

## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/15/02102/FULL</b>
<b>LOCATION</b>	<b>Land to the East of High Road, Shillington, Hitchin, SG5 3LL</b>
<b>PROPOSAL</b>	<b>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.</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>18 June 2015</b>
<b>EXPIRY DATE</b>	<b>17 September 2015</b>
<b>APPLICANT</b>	<b>Rowan Homes and Shillington Village Hall (Charity No. 300066)</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is a major application that is contrary to development plan policy.</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:**

Planning permission is sought for the demolition of the existing village hall and the erection of 19 dwellings on the site. The dwellings are proposed in a mix of sizes and styles and will be accessed from a single new access point off of High Road.

The proposal also includes the provision of 9 off street parking spaces for the occupiers of existing dwellings at 37a - 53 High Road which will also be accessed from the new access.

The application also includes a proposed change of use of an access track to make it part of the residential curtilage of the existing dwelling No 37 High Road along with this change of use a detached double garage is also proposed.

The application has been amended since its original submission to address design concerns raised by the Case Officer. The amended plans are, at the time of drafting this report, out to consultation with consultees and neighbours and any additional comments received will form part of the late sheet update.

### **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.
- CS14 High Quality Development
- DM2 Sustainable Construction of New Buildings
- DM3 High Quality Development
- DM4 Development within and Beyond Settlement Envelopes.

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council issued judicial review proceedings on the 12th March 2015 against the Inspectors findings. At the Council's Executive Committee on 6th October 2015, Members agreed to recommend to Full Council (19th November 2015) that the Development Strategy be withdrawn and to discontinue legal proceedings. Once withdrawn no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform future development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

None

### Consultees:

Shillington Parish Council Support the application, reiterated following the amendments.

Highways No comments received at the time of drafting this report

Trees and Landscape No objections to the proposal in principle but we will require retention of boundary hedgelines to the south and east of the site. These will require protection throughout development through the use of Heras type fencing at a suitable distance to prevent damage to roots or canopy. These hedgelines should be enhanced through additional native planting in areas where existing hedgeline is thin.

Details of additional landscaping will also be required and should include a mixture of native and more ornamental quality tree planting.

Landscape Officer By Condition - we need a detailed landscape plan ( I was disappointed not to see a landscape plan as part of the submission ) which would detail the proposed planting. The Ecological report states that the hedgerows on the eastern and southern boundary are to be retained. These are important features, helping to screen and integrate the development as well as benefitting ecology.

As they will become part of private property it would be helpful if the Specification for the site recommends a minimum height in terms of long-term hedge maintenance.

Also, as this is a very rural site, I would prefer the majority of trees to be native or native cultivars. Additional hedge shrubs should preferably be sourced from local provenance, eg from the Community Tree Trust.

I would also like the grassland of the public open space to be sown with a native grass mixture and low growing wild flora, rather than a standard amenity grass mixture. This would help to enhance local amenity and biodiversity and should reflect the local soil type

Green Infrastructure	<p>I do not generally get consulted on schemes of this scale.</p> <p>However, I would endorse comments made by landscape, ecology, SuDS and sustainability colleagues.</p>
Ecology	<p>I have read through the submitted documents and would have no objections to the proposal. The NPPF calls for development to deliver a net gain for biodiversity and proposed ecological enhancements include the strengthening of the eastern and southern hedgerow which is welcomed. Planting of trees or shrubs should use locally native species which are nectar or berry rich where possible. The existing site is derelict mown grassland bounded by hedgerows. I note that the 6.2.1 of the ecological appraisal states that hedgerows are to be retained as part of the proposed development but I am cautious where a hedgerow forms the curtilage of a dwelling. Given that this boundary forms the edge of the village with open countryside I would hope to ensure that these features are retained and well maintained as they will act as valuable wildlife corridors, providing habitat for birds, bats and other small mammals. I would seek to secure further opportunities for enhancement provided through the inclusion of integrated bird and bat bricks within the fabric of units 5 to 14 as a condition.</p>
Sustainable Drainage	<p>Urban Raised no objections subject to conditions, adding:</p> <p>We consider that planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage prior to any development taking place on site.</p> <p>We therefore recommend conditions be applied. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.</p> <p>Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and surrounding area, in accordance with section 103, 104 and 109 of the NPPF.</p> <p>This will include the following points being addressed in order to discharge the conditions as recommended below.</p>

### Proposal to discharge to the sewer

The proposed method to discharge surface water to the sewer, before this approach is deemed to be acceptable it must be demonstrated that:

all other options set out in Approved Document Part H of the Building Regulations (2010) have been demonstrated to be exhausted.

If no other practicable alternative other than to dispose of surface water to a sewer is demonstrated, confirmation from the operator of the system should be provided to verify that there is adequate spare capacity in the existing pipework to receive additional flows and that this approach is viable.

We therefore request further detail be provided on the proposal to discharge to the sewer to demonstrate that the receiving system will have sufficient capacity to receive increased surface water flows created by the proposed impermeable areas of the site and that this is confirmed by the system's operator.

### Use of underground attenuation

The ministerial statement made on 8 December 2014 (Ref. HCWS161) sets out the following requirements:

*"...in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."*

We therefore ask that details be provided by the applicant that will demonstrate responsibility for individual drainage components and maintenance of the proposed surface water drainage system and how this will, as far as is reasonable, ensure the long term operation of the proposed system for the lifetime of the development which it serves.

This should consider the need and provision for:

Regular maintenance (i.e. Checking inlets, outlets, control structures and overflows)

Occasional tasks (i.e. Jetting and suction where silt has settled)

Remedial work (i.e. Reinstatement)

Adequate access must also be shown to be provided to allow for inspection & maintenance activities to take place.

Silt interception and management arrangement is critical to long-term effectiveness of engineered below-ground storage structures and this must be demonstrated at design stage and confirmed for the design life of the development. In addition, in line with best practice (Ciria SuDS Manual, Anglian Water SuDS Manual) the cleaning of surface water runoff is also required before release to the environment. The preferred method of collection therefore is through the use of a permeable surface in the car park, such as permeable paving, as this will trap silt on the surface and provide cleaning before surface water enters storage. We ask that further details be provided on this and the use of appropriate sediment management and pollution control devices or mechanisms

Consideration of management of exceedance flows, due to an extreme weather event beyond the 1 in 100 storm or due to system failure should also be provided that will consider how these flows would be managed safely on site, i.e. through the use of overland pathways, finished floor levels etc.

Further to this, the proposal to use below ground attenuation does not adequately address groundwater implications. It is understood that the current assessment of site constraints is based on a desk top study and no site specific testing has been undertaken, although BRE 365 is proposed.

Where underground storage is proposed, the seasonal high groundwater table must be greater than 1m below the sub-base for total and partial infiltration systems; and must be below the geotextile membrane liner for no infiltration systems. Systems must also not be allowed to infiltrate in areas where there is a high risk of contamination, sealed systems (use of an impermeable geotextile membrane) may be used in these areas for treatment and attenuation purposes prior to discharge to another system. We ask that further consideration be given to these parameters.

Please note that site-specific details regarding permeability, depth to ground water and risk of

contamination will be required with the detailed design which must demonstrate that the structural design of the proposed geo-cellular units and any other underground storage is to be in accordance with relevant Standards in terms of structural integrity and operating efficiency. Further information can be found within the Structural Design of Modular Geocellular Tanks CIRIA C680 guide.

Conservation Officer

The current proposed development involves demolition of the hall & redevelopment comprising the erection of 19 dwellings (8 no. 4-bedroom, 3 no. 3-bedroom; & social housing- 4 no. 1-bedroom & 4 no. 2-bedroom) together with off-street parking, public open space, associated landscaping, private amenity garden space, car ports & a double garage for no. 37 High Road, adjoining the site to the south. The War Memorial, to the north of the Village Hall is to remain.

The proposed layout of the new dwellings, car ports & access road (so long as you are satisfied with the principle of this form & balance of development in wider planning policy & amenity matters) seems functional & efficient use of space, with some scope for interest (even *delight*), if carefully handled & no developer penny-pinching.

The key impact in terms of conservation area character & appearance is the road elevation & proposed enclosure created to the east side of High Road. The block of 4 dwellings- nos. 1- 4, the boundary wall around the garden of no. 4, the junction of the new access road & the flank wall of the garage for no. 37 are all important in the street scene & will require much further detailed design consideration, precise specification of materials & architectural detailing. The block of 4 houses relate well to the context, in terms of form & scale/ massing, & with thoughtful detailing (as yet not shown with submitted drawings & information) will be a positive feature in this part of the conservation area. The street scene drawings 1 & 2 are helpful in assessing likely impact/ harm but could have included a wider area of adjacent buildings/ sites for reference.

The proposed double garage to no. 37 (& proposed low garden wall) will be a prominent feature in High Road but is a dull blank flank wall. This looks uncomfortable in terms of scale/ bulk with the terrace of houses adjacent to the south. Further design input will be required. As submitted not acceptable.

There is the basis of a potentially acceptable, even decent, scheme here- but further input is required to raise

standard of design of buildings, landscaping & spaces to proper conservation area quality- at least on the prominent road frontage.

## Archaeology

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

Shillington is first recorded in the 11th century in a land charter of 1060 AD and again in the Domesday Survey of 1086. This suggests that the settlement was well established by this time and had its origins earlier in the Saxon period. Shillington's history and development in the medieval period is complex and may have been polyfocal in form. An archaeological field evaluation of land on the south west corner of the proposed development site identified a number of features dated to the earlier medieval period and probably representing paddocks or other enclosures linked to the village settlement. Investigations in other villages in Central Bedfordshire such as Stotfold, Langford and Henlow have shown that archaeological remains of the earliest phases of settlement survive in this sort of location in relation to the existing village core.

The Archaeology Team identified a requirement for an archaeological field evaluation to be undertaken in order to identify the impact of the proposed development on archaeological remains and to conform to the requirement of paragraph 128 of the *NPPF* (CB/13/0301/PAPC). A report on an archaeological trial trench evaluation and a *Heritage Statement* (Archaeological Project Services, August 2015) has now been submitted by the applicant.

The evaluation identified a small number of archaeological features and the earthwork remains of ridge and furrow field system within the proposed development site. The ridge and furrow earthworks are part of the medieval open field system of Shillington. This sort of earthwork were once a very common feature of the Bedfordshire countryside and a major survival of the medieval agricultural landscape, but changes in agricultural practices since the middle of the 20th century have resulted in a loss of most of the earthworks to the point that less than 4% of the original stock of this class of monument now survives.

The buried archaeological features consist of a small number of linear features (ditches). One of them was dated to the medieval period on the basis of ceramic finds

from within its fill, it is suggested that the other undated features are likely date to the medieval period too. Their stratigraphic location, below and thus pre-dating, the surviving ridge and furrow earthworks, known to date from the medieval period would support this. These features probably represent land boundaries and trackways towards the edge of the contemporary settlement core. They bear some similarity to features identified in an archaeological evaluation of land immediately to the south although there is no evidence of the alluvial deposits encountered within that site; this is not wholly surprising as this site is further away from the small stream that is the source of the alluvial material.

The Heritage Statement suggests that the heritage assets, both buried archaeological deposits and ridge and furrow earthworks are susceptible to damage during groundworks associated with development the site. It also suggests that there is a permanent record of the earthworks and a partial record of the buried deposit. Whilst the evaluation report does contains a plan showing the earthworks it does no conform to the requirements for earthwork survey contained in *Understanding the Archaeology of Landscapes* (English Heritage 2007) and, therefore, cannot be considered to be an adequate and definitive record of the earthworks. Also although the evaluation has identified buried archaeological remains their full extent and character have not been defined nor has their relationship to the ridge and furrow been established. The changes in landuse represented by the transition between the activity represented by the ditches and the establishment of the open field system represented by the ridge and furrow is important in understanding the development of the medieval landscape and its relationship to the settlements within it.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits and earthwork remains present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any

archaeological deposits that may be affected by the development and surveying and recording the surviving earthworks, the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach a condition to any permission granted in respect of this application.

Sustainable  
Officer

Growth

The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Resource Efficiency. These policies have not been acknowledged in the Planning, Design and Access Statement.

Policy DM1 requires all new development of more than 10 dwellings to meet 10% energy demand from renewable or low carbon sources. The proposed development is above the policy threshold and therefore all dwellings should have 10% of their energy demand sources from renewable or low carbon sources.

Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources.

In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage). It is proposed that this standard will be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit all houses with water butts.

Should permission be granted for this development I would expect the following conditions to be attached to ensure that policy DM1 and DM2 requirements are met:

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

Housing  
Officer

Development

I would expect to see at least 35% affordable housing or 7 affordable homes of mixed tenures of 63% Affordable Rent and 37% Intermediate Tenure as per the Strategic Housing Market Assessment, this equates to 5 units for Affordable Rent and 2 units of Intermediate Tenure/Shared Ownership. I would like to see the units dispersed (pepper-potted) throughout the site and

integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet at the very minimum meet all HCA design and quality standards.

However this application is to provide 8 units of affordable housing and this is acceptable as it provides more affordable housing. If 8 units are provided I would like to see 5 units for affordable rent and 3 units for Intermediate Tenure. If my comments were taken into account I would support this scheme.

Pollution Officer

No objections in principle with this development subject to a noise condition being applied to any granted permission.

### **Other Representations:**

Neighbours

7 letters have been received, 5 raising objection and 2 providing comments. The following issues are raised:

- Concerns over access location opposite an existing access and concerns over increased on street parking to High Road.
- Majority of existing dwellings do not have off road parking and the already overwhelmed with dwellings, businesses and vehicles.
- Provision for pedestrian crossing in a location and questions marks as to how this affects parking needs.
- 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.
- Concerns over village infrastructure being able to cope with the increased population.
- Concerns raised over the loss habitat within a historic native hedge in the meadow.

### **Determining Issues:**

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

## **Considerations**

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

- 1.1 The proposal is contrary to development plan policy. 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/15/02104/FULL, is also on this agenda. 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.
- 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. The report for CB/15/02104/FULL recommends to Members that the new facility should be 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 monies referred to in 1.1 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 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. The scheme proposes 4 dwellings facing High Road which will have the largest impact on the streetscene. These units are also located in the Conservation Area. The amended plans have sought to improve the detailing of these units to result in a higher quality dwelling that sits comfortably in the Conservation Area. The boundary arrangements have also been altered to increase garden sizes in line with the Council's Design Guide recommendations.
- 3.3 Within the development itself a number of units were re-sited to provide larger gaps between the properties which gave less of a cramped character. The amendments also saw the alteration of units to provide a stronger streetscene. The amendments to the new residential development are considered to, holistically, result in an improved layout which has less of an impact on the character of the area.
- 3.4 The proposed garage for No 37 High Road has been amended due to concerns over its bulk in the streetscene. The amended plans have reduced its scale to reflect the form of the roof pitch of the adjacent cottages and while it is still a prominent feature in the street it is not considered not be a harmful impact and is considered to address the comments raised by the Conservation Officer. There are garages at the front of sites elsewhere on High Road. The change of use of land is also considered acceptable as it is a track that sits between two residential properties that would become redundant as a result of this scheme. Incorporating it into an existing residential curtilage is considered to be the best use for it.
- 3.5 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.
- 3.6 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 designed to ensure there is no direct overlooking or loss of light issues to any existing neighbouring property. Concerns have been received from the occupier of No 33a to the north of the site on these grounds. While the presence of built form will affect the perception of amenity it is not considered to be a detrimental impact. The common boundary can be strengthened and improved to further reduce any impact and this can be secured by condition. The scheme is therefore not considered to harm existing neighbouring amenity to the extent that the impact is detrimental.
- 4.2 Plot 13 has a fairly close relationship with the existing dwellings to the west but the only first floor window proposed on the affecting elevation is a bathroom window which means there would be no direct overlooking. To a similar extent Plot 14 has a close relationship with the existing courtyard development to the west. The nature of the layout is such that the rear elevation of this property faces these existing dwellings. At first floor level there will be three windows facing this neighbour, all of which serve proposed bedrooms. These windows will look towards the existing neighbouring dwelling which has a single ground floor window affected and the associated garden area up to the common boundary. It is acknowledged that the Design Guide seeks to achieve a window to window distance of 21 metres between properties but in this instance it is considered that there is suitable distance left to ensure there would be no detrimental impact from overlooking. It is noted that the relationship will be close and would be more overbearing than the existing situation. Boundary planting would mitigate this impact and a landscaping scheme for the whole site should include this within the proposal. Similarly there is also a close relationship between Plots 16-18 and this same neighbour however it is noted that these proposed units are bungalows and therefore would not create a direct overlooking impact and would not be considered overbearing either.
- 4.3 In terms of the provision of amenity for new occupiers the amended scheme has addressed previously raised concerns over the relationship between Plots 14 and 15. The amendments have allowed for a suitable sized garden for Plot 15 which is no longer subject to an overbearing impact from 14. The dwellings are considered to provide appropriate garden sizes with the majority reaching the recommended depth. Where there is a shortfall it is not considered to result in a neighbouring amenity impact and therefore no harm occurs.

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

- 5.1 The new 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.
- 5.2 In terms of parking on the development each unit has been provide with appropriate parking both in terms of the number of spaces and the dimensions of space. On this basis it is not thought that there would be a resultant pressure for on-street parking on the High Road as a result of the scheme.
- 5.3 Furthermore the proposal 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.

- 5.4 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. This application for the new community facility is also on the Committee agenda (CB/15/02104/FULL) with a recommendation for approval.

- 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:

Middle	£34,781.76
Upper	£42,651.65
Total	£77,433.41

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.

## 6.5 Human Rights and Equality Issues

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

### **Recommendation:**

That Planning Permission be granted subject to the completion of a S106 agreement and 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 works on the construction of the dwellings hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

- 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.**

- 4 **Notwithstanding the details in the approved plans, no development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the retention of the existing hedgerow planting on the boundaries of the site and shall propose additional plantain 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.

- 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.**

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

Reason: To ensure provision for car parking clear of the highway.  
(Policy 27, DSCB)

- 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.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**

**Applicants are 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.**

**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.

- 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 *NPPF*; 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.**

- 11 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles**

**driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason: To safeguard the existing trees on the site in the interests of visual amenity.**

- 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.

- 13 **Notwithstanding the details in the approved plans, no development shall take place until the detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory minimum standard of operation for the lifetime of the development.**

- 14 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.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

numbers 12494 200 F, 12494 201, 12494 202 A, 12494 203 B, 12494 205, 12494 208, 12494 209 A, 12494 100, 12494 101, 12494 102 p1, 12494 103, 12494 104, 12494 105 and 12494 106 A.

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

**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.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution took place regarding the design of 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) Order 2015.

**DECISION**

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