

Item No. 9

APPLICATION NUMBER	CB/15/04081/OUT
LOCATION	7-37 Barton Road, Gravenhurst, Bedford, MK45 4JP
PROPOSAL	Outline: Residential development of up to 24 dwellings with ancillary works. All matters reserved except access.
PARISH	Gravenhurst
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Alex Harrison
DATE REGISTERED	29 October 2015
EXPIRY DATE	28 January 2016
APPLICANT	The RonCon Trust
AGENT	Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Call in by Councillor Graham <ul style="list-style-type: none">• Not infill development as set out in DM4• Loss of amenity to neighbouring residents• Gravenhurst not a sustainable location• Flood risk to Barton Road residents.
RECOMMENDED DECISION	Outline Application - Approval recommended

Reason for Recommendation

The proposal for 24 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Upper Gravenhurst which is considered to be a sustainable location. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. 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 Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site consists of an undeveloped plot located adjacent to the settlement envelope of Upper Gravenhurst. Access can be gained from an existing arrangement off Barton Road. The site contains a number of trees and other vegetation and in recent years has been subject to clearance works resulting in the removal of what was previously an orchard. The site abuts residential gardens on its southwestern and northwestern boundaries. A lower school is located to the north.

The Application:

Outline planning permission is sought the construction of up to 24 dwellings with associated works. All matters are reserved aside from access. The access proposal is to upgrade the existing arrangement off Barton Road which would run into the site.

Indicative details have been provided with the application to demonstrate how a residential layout could be achieved. The layout includes the provision of amenity space and parking spaces and shows a sustainable urban drainage scheme within the site. The applicant states that dwellings are proposed to be two storeys in height.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

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:

None

Consultees:

Gravenhurst
Council

Parish The Parish Council's comments on this application are as follows:

- Although extra houses would support local housing needs and services in the village, the number of

proposed dwellings should be reduced by at least a third to something like sixteen.

- There should be more screening especially to the north and west to reduce the impact on neighbouring properties.
- Bungalows would be preferable again to reduce the impact on neighbouring properties. Could scaffolding/wood be put up to show the height of the proposed dwellings so that the impact on the neighbourhood could be clearly determined?
- It would be preferable to position the low cost/shared equity housing (numbers 12-19) at the opposite end of the site and build bungalows here instead, thereby reducing the impact on properties on the High Street.
- For safety reasons the attenuation pond should be enclosed and trees around it would improve it.
- There is no footpath shown to the school as suggested in the plans. Also will there be provision for additional parking for the school?
- Would the electricity supply go underground?

Highways

The application proposes the residential development of land to the rear of Nos. 7 to 37 Barton Road, Gravenhurst. The application is in outline form with all matters except means of access reserved for subsequent approval although an indicative layout plan has been submitted to show how the development could be laid out to accommodate the number of dwellings envisaged.

However it is assumed that the means of access to be approved relates solely to the point of access to the existing highway at Barton Road and the internal road layout, parking areas and turning areas are indicative only and will be subject to a reserved matters application at a later date. I have therefore reviewed the proposed application on that basis.

The site is located within the village limits of Gravenhurst, within the 30mph speed limit zone and Barton Road has the benefit of being street-lit.

The application is accompanied by a Transport Statement which includes a site access layout drawing at Appendix 1.

The proposed access is shown to be laid out in the form of a priority junction with 6m radii and 2.4 x 43m visibility splays available in either direction. The internal access road is shown to be 5.5m in width with 2.0m footways on both sides of the road which link into the existing footway on the north-eastern side of Barton Road.

The form of the junction and the proposed internal access road can therefore be considered acceptable to serve the scale of development proposed.

The Transport Statement includes an assessment of the likely number of traffic movements that would arise from the proposed development over the 12 hour day (07:00-19:00) and during each hour in between. Although I would have used a slightly different sample set from the TRICS database, the trip rates derived can be considered acceptable. Thus it is likely that the proposed development will give rise to some additional 114 two way vehicle movements on the local road network during the 12 hour day and up to 14 two-way vehicle movements in any given hour.

It is considered that the local road network can accommodate the additional traffic movements and hence the proposal is unlikely to have an adverse impact on the local road network once completed.

Sustainable
Drainage

Urban We consider that outline planning permission could be granted to the proposed development subject to the final design, sizing and maintenance of the surface water system being agreed at the detailed design stage, including finalised Construction plan and Maintenance and Management Plan.

The final detailed design must be compliant with NPPF (103 – 109), the local policies and principles outlined in the Central Bedfordshire SuDS SPD and established best practice including the latest edition of the Ciria SuDS Manual.

In order to meet the requirements of the National Planning Policy Framework therefore, conditions must be applied to any planning permission in order to secure the measures detailed in the Surface Water Drainage Strategy (October 2015), and the provision of the detailed design and final construction and maintenance requirements of the proposed surface water drainage scheme.

Additional advice to applicant and planner:

- Discharge rates should be controlled as specified by the outline proposal to deliver betterment of the existing drainage regime and must be confirmed with relevant vested drainage bodies.
- Details of the discharge rates, attenuation volumes, location of SUDS features, control features, and conveyance/exceedance pathways

must be provided and supported by full calculations, models and methodologies.

- The residual risk of flooding needs to be fully addressed by the detailed design should any of the drainage features fail or if they are subjected to an extreme flood event, the detailed design and layout of the proposed development should provide proposed mitigation measures to control those risks for the lifetime of the development and ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property. This could include measures to manage residual risk such as raising ground or floor levels where appropriate. Overland flow routes should not put people and property at unacceptable risk.
- Details of control structures and their locations must be provided and demonstrate mitigation of possible future maintenance liabilities such as sedimentation, erosion and ease of access. Hard aspects of the SuDS design, such as inlets and outlets, should be appropriately sized and visually interesting or neutral. Care should be taken to ensure that structures are not over-engineered or create trip hazards.
- Health and safety consideration should be taken into account in the design of the features and opportunities to enhance water quality, amenity and biodiversity maximised.
- On-going maintenance requirements and responsible parties need to be clearly identified for all parts of the drainage system and confirmed

Trees and Landscape

Almost the entire site was until relatively recently (ie within the last two years) an old traditional orchard with all the associated biodiversity that this land use includes. The site was almost entirely cleared over the period of a week by the previous owner, unfortunately we were unaware of this until the large majority of it had been removed. However both the CBC Ecologist and myself called to the site and agreed that further clearance should be stopped. This is the prime reason why the included tree survey shows any trees remaining within the main body of the site.

Looking at the proposed site layout in its present form and the information supplied including the Site Survey and Tree Reference Plan I would make the following comments :-

- The site proposal would seem to be

overdeveloped and with little in the manner of open space. There has been little attempt to incorporate any remaining orchard into the development. Old Orchards are a recognised habitat and are a "Priority Habitat" in the UK Bio Diversity Action Plan.

- Currently along the south east boundary there exists a substantial buffer zone consisting of the remaining part of this orchard and consisting of at least seven mature apple trees which I would suggest would be worthy of a retention category of at least B in relation to BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations. There are also within this area a number of mature Prunus species within this area. This area is currently fenced off with site fencing and gives the impression that it is outside the development area, however it is not and will be removed to allow facilitation of Plots 4, 5 and 6 along with part of the attenuation pond. I would suggest that this important fragment of old orchard is retained within the development not only for ecological reasons but also because of the valuable screening that it will afford from the south east. The land slopes away to the south east and any development would appear to be highly visible from this viewpoint. The tree survey gives no detail on the trees within this area and I would suggest that detail of this area is required.
- There still remain within the north west half of the site a number of fruit trees, primarily Apple but including Pear and Walnut. The majority of these have been categorised as Retention Category C, I would suggest that it would be more accurate in a number of cases to re-categorise as Category B, a higher category, trees we would look to see retained in any development proposal. Of prime importance I would suggest are the trees shown on the Tree Reference Plan as G4, G5, T25 and T26 all located in the middle of the north east boundary as one small area that is proposed for Plot 9 and part of Plot 8. This area is located in such a manner that it would not be hard to redesign this area of the site and retain as part of an amenity/ecology feature.
- T10 is a mature Pear that I would suggest should also be incorporated into either amenity land/open space or garden.

I believe that we should be looking for a development that has substantially less dwellings and makes more use of the remnants of this old orchard area, reconsidering the layout to suit and ensuring retention of as much of the remaining tree cover as is feasible.

Ecology

The NPPF calls for development to deliver a net gain for biodiversity and in my pre-application comments I stated that; “.. if one were to take the baseline for the site from its pre-clearance state I think it would be very difficult to demonstrate such a gain let alone provide for enhancement. As such I would expect considerable effort to show how the development will provide a net gain for biodiversity, and would seek the inclusion of integrated bat and bird bricks, the inclusion of nectar rich plants and of native hedges and locally sourced fruit trees, other opportunities are detailed in the CBC Design Guide.”. The proposed site layout does not appear to have acknowledged this with minimal retention of existing features and an uninspiring SuDS attenuation pond, on this basis I would object to the proposal as it appears and offer the following thoughts as follows;

Figure 2.2 in the Design and Access statement shows an aerial photograph of the site as it was a few months ago where it contained fruit trees and scrub, I was previously called to the site as it was being cleared and at the time managed to retain some of the fruit trees in the north of the site.

Due to this clearance the Ecological Reconnaissance survey of May 2015 found the site to be of low biodiversity value, this certainly was not the case prior to clearance. Indeed on a recent site visit the tree officer noted a flock of fieldfare feeding on the abundant apples on site.

The tree report identifies 16 individual fruit and nut trees together with a further 5 groups of trees which contain fruit trees. Traditional orchards are identified as Habitats of Principal Importance in section 41 of the NERC Act. Orchards are hotspots for biodiversity in the countryside, supporting a wide range of wildlife and a feature of the biodiversity of traditional orchards is the great variety of fruit cultivars that they contain. It is unfortunate that this site has been partially cleared but makes it all the more important now that consideration is given to the remaining trees on the site.

If a reduced density to the proposed was used there would be more opportunity to ensure the retention of the fruit trees that have currently been retained on site. Open

space is a valuable asset in a development and when this is a quality space it will add to the value of properties. Therefore by providing more pockets of retained mature landscaping the scheme would achieve a more established feel. Open space minimal on site but with reduced house numbers more could be made of the remaining fruit trees.

I would like to see G4 and G5 and T26 retained and enhanced to form a community orchard. T25 is a remnant hedgerow tree from the original field boundary and should also be protected. T10 is an old, traditional pear variety which contained mistletoe when inspected previously so is a very valuable feature for biodiversity, not to mention the fruit crop it yields. The other fruit trees in the north should ideally be incorporated into public open space or within gardens, though this is not ideal. Any trees which are to be removed should have cuttings taken in case they represent old Bedfordshire varieties which may be lost to the County. If they are unique varieties to the site then I would want to see them grafted for subsequent use in the on site community orchard.

The south eastern boundary is shown in photographs to be fenced off and this still contains a number of fruit trees (at least seven mature apple trees and a pear) with scrub reminiscent of the wider site as it was before clearance began. This loss to biodiversity should not continue and hence I would ask that this edge be retained as tree cover, a degree of management will be necessary but it would provide another aspect of public open space.

I understand that due to the fall of the site an attenuation pond in this area is most appropriate but SUDS solutions within individual dwelling boundaries could help to reduce the size of attenuation feature required. The final design of such a feature needs to ensure it is multi-functional to benefit biodiversity and GI aspirations together with attenuation. Consideration must be given to existing trees in this area and siting of a pond positioned to result in least loss / impact.

Individual dwellings should contain features to benefit biodiversity and the Design Guide should be referred to for such opportunities for enhancements.

Landscape Officer

This is a significant site in terms of scale and position. It was very disappointing to visit the site after the clearance of the orchard trees and to only see a relatively few trees remaining, apart from the row of orchard trees on the south -east boundary. I have several concerns about the design as firstly I consider it to be at too dense a scale

and secondly it does not create a distinctive development which relates to the village setting or the contours.

I support the comments made by the tree officer and the ecologist - in my view the majority of the remaining trees need to be retained within the future development to retain a link with the past as well as conserving the habitat. The boundary field maple, walnuts and pear are of particular interest as unusual trees - but I would like to see more of the apple trees retained as they have the potential to add character to the development. The landscape and biodiversity value of orchard trees are greater than that suggested by an arboricultural assessment. The trees were fruiting well and had the potential for thirty years or more contribution to the development.

Many of the trees on the boundary are maturing ash trees - unfortunately at threat from the dieback disease. New planting proposals need to introduce alternative native trees to eventually form replacement feature trees.

If the tree belt on the SW boundary is maintained and the existing hedgerows and managed and supplemented, I would not have concerns about the wider visibility from the surrounding countryside. Properties to the south would benefit from high quality views to the Chiltern Hills - the design should exploit this more. Although there will be an increase in night time impact as this is an elevated site, I think this will only have a minor impact.

In terms of the layout, I am most concerned about the proposal for two storey houses throughout, particularly those on the north western boundary. The land slopes strongly down to the existing bungalows. Eight two storey properties is excessive. I would have liked the development to provide some extra space for the Lower School/ Nursery - particularly as some of the orchard trees remaining are close to the school's boundary.

I am also concerned about the visual impact of the access road which passes up the incline in a straight path. Is a footway required on both sides of this "lane"?. Could the lane be curved slightly into the proposed planting area to create some planting space on the northern side. I would like the landscaping scheme to include a native hedgerow adjacent to the access lane.

The attenuation pond seems out of scale with the setting - although I welcome a natural approach to SUDS I would like the design to be revised to include more meadow grassland and possibly trees such as alder to help

manage the drainage.

Although I do not object to the development of this site, I recommend that this Application is refused as it is out of scale with the location and does not contribute sufficient landscape integration to mitigate the impact on the existing neighbours or reflect the orchard setting. As such I consider it contrary to Policies 14 and 16.

Internal Drainage Board Had no comments to make

Green Infrastructure The layout of the site does not satisfactorily demonstrate good green infrastructure design principles. As my ecology colleague has noted, the developer has significantly reduced the ecological value of the site prior to making an application, reducing the ability of the development to protect and enhance existing green infrastructure assets.

The layout of the site is particularly disappointing - the attenuation pond, located in the corner of the site, fails to demonstrate how it will contribute to the green infrastructure network, and deliver amenity and biodiversity benefits. The pond should be set within public open space, and designed positively into the development. Currently, it is not overlooked, so is likely to attract negative uses. Previous design iterations shown in the application documents show that this attenuation pond is an afterthought, with its location not identified in earlier plans. This poor approach to SuDS design has resulted in an unsatisfactory proposal - it does not demonstrate an integrated, early approach to SuDS design, and does not satisfactorily benefit biodiversity or demonstrate multifunctional uses, or, due to its location, contribute to the sense of place. As such, it does not meet the local requirements set out in the Sustainable Drainage SPD.

The development does not demonstrate a net gain in green infrastructure, so is contrary to policy CS17 in the Core Strategy for Central Bedfordshire (North). It also fails to meet the local requirements set out in the Sustainable Drainage Supplementary Planning Document. I therefore object to this proposal due to its design.

Housing Development Officer This application provides for 8 affordable homes which reflects the current affordable housing policy requirement of 35%. However, having reviewed the supporting documentation it indicates the 8 affordable units will be provided as shared equity units designed to meet the needs of the local people to enable them to access the

housing market and remain with the village. This proposed scheme is a general needs housing development and not a rural exception site. On this basis the tenure split would need to comply with the SHMA requirement which identifies 63% affordable rent and 37% intermediate tenure.

On the basis that this scheme has been submitted as a general needs housing scheme and not a rural exception site, the Central Bedfordshire Council Allocation Policy would apply. Anyone in Central Bedfordshire who is in housing need on the waiting list can be allocated the affordable units. If this site was to be put forward as a rural exception site then the rural exception site local lettings policy would apply where the affordable housing is allocated to those with a local connection to Gravenhurst to meet the identified local housing needs which would be identified through a Housing Needs Survey.

On the basis of the SHMA tenure split requirement I would expect to see 5 affordable rent units (63%) and 3 units of intermediate tenure (37%). I would also expect all units to meet all HCA design and quality standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. If these comments were taken on board I would support this application.

Pollution Team

I wish to object to this application because the applicant has not submitted any information about how they are going to protect the amenity of the existing residents occupiers from traffic noise associated with access and egress from the development.

With the current layout of the proposed development there are plots that abut the following noise sources Gravenhurst Academy, Gravenhurst Pre-school and Equine Affairs Ltd, these premises all have the potential to cause nuisance to the proposed development and as such controls need to be proposed which will protect the future occupiers.

Other Representations:

Neighbours

27 letters have been received raising the following planning comments and objections:

- The site is outside of the settlement envelope and development is not permitted outside these areas.
- Proposal does not amount to infill development and would develop greenfield land.

- Is not acceptable in light of National and Local policies.
- Neighbouring impact due to land levels not addressed. Will affect amenity of properties on Barton Road and High Street through overbearing and overlooking and noise impacts.
- Noise impacts from the access to 23 and 25 Barton Road.
- Barton Road suffers from speeding traffic.
- Village does not have services to support the growth proposed and is not sustainable development.
- Transport statement is no accurate and does not account for periods beyond 2013.
- Access is concealed and sloped and could be dangerous with vehicles parked on Barton Road.
- Proposal does not provide adequate parking.
- Overdevelopment of the site will increase traffic in the area.
- It is overbearing and out of character with the area.
- Drainage concerns from the proposed attenuation pond. Barton Road is dangerous in wet weather.
- There should be fewer dwellings proposed.

Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle of Development

- 1.1 The site lies for the most part outside of the settlement envelope of Upper Gravenhurst and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Upper Gravenhurst is designated as a small village where Policy DM4 limits new housing development to infill development only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to

dismiss the appeal, in making her decision, the Inspector concluded that that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that 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.

- 1.3 The site is adjacent to the Upper Gravenhurst Settlement Envelope. To the south, east and part of the north the site directly adjoins existing residential development. The proposal will see the encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site.
- 1.4 Upper Gravenhurst is a small village which has a limited number of services including a lower school, pre-school, village hall, playing fields and a church. The village is served by a bus service which stops in the High Street. On the basis of these the village is considered to be a sustainable location.
- 1.5 Affordable Housing
The proposal would provide 35 % Affordable Housing (up to 8 units) in accordance with Policy CS7. The proposal is therefore considered acceptable in this respect. The Housing development Officer does not agree with the proposed tenure mix but this is a matter for detailed S106 discussion. It is expected that the affordable housing mix would be policy compliant.
- 1.6 In terms of the principle of development significant weight is given to the Council's housing land supply position. On this basis residential development in this location is considered to be acceptable in principle. It is necessary for the scheme to be regarded as sustainable development in the eyes of the NPPF which will be discussed further in this report.

2. Affect on the Character and Appearance of the Area

- 2.1 The proposal would increase the built form beyond the settlement envelope and would result in a loss of open countryside. The site is prominent as the level of the land rises to the north from Barton Road to the extent that the highest part is over 10 metres higher than the point that the access joins Barton Road.
- 2.2 A number of consultation responses have noted the loss of the majority of the old orchard on the site. While this is noted the agent has advised that this was done prior to the applicant acquiring the site. The indicative layout and arboricultural information submitted show that the majority of the remaining vegetation on site is to be removed. The submitted tree survey shows a number of trees on the site provide landscape value and some would be retained. It is also noted that, at the southern extent of the site, a wooded area of trees with an average height of 7 metres was not surveyed for individual species but noted as having landscape value. It is considered unfortunate that a mature field maple tree is to be removed in spite of it having recognised value.

- 2.3 It is acknowledged that not all trees can be retained in the interests of providing a deliverable scheme. As the application is at outline stage with design matters (including layout) reserved, it is considered that a detailed design can at the very least consider the retention of the field maple and part of the southern boundary screen. Their removal would not be considered significant enough to refuse an application in isolation but having a strong landscape presence as part of the scheme is considered necessary for a prominent site such as this. The applicant has expressed a willing to adopt this approach.
- 2.4 The application states that dwellings are to be two storey throughout although matters of detailed design are reserved. The levels of the site, in the absence of any information submitted to address this issue, are such that two storey units at the northern extent of the site could be overly prominent. At this end adjoining dwellings are bungalows and two storey units could rise above these when viewed from the public realm which would affect the character of the area. These issues would form part of the detailed design discussions forming a reserved matters application but it is noted that two storey units throughout the site may not be appropriate. The concern itself, in the absence of a formal design submission, would not constitute a reason to refuse the application and such issues would be addresses at reserved matters stage.
- 2.5 Development of this site will have an impact on the character of the area. The indicative layout as submitted gives little indication of mitigation measures proposed. The impact however cannot be considered explicitly in an outline application with design matters reserved. The provision of housing should be given significant weight as a benefit of the scheme and it is considered that a detailed design can mitigate the impact on the character of the area to ensure that the impact would not result in demonstrable harm on a site that is adjacent to the edge of the settlement. As a result there is no objection to the scheme on the impact on the character and appearance of the area as a matter of principle.

3. Neighbouring Amenity

- 3.1 Detailed design matters are reserved and therefore it is not possible to assess specific impacts on neighbouring residents. The indicative layout shows a general relationship of rear gardens to the proposed dwellings backing onto the rear curtilages of existing dwellings on Barton Road and the High Street. This is not necessarily unacceptable as a matter of principle however the raised level of the site and its relationship to dwellings particularly on High Street are such that there is concerns that two storey dwellings with garden depths of 10 metres could be overbearing and directly overlook these existing occupiers.
- 3.2 It is acknowledged that matters can be addressed as part of detailed design considerations however the level of information submitted with the application does lead to concerns over a possible impact on neighbouring residential amenity. Given that detailed design matters are reserved it is considered that a scheme could be achieved on the site that successfully addresses the impacts on neighbouring residents and therefore despite the concerns there is no objection. The previous concerns (in para 2.4) raised stating that two storey dwellings throughout the site may not be appropriate is also further emphasised as a result of this issue.

- 3.3 The Pollution Team has raised objection on the grounds that there is no noise survey submitted with the application assessing the impact of the scheme on dwellings adjacent to the access road. The concerns are noted however it is considered to be a matter that can be addressed by condition. It is assumed that a combination of surfacing materials and boundary treatments would provide suitable mitigation from vehicle noise to neighbouring dwellings and these are matters that do not require detailed clarification at outline application stage. It is therefore not considered to have a significant impact to the extent that the application should be refused.
- 3.4 The proposed layout indicates that suitable amenity space would be provided for occupiers of a new development. Garden spaces appear to have taken regard of the Design Guide standard and although the layout is only indicative it is sufficient to demonstrate that development can provide suitable garden sizes and that the siting of dwellings can be acceptable as well.

4. Highway Considerations

- 4.1 The Highway Officer has raised no objection to the access proposal. It is considered to be acceptable in terms of being able to provide access suitable to serve the level of vehicles generated by the development and is also wide enough to provide footpaths for pedestrians. Likewise, Barton Road itself is considered to be able to accommodate the level of traffic generated and this view takes into account existing scenarios of on street parking in this location. The proposed access details are shown as part of the submitted Transport Statement and show that suitable turning radii and vision splays can be achieved.
- 4.2 In terms of parking provision the indicative layout suggests that each dwelling would have sufficient parking spaces provided through garages, driveways and/or open courtyard arrangements to comply with the standards within the Design Guide. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision. It is noted that no visitor parking provision is provided for in the layout and that this scheme would be required to provide 6 spaces.
- 4.3 On the basis of the considerations above it is considered that there are no highway concerns regarding the access proposal for this outline application and that the detailed design can achieve the required levels of parking and standard of internal road layout and no objection is raised on highway grounds as a result.

5. Other Considerations

5.1 S106 agreement matters

Spending Officers were consulted and comments returned with financial contributions requested from Education. The following items would form the initial heads of terms for an agreement, on which discussions would be based if Members of the committee resolve to grant consent.

Education:

Early Years Contribution	£16,591.68
Lower School Contribution	£55,305.60
Middle School Contribution	£55,650.82
Upper School Contribution	£68,242.64

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

5.2 Human Rights 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.

6. Sustainable Development and the Planning Balance.

6.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

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

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development in the village to infill schemes only should therefore be given little weight.

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

6.3 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. The site abuts residential development on two sides and is not considered to be an isolated site. The elevated nature of the site would increase the prominence of built form in this location and there is an impact on the environment as a result but the requirement to provide levels details with any detailed design would allow the Council to ensure any impact is minimised. The loss of trees is unfortunate but the existing loss did not require consent and the scheme can provide new structural landscaping within the site and at the site boundaries to soften and mitigate the impact of development. The impact of developing this site adjacent the settlement envelope is not considered to result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit of the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. The scheme therefore contributes to a greater mix of housing overall.

The report has detailed that the village can be regarded as a sustainable development and it is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents.

The development will impact on local infrastructure and as a result the applicant is required, to offset these impacts, to enter into a S106 agreement to provide financial contributions for education infrastructure.

6.5 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.

6.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. 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 and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

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

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 Details of the access, layout, scale, appearance and landscaping, including

boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

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

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

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

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

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

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

- 7 **No development shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.**

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

- 8 No development shall commence until a detailed surface water drainage scheme, including construction and maintenance plans, for the site based on the agreed Surface Water Drainage Strategy (October 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the Surface Water Drainage Strategy (October 2015). The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed maintenance plan.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 9 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 10 **No development 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.

- 11 **No development shall take place until details of the junction between**

the proposed access road and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

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

- 12 No dwelling hereby approved shall be occupied until visibility splays have been provided on each side of the junction of the access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 13 **No development shall take place until detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15016 (D) 090 and TS/APPENDIX 1 Rev B

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. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire

Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

3. 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
4. The applicant is advised that as a result of the development, new highway street lighting will 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.
5. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed

highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

- 8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council’s publication “Design in Central Bedfordshire A Guide to Development” and the Department for Transport’s “Manual for Streets”, or any amendment thereto.
- 9. The applicant's attention is drawn to the change in levels through the site and the raised level of the site at its northern extent is such that it is unlikely that 2 storey dwellings will be an acceptable scale of development throughout the site.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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