/17) - Right of Way unaffected, diverted as part of previous St Marys School application.

12. CBC MANOP Officer (05/07/17)- Recommendations made for elderly housing provision.

13. CBC Archaeology (05/07/17)- Regard should be had to the Heritage Statement supplied under the outline application.

**External Consultees:**

- 1. Internal Drainage Board (12/09/17) - No Comments
- 2. Environment Agency (13/09/17)- No Comments

**Other Representations:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>8 Brayes Manor</li> <li>12 Brayes Manor</li> <li>16 Brayes Manor (x2)</li> <li>35 Mowbray Crescent</li> <li>40 Common Road</li> <li>The Caretakers House (x2)</li> <li>4 Rook Tree Close</li> </ul> | <p>Objections received on the following grounds (in summary):</p> <ul style="list-style-type: none"> <li>● Exacerbates parking and highway safety issues near school</li> <li>● Disruption during construction</li> <li>● Concerns over compromised pedestrian access to the school</li> <li>● Danger to school children</li> <li>● Lack of local amenities to facilitate the development</li> <li>● Concerns over overbearing impact, especially plot 10</li> <li>● Lack of privacy</li> <li>● Noise Pollution</li> <li>● Loss of outlook</li> <li>● Safeguarding concerns for children of St Marys School</li> <li>● Increased traffic generation</li> <li>● Compromise school safety zone</li> <li>● Loss of parking on road for drop off and pick ups for school</li> </ul> |
|--|---|

- Those with mobility issues will find additional access difficult to navigate
- Restrict access for large vehicles

### **Determining Issues:**

The main considerations of the application are;

- 1. Principle**
- 2. Site layout, density & external appearance**
- 3. Residential Amenity**
- 4. Highways Considerations**
- 5. Other Considerations**

### **Considerations**

#### **1. Principle**

- 1.1 The principle of residential development has been accepted on this site by the granting of the outline planning permission CB/16/01148/OUT. In order that the development can be considered acceptable, it should adhere to the principles of good design explored within the Central Bedfordshire Design Guide, as explored later in this report.

#### **2. Site layout, density & external appearance**

- 2.1 The proposed development would result in a density per hectare of approximately 30 which doesn't constitute high density, is representative of the density levels within Stotfold and accords with the densities considered acceptable at the outline stage.
- 2.2 The site has existing built form on two sides and the east side of the site overlooks an area of agricultural land. As part of the parameters of the outline it was secured that the eastern boundary will be improved through the planting of a 5 metre wide buffer of additional tree and landscaping. This will continue the full length of the boundary and would provide a suitable buffer and distinction from the built form and prevailing landscape and this has been supplied in accordance with those set parameters.
- 2.3 Additional trees and landscaping have been provided within amenity areas. Species of planting and trees have been revised in accordance with the Councils Landscape Officers advice. As such it is considered that the proposal takes into account the need to protect existing trees and landscaping and appropriate landscape opportunities have been proposed to enhance the character of the area.
- 2.4 The layout of the development broadly achieves the overall requirements of the parameter plan of the outline permission. The proposed layout conforms to established good principles of design by respecting street design, set backs, boundary treatments, parking typologies and materials whilst respecting the surrounding landscape buffers.
- 2.5 A number of revisions have been negotiated during the life of the application to improve permeability, variety, active frontages and a sense of place. These revisions include but are not limited to:

- Revised Plot 1 to allow a frontage to Rook Tree Lane with pedestrian access off the street and vehicle access off the new road
- External materials revised drawing to illustrate Plots 1,2,6,11,12 and 13 are now red brick to allow for greater mix of materials
- Revised Plot 6, Plot 8 and Plots 11 12 13 to illustrate flat roof porches in the interest of mix and urban design principles
- Revised positioning of Plots 4 and 8 to give a better separation from the site boundary, which also includes a landscape buffer

2.6 The proposed dwellings have been designed to give the development an individual character and local distinctiveness. The buildings make good use of a variety of housetypes, storey heights (in accordance with the height restrictive condition on the outline permission), materials and fenestration details. The proposed buildings turn corners well and provide suitable frontages which address the street creating a frontage to the highway and to avoid the presence of physical boundaries and provide an appropriate level of surveillance where required.

2.7 Boundary treatment details have been provided which demarcate the public and private realm. The variation of boundary treatments, landscaping and surfacing provides for greater legibility around the site. The proposed layout is also well related to the open space proposals and responds well to the natural and other positive features already present on the site which reinforces the urban edge character of the development. The scheme would therefore provide for an appropriate standard of urban design in accordance with the Councils adopted design guide. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Residential Amenity**

#### **3.1 Existing Occupiers**

Adequate separation is proposed between existing and proposed dwellinghouses in accordance with the Councils technical design guidance and as such, despite concerns raised the proposal would not give rise to overlooking or overbearing impact.

3.2 Concerns were specifically raised by the adjacent Caretakers House in respect of adverse amenity impact of plot 10, however an adequate separation between shared boundaries of 2 metres is proposed in accordance with the Councils design guidance and given that the building would accord with the Caretakers House building line, it is considered that the proposal would not result in adverse harm to the existing occupiers in terms of overbearing impact or loss of light. First floor windows are proposed on the side elevation facing the Caretakers house, however these are proposed to serve bathrooms of the property and can be conditioned to be obscurely glazed and non opening unless above 1.7 metres from floor level to prevent mutual overlooking.

#### **3.3 Future Occupiers**

A bin collection scheme was supplied as part of this application. Concerns were expressed by the Councils Waste Services Officer about the location of the bin storage areas capacity for each plot. Further to the revised details supplied by

the applicant on 12.09.17 no further concerns have been raised in this regard.

- 3.4 In terms of amenity space for future occupiers, each bedroom space meets either the minimum standards which are conveyed within the Central Bedfordshire Design Guide or statutory limitations under the Housing Act. Furthermore, the garden space for each dwellinghouse would meet external standards conveyed within the same technical planning guidance. Due to the adequate curtilages of each dwellinghouse and adequate separation distances it is not considered necessary to impose restrictions by way of conditions, on further extensions to the properties.
- 3.5 There is a 21 metre separation between the back to back of each dwellinghouse proposed to ensure that the development would not result in mutual overlooking concerns.
- 3.6 Plots 1 & 2, Plots 2 & 3, Plots 6 & 7, Plots 7 & 8 have first floor windows which serve bathrooms or hallways directly overlooking one another and therefore to prevent mutual overlooking concerns, these windows will be proposed to be condition to be obscurely glazed and non opening unless above 1.7 metres from floor level.
- 3.7 Concerns were raised by the Town Council that the location of the entrance doorway to Plot 9 would not be logical in terms of its position to the parking provision. The applicant had looked at adding an external door from the kitchen however it would have had implications on the kitchen layout. In addition there is a pedestrian crossing in front of Plot 9, so the closest place to park will be on the drive, which has sufficient parking. To assist further a revised plan was received which relocated the garden gate closer to the house.
- 3.8 Concerns have been expressed about the potential noise impact on residents from the adjacent school car parking area and access drive. Furthermore residents may also suffer noise from other school activities such as sports tournaments and school discos and performances. A revised plan was supplied during the life of the application, which included acoustic fencing where appropriate and upgrading of the windows on the facades that face the green play area with say double glazed units with different thicknesses of glass combined with acoustic vents and the Councils Pollution Officer is content with this appropriate level of mitigation. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highways Considerations**

##### **4.1 Access**

The parameter that was approved at the outline stage indicates that vehicular access to the site would be taken at three points from Rook Tree Lane. The proposed layout plan accords with the previously approved access arrangements. One of the access points will require the relocation of the bus stop and various other works to the highway, the details of which are not included on the plans supplied. These matters are subject to a condition of the outline permission which are to be agreed prior to construction, not to be agreed at the reserved matters stage and are also obligations of the legal agreement secured at the outline stage, therefore the Councils Highways Officer has raised

no objection in this regard.

Revisions were made to the road width during the life of the application, to ensure 5.5m is provided when you enter the site, this is in fact now 6m in width for the initial 17m in to the site and is therefore acceptable. This also includes for 2m wide footways on both sides and around the turning head area. The 2m wide footway requirement along the site frontage has also been provided.

#### 4.2 Highway Safety

Concerns were expressed by the Councils Highways Officer in respect of the turning heads of the cul-de-sacs and whether they could accommodate the turning of refuse or light good vehicles. A revised tracking diagram was supplied during the life of the application to address this concern. The turning head has now been catered for and it can accommodate the swept path of the Councils 11.5m long RCV. It will also cater for fire tenders within the parameters of Approved Document B which means an appliance is within 45m of the nearest highway and 20m of a turning area.

A School Safety Zone has been installed on Rook Tree Lane as part of the expansion of the lower school. As part of this it has informal crossing points on desire lines to facilitate pedestrians wanting to cross. It is all in a 20mph zone and there are School Keep Clear markings, single yellow lines to restrict parking and enhance the visual splay for pedestrians looking to cross the road. The proposal is not considered to overly compromise this zone however this application is subject to conditional 278 works and obligation for highways works secured within the legal agreement as part of the outline application and therefore any implications on this zone would be covered under these obligations.

#### 4.3 Parking

Adequate parking provision has been secured for each new unit. The majority of vehicle parking would be on plot, although there would be some displacement confined to within the development. Where garages are proposed, these would measure 3.3 metres in width internally by 7 metres in depth for single garages and 6.6 metres in width by 7 metres in depth for double garages. Visitor spaces are provided in most cases opposite locations where there is a perceived demand and additional on plot parking or close by displaced parking is provided. Whilst concerns have been expressed by the Town Council in respect of the visitor parking, the proposal exceeds the Councils parking standards requiring 0.25 visitor spaces per dwelling. Only 3.75 spaces are required whereas the site plan allocates 5 visitor spaces.

4.4 Concerns were also expressed by the Town Council in terms of the siting of parking for Plots 11 and 12. Consideration was given to relocating parking spaces as a pair however it would have resulted in plot 11s outlook being dominated by other plots parking provision. To prevent any further pressure on parking provision within the shared areas however, it is necessary to ensure garages are retained for parking and no roof extensions on dwellinghouses are permitted through restrictive conditions. As such the parking provision would be in accordance with the parking standards contained within the Central Bedfordshire Design Guidance.

- 4.5 As such it is considered that the proposal would not be prejudicial to highway safety. No objections have been raised by the Councils Highways Officer subject to the imposition of conditions to secure the junction and visibility which are covered under the outline permission and as such not repeated on this permission and a condition to secure a construction method statement which would be included if a resolution to grant is made, including the retention of garages for parking. Therefore the proposal would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

## **5. Other Considerations**

### **5.1 Affordable Housing**

A 35% affordable housing provision was secured in the s106 agreement under the outline planning permission. A total of 5 affordable housing units split between affordable rent and shared ownership housing have been provided for. The Councils Housing Development Officer is satisfied with the number of units and proposed split and as such has raised no objection to the granting of this permission. The proposal therefore is in accordance with the requirements for affordable housing as set out in the 106 agreement and in accordance with Policy CS7 of the Core Strategy for the North and Section 6 of the NPPF which requires the delivery of a sustainable, inclusive and wider choice of high quality homes.

### **5.2 Archaeology**

The development site is located within the core of the historic settlement of Stotfold Green (HER 17161) a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. An archaeological field evaluation was undertaken to support the outline planning application for the site (CB/16/01148/OUT) and an Archaeological Project Design has been supplied outline a mitigation programme. As such, no objections have been raised by the Councils Archaeologist in this regard and it is considered to conform with policy DM13 of the Core Strategy for the North and Section 12 of the NPPF.

### **5.3 Flood Risk & SuDs**

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. As such, no objections have been raised by the Environment agency.

The outline planning permission for this site, required that a 'Surface Water Drainage Strategy which would set out the appropriateness of SuDS to manage surface water run off, including the provision of the maintenance for the lifetime of the development which they serve would be discharged by way of condition prior to the commencement of works.

A drainage strategy was supplied for consideration as part of the approval of details application for the outline permission which is running alongside this application. The Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System can be implemented on site so as limit any flooding potential and any amendments necessary would be negotiated as part of that approval of details application. In addition, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this



reserved matters application, subject to conditions of management of the provision as suggested by our SuDs officer which is secured through conditions at the outline stage. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

**5.4 Ecology**

The NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has raised concerns of the lack of opportunities proposed by the submission. Revised plans and details of landscaping were supplied during the life of the application which appropriately demonstrate a net gain in biodiversity and as such, no further concerns have been raised by the Councils Ecologist in this regard. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF. Also address swift boxes issue raised by TC.

**5.5 Contamination**

A geo-environmental & geotechnical desk study report October 2015 document reference P15-071pra was supplied at the outline stage which indicated that there is the need to undertake an intrusive investigation of the site to determine localised sources of contamination. The Council's Pollution Officer raises no objections to the proposed development subject to compliance with the relevant remediation condition prior to commencement, secured on the outline permission.

**5.6 Safety of School Children**

Concerns have been expressed by a number of residents in respect of the potential impact on the school childrens safety. It has been raised that the land directly rear of the application is proposed in part to be used by the school as an extension to their existing play area. The application site is proposed to be demarcated by a sufficient landscape buffer and therefore there will be limited risk of access to the proposed extension to the school. In addition the proposal contains appropriate and secure boundary treatment. In terms of residential accommodation it is not uncommon for it to be placed next to school environments. Furthermore residential accommodation close to school environments can provide a sense of security and well being to the school children.

**5.7 Construction Concerns**

A numbers of concerns have been raised by local residents in terms of the noise and disturbance of the development. The noise and disturbance of developments during the constructional phase is responded to by the Public Protection Act and as such is not a material planning consideration. Matters pertaining to noise attenuation for proposed units in respect of background noise such as school noise are responded to through noise attenuation schemes, which in this instance would be required to be satisfied by way of condition prior to commencement of works.

**5.8 Impact on Services**

Concerns have been expressed by local residents about the impact of this development on services such as schools, doctors surgeries and so forth. Any

evidenced impact on services were considered under the outline application and any obligations secured through the legal agreement at that time. Any further impact on services were not substantiated on the basis of the scale of the development.

**5.9 Rights of Way**

The existing public right of way that ran along the rear boundary of the site would not have been affected by the proposal in any event, however this ROW has been diverted as part of the application for the school play area extension, therefore no objection has been raised by the Councils Right of Way Officer in respect of the granting of this proposal.

**5.10 Conditions**

A number of details were submitted with the RM application which were the subject matter of conditions for the outline planning permission. These conditions include:

- 4. Materials
- 5. Levels
- 7. Landscape Scheme
- 8. Protective Tree Measures
- 9. SuDs
- 13. Waste Audit
- 14-18. Highways junction, visibility, turning areas and footway provision

The following conditions are pre commencement and still require discharge:

- 6. Landscape Management Plan (which should include the SuDs management or any shared provisions such as open space, visitor areas etc)
- 10. Sustainability Measures
- 11. Remediation

A note will be added to the decision notice highlighting the remainder of the conditions requiring formal discharge prior to commencement.

**5.11 Human Rights issues:**

The proposal raises no Human Rights issues.

**5.12 Equality Act 2010:**

Accessibility concerns have been raised by local residents about the number of kerbs that would require negotiation, however appropriate lowered kerbs to provide suitable access has been indicated and therefore this is not considered to be an overarching concern. The proposal therefore raises no issues under the Equality Act but an informative to advise of the responsibilities of the applicant is attached.

**Recommendation:**

That Reserve Matters be APPROVED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The first floor windows in the side elevation of Plots 1 & 2, Plots 2 & 3, Plots 6 & 7, Plots 7 & 8 and Plot 10 of the development hereby permitted shall be

permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(s) which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed. No further windows or other openings shall be formed in the first floor side elevations of Plots 1 & 2, Plots 2 & 3, Plots 6 & 7, Plots 7 & 8 and Plot 10.

Reason: To safeguard the privacy of occupiers of adjoining properties (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, any garage accommodation hereby approved on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 3 Notwithstanding the provisions of Part 1, Class A & Class B 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 buildings 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 and in the interest of ensuring appropriate on plot parking provision. (Policy DM3 of the Core Strategy for the North and Sections 4 & 7, NPPF)

- 4 **No development shall take place, including any works of demolition, until a Construction Traffic Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:**

- **The parking of vehicles**
- **Loading and unloading of plant and materials used in the development**
- **Storage of plant and materials used in the development**
- **The erection and maintenance of security hoarding / scaffolding affecting the highway if required.**
- **Measures on site to control the deposition of dirt / mud on surrounding roads during the development.**
- **Footpath/footway/cycleway or road closures needed during the development period**
- **Traffic management needed during the development period.**
- **Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development**

of the site.

**The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.**

**Reason: This condition is pre-commencement in the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety during the construction phase. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)**

- 5 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exits and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: This condition is pre-commencement, in the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period. (Section 7, NPPF)**

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14385/2972/1555 (Site Location Plan), A0566-100 Rev F (Site Layout Plan), A0566-101 Rev A (Plot 1), A0566-102 Rev A (Plot 2), A0566-103 Rev A (Plot 3), A0566-104 Rev A (Plot 4), A0566-105 Rev A (Plot 5), A0566-106 Rev B (Plot 6), A0566-107 Rev A (Plot 7), A0566-108 Rev B (Plot 8), A0566-109 Rev A (Plot 9), A0566-110 Rev B (Plot 10), A0566-111 Rev B (Plot 11, 12 & 13), A0566-112 Rev B (Plot 14 & 15), A0566-113 Rev A (Garages), A0566-114 Rev C (Waste Audit), A0566-117 Rev B (External Materials), A0566-118 Rev C (Soft Landscaping), A0566-119 Rev B (Hard Landscaping), A0566-120 Rev B (Tree Protection), A0566-121 Rev D (Levels), A0566-122 Rev A (Block Plan) and A0566-123 Rev A (Green Infrastructure), A0566-124 (Storm Water Maintenance), Archaeological Project Design Rev A & Notification dated Oct 2017, School Noise Assessment (8th October 2017) and 17-045-DR1 Rev 4 & 17-045-DR2 Rev 4 and associated soakaway design (Site Drainage Layout).

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. 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.
4. The applicant is advised to be mindful of the fact that the land is subject to a number of obligations by legal agreements. A Section 106 agreement for the outline planning permission under reference CB/16/01448/OUT.
5. The applicant is advised that in order to comply with highways matters 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 Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that the following conditions on the outline planning permission are pre commencement and still require discharge:
  6. Landscape Management Plan (which should include the SuDs management or any shared provisions such as open space, visitor areas etc)
  - 10.Sustainability Measures
  11. Remediation

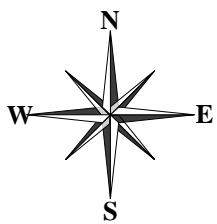
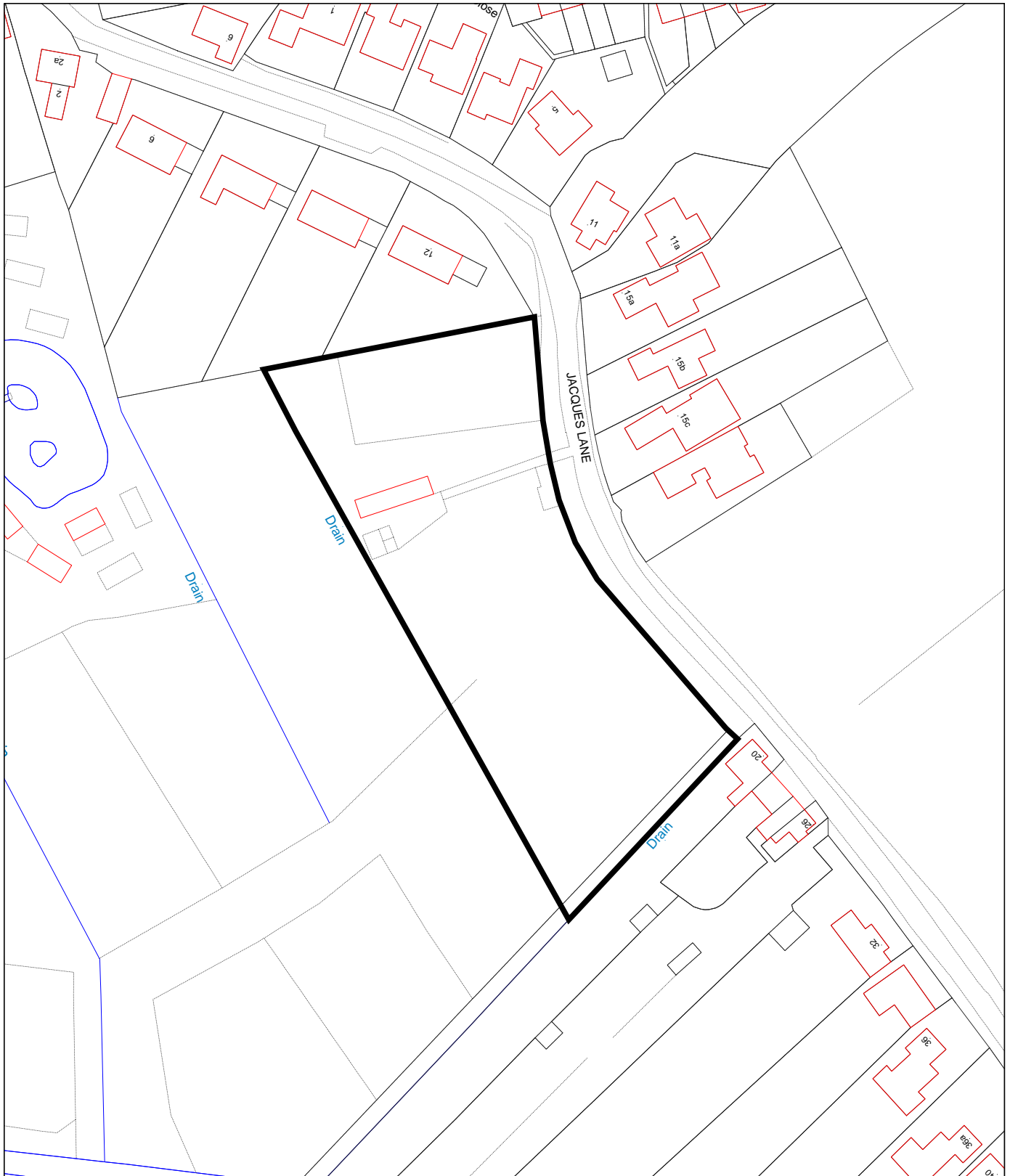
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant 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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Date: 24:October:2017

Map Sheet No

Application No.  
CB/17/03228/OUT

Scale: 1:1250

Land west of Jacques Lane, Clophill, Bedford, MK45 4BS

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/17/03228/OUT</b>
<b>LOCATION</b>	<b>Land west of Jacques Lane, Clophill, Bedford, MK45 4BS</b>
<b>PROPOSAL</b>	<b>Outline: Erection of 8 dwellings and formation of vehicular and pedestrian access with associated landscaping</b>
<b>PARISH</b>	<b>Clophill</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Matthew Heron</b>
<b>DATE REGISTERED</b>	<b>05 July 2017</b>
<b>EXPIRY DATE</b>	<b>30 August 2017</b>
<b>APPLICANT</b>	<b>Anthony Catlin Will Trust</b>
<b>AGENT</b>	<b>J &amp; J Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Downing on the grounds of overdevelopment, overbearing and highway safety concerns.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline application – Recommend approval</b>

**Summary of Recommendation**

The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

However, though acknowledged that there would be some harm to the landscape character, the proposed development would contribute significantly to the economic and social dimensions of sustainability. Further, subject to the imposition of identified conditions, the identified harm would be mitigated to an acceptable degree.

In the overall balancing exercise required, the identified harm and conflict with the Development Plan would be significantly out-weighted by the benefits of this scheme, particularly when assessed against the National Planning Policy Framework as a whole.

**Site Location:**

The site itself comprises a single storey agricultural unit and is located on the western side of Jacques Lane within the village of Clophill (although acknowledged that the site is not within the 'settlement envelope' as identified within the Development Plan). To the north, south and east of the site are detached residential units constructed in a variety of architectural forms. To the east lies an area of open land which appears to be within equestrian use.

**The Application:**

This application seeks outline planning permission, with all matters except access reserved, for the construction of eight residential units.

**RELEVANT POLICIES:**

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

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

**Policy CS1 – Development Strategy**

**Policy CS2 – Developer Contributions**

**Policy CS7 – Affordable Housing**

**Policy CS13 – Climate Change**

**Policy CS14 – High Quality Development**

**Policy CS16 – Landscape and Woodland**

**Policy CS18 – Biodiversity and Geological Conservation**

**Policy DM2 – Sustainable Construction of New Buildings**

**Policy DM3 – High Quality development**

**Policy DM4 – Development Within and Beyond Settlement Envelopes**

**Policy DM10 – Housing Mix**

**Policy DM14 – Landscape and Woodland**

**Policy DM15 – Biodiversity**

**Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

MB/83/746 – Erection of seven dwellings. Refused.

MB/83/746/A – Erection of seven dwellings. Refused.

**Consultees:**

Clophill Parish Council

Clophill Parish Council has objected to this application on the following grounds:

## SETTLEMENT ENVELOPE

Clearly this site is situated outside the settlement envelope. The applicant has not demonstrated that the economic and social benefits arising from the application will significantly and demonstrably outweigh any adverse environmental impacts.

CBC can demonstrate a housing land supply in excess of 5 years.

We believe this sufficient to fully engage Policy CSDMP Policy DM4 and that the application should be refused for non-compliance, consequently it should not be assessed against the policy requirements of the NPPF.

Developers promoting sites outside settlement limits have argued that NPPF paragraph 49 and paragraph 14 states where the development plan policies are out of date the Council should grant planning 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. This does not, however, provide any applicant with generic grounds for arguing that since the development policies are out of date, development outside of the village of Clophill will be acceptable. The applicant must demonstrate that the economic and social benefits arising from the application will significantly and demonstrably outweigh any adverse environmental impacts. This is weighing the sustainable benefits of the application against the sustainable dis-benefits.

## SUSTAINABILITY

### Access to Local amenities

We do not believe the location of this site is sustainable, as it is not within an acceptable walking distance of the core community facilities, as per the guidance given by the Institute of Highways and Transportation "Guidelines for Providing Journeys on Foot, 2000".

This development is outside the settlement envelope and nearly 2km from the historic core of the village and local facilities, including bus and a small shop/Post Office. As outlined above this site is not easily accessible and is not sustainable.

There are no footpaths or cycle ways to access the core of the village and pedestrians are potentially exposed to harm.

NPPF 55: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. NPPF 38: Where practical particularly within developments key facilities such as primary schools and local shops should be located within walking distance of most properties. LDF DM4 11.1.2:

Settlement envelopes serve to prevent coalescence between settlements and also protect the separate character and physical identity of the various 'village ends'.

Jacques Lane is a narrow track and building eight homes on this greenfield site will substantially increase the of homes on this edge of the village area.

**Overbearing Character** – the proposed dwellings would have a demonstrable negative impact on the character and appearance of the area by introducing back-land development, contrary to Policy DM3 of the Core Strategy and Development Management Policies for CBC (North).

This development would fundamentally detract from the current street scene.

### **Highways safety grounds**

Jacques Lane is a narrow track that currently does not provide two cars passing along long length of it. Recent developments in Jacques Lane have emphasised that issue still further with the High Street having been blocked by vehicles unable to turn into Jacques lane from the High Street.

A refuse lorry and a car could not pass each other and the traffic assessment clearly shows that.

### **Flood Risk**

This area abuts a flood zone and has in the past suffered from significant flooding. During the winter, this is particularly bad on the development area adjacent to the cottages on the southern boundary, where the field is boggy and flooded during all periods of heavy or sustained rain.

The Flood Risk report needed additional assessment to ensure it is accurate and include further field studies to ensure any houses built would be insured successfully and that neighbouring properties won't suffer from increased surface water.

MTC – Highways Statement Appendix 8 seems to be missing from the planning application provided to the Council.

### **Ecology**

There is a green field site behind existing developments and it has been previously stated that a large number of small mammals and reptiles can be found living and breeding in these fields. There is a pond close to this development and there is concern the Ecology study was not extensive enough to pick up these concerns.

### **Outcomes**

Should the officer be minded to approve this application we would hope that in reserved matter conditions limiting the times and developer access, movement and deliveries associated works with the creation of these houses.

### **Infrastructure for power, waste water and potable water**

Clophill continues to be suffer from power outages and we would need assurances that there will be sufficient resource in the network to support this development.

The primary water main (potable water) and drainage system cannot cope and we would request that this is raised in reserved matters. This problem has been identified by Anglia Water. As a water utility company they have a statutory duty to

supply water and waste water infrastructure to new development sites and there is lack of available capacity for this development.

### Consultees

**Highways Team** – No objection subject to relevant conditions.

**Trees and Landscape** – No objection subject to relevant conditions.

**Ecology** – No objection subject to relevant conditions.

**SuDS** – No objection subject to relevant conditions.

**Bedfordshire and River Ivel Internal Drainage Board** – No objection.

**Waste Services** – No objection.

**Environment Agency** – No objection.

**Fire and Rescue** – No objection.

### Local Residents

In excess of 250 letters of objection have been received from surrounding addresses. Comments are summarised as:

- Insufficient local services to support development.
- Harm in terms of highway safety.
- Flooding and drainage risk.
- The proposal is not within the defined settlement boundary and is not consistent with national planning policy.
- Harm to the character of the village and urban sprawl into the countryside.
- Harm to the character of the immediate streetscene.
- Harm to living conditions in terms of loss of privacy and noise and disturbance.
- Harm to biodiversity.
- No financial contributions offered.
- Noise and disturbance during construction.

Concern has also been raised with regards to the impact upon existing services (such as water, electricity and gas). However, it is a statutory duty of companies to provide such services to dwellings. As such, objections in this regard carry little weight in the determination of this application.

### **Determining Issues:**

The main considerations of the application are;

1. The principle of the development
2. The quality of the design and the impact upon the character of the area

3. The impact upon living conditions
4. Highway safety and parking provision
5. Other material considerations
  - i) Sustainability
  - ii) Ecology
  - iii) Flooding and Drainage
  - iv) Affordable Housing

## **Considerations**

### **1. The principle of the development**

- 1.1 The application site is located outside of the defined 'settlement envelope' of Clophill and the Council can currently demonstrate a five year supply of housing land.
- 1.2 It is acknowledged that the approach of Policy DM4 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the balanced, cost/benefit, approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach. However, this policy also seeks to ensure development is channelled to more sustainable settlements, away from isolated rural locations which have limited access to services and facilities. In this respect, Policy DM4 is entirely consistent with the thrust of the Framework which seeks to promote sustainable social, economic and environmental development. Overall, it is considered that weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner.
- 1.3 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

### **2. The quality of the design and the impact upon the character of the area**

- 2.1 Policies CS14, DM3 and DM14 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 2.2 The application site is located towards the south eastern edge of the Large Village (as identified within Policy CS1) of Clophill. It consists of a brick built former agricultural building and the land is currently in equestrian use. The site is within the Flitt Valley landscape Character Area - a highly distinct river valley landscape characterised by tree lined water courses and small paddocks. As such, the site is typical of the prevailing landscape character. To the north, south and east of the site are detached residential units constructed in a variety

of architectural forms. Though the application site has no significant discernible landscape features, it still contributes to the open, rural, appearance of the immediate area.

- 2.3 It is acknowledged that a residential development of three units has recently been approved under application ref. CB/16/04854/FULL on a site opposite to the application site. This development, when completed, will continue the linear form of units to the east along Jacques Lane. The proposal will therefore mirror this linear form of residential units on the western side of Jacques Lane and would adjoin built residential form on this side of the highway to the south of the site.
- 2.4 The units would not be more than two storeys in height and sufficient space would be left about units to ensure that they did not appear cramped upon their plots. Furthermore, a Landscaping Plan could be secured through future consideration of reserved matters to ensure that built form is appropriately softened and there is no further loss or fragmentation of the existing hedgerows.
- 2.5 Though the extent to which the development would be visible would depend upon details reserved for future determination, and it is anticipated that views of the units would be heavily screened by established vegetation, it is acknowledged that the final form of the proposal would result in residential development on land predominantly absent of built form. This would not result in the merging of settlements, but would add to the erosion of the countryside.
- 2.6 Overall, there would be some visual and landscape harm arising from the loss of the site's open and undeveloped character. However, this could be mitigated, to some extent, through the appropriate management of elements reserved for future consideration. As such, the proposal would not result in significant harm in this regard.

### **3. The impact upon living conditions**

- 3.1 Policy DM3 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 3.2 Though the detailed layout and overall design of units is reserved for future consideration, it is considered that, given the size of the application site, units could be positioned and designed in such a way as to not result in significant and demonstrable harm to the living conditions of surrounding units. Furthermore, given the existence of surrounding residential units and the scale of the proposal, it is not considered that the access would result in significant harm in terms of increased noise and disturbance from vehicular movements associated with the development.
- 3.3 Furthermore, it is noted that specific concerns have been raised with regards to the impacts of the proposal in terms of noise and disturbance during construction. The construction of units must adhere to environmental health legislation (which, amongst other things, manages the hours of construction to appropriate times) and it is recommended that a Construction Management

Plan is requested through condition. This would ensure that vehicular movements and methods of dust suppression are appropriately managed, in the interest of neighbouring living conditions. Overall, it is not considered that the proposal would result in significant harm in this regard.

#### 4. Highway safety and parking provision

- 4.1 Guidance within the 'Design for Central Bedfordshire: A Guide for Development' states that, generally, one bedroom units will require one parking space, two and three bedroom units will require two parking spaces and four bedroom units will require three spaces.
- 4.2 Though plots seem large enough to accommodate sufficient off-road parking, the overall layout of units is reserved for future consideration. However, an element of a condition requested by highways Officers would ensure that parking provision is in accordance with the Council's standards applicable at the time of submission.
- 4.3 Turning to highway safety, Jacques Lane is a narrow lane with a speed limit of 30mph - although it is probable that vehicle speeds will be lower given the nature of the lane. There are no footways along the lane, which in some parts is only single width, but there is a vehicular passing bay at the frontage of no. 10 Jacques Lane. The junction with the High Street/Shefford Road is wide enough for the two-way flow of vehicles.
- 4.4 The applicant has provided a Transport Statement as part of the proposal, and although some of the TRIC's data submitted does not relate to the site, the proposal would not significantly increase traffic using the lane. Further, with the proposed alterations to the highway (the widening of the junction with the High Street/Shefford Road, an additional passing bay and an additional 1.5m footway) the proposal would not increase the conflict between users of the lane. These alterations will be secured through condition and carried out through a S278 agreement.
- 4.5 Furthermore, it is also noted that the Parish Council has requested a condition which would manage the times at which construction may commence if the Council is minded to grant planning permission. Though it is an offence under Highways Legislation to restrict the free movement of vehicles on a highway and Environmental Health legislation manages construction times and dates appropriately, an additional condition is also recommended requiring the submission of a Construction Management Plan prior to development commencing. This would detail access arrangements for construction vehicles, loading and unloading areas, storage areas and any temporary traffic managements arrangements required. This condition would ensure that the proposal is acceptable in terms of highway safety during the construction period.
- 4.6 Overall, on discussion with Highway Officers, as there appears to be no reported vehicle accidents in the vicinity of the above mentioned junction or along Jacques Lane, it is not considered that the proposal would prejudice vehicular or pedestrian safety, subject to the imposition of relevant conditions.



- 4.7 Further, it should be noted that the junction widening scheme and the additional passing bay are both within the highway and can therefore be delivered through a S278. The junction improvements will assist in keeping vehicular speeds low and the additional passing place will aid vehicular manoeuvrability adjacent to this junction. These amendments will not result in harm to the overall character of Jacques Lane, and the proposed footway along the western side of this road will have a 1.5m width (instead of the standard 2m width) to maintain the character of the lane.

## 5. Other material considerations

### *(i) Sustainability*

- 5.1 The Framework adopts a broad definition of sustainable development in that it states that the policies in paragraphs 18 – 219, taken as a whole, constitute the Government's view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions.

#### *Social*

- 5.2 The proposal would make a small but valuable contribution to the existing housing stock. Given that one of the key aims of the Framework is to significantly boost the supply of housing, the proposal is considered sustainable in this regard and significant weight in favour of the proposal is attached to this factor. Further, it is noted that there has been concern raised with regards to there not being the services within Clophill to support this development. However, Clophill is defined as a Large Village within Policy CS1 and has a number of services and facilities. Taking this into account, and given the statutory duty of relevant bodies to provide services (such as health and education) it is considered that there are sufficient services with the Large Village to accommodate the additional eight units.

#### *Economic*

- 5.3 The proposal would also result in economic benefits, through the purchase of materials and services in connection with the construction of the dwellings and an increase in local household expenditure. The proposal is considered sustainable in this regard, which again weighs in favour of the grant of permission.

#### *Environmental*

- 5.4 It is acknowledged that the proposal would result in some (moderate) harm to the character of the rural setting. However, the proposal is within close proximity to services and facilities and, overall, the development would not be environmentally unsustainable.

### *(ii) Ecology*

- 5.6 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural

Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS18 seeks to support the maintenance and enhancement of habitats and states that development that would fragment or prejudice the biodiversity network will not be supported.

- 5.7 The site lies in the Greensand Ridge Nature Improvement Area (NIA) and as such development would be expected to deliver net gains for biodiversity. The submitted ecological assessment and the further reptile survey report acknowledge potential impacts to biodiversity could occur and advise impact avoidance measures.
- 5.8 The indicative layout allows for the retention of meadow land and it is proposed that this could be managed as floodplain grazing land which would be ecologically beneficial and would support NIA objectives. Other recommendations are made for enhancements to be delivered within the scheme.
- 5.9 To ensure that the proposal is in accordance with advised impact avoidance measures, Ecology Officers have recommended the imposition of conditions requiring a method statement for demolition and an Ecological Enhancement Strategy. Subject to the imposition of these conditions no objection has been raised by Ecology Officers and the proposal would be acceptable in this regard.

*(iii) Flooding and Drainage*

- 5.10 Policy CS13 seeks to ensure that proposals incorporate suitable drainage infrastructure. It is acknowledged that concern has been raised with regards to the proposal being susceptible to and increasing the risk of flooding.
- 5.11 However, the applicant has provided information demonstrating that the site lies wholly within Flood Zone 1 – indicating a low probability of flooding. Further, on discussion with internal Drainage Engineers, it is considered that, subject to a condition requesting the submission of a detailed Surface Water Drainage Plan, the proposal would not increase the risk of flooding to the surrounding area and proposed units would not be susceptible to such risks. Subject to the imposition of this requested condition, and as there is no objection from the Environment Agency, the proposal would be acceptable in this regard.

*(iv) Affordable Housing*

- 5.12 Policy CS7 states that development of four or more dwellings should provide an element of affordable housing.
- 5.13 It is noted that the Planning Practice Guidance (PPG) states that contributions for affordable housing and tariff style planning obligations should not be sought from some small scale developments.
- 5.14 Taking the above into account, given that the number of units proposed does not exceed 10 and the combined floor area for proposed units does not exceed 1000m<sup>2</sup>, it is not considered that the applicant is not required to provide affordable units for this development.

## 6. Overall Planning Balance

- 6.15 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.
- 6.16 However, though acknowledged that there would be some harm to the landscape character, when considered in the round, the proposed development would contribute significantly to the economic and social dimensions of sustainability. Further, subject to the imposition of identified conditions, the identified harm would be mitigated to an extent.
- 6.17 In the overall balancing exercise required, the identified harm and conflict with the Development Plan, would be significantly out-weighed by the benefits of this scheme, particularly when assessed against the Framework as a whole.

### Recommendation:

That Outline Planning Permission be GRANTED subject to the following:

### RECOMMENDED CONDITIONS / REASONS

- 1 Details of the appearance, landscaping, layout, and scale, (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 Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; CSA/3299/101 Rev. B & 1208/1A.

Reason: To identify the approved plans and to avoid doubt.

- 5 The development shall not commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:

- i) waste management measures;
- ii) details of site compounds, offices and areas to be used for the storage of materials;
- iii) methods and details of dust suppression during construction;
- iv) proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic.

The development shall be carried out in accordance with the statement so approved.

Reason: In the interest of highway safety and biodiversity, in accordance Policies DM3 and CS18 of the Core Strategy and Development Management Policies 2009.

- 6 Prior to the first occupation of the dwellings hereby approved, details of the following shall be submitted to and approved in writing by the local planning authority. Development shall subsequently be in accordance with approved details.

- A passing bay located within the verge of the west side of Jacques Lane in the vicinity of no. 6 Jacques Lane.
- A 1.5m wide footway, the extent of which is to be agreed with the highway authority, along the west side of Jacques Lane, inclusive of pedestrian dropped kerbs to a footway east of the junction with High Street/Shefford Road to join with the existing footway on the south side of Shefford Road.

Units shall not be occupied until the passing bay and footway, inclusive of pedestrian dropped kerbs, have been constructed in accordance with the approved details.

Reason: To provide a passing place for vehicles prior to entering the junction for the avoidance of vehicle obstruction, and to provide a safe pedestrian footway along Jacques Lane to join with existing pedestrian footways, In the interests of road safety and pedestrian movement, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 7 Any subsequent reserved matters application for the layout or design of the proposal shall include the following:

- Vehicle parking and garaging in accordance with the Council's standards applicable at the time of submission.
- Cycle parking and storage in accordance with the Council's standards applicable at the time of submission.

- Driver/driver intervisibility and pedestrian visibility from the residential accesses within the site and taking access directly from the public highway.
- A refuse collection point clear of the public highway and any visibility splays.
- Vehicular access to the dwellings from the approved access.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 8 Before the new access is first brought into use, any existing access 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, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 9 Prior to the first occupation of the dwellings hereby approved, the junction widening and alterations to the kerb radii at High Street/Shefford Road/Jacques Lane, and the widening of the carriageway to 4.1m of Jacques Lane, visibility splays of 2.4m x 43.0m clear of all obstruction, access and kerb radii and turning head to adoptable standards, less the white lining, shall be constructed/implemented in accordance with drawings no. 1910-02 and 1910-03 within the submitted 'Highway Statement'. Subsequently, the development shall be retained in accordance with these identified drawings.

Reason: To ensure the provision of appropriate access arrangements and to provide adequate visibility between the existing highway and the proposed access, and to make the access, junctions and Jacques Lane safe and convenient for the traffic which is likely to use it, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009

- 10 Prior to the first occupation of the dwellings hereby permitted, the proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) for a distance of 8.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 11 The development hereby permitted shall not be commenced until a detailed surface water drainage design, based on the FRA (1910 June 2017), has been submitted to and approved in writing by the Local Planning Authority. The design shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

The scheme to be submitted shall include:

- Plans and calculations showing sufficient disposal, storage and conveyance of surface water (up to and including for the 1in100 year event + a 40% allowance for climate change).
- Ground testing (in accordance with BRE 365) to determine the feasibility and final design of infiltration devices.
- Details of the management of exceedance flows and overland flood routing.
- Details of the proposed culvert in accordance with CIRIAs 'Culvert design and operation guide C689' and any necessary environmental mitigation.
- Detailed plans of the drainage scheme in its entirety.
- Details of the proposed construction of the system and any phasing of works.
- Details of who the surface water drainage will be managed by and how it will be maintained, including any split in public and private responsibilities. Responsibilities for maintenance of all culverts and watercourses (or ditches) on/adjoining site should be made apparent, including any riparian owner duties.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and prevent the increased risk of flooding both on and off site for the lifetime of the development, in accordance with para 103 NPPF and the Non-statutory technical standards for sustainable drainage systems (DEFRA, 2015); and to ensure that the implementation and long term operation of a sustainable drainage system is in line with what has been approved, in accordance with Written statement - HCWS161.

- 12 Prior to the construction of dwellinghouses hereby approved, an ecological enhancement strategy (EES) shall be submitted to and approved in writing by the local planning authority. The EES shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.

- h) Details of initial aftercare and long-term maintenance.
- i) Method statement for the demolition of buildings on the site.

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 13 The dwellings hereby approved shall not be occupied until details of the bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with details approved in this regard.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

## **INFORMATIVE NOTES TO APPLICANT**

1.
  1. The applicant is advised that as a result of the development, new highway street lighting may be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
  2. The applicant is advised that in order to comply with some 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 Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

To fully discharge these conditions the applicant should provide evidence to the Local Planning Authority that the construction is in accordance with the approved plan, before the development is brought into use.

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 developers 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. 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 parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved
6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed turning head/access 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 Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
8. The applicant is advised that in order to achieve the vision splays of the permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.
9. 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 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.

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**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/17/02942/REG3</b>
<b>LOCATION</b>	<b>Puddlehill (Former All Saints Vicarage), Bedford Road, Houghton Regis, Dunstable, LU5 5DJ</b>
<b>PROPOSAL</b>	<b>Refurbishment and extension of existing detached property (the former Vicarage) to provide accommodation in the form of 5 nos individual bedrooms in the original house and 8 nos studios in the new extension, including ancillary spaces such as office, laundry, shower rooms, communal areas and parking in order to provide supported accommodation and service hub for the vulnerable members of our communities</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>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>31 May 2017</b>
<b>EXPIRY DATE</b>	<b>26 July 2017</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council – Housing Directorate</b>
<b>AGENT</b>	<b>Central Bedfordshire Council</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Regulation 3 application with a neighbour objection</b>
	<b>Full Application recommended for approval</b>

**Summary of Recommendation:**

The proposed development would not detrimentally impact upon the character and appearance or wider street scene nor would there be any significant adverse impact on the amenities of neighbouring residents. The proposal would not result in any highway, parking or other issues. The proposal would result in a high quality scheme providing accommodation for vulnerable people. The scheme by reason of its siting and design is in conformity with Sections 6, 7 and 11 of the National Planning Policy Framework, Policies H2, H9 and BE8 of the South Bedfordshire Local Plan Review 2004, and the Central Bedfordshire Design Guide.

**Site Location:**

Puddlehill is located on Bedford Road, a few hundred metres to the north-west of the centre of Houghton Regis. The site is bound by Bedford Court, Central Bedfordshire Council's temporary accommodation scheme to the south, Thomas Whitehead Church of England school to the east and residential development to the north and west.

Although the site is predominantly level, it lies on a hill with the land sloping to the south towards the High Street.

The neighbouring properties are all two storey residential buildings with the

exception of the school, which is a single storey building.

Puddlehill is generously set back from Bedford Road, behind a line of mature trees. The house occupies the central part of approximately 0.9 acres of surrounding grounds.

The existing building is a two-storey, pitched roof property with an integrated garage to the side of the main accommodation.

### **The Application:**

The application proposes the refurbishment and extension of the existing detached property (the former Vicarage) to provide accommodation in the form of 5 nos individual bedrooms in the original house and 8 nos studios in a new extension, including ancillary spaces such as office, laundry, shower rooms, communal areas and parking in order to provide supported accommodation and service hub for the vulnerable members of our communities.

Summary of proposed works:

1. Garage conversion into an office with a changing room and an accessible shower room.
2. A new, improved and fully accessible single storey entrance area to link the existing house with the garage conversion.
3. Extension of the existing Study in the main house into a larger Office for the on site support staff.
4. A new two storey garden extension to accommodate 8 nos. of self - contained studios.
5. Improved parking to accommodate 19 parking spaces in total, including 2 disabled parking spaces.
6. New cycle parking spaces.
7. New easily accessible refuse store.
8. New automated vehicular and pedestrian gate to the property.
9. Improved garden access and landscaping.
10. Repair and/or replacement of the existing boundary fencing where required.

### **RELEVANT POLICIES:**

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

6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment

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

- Policy BE8 Design Considerations
- Policy T10 Controlling Parking in New Developments
- Policy H2 Making Provision for Housing via "Fall-in" sites
- Policy H9 Conversion to provide additional accommodation

(Having regard to the National Planning Policy Framework, the age of the plan and general

consistency with the NPPF, policies BE8 and H2 are still given significant weight (Policy T10 is given less weight)

**Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council’s website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

None

**Consultees:**

Houghton Regis Town Council	Comments: The Town Council made no objection to this application and acknowledged the amendments being made to accommodate the privacy of the residents of the adjoining property. However, the Town Council raised the following concerns. That the increase in vehicle movements into and out of the site now necessitated some form of traffic calming in the surrounding area. Members requested they discuss their concerns with the appropriate officers from Central Bedfordshire Council, in the hope of reaching a solution. It was felt that the junction of St Michaels Avenue was of particular concern. Another concern raised was as to whether vehicles, accessing the site, would be able to pull off Bedford Road whilst the automated gates opened. In regard to the name of the proposed development the Town Council requested that Central Bedfordshire Council consults with the Town Council in regards to the naming of the proposed development. Puddlehill is an area known in history as an area around Chalk Hill and therefore not near the site. An alternative name was suggested – Millard House - however the Town Council would like the opportunity for the name to be discussed by Full Council.
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Pollution Officer	I have visited the site and looked through the application plans, as well as discussing the proposal with the Agent. The main concerns with the proposal from an environmental impacts perspective is from noise generated by the intensification of the residential use impacting on neighbouring residential occupiers. This can include noise from occupants (we have dealt with noise
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complaints from similar temporary accommodation units relating to loud music, shouting and general anti-social behaviour) and from vehicles arriving and leaving the site (it is noted that there will be an increased level of parking provision on site which is likely to reflect an increased level of vehicle movements on site). However, there is already a certain level of traffic noise associated with the location arising from Bedford Road, and any increase with on-site vehicle movements is considered unlikely to lead to a significant increase in vehicle noise levels in this area and an adverse detrimental impact on the amenity of neighbouring residential occupiers as a result.

However, I am advised that this will be a managed site with staff present on site on a 24/7 basis, which should serve to control noise associated with the behaviour of occupants. Similarly, I am informed that there will also be an entry gate with secure keypad access to limit vehicular access to provide some degree of control of authorised access and vehicle movements on site. As such, on this basis I have no objection to the proposed use which will bring an existing vacant and boarded up residential building back into beneficial residential use. I would suggest that the 3 parking spaces proposed along the boundary fence with the adjacent neighbouring property (28 Bedford Road) be reserved for staff only to reduce the number of vehicle movements associated with these particular parking places.

I have no other observations in respect of potential impacts from odour, light or land contamination associated with this proposed application.

Highways Officer

I refer to the consultation to the above application for which you have requested my comments and I advise as follows:

The proposal is for a care facility with the provision of 8 studio flats and 5 bedrooms in the main building along with 19 parking spaces. There is not a parking standard for this type of development within the authority's guide but having experience of this type of facility I am content that parking provision is adequate. There is not a turning area for a vehicle likely to need to take access and while I believe that this can be accommodated it will need to be discussed to determine the actual provision. The access is shown to be 3.4m wide and this is not sufficient and should be 4.1m with lateral clearance. Bedford Road has been subject to a traffic calming scheme but still subject to a 30mph speed limit and as a result the visibility required would be 2.4m by 43m. The access will need extending and while this can be conditioned it has to be remembered that there are a number of trees fronting the site that may be protected and restrict the improvement to the access. As a result if you will be seeking a revised drawing may I suggest that they address the issues



above and once it has been confirmed that there are not any restraints in relation to protected trees then I would be happy to offer standard conditions.

I am also aware that some of these establishments require security such that it is difficult to allow for deliveries to enter the premises at all. This will need to be discussed if access is restricted in this way as it will affect the public highway.

I welcome a revised drawing addressing the above issue and confirmation that there are not any restraints in relation to trees fronting the site before I make my full recommendation.

Trees and Landscape  
Officer

I have examined the plans and documents associated with this application, in particular the supporting document "Arboricultural Impact Assessment", as prepared by Wharton Tree and Ecology Consultants, dated May 2017 (Ref. No. 030517 0576 AIA V1).

I accept that the Arboricultural Impact Assessment identifies only low quality trees are being removed, and that higher quality trees should not be adversely affected to any significant extent, providing that the necessary protection measures are fully implemented. In this respect, the following conditions are therefore recommended, if you are minded to grant consent to this application:-

Prior to development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval, which shall stipulate all the required working practices, and the procedure to implement all necessary tree protection requirements, both before and throughout the course of development works. The approved Arboricultural Method Statement shall then be fully implemented at the required sequence of operations, throughout all stages of development, under the supervision/guidance of an appointed Arboricultural Clerk of Works.

REASON: To ensure that retained trees are protected, both directly and indirectly, from all types of construction site activity, throughout the entire course of development.

Prior to development, a finalised Tree Protection Plan shall be submitted to the Local Planning Authority for approval. The approved Tree Protection Plan shall then be implemented before the commencement of development, in strict accordance with the design specifications and the Arboricultural Method Statement. The Tree Protection Fencing and Ground Protection shall then remain securely in position throughout the entire course of development.

REASON: To ensure that the designated Root Protection Areas of retained trees are fully protected, in order to prevent their rooting systems, and rooting medium, from incurring excavation and compaction damage.

19/10/17

I have examined the revised plans in respect of the amended access, following concerns regarding the impact on a good quality Beech tree. I am satisfied that this is sufficient to retain this tree, and I therefore request that my previous recommended conditions still apply, if you are minded to grant consent to this application.

### **Other Representations:**

29 Bedford Road

Objection

We are very concerned regarding road safety related to the increased number of people living at the extended property.

Egress from our single drive to numbers 28 & 29 Bedford Road is currently very dangerous due to the sight restrictions caused by the adjacent lay-by and the excess speed of traffic (car AND commercial) travelling up the hill from the Red Lion direction.

We feel that access and egress from the new development should be the same as, or adjacent to, the Bedford Court driveway.

We heard there is some concern regarding tree preservation orders but, despite our general approval of such preservation, we believe that human life is more important than the life of a couple of trees.

We trust you will look into this most seriously.

### **Considerations**

#### **1.0 Principle of Development**

- 1.1 The site lies within the built up area of Houghton Regis in an area of mixed but predominantly residential uses. The property (last used as a domestic dwellinghouse), once refurbished, will be used by 'The Independent Living Team'. The specific user group might vary depending on the local needs and pressures, but could include, among others, young care leavers, people with learning difficulties and asylum seekers. No two different groups would be using the scheme at the same time.
- 1.2 National and local planning policies seek to promote the integration of care facilities into the wider community as part of the promotion of health and healthy lifestyles.

- 1.3 The South Bedfordshire Local Plan pre-amble to policy H9 states that the conversion or sub-division of suitable properties to provide additional units can be an important source of dwellings and a means of adapting the existing housing stock to meet the changing needs of the population. There is, however, a need to protect the amenities and privacy of neighbouring properties and the character of residential areas when such development is proposed.
- 1.4 Policy H9 seeks to ensure that the conversion of existing sites does not result in noise transfer between dwellings, pressure for on-street parking and the loss of amenities for occupants and neighbours.
- 1.5 Policy H2 further seeks to ensure that the development of existing sites would not have a detrimental impact upon the character and appearance of the area.
- 1.6 The current building requires significant refurbishment and lies within a spacious plot, well screened with mature landscaping.
- 1.7 Therefore, subject to the proposal being acceptable in terms of residential amenity and highway impact, the principle of the proposed development is considered to be acceptable and in accordance with relevant planning policy including local plan policies H2 and H9.

## **2.0 Design**

- 2.1 The proposed supported housing scheme envisages two extensions to the existing building thus increasing its capacity from 5 bedrooms to 13 bedsits and studios with communal and support staff facilities.
- 2.2 A single storey, predominantly flat roof extension is proposed to the side of the existing house, creating a new entrance to the scheme. The single storey extension would follow the line of the existing garage wall, which means that the same distance would be maintained to the boundary with the neighbouring two storey property to the north as is the case at the moment.
- 2.3 The pitched roof over the garage has been partially extended over the extension. Flat roof has been specified in the entrance area to reduce the overall visual impact of the extension.
- 2.4 The two storey extension occupies the central part of the garden. The orientation of the new extension is north-east – south-west. The long side wall of the extension is 9 metres away from the boundary with Bedford Court. The only window on that elevation is the first floor corridor window. There is a dense green screen between Bedford Court and Puddlehill consisting of mature trees and hedging, which almost completely blocks the view of Bedford Court when standing in the garden of Puddlehill, or indeed in the first floor bedrooms of the existing house. The distance of the north-east elevation of the extension to the boundary with Thomas Whitehead school is 21 metres. To minimize the impact of the new two storey extension whilst maintaining the same roof pitch as the existing house, a pitched roof has been specified with a flat crown roof top. No point of the new extension would have any element higher than the ridge level of the existing roof. The studios in the new extension would have dormer windows, resulting in the reduced overall height of the extension.
- 2.5 The retention of much of the existing mature planting, to the highway frontage would ensure that the building is provided with a landscape context that would minimise its visual impact on the wider area.
- 2.6 Due to the sympathetic siting and design of the proposed extension, the proposed development is considered to comply with local plan policy BE8.

## **4.0 Residential Amenity**

- 4.1 The proposed extension would be adjacent to Bedford Court, however, there is significant, mature dense screening along the shared boundary which should totally screen the extension from the existing residents.

- 4.2 The Pollution Officer is satisfied that the 24 hour site attendance would address any anti-social noise impacts which have been an issue on other similar sites. He did however, recommend that the parking spaces against 28 Bedford Road are staff parking only to limit the impact of noise associated with cars coming and going. These spaces are now not proposed as the site layout has been amended to address the Highway Officer and Tree Officer's concerns.

## **5.0 Landscaping and Trees**

- 5.1 Policy BE8 of the South Bedfordshire Local Plan sets out that trees should be retained and protected and that hard and soft landscaping appropriate in scale and design to the development should be provided.
- 5.2 The Tree & Landscape Officer has raised concerns about the Highway Officer's recommendation for increased site visibility and the impact upon protected trees along the site frontage. An amended plan has detailed an improvement to the impact upon the trees and as such, the Tree and Landscape Officer has no objection.
- 5.3 In accordance with the recommendations of the Tree & Landscape Officer, a condition is recommended to ensure that work on site shall be carried out in complete accordance with the recommendations in the Arboricultural Report.
- 5.4 Subject to the above mentioned condition overall it is considered that the proposal would therefore comply with policy BE8 of the South Bedfordshire Local Plan Review in relation to the provision and protection of landscaping and trees.

## **6.0 Highways and Parking**

- 6.1 The highway officer has recommended a revised plan in order to address his concerns (detailed above). The plan has been submitted and as such, there should not be any Highway objection as a result. The recommended conditions will be recorded on the late sheet.
- 6.2 The proposed development is therefore considered to be acceptable in terms of access and parking subject to the conditions recommended by the highway officer and, therefore, to satisfy the requirements of Local Plan Policy T10 and Section 4 of the National Planning Policy Framework.
- 6.3 The Town Council have suggested that the increase in vehicle movements into and out of the site now necessitated some form of traffic calming in the surrounding area. It was felt that the junction of St Michaels Avenue was of particular concern. Another concern raised was as to whether vehicles, accessing the site, would be able to pull off Bedford Road whilst the automated gates opened. The matters of traffic calming are for Strategic Transport to address and cannot be considered as part of this minor application. The issue with regard to vehicles waiting on the highway whilst the automated gate opens will be addressed by the Highways Officer and recorded on the late sheet. However, the location of the gates could be moved further into the site which could be secured by condition.

## 7.0 Other Considerations

### 7.1 Human Rights issues:

The proposal raises no Human Rights issues.

## 8.0 Equality Act 2010:

- 8.1 The design and access statement addresses a wide range of accessibility issues, however, as the development involves a building and wider development to which the public will have access it is considered that an informative should be added to remind the applicant of the need to ensure that they address the requirements of the relevant legislation.

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 development shall take place in strict accordance with the material details shown in Section 9.7 of the Design and Access Statement, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To control the appearance of the development in the interests of the visual amenities of the locality.  
(Policy BE8, SBLPR & Section 7, NPPF)

- 3 Prior to development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval, which shall stipulate all the required working practices, and the procedure to implement all necessary tree protection requirements, both before and throughout the course of development works. The approved Arboricultural Method Statement shall then be fully implemented at the required sequence of operations, throughout all stages of development, under the supervision/guidance of an appointed Arboricultural Clerk of Works.

Reason: To ensure that retained trees are protected, both directly and indirectly, from all types of construction site activity, throughout the entire course of development.  
(Sections 7 & 11, NPPF)

- 4 Prior to development, a finalised Tree Protection Plan shall be submitted to the Local Planning Authority for approval. The approved Tree Protection Plan shall then be implemented before the commencement of development, in strict accordance with the design specifications and the Arboricultural Method Statement. The Tree Protection Fencing and Ground Protection shall then remain securely in position throughout the entire course of development.

Reason: To ensure that the designated Root Protection Areas of retained trees are fully protected, in order to prevent their rooting systems, and rooting medium, from incurring excavation and compaction damage. (Sections 7 & 11, NPPF)

- 5 The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting and any means of light shielding required shall be installed in accordance with the approved details and thereafter maintained in accordance with the approved details.

Reason: To protect the visual amenity of the site and its surrounding area. (Policy BE8, SBLPR & Section 11, NPPF)

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PH5000/2.1/001 Rev C, PH5000/2.1/101, PH5000/2.1/100, PH5000/1.1/100, PH5000/1.1/002 and PH5000/1.1/001.

Reason: To identify the approved plans 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.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;

- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
 Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

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

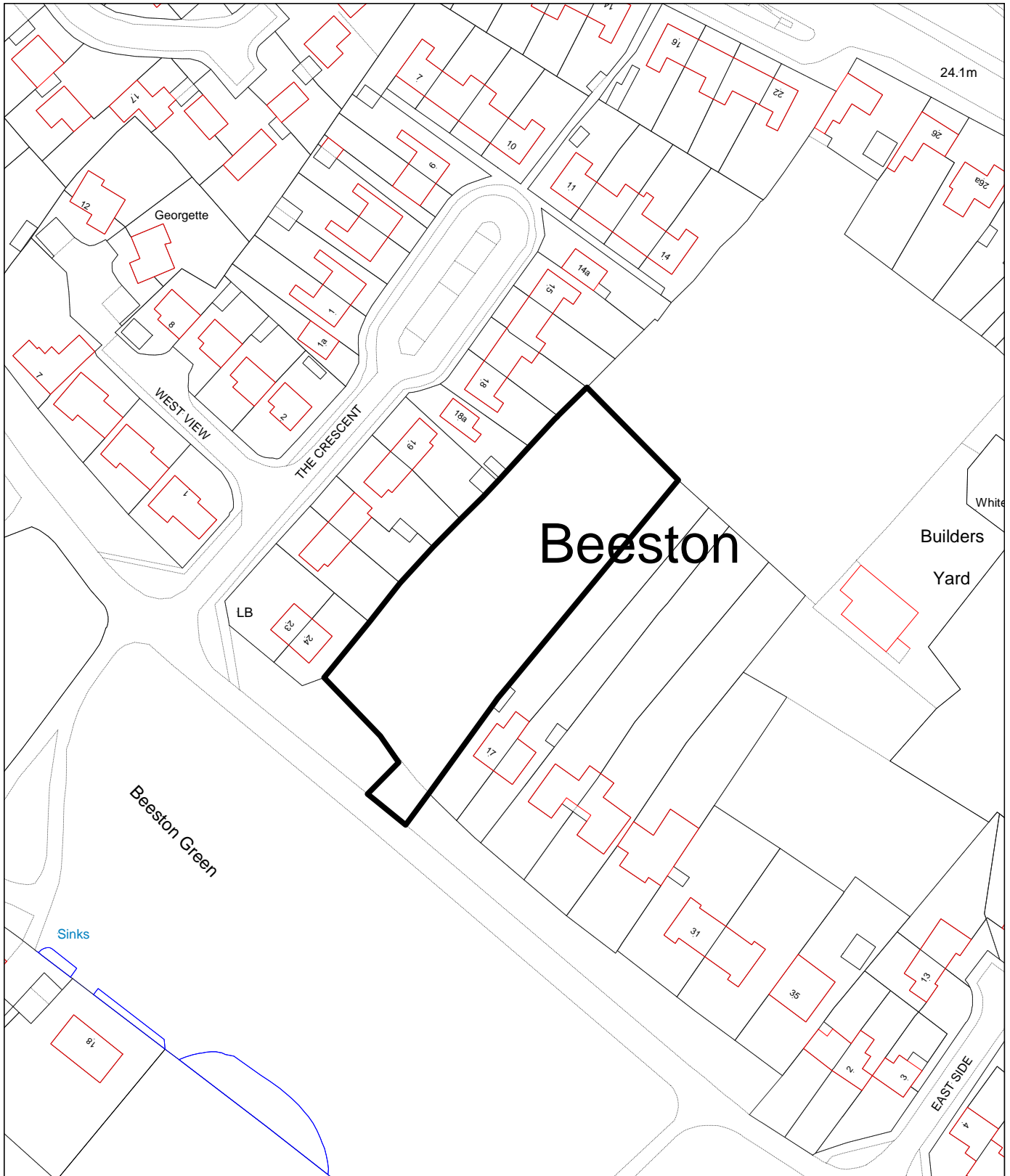
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

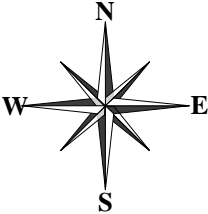
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	Date: 23:October:2017  Map Sheet No	
Scale: 1:1250	<p><b>Land adjacent to 17 The Green, Beeston</b></p>	

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**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/17/01600/OUT</b>
<b>LOCATION</b>	<b>Land adjacent to 17, The Green, Beeston</b>
<b>PROPOSAL</b>	<b>Outline Application: Erection of six affordable dwellings including access and parking.</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>Dee Walker</b>
<b>DATE REGISTERED</b>	<b>30 March 2017</b>
<b>EXPIRY DATE</b>	<b>25 May 2017</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Barford+Co</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is made by CBC and an objection has been received that cannot be resolved by the imposition of conditions</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approval</b>

**Site Location:**

The application site is land off The Green in the village of Beeston. The site is currently vacant and overgrown with mature hedging and trees to the boundary. The site is bound on the north-west and south-east by residential properties and to the north-west by land under the applicants control that is not part of this application. Beeston does not have a settlement envelope although the application site is within the built development area.

**The Application:**

The application seeks outline consent for 6no affordable dwellings with associated access. All matters are reserved for subsequent approval.

Although not forming part of this application, this proposal is a partnership project between the applicant (Central Bedfordshire Council) and Sandy Town Council and under consideration within this application is the access that will facilitate access to the community orchard in order to enable a net gain in biodiversity.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding & costal change

**Central Bedfordshire Council's Core Strategy and Development Management**

## Policies 2009

- CS5 Providing homes
- CS7 Affordable housing
- CS8 Exception schemes
- CS18 Biodiversity and geological conservation
- DM2 Sustainable construction of new buildings
- DM3 High quality development
- DM4 Development within and beyond settlement envelopes
- DM10 Housing mix
- DM13 Heritage in development
- DM14 Landscape and woodland
- DM15 Biodiversity

## Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

- 1 Place making in Central Bedfordshire
- 5 Residential development

## Relevant Planning History:

Application Number	CB/16/01450/PAPC
Description	Pre-Application Advice – Non-Householder: Development of 6 dwellings
Decision	Pre-App Advice Released
Decision Date	26/05/2016

## Consultees:

Sandy Town Council	It was resolved to support the outline application for the erection of 6no. affordable houses due to the benefits this provides to residents via the affordable housing, community orchard and allotment land. The Council also has concerns regarding the houses that face the Green. They would rather they faced the opposite way so as to discourage additional access over the Green. Members noted that one of the proposed new houses has no access from the new road to the property and were keen to point out that such access should be by the new access and not directly from and across The Green
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CBC Archaeology	No objection
CBC Housing Development	Supports application
CBC Highways	No objection subject to relevant conditions being attached to any permission granted
CBC Pollution	No objection subject to relevant conditions being attached to any permission granted
CBC SuDS	No objection subject to relevant conditions being attached to any permission granted
CBC Trees	No objection
Beds Fire Service	No objections
I.D.B	No objection
UK Power Networks	Objects on grounds that the proposed development will restrict access to a UK Power Networks Distribution Substation that 24 hour access is required for emergency purposes

### Other Representations:

Neighbours	Four letters with the following comments/objections: <ul style="list-style-type: none"><li>• Too much traffic on the Green already;</li><li>• Access crosses strip of common land that has no right of way;</li><li>• Loss of privacy;</li><li>• Inadequate utilities infrastructure to cope with additional housing</li></ul>
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### Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

### Considerations

#### 1. Principle of Development

- 1.1 Policy CS1 of the Core Strategy and Development Management Policies 2009 does not identify Beeston as an area for growth within the development plan area and as such Beeston does not have a defined settlement envelope for the purposes of Policies DM4 and CS8.
- 1.2 The site relates well within the built development at Beeston causing no harm to the intrinsic character and beauty of the countryside, with the site being enclosed on three sides by built development and brownfield land. The Green on the opposite side of the highway is designated as open space within the Core Strategy and Development Management Policies Proposal Maps 2009. Notwithstanding this, Beeston does not benefit from any services within the village so future occupiers would rely upon vehicular movements to access services in the nearby towns of Sandy and Biggleswade.

- 1.3 Paragraph 55 of the NPPF states *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.'*
  - 1.4 Beeston as a settlement, due to the lack of service provision and heavy reliance on the private motor vehicle, is not considered to be a sustainable location for market housing growth. The provision of affordable housing is a material consideration in the determination of a planning application and attracts weight. The Council's Housing Officer supports the scheme as it would provide much needed affordable housing in Beeston. The application was supported by a Housing Needs Survey for Beeston that was carried out in January 2015, which identified an affordable housing need of 6no. units within the village. Therefore, the proposal is offering 6no. units consisting of 4 x affordable rent and 2 x shared ownership and these will be retained as affordable housing in perpetuity, secured via a condition attached to any permission granted.
  - 1.5 Overall, it is considered on balance that the public benefits of meeting this identified affordable housing need, and provision for the delivery of the intended community orchard, in terms of the proposed access, to the rear with this site (para 2.1 of the Planning & Heritage Statement), would outweigh the unsustainable location of the proposal and the harm arising thereof.
- 2. Affect on the Character and Appearance of the Area**
- 2.1 The site is located to the north-east of the highway known as Beeston Green, and is enclosed on three sides by built development with the north-east side of the site being open grassland also under the land ownership of the applicant. The Planning and Heritage Statement paragraph 5.21 confirms that an intrinsic part of the wider project is to create a community orchard within the land outlined in blue on the location plan, which will contribute to the network of accessible greenspaces in Beeston.
  - 2.2 Whilst the layout is indicative, consideration appears to have been given to the building lines established by adjacent dwellinghouses and the footprints proposed are fairly representative of other properties of a similar occupation within the area. The documentation supplied in support of the application indicates that the scale of dwellings will be no more than 2 storeys throughout the scheme. This is also considered acceptable as a reflection of the character of the area however this parameter can also be secured by condition to ensure an appropriate maximum scale is achieved. Notwithstanding that parameter, finished floor levels would need to accompany any full details application in the interest of both visual impact and amenity impact. Furthermore consideration also would need to be given to plots directly adjacent to the main highway, to ensure that there are appropriate active frontages within any formal Application for Reserved Matters.
  - 2.3 The Central Bedfordshire Design guide states that proposals should be

visually distinctive and should be designed as a sensitive response to the site and its setting. This is iterated in Policies DM3 & DM4 respectfully. The proposed development would result in a density per hectare of approx. 20 which is a low density level but within Beeston is appropriate for this location.

- 2.4 As such, the indicative layout suggests that a development of 6no. units on the site could be comfortably accommodated and that a scheme can be designed that would reinforce and be sensitive to the character of the area. All matters pertaining to scale, layout and design however would be addressed by way of an Application for Reserved Matters. As such it is considered that the proposal would conform to Policies CS14 & DM3 of the Council's Core Strategy and Development Management Policies 2009, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Neighbouring Amenity**

#### **3.1 Existing Occupiers**

It is considered on the basis of the indicative layout, that it is possible to design a scheme for this number of units without prejudice to the amenity of existing residents in terms of loss of privacy, light or overbearing impact. In any event this would be controlled and assessed as part of the Application for Reserved Matters and finished floor levels and height parameters can be controlled by condition to ensure that appropriate relationships within existing residential properties are realised.

- 3.2 Concerns have also been expressed about the potential loss of privacy and overlooking however on the basis of the indicative layout, the proposed units would be sited a sufficient distance from the boundary to not result in overlooking. However matters pertaining to the siting and scale of the units are again a matter for the Application of Reserved Matters and as such this matter will be considered at that stage.

#### **3.4 Future Occupiers**

The indicative layout demonstrates that 6no. dwellinghouses could be sited such that there would be no resultant impact on future occupiers in terms of loss of light, privacy or overbearing impact.

- 3.5 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter that would be addressed at the Reserved Matters stage. However on the basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.

- 3.6 Whilst bin storage and collection points facilities have not been identified on the indicative plan this will be considered at the Reserved Matters stage. Therefore the proposal in this regard, would conform to Policy DM3 of the Core Strategy and Development Management Policies 2009, the Central Bedfordshire Design Guide and section 7 of the NPPF.

### **4. Highway Considerations**

#### **4.1 Access**

The proposed junction, access road and turning area would be capable of a

size catering for the intended vehicle sizes and movements which would be of a level not to cause material harm to the adjoining highway network. Further highway information relating to the detailed design of the junction will be required at the Reserved Matters stage.

4.2 Traffic

An objection has been raised with regards to the amount of traffic on The Green as a result of the proposal. With regards to the construction phase, a Construction Management Plan can be conditioned for the submission of details of construction traffic movements throughout the build. In relation to the resultant development of 6no. dwelling, the Highways Officer is satisfied that the intended movements would be of a level not to cause material harm to the adjoining highway network.

4.3 Parking

On the basis of the indicative layout, 2no. spaces or more can be provided for each dwellinghouse which complies with the Councils parking standards. There appears to be 2no visitor parking spaces plus four spaces grouped at the eastern end, which is assumed is for the community orchard. As such it is considered that the proposal would not be prejudicial to highway safety and would conform to Policy DM3 of the Core Strategy and Development Management Policies 2009, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

**5. Other Considerations**

5.1 Archaeology

The application includes a Heritage Statement (Albion Archaeology 23 February 2017) which incorporates the results of an archaeological field evaluation comprising a programme of trial trenching. The evaluation identified a number of archaeological features within the proposed development site: a total of six ditches and one pit. The archaeological features identified within the proposed development site did not produce any dating evidence.

5.2 The Heritage Statement concludes that although the proposed development site does contain archaeological features, probably representing the remains of post-medieval field boundaries located some distance away from any focus of settlement. These remains are described as being of limited significance with little potential to contribute to advancing our understanding of any of the published local and regional research objectives. On the basis of the evidence presented this is a reasonable and appropriate conclusion. Consequently, the Council's Archaeology Officer has raised no objection to this application on archaeological grounds.

5.3 Ecology

The ecological surveys provided do not indicate any impact on existing habitats or species. The NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has no raised no objection the granting of this permission subject to the imposition of a condition to secure the biodiversity measures as indicated in the Ecological Appraisal. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy and Development Management Policies and Section 11 of



the NPPF.

5.4 Fire Hydrants

The Bedfordshire Fire Service has identified that new residential developments should allow for the provision of fire hydrants and appropriate access. This is a matter that could be designed into the layout at the detailed application stage and can be controlled by condition.

5.5 Contaminated Land

Due to the history of the site and the findings of the submitted contamination report, further assessment conditions have been recommended.

5.6 Flood Risk & SuDS

The Council's SuDS Officer has advised that the final design and maintenance arrangements for surface water system are to be agreed at the detailed design stage and recommended conditions to secure this.

5.7 Access over the Green (Common Land)

Concerns have been expressed by local residents about the land ownership of boundaries of the site. A certificate has been signed and supplied with the application which conforms that the developable land is within their ownership and control and as such there is no reason to doubt the ownership of the site. Notwithstanding this, land ownership is a civil matter.

5.8 Utility Services

Whilst concerns have been expressed by local residents about the impact of the dwellinghouses on the existing water and sewage connections, the Internal Drainage Board nor UK Power Network have raised any objections or concerns with regards to supply. The only concern raised by UK Power Network was the requirement to have 24 hour unrestricted access to their substation, the applicant was advised of this and in the resultant indicative layout shows an easement to provide this.

5.10 Human Rights issues

It is the officers understanding that the proposal would raise no Human Rights issues.

5.11 Equality Act 2010

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

**Recommendation:**

That Planning Permission to be GRANTED subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter 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.

- 2 **No development shall take place until approval of the details of the access, appearance, landscaping, layout and scale of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 3 Any subsequent reserved matters application shall include the following:

- an access no less than 5.0m wide with kerb radii of 6.0m and designed to geometric standard appropriate for adoption as public highway;
- vehicle parking and garaging in accordance with the Council's standards applicable at the time of submission;
- cycle parking and storage in accordance with the Council's standards applicable at the time of submission;
- a vehicular turning area within the curtilage of all premises taking access directly from the public highway;
- driver/driver intervisibility and pedestrian visibility from the access within the site;
- refuse collection points;
- a construction traffic management plan detailing access arrangements for construction vehicles, on site parking and loading/unloading areas;
- materials storage area; and
- means of access for the community orchard.

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times. (Section 4, NPPF)

- 4 **No development shall take place until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future national policy that replaces it. The scheme shall include:**

- the numbers, type, tenure and location on the site of the tenure split 4 x affordable rent and 2 x shared ownership
- the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no registered social landlord is involved;

- the arrangements that ensure that the provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The 6 no. affordable housing units shall be retain in perpetuity thereafter.

**Reason:** This is a pre-commencement condition to secure the social and community infrastructure needs of the local community in perpetuity, in accordance with Section 6, NPPF and Policy CS7, CSDMP.

- 5 No development shall take place on site until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The details must include the following:

- step by step methodology that will be employed on site throughout the entire development process;
- plans showing the location of tree protection fencing;
- plan of areas of temporary ground protection required;
- any areas of hard standing within the designated root protection area(s);
- details of any service lines or soakaways.

**Reason:** This is a pre-commencement condition due to ensuring the details to protected trees are fully considered prior to the final layout details being decided in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended. (Sections 7 & 11, NPPF)

- 6 No development shall take place on site until the following has been submitted to and approved in writing by the Local Planning Authority:

*A further assessment of the area following demolition as recommended by the previously submitted EPS (March 2017) Phase I Geo-Environmental Assessment Report (Re: UK17.2599) along with a detailed Remediation Method Statement(s) for the mitigation of all risks identified. Works shall be undertaken by qualified professionals and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'*

**Reason:** This is a pre-commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Section 11, NPPF)

- 7 No dwellings hereby permitted shall be occupied until the following has been submitted to and approved in writing by the Local Planning

**Authority:**

***A Validation Report that demonstrates the effectiveness of all remediation measures implemented by the Remediation Method Statement(s). Works shall be undertaken by qualified professionals and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'***

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Section 11, NPPF)**

- 8 **No development shall take place until details of the surface water drainage system have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: This is a pre-commencement condition so that the drainage details can be finalised so that adequate surface water drainage is provided and that existing and future land drainage needs are protected. (Section 10, NPPF)**

- 9 All ecological measures and works shall be carried out in accordance with the details contained in Part 6 of the Final Ecology Report (March 2017).

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation. (Section 11, NPPF)

- 10 Prior to the occupation of any dwelling full details of the access arrangements shown for indicative purposes on drawing no. C782P shall be submitted to and approved in writing by the Local Planning Authority. No dwelling approved under and subsequent application for reserved matters shall be occupied until such time as the agreed works, including provision of a 2.4m x 43.0m visibility splays, clear of all obstructions, have been implemented and retained thereafter.

Reason: To ensure that the road works are completed to a satisfactory and safe standard to provide safe access suitable for adoption as a public highway in the interests of highway safety. (Section 4, NPPF)

- 11 This consent relates only to the details shown on the submitted plans, numbers C-782P-Indicative Layout (Revised May 2017, C-782P-Tree Protection Measures (Revised May 2017), CBC/001, 200 PLAN, Planning & Heritage Statement (March 2017), Housing Needs Survey Report - Beeston (January 2015), Tree Survey with TIP 16 322 (December 2016), Archaeological Field Evaluation & Heritage Statement (23 February 2017), Extended Phase I Habitat Survey & Preliminary Ecological Assessment (December 2016), Phase I Geo-Environmental Desk Study (10 March 2017).

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.
2. 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 Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
3. 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.
4. The development involves works within the public highway that requires written permission of the Highway Authority at Central Bedfordshire Council. The Applicants / Developers should note that it is the Applicants' / Developers' responsibility to ensure that in addition to planning permission, any necessary consents or approvals under the Highways Act 1980, the New Roads and Streetworks Act 1991 and other related legislation as amended are obtained from the Council. The Applicants / Developers, upon receipt of this Notice of Planning Approval, are advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049, to write to Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under s278 or other sections of the Highways Act, 1980 to be implemented.
5. The Applicant is encouraged to offer the internal road for adoption as highway maintainable at public expense under S38 of the Highways Act, 1980 for which further technical approval and agreement is required. The Applicant is advised to contact Central Bedfordshire Council as per note 2.
6. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed private drives and parking courts as areas for adoption as highway maintainable at public expense and a management company arrangement should be considered.
7. Any repositioning of street furniture will be at the permission of the Highway Authority and public utility apparatus under the agreement of the service provider, and will be at the Applicants' / Developers' expense.

For avoidance of doubt the internal layout is taken as illustrative.

8.

Informative from Bedfordshire Fire and Rescue Service Emergency Response

Planning Officer:

Although this should normally be dealt with at Building Regulations consultation stage, I would like to draw the developer’s attention to the requirements of Building Regulations “Approved Document B (Fire Safety) Volume 1 - Dwellinghouses” or “Volume 2 – Buildings other than dwellinghouses” as appropriate, particularly ‘B5 - Access and Facilities for the Fire Service’, to ensure compliance is met and specifically as below with respect to dwelling houses:-

- a. Vehicle access for a pump appliance to within 45m of all points within a dwelling house;
- b. Turning facilities should be provided in any dead end access route that is more than 20m long. This can be by a hammerhead or turning circle, designed on the following table.

Vehicle Access Route Specification:-

Table 2 : Typical Vehicle Access Route Specification (**Based on Bedfordshire FRS vehicles)						
Appliance Type	Minimum Width of Road between Kerbs (m)	Minimum Width of Gateways (m)	Minimum Turning Circle between Kerbs (m)	Minimum Turning Circle between Walls (m)	Minimum Clearance height (m)	Minimum Carrying Capacity (tonne)**
Pump	3.7	3.1	16.8	19.2	3.7	18.0
High Reach	3.7	3.1	26.0	29.0	4.0	26.0

If the criteria for fire appliance access to within 45m as set out above cannot be reached for residential premises, the Building Control and Fire Authority should be consulted at an early stage, as alternative arrangements may be acceptable. Typically, this is either because the new site is landlocked or because the new access is too narrow to get an appliance close enough.

The following options are available if access is within:-

45 - <60 m - Domestic/residential sprinklers required;

60 - 90 m - Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway;

Over 90 m - Not acceptable

We would ask that fire hydrants are installed in number and location at the developer’s cost as follows:-

On a residential site we will need one hydrant at least every 180m – with no property further than 90m from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association.

The relevant section is copied below from Appendix 5:-

**1. Housing**

"Housing developments with units of detached or semi-detached houses of not more than two floors, should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi-occupied housing developments with units of more than two floors, should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development."

In addition to the formal guidance or requirements, that where possible consideration is given to access for the hydrants, so they are positioned on pathways/pedestrian areas, close to but not within vehicle standing areas where they are likely to be obstructed by parked cars/lorries (e.g. in an area designated for parking or loading as part of the development).

9. Informatives from the Council's Pollution Officer:

Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

10. Informative from the Council's SuDS Officer:

The final design and maintenance arrangements for the surface water system that are to be agreed at the detailed design stage, should take the following into consideration:

- Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must 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).

To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for

example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

11. You are advised to note the comments of the Bedfordshire and River Ivel Internal Drainage Board as set out in the enclosed letter.

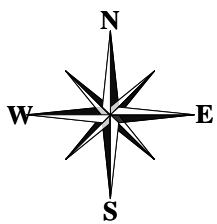
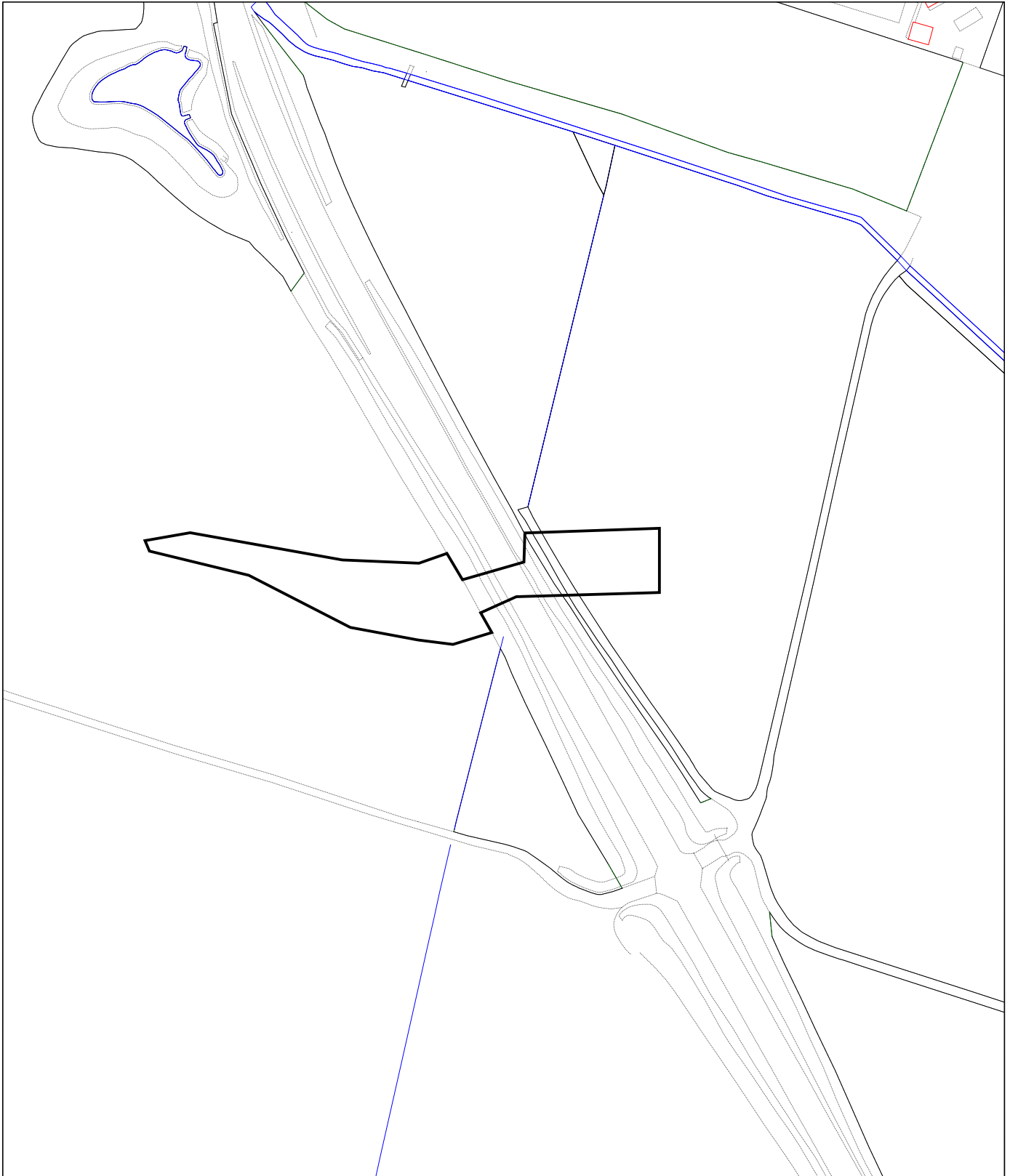
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

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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Licence No. 100049029 (2009)  
Date: 23:October:2017  
Map Sheet No

**Application No.**  
**CB/17/02681/FULL**

Scale: 1:2500

Land at Chase Farm, East of High Street and Land to the East of the A507, Arlesey

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**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/17/02681/FULL</b>
<b>LOCATION</b>	<b>Land at Chase Farm, East of High Street and Land to the East of the A507, Arlesey</b>
<b>PROPOSAL</b>	<b>Erection of new pedestrian and cycle bridge over the A507</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Michael Huntington</b>
<b>DATE REGISTERED</b>	<b>30 May 2017</b>
<b>EXPIRY DATE</b>	<b>29 August 2017</b>
<b>APPLICANT</b>	<b>Telereal Ventures Ltd</b>
<b>AGENT</b>	<b>Woods Hardwick Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Town Council objection to a major application recommendation for approval</b>
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

**Site Location:**

The application site comprises land located on either side of the A507 to the east of the Arlesey Cross development allocation.

Arlesey Cross is the collective name for two separate large development sites that are situated to the East and West of the High Street in Arlesey, allocated as Policy MA8 in the 2011 Site Allocations Development Plan document.

Policy MA8 requires the allocation to deliver a minimum of 1000 new homes, together with new employment space, a new school, health facilities and other amenities as well as environmental improvements including the provision of a relief road running south-north to the west of the High Street, and then to the north-east of Arlesey and then joining the A507.

**The Application:**

The applicant seeks full planning permission for the erection of a new pedestrian and cycle bridge over the A507.

**RELEVANT POLICIES:**

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

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

Policy CS1 – Development Strategy  
Policy CS3 – Healthy and Sustainable Communities  
Policy CS4 – Linking Communities – accessibility and transport  
Policy CS14 – High Quality Development  
Policy CS16 - Landscape and Woodland  
Policy DM3 – High Quality Development  
Policy DM14 - Landscape and Woodland  
Policy DM16 - Green Infrastructure  
Policy DM17 - Accessible Greenspace

**Central Bedfordshire (North): Site allocations Development Plan Document 2011**

Policy MA8 – Arlesey Cross

**Development Strategy**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)  
Central Bedfordshire Sustainable Drainage Guidance (May 2015)  
Arlesey Cross Masterplan (adopted as technical guidance March 2014)  
Arlesey Neighbourhood Plan – report received from independent examiner, awaiting referendum date  
Etonbury Green Wheel Greenspace Masterplan (draft) 2017 – public consultation draft

**Planning History**

Several planning applications have been made in relation to the MA8 Allocation Arlesey Cross development that are relevant to the determination of this planning application. They are:-

Application number	CB/14/00934/FULL
Description	Construction of the western section of Arlesey Relief Road
Decision	Not yet determined, due to inability to access part of the land to undertake survey work

Application number	CB/14/03191/FULL
Description	Construction of section of relief road from the 5 ways junction
Decision	Approved

Decision Date	5 <sup>th</sup> Dec 2014
Application number	CB/15/02916/FULL
Description	Construction of the section of relief road between A507 and the High Street. Formation of new roundabout on A507 and mini-roundabout on High Street
Decision	Approved
Decision date	7 <sup>th</sup> March 2016
Application number	CB/16/01211/FULL
Description	Hybrid application seeking full planning permission for 146 dwellings, new vehicular access off High Street, public open space and ancillary infrastructure, and outline planning permission for an up to 85 unit extra care facility and ancillary infrastructure with all matters reserved except for scale
Decision	Not yet determined
Application number	CB/01420/FULL
Description	Erection of 40 dwellings with associated access, surface water attenuation basin and ancillary works.
Decision	Approved
Decision date	18 <sup>th</sup> July 2017
Application number	CB/01608/OUT
Description	Residential development of up to 56 new homes including play and open space and provision of section of Arlesey Relief Road (all matters reserved except access)
Decision	Approved
Decision date	6 <sup>th</sup> July 2017
Application number	CB/17/00492/FULL
Description	Construction of 2 roundabouts, 3 signalised pedestrian crossings and 2 bus laybys on relief road
Decision	Approved
Decision date	24 <sup>th</sup> May 2017
Application number	CB/17/01158/OUT
Description	Development of up to 950 dwellings and 80 bedroom extra care unit, a two form entry lower school, up to 7,000 sq. metres of employment floor space, up to 6,500 sq. metres of retail (A1-A5), a hotel. Healthcare including the provision of new doctors' surgery and dentists and leisure/community use of which up to 500 sq. metres to comprise of community use floor space, provision of new cycling & walking routes, open

space including sports pitches, associated changing parking and other ancillary facilities and formal play areas together with associated works and operations including engineering operations & earthworks.

Decision

Not yet determined.

**Consultees:**

Arlesey Town Council  
(comments repeated  
verbatim)

**Object**

Arlesey Town Council has reviewed the above application and hereby objects to the application on the following grounds of:-

Non-compliance with the emerging Arlesey Neighbourhood Plan and its vision for the proposed crossing, as detailed in paragraph 6.12 and Figure 6.2 – examples of good practice bridges which reads as follows:

6.12 The construction of the relief road will incorporate a new crossing point at the A507 to enable safe access to Etonbury Wood and the school. The community are very supportive of installing a crossing and the engagement process revealed strong support for it to be designed in a way that is accessible, sustainable and reflective of the rural nature of the parish. Examples of such bridges include the wooden bridge over the A507 at Ridgmont and the proposed green bridge as part of the A556 road construction project. This latter bridge incorporates a fairly modest strip of grass and wildflowers alongside (in their case) a farm track (see figure 6.2).

The design of the proposed bridge would have an unnecessarily adverse effect on the visual amenity of the rural surroundings. The design should be more sympathetic to its location, examples of which are given in the section of the Neighbourhood Plan referred to above.

The Town Council hereby seeks the Planning Officer's and CBC's Development Management Committee members' full consideration of these representations and awaits notification of the relevant DMC meeting date when the application will be considered.

Highways England

No objection

CBC Countryside  
Services

Object

Previous meetings discussed that the bridge should be a Bridleway – not just a cycle/pedestrian bridge, linking to the existing new bridleway route extension on the Etonbury side.

CBC Ecology

No objection

Works can take place without resulting in a detrimental impact to biodiversity. The bridge will form part of the Etonbury Green Wheel and as such it would be beneficial to have the provision of some form of interpretation, ideally on the bridge itself, to inform users as they cross they are entering Etonbury Wood. This could be incorporated into the design elements of the bridge allowing it to act as a viewing platform over the wider woodland in addition to its main access purpose.

A Construction Environment Management Plan will be required.

As the bridge will have an impact on the habitats associated with Etonbury Wood which are of interest for a variety of species, a number of mitigation measures to minimise impacts and support net gains for biodiversity will be required. A condition should be applied to ensure these measures are followed during construction.

CBC Green  
infrastructure

Object

The Etonbury Green Wheel masterplan (which has been produced BRCC, supported by Central Bedfordshire Council and Arlesey, Astwick, Stotfold and Fairfield Parish Councils) identifies a bridleway crossing of the A507, linking Arlesey to Etonbury Wood as a key component.

This proposal includes a crossing for walkers and cyclists. A provision of a crossing is essential, and very welcomed, but should be designed to accommodate a bridleway, as identified in the Green Wheel Masterplan,

and to complement the significant and growing network of  
bridleways in the area.

CBC Highways

No objection

The proposed location of the bridge complies with the  
indicative location shown in the Arlesey Cross Masterplan  
Document (adopted as Technical Guidance in March  
2014) and is consistent with the consented scheme for  
the eastern section of the Relief Road.

Subject to a technical review of the design details, to be  
undertaken by Ringway-Jacobs, the highway authority  
has no objection to the proposals.

CBC Landscape

No objection

There will be a visual impact arising from the construction  
of the new bridge, as this will urbanise a road corridor  
which is recognised as having an attractive rural quality.  
However, this is an essential connection which will  
provide access for both communities.

CBC Public Art

Object

The proposed design fails to enhance a sense of place or  
celebrate local distinctiveness.

The significance of this location and functions demands a  
bespoke design which celebrates and enhances local  
distinctiveness and which is integrated within the setting.  
The current proposals fail dismally in all aspects of  
imagination and creativity.

CBC Rights of Way

Object

At previous meetings with the developer it was made  
clear that the bridge should carry a Public Bridleway and  
be seen as such rather than a pedestrian cycleway.

As such the bridge structure must be made to  
accommodate equine traffic - being led if applicable - as  
the bridleway will indeed pass over this structure.

Consideration of the equine nature of the required  
crossing must be brought forward at this point as this will



be the only safe bridleway crossing of the A507 at any point. The development of the Etonbury Green Wheel has this crossing central to its development of the Rights of Way network to both sides of the A507.

It was also felt that the bridge could easily be greened by the construction of planters on the Etonbury Wood (east) side of the bridge. Local volunteers would then be able to green the structure as it is absorbed by the growing wood on the east side of the A1. The east side would be also be a good vantage point for bird watchers to watch the woodland birds from. Vantage view-points stepped out from the bridge parapet would be easy to include in such a steel structure.

### **Other Representations:**

#### Neighbours:

43 Bedford Road  
1A The Hermitage

#### Comments:

- The landscape and visual appraisal suggests that there is low visual sensitivity. The A507 is a busy road so the number of people viewing the bridge will be high.
- Expectation that the bridge would be a significant and unique feature – does not appear that the developers have properly considered options.
- Has the developer considered the implications of the bridge supports should the A507 be duelled?
- The proposed design does not incorporate raised balustrades to prevent debris being thrown onto the carriageway below.

### **Determining Issues:**

The main considerations of the application are;

1. Principle of development
2. Whether the proposed development is in accordance with the Arlesey Cross masterplan and the Etonbury Green Wheel plan
3. Other Considerations

### **Considerations**

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

- 1.1 Arlesey Cross is the collective name for two separate sites that are situated to the East and West of the High Street in Arlesey. The site was originally allocated

in the Site Allocations Development Plan Document (as Policy MA8) for the North of Central Bedfordshire which was adopted by the Council in 2011. Policy MA8 requires a minimum of 1000 new homes, new employment space, health facilities, a new school and other amenities as well as environmental improvements to the High Street, and the provision of a relief road running south-north to the west of the High Street and then onto the north-east of Arlesey before joining the A507 via a new roundabout.

- 1.2 Policy MA8 required a masterplan to be produced to demonstrate how the development could be delivered in a sustainable and coordinated manner. The Masterplan included (in paragraph 5.2) a requirement for 'an interconnecting network of primary and secondary streets and pedestrian and cycle routes which would promote direct and efficient access to all parts of Arlesey as well as encouraging connections **to safe crossings of the A507** and railway, existing rights of way and permissive routes beyond the settlement boundary'.

In paragraph 5.3 it states that the development will enhance the movement network by the delivery of a further crossing 'over or under the A507 in the location of the proposed new roundabout'.

The masterplan below shows with a yellow dashed arrow the potential location for the crossing. The proposed crossing is located in that approximate location.



Extract from Arlesey Cross Masterplan

- 1.3 The delivery of the crossing will be achieved by the use of a planning condition

that was attached to the link road planning permission ref. CB/02916/reg3, which required the following:-

- Details of a pedestrian and cycle crossing of the A507 shall be submitted to and approved in writing by the Local Planning Authority. The approved crossing shall be provided in full prior to either:
  - the full connection of the road hereby approved between the High Street and the A507; or
  - the occupation of any development that would be directly served from any part of the road hereby approved that is accessed from the A507, whichever is the sooner.

Reason: To ensure a crossing for pedestrians and cyclists in the interests of highway safety in accordance with policies CS4 and DM9 of the Core Strategy and Development Management Policies (2009) and policy MA8 of the Site Allocations DPD (2011).

- 1.4 The developer decided that the most appropriate way of crossing the A507 would be via a bridge, with initial designs indicating a ramp on the Arlesey side and a zig-zag ramp on the Stoffold side. During the planning application process, amended plans were provided by the developer addressing some of the concerns raised by consultees in relation to how the bridge linked with the existing pedestrian and bridleway routes in Etonbury Wood. The originally proposed zig-zag ramp on the eastern side of the bridge has been replaced by a longer straight ramp that will connect the bridge directly to the bridleway network within Etonbury Wood and the wider right of way network established by the Etonbury Green Wheel. This design is potentially less significant than the zig-zag design in its visual impact when viewed from the A507, and will be better screened by Etonbury Wood. The new ramp design will also allow people to stop and view the wood at various locations along its length.
- 1.5 Concern has been expressed that the bridge has not been designed for use as a bridleway and cannot therefore be used for horses. It should be noted that the reason for the crossing was explicitly for the provision of a safe crossing for pedestrians and cyclists, and it has been brought forward on that basis.
2. **Whether development is in accordance with the Arlesey Cross masterplan and the Etonbury Green Wheel**
  - 2.1 Policy MA8 and the accompanying masterplan lists some planning principles for the effective development of this area, and this planning application should be assessed against these masterplan principles.
  - 2.2 The main principle set out in Policy MA8 relevant to this particular part of Arlesey

Cross is for the provision of new cycle and walking routes within Arlesey. This scheme enables those proposed new cycle and walking routes within the Arlesey Cross development to be connected to the wider network, connecting with Stotfold and the Etonbury School and leisure centre.

- 2.3 The Etonbury Green Wheel is a long term vision for the linking of publicly accessible routes and green spaces around Arlesey, Stotfold and Fairfield to create a 'rim' which is supported by 'spokes' of linear paths and corridors leading from these towns and villages out to the 'rim' and the wider surrounding countryside. The proposed link between Arlesey Cross and Etonbury Wood is shown as providing one of the spokes.
- 2.4 Concern has been expressed that the design of the bridge will have an unnecessarily harmful effect upon the visual amenity of the rural surroundings. The design of the bridge is considered to be appropriate. It is a simple design and it is considered that the design does not detract from its location on the A507.
- 2.5 Concern has also been expressed that the design of the bridge will prevent the delivery of a dual carriageway, should the A507 be duelled in the future. There are no plans to dual the A507, but the bridge is a simple structure, and should the road be duelled in the future, there is nothing to suggest that the bridge could not easily be adapted to allow this to happen.

### 3 **Other Considerations**

#### 3.1 Neighbourhood Plan

Arlesey Town Council has produced a draft Neighbourhood Plan which has been subject to an independent examination and is now proceeding to a referendum.

The Neighbourhood Plan reiterates the Parish Council's wishes to ensure that the proposals contained within the Arlesley Cross Masterplan are implemented comprehensively, in the most sympathetic way possible to blend in with the current settlement, and deliver the infrastructure – social, green, transport and associated facilities – necessary to support it. It also wishes to ensure that individual development proposals are co-ordinated and in accordance with the design and other guidance set out in the Masterplan.

#### 3.2 Human Rights issues:

Based on the information submitted, there are no known issues raised in the context of the Human Rights / Equality Act 2010, and as such there would be no relevant implications with in this proposal.

**Recommendation:**

That Planning Permission be APPROVED 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

112P2 - Isometric view sheet 1  
113P2 - Isometric view sheet 2  
114P2 - Isometric view sheet 3  
115P2 - Ramp elevation  
116 - Bridge elevations  
117 - Isometric view sheet 3  
149RevC - Bridge red line plan  
150RevA - Context plan  
151RevA - Block plan  
153RevA - Highway signage plan

Reason: To identify the approved plans and to avoid doubt.

- 3 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

- a) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) **Details of site compounds, offices and areas to be used for the storage of materials;**
- c) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

**Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank**

**Holidays. There shall be no burning on site.**

**The development hereby permitted shall be carried out only in accordance with the approved CEMP.**

**Reason: To safeguard the amenity of existing and future residents and users of the A507.**

**(Section 7, NPPF) This is a pre-commencement condition as it is important to ensure that how the development is built is agreed before construction begins.**

- 4 No development above foundation level shall commence until details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To control the appearance of the bridge in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 No development above foundation level shall commence 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 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)

- 6 No development above foundation level shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

**INFORMATIVE NOTES TO APPLICANT**

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

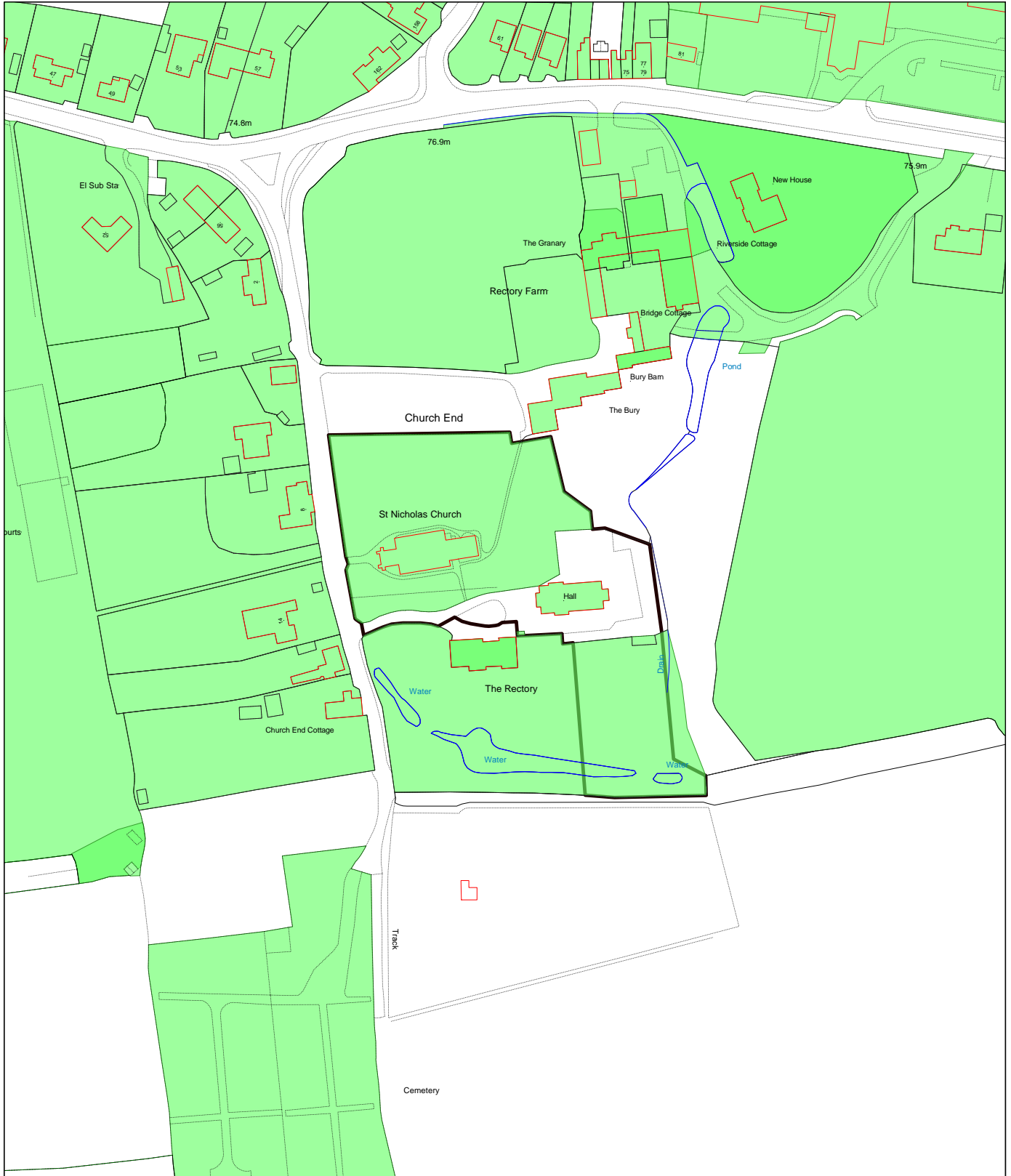
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

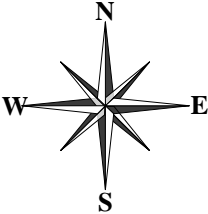
**DECISION**

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	Date: 23:October:2017  Map Sheet No	
Scale: 1:2000	<b>St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA</b>	

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**Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/17/04232/FULL</b>
<b>LOCATION</b>	<b>St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA</b>
<b>PROPOSAL</b>	<b>Dismantle and rebuild the garden wall adjacent to the church hall.</b>
<b>PARISH</b>	<b>Barton-Le-Clay</b>
<b>WARD</b>	<b>Barton-le-Clay</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Shingler</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>04 September 2017</b>
<b>EXPIRY DATE</b>	<b>30 October 2017</b>
<b>APPLICANT</b>	
<b>AGENT</b>	<b>Michael Dales Partnership Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Shingler - Detrimental to Grade II listed wall, adjacent Grade II listed building and the Conservation Area.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Reason for Recommendation:**

The application is recommended for approval. The proposal would result in less than substantial harm to the setting of the adjacent listed buildings and would have no adverse impact on the historic character of the conservation area or on any neighbouring amenity. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises the curtilage of the Grade I listed, St Nicholas Church located to the east of Church Road in Barton-Le-Clay. The site also benefits from a community hall to the south east which is of a modern red brick construction, whilst the site is bordered by the grade II listed Rectory to the south.

**The Application:**

Listed building consent is sought for the dismantling and rebuilding of a section of the garden wall to the southern boundary of the site immediately adjacent to the existing church hall. The wall separates the church hall from the main church garden to the south.

A section of the existing wall has collapsed and is being supported by timber supports, as such the required works are considered to be essential to strengthen and stabilise the wall.

The section of wall to be removed consists of 15.1 metres, the replacement wall would be of the same height at a maximum of 2.8 metres. The existing brick buttresses, which are of varying ages, would be removed as they would no longer

be required to support the wall, a new brick pier would be constructed to the eastern edge of the wall adjacent to the existing duck shed for additional support.

## RELEVANT POLICIES:

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

### South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

### Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

### Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	CB/17/01775/LB
<b>Validated:</b>	18/05/2017	<b>Type:</b>	Listed Building
<b>Status:</b>	Pending Decision	<b>Date:</b>	
<b>Summary:</b>		<b>Decision:</b>	
<b>Description:</b>	Listed Building - Dismantle and rebuild the garden wall adjacent to the church hall.		

### Consultees:

Barton - Le - Clay Parish Council	No further comments on this matter
Conservation Officer	No objection subject to conditions.
Historic England	Do not wish to comment - seek views of your specialist Conservation Officer.

### Other Representations:

Neighbours	No responses received to the planning applications, 3 objections received in respect of the accompanying Listed Building Application, see report CB/17/01775/LB.
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### Determining Issues:

The main considerations of the application are;

1. **Impact on the Character and Appearance of Conservation Area and on the setting of the Listed Building**
2. **Neighbouring Amenity**
3. **Other Considerations**

### Considerations

1. **Impact on the Character and Appearance of Conservation Area and on the setting of the Listed Building**
  - 1.1 The existing garden wall is sited within the grounds of the Grade I listed St

Nicholas Church located to the east of Church Road in Barton - Le - Clay. The wall forms the boundary between the existing main church grounds and the separate walled church garden. The wall adjoins the existing garden wall of the Grade II listed neighbouring residential property to the west at "The Rectory". Whilst there is no reference to the garden wall in the formal church listing available through Historic England the garden wall is mentioned within the listing for "The Rectory".

- 1.2 Considering the above the garden wall is not listed as a heritage asset in it's own right, rather it forms part of the curtilage listings of The Rectory and St Nicholas Church.
- 1.3 The wall is clearly of a significant age although it is clear that a number of brickwork and mortar repairs have been completed sporadically over the years as and when required.
- 1.4 The wall displays a significant lean which has no doubt aided in the collapsing of the section of wall which is already down. The lean does not appear to be an original feature of the wall as large sections of the wall closer to "The Rectory" appear to be much straighter.
- 1.5 Whilst the leaning nature of the wall does add to it's historic character this does not appear to be originally intended and speaks for the structural instability of the existing wall.
- 1.6 A number of buttresses have been added in order to support the wall without any real success. Again these appear to have been added sporadically across a significant timeframe and are of no real historic or visual value, many of these are also displaying signs of damage.
- 1.7 Whilst the structural engineers plans show a small section of wall requires rebuilding, it is understood that this report was conducted before the section of wall collapsed. Since the wall has collapsed and requires rebuilding a larger section of the wall now requires replacing in order to make the replaced section structurally sound and for both sections of wall to tie in together.
- 1.8 It is also clear that the wider section of wall is displaying visible signs of damage, including significant cracks, as such it makes sense to rebuild the larger section of wall in order to further preserve the wall as opposed to completing sporadic repair works.
- 1.9 It should also be noted that a red brick "Church Hall" has been erected between St Nicholas Church and the wall which is subject to this application. As such whilst the wall still borders the church grounds and gardens to a certain extent it can no longer be seen in conjunction with the church due to the siting of the more modern church hall.
- 1.10 The Conservation Officer and Historic England have both been directly consulted on this application. The Historic England response makes no formal comment but suggests seeking the advice of our internal qualified Conservation Officer. The Conservation Officer has assessed the proposals and the structural engineers report in depth and has concluded that the "essential works" are required in order to preserve the historic nature of the

wall. As such the Conservation Officer has made no objection to the proposal providing a number of conditions are attached to any approval.

- 1.11 The Archaeology Officer has also been consulted on the proposal and has made no objection on archaeology grounds subject to conditions.
- 1.12 The replaced wall will utilise existing and reclaimed brick work where possible, as such the material finish of the wall is considered to be in keeping with the character and appearance of the wider conservation area.
- 1.13 Considering all of the above, alongside the comments of the Conservation Officer and Historic England the proposal is considered to result in less than substantial harm on the significance and setting of the adjacent listed buildings at St Nicholas Church or The Rectory. The proposal is also considered to enhance and preserve the conservation area. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

## **2. Neighbouring Amenity**

- 2.1 The existing and proposed walls are internal within the application site, as such the wall does not and would not directly border any neighbouring properties. The wall is located a minimum of 80 metres from the neighbouring property to the north at "The Bury" and is a minimum of 20 metres from the main building of "The Rectory" to the west.
- 2.2 The wall is adjoined to a the boundary wall of the garden of "The Rectory" although considering its distance from the main residential neighbouring properties it would have no impact in terms of loss of light or privacy and would not appear as unduly overbearing.
- 2.3 No neighbours have objected to this application although a number of objections have been received from neighbours in regards to the listed building application for the same proposal. As such these objections have been considered under the listed building application.

## **3. Other Considerations**

### **3.1 Human Rights issues:**

The development has been assessed in the context of human rights and would have no relevant implications.

### **3.2 Equality Act 2010:**

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

## **Recommendation:**

That Planning Permission be **APPROVED** 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 development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 456/10-001C, 456/10-002A, 456/10-003B.

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

### **INFORMATIVE NOTES TO APPLICANT**

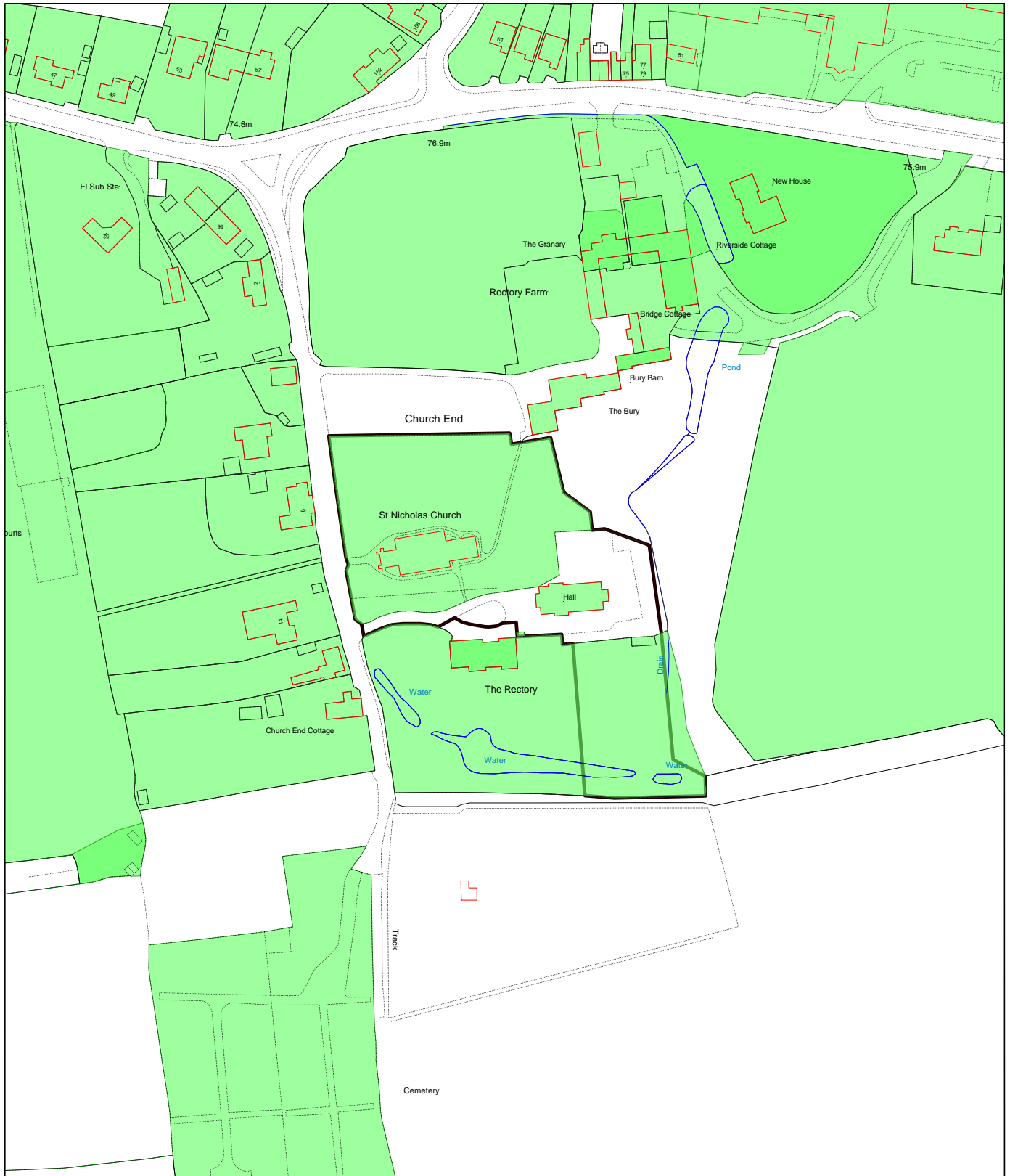
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance 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).

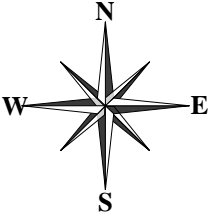
### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

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.

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	Date: 23:October:2017  Map Sheet No	
Scale: 1:2000	St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA	

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/17/01775/LB</b>
<b>LOCATION</b>	<b>St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA</b>
<b>PROPOSAL</b>	<b>Listed Building - Dismantle and rebuild the garden wall adjacent to the church hall.</b>
<b>PARISH</b>	<b>Barton-Le-Clay</b>
<b>WARD</b>	<b>Barton-le-Clay</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Shingler</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>18 May 2017</b>
<b>EXPIRY DATE</b>	<b>13 July 2017</b>
<b>APPLICANT</b>	<b>PCC</b>
<b>AGENT</b>	<b>Michael Dales Partnership Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Cllr Shingler - Detrimental to Grade II listed wall, adjacent Grade II listed building and the Conservation Area.</b>
<b>RECOMMENDED DECISION</b>	<b>Listed Building - Granted</b>

**Reason for Recommendation**

The application is recommended for Approval. It is considered that the development would result in less than substantial harm on the significance and setting of the adjacent listed buildings at St Nicholas Church or The Rectory. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises the curtilage of the Grade I listed, St Nicholas Church located to the east of Church Road in Barton-Le-Clay. The site also benefits from a community hall to the south east which is of a modern red brick construction, whilst the site is bordered by the grade II listed Rectory to the south.

**The Application:**

Listed building consent is sought for the dismantling and rebuilding of a section of the garden wall to the southern boundary of the site immediately adjacent to the existing church hall. The wall separates the church hall from the main church garden to the south.

A section of the existing wall has collapsed and is being supported by timber supports, as such the required works are considered to be essential to strengthen and stabilise the wall.

The section of wall to be removed consists of 15.1 metres, the replacement wall would be of the same height at a maximum of 2.8 metres. The existing brick buttresses, which are of varying ages, would be removed as they would no longer

be required to support the wall, a new brick pier would be constructed to the eastern edge of the wall adjacent to the existing duck shed for additional support.

## RELEVANT POLICIES:

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

### South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

### 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:

<b>Application:</b>	Planning	<b>Number:</b>	CB/14/03584/LB
<b>Validated:</b>	11/09/2014	<b>Type:</b>	Listed Building
<b>Status:</b>	Withdrawn	<b>Date:</b>	22/09/2014
<b>Summary:</b>		<b>Decision:</b>	Application Withdrawn
<b>Description:</b>	Part demolition of a listed brick wall due to leaning of the wall.		

<b>Application:</b>	Planning	<b>Number:</b>	CB/17/04232/FULL
<b>Validated:</b>	04/09/2017	<b>Type:</b>	Full Application
<b>Status:</b>	Registered	<b>Date:</b>	
<b>Summary:</b>		<b>Decision:</b>	
<b>Description:</b>	Dismantle and rebuild the garden wall adjacent to the church hall.		

### Consultees:

Barton - Le - Clay Parish Council  
 In response to the planning application above Barton-le-Clay Parish Council can make comment on this application on receipt of the Structural Engineers report on the wall, to assess whether it is necessary to take down or restore sympathetically to its current design.

Update 21/09/2017

The Council expect to receive a current structural report to accompany the new FULL planning application.

Update provided through FULL application 09/10/2017:

No further comments on this matter.

Conservation Officer  
 Archaeological Officer  
 Historic England

No objection subject to conditions

No objection subject to condition.

Do not wish to offer any comments, suggest seeking the views of your specialist conservation officer.

### Other Representations:

Neighbours

The Old Rectory

Objection (Summary)

- Application fundamentally contradicts heritage policy proposing tearing down the majority of the wall and rebuilding a large section of structurally sound wall, significantly altering the historic character.
- Only the small buckling section needs rebuilding.
- We own part of the wall which connects to the rectory.
- 3.5 strength mortar for the lime is too strong for re pointing / repairs as the underlying mortar is far weaker.
- Removing buttresses and straightening the wall would impact the heritage asset.

The Bury

Objection (Summary)

- Rebuilding such a large section of wall would impact the unique historic nature of the structure. According to the structural engineers report only 10% of the wall needs to be demolished.
- By removing the buttresses and straightening the wall the historic design and character of the structure would be lost. The wall is at least 200 years old and should be restored rather than demolished and rebuilt.

35 Meadhook Drive,  
Barton-Le-Clay

Objection (Summary)

- Trustee of St Nicholas PCC who have direct legal responsibility for the wall.
- Structural engineer recommends rebuilding a small buckled section of the way, not the full wall as proposed in this application.
- The church tower has been "roped off" for a longer period than the wall and the works required to the tower should take priority.
- The design of the wall matches nearby connected structures of significant heritage importance (The Rectory and it's garden wall). Rebuilding this would destroy the historic beauty of the area.

### Determining Issues:

The main considerations of the application are;

1. **Impact on the setting of the Listed Buildings and the Conservation Area**
2. **Public Objections**
3. **Other Considerations**

### Considerations

1. **Impact on the setting of the Listed Buildings and the Conservation Area**
  - 1.1 The existing garden wall is sited within the grounds of the Grade I listed St Nicholas Church located to the east of Church Road in Barton - Le - Clay. The wall forms the boundary between the existing main church grounds and the separate walled church garden. The wall adjoins the existing garden wall of the Grade II listed neighbouring residential property to the west at "The Rectory". Whilst there is no reference to the garden wall in the formal church listing available through Historic England the garden wall is mentioned within the listing for "The Rectory".
  - 1.2 Considering the above the garden wall is not listed as a heritage asset in it's

own right, rather it forms part of the curtilage listings of The Rectory and Nicholas Church.

- 1.3 The wall is clearly of a significant age although it is clear that a number of brickwork and mortar repairs have been completed sporadically over the years as and when required.
- 1.4 The wall displays a significant lean which has no doubt aided in the collapsing of the section of wall which is already down. The lean does not appear to be an original feature of the wall as large sections of the wall closer to "The Rectory" appear to be much straighter.
- 1.5 Whilst the leaning nature of the wall does add to it's historic character this does not appear to be originally intended and speaks for the structural instability of the existing wall.
- 1.6 A number of buttresses have been added in order to support the wall without any real success. Again these appear to have been added sporadically across a significant timeframe and are of no real historic or visual value, many of these are also displaying signs of damage.
- 1.7 Whilst the structural engineers plans show a small section of wall requires rebuilding, it is understood that this report was conducted before the section of wall collapsed. Since the wall has collapsed and requires rebuilding a larger section of the wall now requires replacing in order to make the replaced section structurally sound and for both sections of wall to tie in together.
- 1.8 It is also clear that the wider section of wall is displaying visible signs of damage, including significant cracks, as such it makes sense to rebuild the larger section of wall in order to further preserve the wall as opposed to completing sporadic repair works.
- 1.9 It should also be noted that a red brick "Church Hall" has been erected between St Nicholas Church and the wall which is subject to this application. As such whilst the wall still borders the church grounds and gardens to a certain extent it can no longer be seen in conjunction with the church due to the siting of the more modern church hall.
- 1.10 The Conservation Officer and Historic England have both been directly consulted on this application. The Historic England response makes no formal comment but suggests seeking the advice of our internal qualified Conservation Officer. The Conservation Officer has assessed the proposals and the structural engineers report in depth and has concluded that the "essential works" are required in order to preserve the historic nature of the wall. As such the Conservation Officer has made no objection to the proposal providing a number of conditions are attached to any approval.
- 1.11 The Archaeology Officer has also been consulted on the proposal and has made no objection on archaeology grounds subject to conditions.
- 1.12 The replaced wall will utilise existing and reclaimed brick work where possible, as such the material finish of the wall is considered to be in keeping with the character and appearance of the wider conservation area.

1.13 Considering all of the above, alongside the comments of the Conservation Officer and Historic England the proposal is considered to result in less than substantial harm on the significance and setting of the adjacent listed buildings at St Nicholas Church or The Rectory. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

## 2. Public Objections

2.1 A number of public objections have been received in regards to the proposal, these mainly refer to the impact the proposal would have on the historic nature of the conservation area and on the neighbouring heritage assets.

2.2 A majority of the objections have been formally assessed in the relevant section above. The priority of works required to St Nicholas Church is not a material planning consideration, as such this has not been considered under the existing proposal.

## 3. Other Considerations

### 3.1 Human Rights issues:

The development has been assessed in the context of human rights and would have no relevant implications.

### 3.2 Equality Act 2010:

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

## Recommendation:

That Listed Building Consent is **APPROVED** 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 **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.**

- 4 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a sample of the brick sourced as a close match to the existing, to be used in the event of any shortfall in the work of wall reconstruction hereby approved, shall be made available on site for inspection and comparison 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 control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)**

- 5 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the work of wall reconstruction hereby approved, drawn detail at an appropriate scale between 1:10 and 1:20, in elevation and section showing the precise method of construction of the canted wall top/coping detail to be reinstated shall be submitted to and approved in writing by the Local Planning Authority and the approved work shall be undertaken thereafter strictly in accordance with the approved details.

**Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)**

- 6 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the wall reconstruction hereby approved, details of the brick bond, mortar mix and mortar joint profile proposed to be used shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall thereafter be implemented strictly in accordance with the approved details.

**Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)**

- 6 Notwithstanding details submitted with the application, the work of wall reconstruction shall not commence until a sample panel of brickwork , demonstrating the brick to be used, including both reclaimed and shortfall brick samples, brick bond, mortar mix and mortar joint profile and finish has been provided on site for inspection and approval in writing by the Local Planning Authority. The approved works shall thereafter be implemented strictly in accordance with the approved details.

**Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies**



**BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)**

7 Notwithstanding the details submitted with the application, the work of wall reconstruction hereby approved shall be undertaken using a Natural Hydraulic Lime (NHL)-based mortar mix no stronger than NHL 3.5, and shall expressly exclude the use of Portland Cement throughout.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

8 Notwithstanding the details submitted with the application, any provision of expansion joints required in the wall reconstruction hereby approved shall be agreed in advance with the Local Planning Authority and shall be concealed behind a 'dummy' brick pier or buttress, full construction details of which, including brick bond, shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction on site.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

9 This consent relates only to the details shown on the submitted plans, numbers 456/10-001C, 456/10-002A and 456/10-003B.

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 South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 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.

**DECISION**

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