

Item No. 9

APPLICATION NUMBER	CB/16/02501/FULL
LOCATION	Duck End Farm, 43 Flitwick Road, Maulden, Bedford, MK45 2BJ
PROPOSAL	Demolition of existing agricultural buildings and erection of a one and a half storey and two storey development of 8 number 1 bedroom flats. External works of hard landscaping, access drive, soft landscaping, fences and walls. Widening of existing crossover for parking.
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Lisa Newlands
DATE REGISTERED	13 June 2016
EXPIRY DATE	08 August 2016
APPLICANT	Wrest Developments Ltd
AGENT	Michael Hardiman & Associates LLP
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr P Duckett on the following grounds: <ul style="list-style-type: none">• overdevelopment• loss of privacy• inappropriate access• unachievable parking
RECOMMENDED DECISION	Full Application - Approval

Summary of Recommendation

The planning application is recommended for approval, it would be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, and DM4. It would not have a detrimental impact upon the residential amenity of any adjacent properties and would result in a new development suitable for the location. It is considered that the design is in accordance with the Central Bedfordshire Design Guide and National Planning Policy Framework.

Site Location:

The application site is within the settlement envelope for Maulden. At present there are existing redundant barns on the site that form a horse shoe shaped development on the site. The proposal would involve the demolition of these buildings as the application states that they are not suitable for conversion.

The Application:

Planning permission is sought for the demolition of the existing agricultural buildings

and the erection of one and a half storey and two storey development comprising 8 x 1 bedroom flats. External works of hard landscaping, access drive, soft landscaping, fences and walls; and the widening of the existing crossover for parking.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1: Development Strategy

CS4: Linking Communities - Accessibility and Transport

CS7: Affordable Housing

CS14: High Quality Development

CS15: Heritage in Development

DM1: Renewable Energy

DM2: DM2: Sustainable Construction of New Buildings

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

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: A Guide for Development:

Design Supplement 1: Placemaking in Central Bedfordshire, 2014

Design Supplement 5: Residential Development, 2014

Relevant Planning History:

Consultees:

Parish/Town Council

Object to the application on the following grounds:

- overdevelopment on a small site;
- lack of parking spaces within the development;
- some of the windows in the design will overlook the neighbouring property.

Highways Officer

No objection subject to conditions.

Waste Services

No objection subject to conditions

Ecology

No objection subject to conditions

Tree and Landscape Officer No objection subject to conditions

Other Representations:

Neighbours

The following representations have been received (3 objections and 4 comments):

6 Flitwick Road - objection

- overdevelopment of the space available
- lack of parking provision
- barns are historical buildings in Maulden which date from 1832 - to demolish these would be to eradicate part of Mauldens market gardening history - surely it would be better to convert the barns to residential dwellings rather than demolish.

30 Flitwick Road - objection

- the height and size of the buildings and the whole development is too big;
- blocks of flats do not fit in with the street view or the village;
- overdevelopment;
- neighbour disputes likely within the development and with surrounding neighbours;
- too many cars;
- problems with the small driveway and traffic getting on to Flitwick Road;
- parking overspill on to Flitwick Road;
- privacy invaded as there will be many windows looking out on to us;
- would be more suitable for two houses.

Duckend Farmhouse - objection

- Plans are misleading and inaccurate - they include part of our property. The whole of the northern wall of the existing eastern barn building is owned by us
- The size and scale of the proposal - cramped development; height & ground levels have been altered. Creating a dense, overpowering, closed in development.
- Out of character with the existing/ neighbouring farm buildings;
- the proposed buildings are much bigger, higher and more imposing than anything existing and would not be in keeping with the street scene;
- the proposed buildings footprint, courtyard pattern and style of buildings are very different and all of the buildings and the new additional central building are much higher and denser than the existing buildings.

- Insufficient shared access and pathways - only one narrow shared access to the flats and the car ports on the proposed development to our outbuildings. Question whether the access is sufficiently wide enough to provide safe access for both vehicle and pedestrians.
- Gradient on access way - gradient created leading from the street level down to the ground level of the flats complex;
- inadequate provision for cars - insufficient space to move around on the site;
- increased parking problems on Flitwick Road
- noise and disturbance from people using the access road;
- loss of privacy from balconies/ windows
- inadequate space and bin stores
- loss of heritage
- neighbour disputes and crime
- no need for this type of development

26 Flitwick Road - comment

- lack of parking provision;
- impact on Flitwick Road already notorious for speeding vehicles;
- refreshing change to see smaller dwellings rather than large 4/5 bedroom properties

26A Flitwick Road - comment

- concern about lack of parking spaces, do not feel 1 per flat is adequate
- lack of parking facilities could result in cars parked in a road that is used as a through route and at various times of the day is very busy.

Duck End Cottage (15 Duck End Lane) - comment

- would be a sad loss of historic agricultural buildings;
- overdevelopment of the site
- additional exiting of vehicles on to an already very busy road;
- likelihood of more vehicles being parked on Flitwick Road.

32 Flitwick Road - comment

- Concerns regarding parking and increase congestion on Flitwick Road.

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

Considerations

1. Principle

- 1.1 The application site is within the settlement envelope of Maulden. Maulden is classified as a large village in policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North). Policy DM4 of the same document states that settlement envelopes of large villages small-scale housing and employment uses...will be permitted.
- 1.2 It is therefore considered that the principle of residential development on the site is acceptable. A number of representations have raised concerns regarding the historical nature of the site and buildings. The buildings are not listed and are not within a conservation area, therefore they do not have any historical status in planning terms. The buildings are currently redundant and therefore could be demolished by the applicant at any time.
- 1.3 As stated previously given the location within the settlement envelope, the principle of development is considered acceptable, subject to other detailed considerations.

2. Affect on the character and appearance of the area

- 2.1 Prior to the submission of the application, the applicant sought pre-application advice. At this stage advice was given in terms of the principle, design and highway implications. The revised design has taken account of these comments and there has been a reduction in height from that previously shown and the design to the rear has been simplified. In addition to this, the height of the central block has been reduced.
- 2.2 The front elevation shows a relatively simple design with appropriate detailing. There is a level change and this is reflected in the scheme/ design. A condition requiring further details of the levels would be recommended on any grant of planning permission to deal with this adequately on the site. There are a mix of dwellings within Flitwick Road, and whilst this would be different in style, it is not considered that it would appear out of keeping with the character of the area.
- 2.3 Concern has been raised by a number of representations regarding the scale and massing of the proposed development. However, it is considered that whilst the massing would be greater than the current buildings on the site it would not appear overdominant or overdevelopment of the site. There is sufficient space within the site for both communal areas, private areas in some instances and parking.
- 2.4 It is therefore considered that the proposal would be acceptable and would not have detrimental impact on the character and appearance of the area.

3. Neighbouring Amenity

- 3.1 The proposed development on submission included a number of private balconies within the scheme. However, these gave rise to a number of concerns regarding loss of privacy. Where appropriate these balconies have been removed and where it is considered that there is a loss of privacy from any windows they have either been removed or fixed shut and obscure glazed. It is therefore considered that the revised scheme would not result in any detrimental loss of privacy to the neighbouring residential properties.
- 3.2 The proposed development is set within the confines of the site and replaces existing buildings on the site. In terms of the property to the south of the site, the bulk of the buildings have been moved off the boundary. On the adjacent neighbours site there is an access road which is served by an existing crossover and separation distance of some 8m (including the width of the access road) to the neighbouring dwelling. On this side boundary the proposed development consists of two 'tower or column' like structures at the front and rear of the site, with communal area in between (wall screening the site). It is considered that this would break up the development on this side boundary and would not result in any detrimental loss of light or overbearing impact.
- 3.3 The neighbouring property to the north of the site has a number of outbuildings to the rear of the adjoining plot that run parallel/ are attached to the existing buildings on site. Concern has been raised regarding the ownership of the wall to the rear of the site. This has been raised with the agent and they have confirmed that the appropriate ownership certificates/ notices have been served. They have submitted a letter from their solicitor confirming appropriate ownership. As they have confirmed appropriate notices and certificates have been served, the application is valid and can therefore be determined. Any continued dispute, would be a civil matter and outside of the planning system.
- 3.4 In terms of the impact on this neighbouring property to the north, the adjoining wall with the outbuildings would remain, although it would be higher than the existing wall, and there would be the introduction of the central element within the site that was not previously there and there would be an increase in height of the front elevation. Apart from the wall to the rear which is adjoining, the front element would be some 5m from the side elevation of the neighbouring dwelling and the central block would be some 6.5m from the side boundary of the site. Taking into account the existing relationship with the site, the revised design and the separation distance, it is not considered that the proposal would result in any detrimental loss of light or overbearing impact on this neighbouring property. Concern has been raised regarding the movement of vehicles and general noise and disturbance on the site. Given the separation distance, design and boundary treatment, it is not considered that there would be a detrimental impact in terms of noise and disturbance from the site.
- 3.5 The proposal provides a communal amenity area within the site, which meets the criteria set out in the design guide for flatted developments. A number of flats also have a level of private amenity space with the provision of balcony areas. It is considered that the proposal achieves a suitable level of amenity within the scheme for future occupiers.

3.6 Accordingly, it is considered that the proposal would not have a detrimental impact on the residential amenities of neighbouring residential properties and would achieve an acceptable level of amenity for future occupiers.

4. Highway Considerations

4.1 The Highways Officer has raised no objection to the proposed development subject to a number of conditions. The development of 8 no. one bedroom dwellings in this location has the potential to generate 16 to 32 vehicle movements per day. Given that the both means of access are deemed acceptable, it is considered that these can be satisfactorily accommodated on the local road network and the proposal would not result in any detrimental impact on the highway.

4.2 Six parking spaces are to be provided under Units 6 and 7 and a seventh is provided in front of unit 1. These are to be served via a widened access on the northern boundary of the site. A further three parking spaces are to be provided in front of unit 2. These are shown to be served via a widened access on the southern boundary of the site. The provision of 10 parking spaces provides one parking space per flat and two visitor spaces and thus complies with the Council's minimum requirements for the scale of development proposed.

4.3 Flitwick Road is subject to a 30mph speed limit and the level of visibility available at both the northern and southern accesses is considered acceptable.

4.4 A small turning area is shown to be provided in the rear parking court and the bollards previously separating it from the pedestrian access to the private flats have now been removed, resulting in the turning head being able to be used by ambulances and small delivery vehicles.

4.5 A secure cycle store and bin store is provided within the development, along with a refuse collection point within the northern access close to the highway boundary. These are considered acceptable. Concern has been raised in the representations regarding the number of bins that would be required and whether the bin store would be suitable. Given that the proposal is for flatted accommodation, the bin store would house communal bins and therefore each flat would not be required to have its own bins. Therefore, the amount of space would be reduced.

5. Other Considerations

5.1 Ecology

An ecological report was submitted with the application. This identified barn owl interest in the barns. Mitigation recommendations have been followed and the inclusion of an interior barn owl box as shown in the rear elevation 'H'. However, the report also recommends enhancements which would support NPPF objectives to ensure that development delivers a net gain for biodiversity and as such it is considered appropriate to require integrated bat and bird boxes within the scheme. A condition requiring this will be imposed on any grant of planning permission.

5.2 S106 & Affordable Housing

As set out in National Planning Practice Guidance there are specific circumstances where contributions for affordable housing and planning obligations should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014¹ and should be taken into account.

These circumstances are that;

•contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

The proposed development would fall within the circumstances highlighted above and therefore no affordable housing or S106 contributions are sought from this development.

5.3 Human Rights issues:

The development has been assessed in terms of Human Rights and there are no implications.

5.4 Equality Act 2010:

The development has been assessed in terms of the Equalities Act and there are no implications.

Recommendation:

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **No development shall take place on the external surfaces of the dwellings hereby approved, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 7, NPPF)**

- 3 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 4 **Prior to the occupation of the development 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.
(Sections 7 & 11, NPPF)**

- 5 No work shall commence on the external surfaces of the dwellings hereby approved, until a scheme showing the location of 4 integrated bat boxes and 4 integrated bird boxes across the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a delivery of net gain for biodiversity within the development in accordance with the requirements of the NPPF.

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

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

- 7 No work shall commence on the external finishes of the dwellings hereby approved until details of both of the modified/ widened vehicular access with the highway have been submitted to and approved in writing by the Local

Planning Authority. No dwelling shall be occupied until the modified/ widened accesses have been constructed in accordance with the approved details.

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

- 8 No dwelling shall be occupied until the access and parking areas shown on drawing number 2016/864/10B have been laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason: To provide a satisfactory means of access and to enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 9 **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, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason and Justification: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Section 7, NPPF)**

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2016-864-10B; 2016-864-11B; 2016-864-12B; 2016-864-13B; 2016-864-14A; Topographical survey; Barn Owl Survey; Ecological Scoping and Bat Building Assessment.

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 Council does not accept materials are their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for

them to be viewed, usually this will be on site.

3. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
4. The 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.
5. 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, Bedfordshire, SG17 5TQ.
6. The applicant is advised that parking for contractor's vehicles and the storage of materials associated within this development should take place within the site and not extend into/ within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

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

