

Item No. 12

APPLICATION NUMBER	CB/17/02023/OUT
LOCATION	Land adjacent to Haynes Turn, south of High Road, Haynes Turn, Haynes
PROPOSAL	Outline Application: with all matters reserved for the erection of five detached dwellings
PARISH	Haynes
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Michael Huntington
DATE REGISTERED	31 May 2017
EXPIRY DATE	26 July 2017
APPLICANT	LSF Properties
AGENT	CB Architecture
REASON FOR COMMITTEE TO DETERMINE	Ward Member call-in: <ul style="list-style-type: none">• Overdevelopment;• Highways;• Outside settlement envelope
RECOMMENDED DECISION	Outline Application - Approval

Site Location:

The application site consists of an open field located on the edge of the village of Haynes. The site is flanked by 4 Haynes Turn to the south west, to the north west by properties 1 - 2 Haynes Turn, to the south east by open countryside and to the north and north east by the main public highway A600 (Bedford Road).

The site is located outside the settlement envelope for Haynes and is not located within any other designation.

The Application:

Outline permission is being sought for the erection of 5 detached dwellings with all matters reserved. An indicative layout has been supplied demonstrating the proposed access, a potential siting of the five dwellings and an indicative height, associated parking and strategic landscaping along the northern and south eastern boundary. The following documents were submitted in support:

- Scale parameters
- Indicative layout
- Highways Network Impact Assessment
- Plan showing visibility splays

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 - Promoting Healthy Communities

Section 11 - Conserving the Natural Environment

Core Strategy and Development Management Policies - North 2009

CS2: Developer Contributions

CS5: Providing Homes

CS14: High Quality Development

CS16: Landscape & Woodland

CS18: Biodiversity & Geological Conservation

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape & Woodland

DM15: Biodiversity

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/16/04204/FULL
Description	Erection of 1 detached dwelling with detached triple garage.
Decision	Full application - refused
Decision Date	25 th November 2016

Application Number	CB/16/01088/OUT
Description	Three detached dwellings with all matters reserved
Decision	Outline application - refused
Decision Date	6 th May 2016
Appeal Decision Date	27 th February 2017

Appeal Decision

Allowed with conditions

Consultees:

Parish Council
(verbatim)

Please be advised that Haynes Parish Council objects to this planning application on highway safety grounds. I attach a report detailing the full reasons & also some traffic data taken at the site recently that highlights the concerns we have. I also attach a traffic survey taken a few years ago on the A600 very close to the development, that lead to a speed limit reduction being implemented at that location.

We urge you to take careful consideration of comments made by Highways Officers & neighbours, who, we believe, share our concerns. Indeed Highways Officers objected to the last application that you refused, which was overturned on appeal.

If you are minded to approve this application we ask that a condition and/or S106 provision be put in place to improve highway safety, provide safer access to the development, & a reduction in the speed limit on the A600 at this junction.

Internal Drainage Board

No comments

CBC Ecology

No objection

A condition will be required to ensure the development offers a net gain in biodiversity

CBC Flood Risk

No objection

A condition will be required relating to sustainable drainage system

CBC Highways

No objection, subject to planning conditions to ensure the following:-

- A change in the speed limit to 40mph on High Road between the 'Fishermen's' access and Summerfield to the west and 300m to the east at the junction of Silver End Road, and the provision of a speed activated 'slow down' sign to the west.
- Full details of the access arrangements.

- Cycle parking, vehicle parking, garaging and turning in accordance with the Council's standards
- Materials storage area
- Wheel cleaning facility

CBC Pollution

No objection

A condition will be required to deal with vehicular noise from Bedford Road

CBC Trees and Landscape

No objection

A condition will be required to provide a landscape plan

Other Representations:

Neighbours and others

Objects on the following grounds in summary:-

- | | |
|------------------------|--|
| 1, 3, 4 Haynes Turn | • Principle – does not meet criteria set out in policy DM4 |
| 21 Rooktree Way | • Overdevelopment |
| | • Safety of road users |
| 80, 92, 104 Silver End | • Access and inconvenience for existing residents |
| | • Loss of light to neighbours |
| | • Effect on existing hedgerow |

Determining Issues:

The main considerations of the application are;

- 1. Principle**
- 2. Effect on the Character and Appearance of the Area**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

Considerations

1. Principle of development

- 1.1 Haynes is classified as a 'Small Village' within Policy CS1 of the Council's Core Strategy and Development Management Policies Development Plan Document (CS) and Policy DM4 notes that, 'Within Small Villages, development will be limited to infill residential development'.

- 1.2 Notwithstanding this, an application was made last year for three dwellings on the site. This was refused and was subject to a planning appeal. The appeal was allowed earlier this year at a time when the Council could not demonstrate a 5 year supply of housing. The appeal was decided in the context of a presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF.
- 1.3 The NPPF carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.4 Although the appeal proposal conflicted with Policy DM4, in respect of the development being beyond the village envelope, in this case no adverse impacts were identified by the Inspector at the time that would arise as a consequence of the proposal for three dwellinghouses which would significantly and demonstrably outweigh the benefits of sustainable development as identified above.
- 1.5 The Council is now able to demonstrate a 5.75 years supply of housing. However, the extant permission, allowed at appeal forms a material consideration. As such, the principle of residential development on this site has been established and it is only otherwise material to consider whether the current proposal would have any greater impact on the character and appearance of the area, on the local residential amenity or highway grounds which would undermine its acceptability for additional units on this site, which is considered in the consecutive sections of this report.

2. Effect on the Character and Appearance of the Area

- 2.1 The application site is located on the edge of the village, in a gap between the village and Bedford Road. The site includes an existing access which is used for the four existing dwellings. These existing dwellings are of recent construction.
- 2.2 The current proposal extends the developable area to include the rest of the triangle of land between the existing buildings, the road and the arable fields. The submitted scale parameters indicate that there would be 2x bungalows and 3x two storey dwellinghouses, with the bungalows closest to the Bedford Road. The existing hedgerows could be retained and enhanced subject to landscape details to be submitted at reserved matters stage.
- 2.3 The previous appeal Inspector also stated in his decision that subject to a well

designed scheme, three dwellings on this site would not be out of keeping with the pattern of development in this location. The Inspector also stated that the proposed dwellings would be close to the existing built-up area of the village and cause no material harm to the open character of the countryside.

- 2.4 It is considered that in this instance the illustrative layout demonstrates that the addition of two further dwellings within a slightly larger development area would be in keeping with the pattern of development, would not result in overdevelopment and not significantly harm the character and appearance of the area.

3. Neighbouring Amenity

- 3.1 Concern has been expressed by neighbours that the proposal will cause adverse effects on the living conditions of existing occupiers due to noise or loss of privacy. In the appeal decision, the Inspector noted that, whilst appreciating these concerns, found that none of these matters could suitably addressed by detailed design and landscaping at reserved matters stage. It is considered that the same issues which are relevant with the addition of another two dwellings could also be suitably addressed by detailed design and landscaping at reserved matters stage.

4. Highway Considerations

- 4.1 The previous appeal decision identified no materially harmful issues relating to highway safety, subject to the necessary visibility splays being achieved. In his decision, the Planning Inspector also stated that in his assessment the site access could accommodate the additional vehicular movements generated by an increase from four to seven dwellings with the visibility that could be achieved at the junction and without causing material harm to the safety and convenience of existing road users or that of future occupiers.
- 4.2 The new proposal would require the same visibility splay. The highways officer has indicated that a scheme to reduce the speed limit along High Road would be a planning benefit for the wider community. However in light of the previous Inspectors findings, outlined above, this is considered unnecessary and unreasonable.

5. Planning Balance

In this case, the provision of additional housing would be a benefit to the scheme by generally helping to maintain and enhance the vitality of the village. However the extent of weight that can be applied to this benefit is limited bearing in mind that the Council is able to demonstrate a deliverable 5 year housing land supply.

Although the proposal would conflict with CSDMP Policy DM4, in respect of being development beyond the village envelope, in this case no adverse impacts would arise as a consequence which would significantly and demonstrably outweigh the benefits identified above.

6. Other Considerations

6.1 Human Rights issues:

No issues have arisen in relation to the Human Rights Act or Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 **No development shall take place until approval of the details of the appearance, landscaping, access, layout and scale of the development [and any other details required i.e. the landscaping adjoining it] within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The reserved matters shall be in accordance with the submitted Scale Parameters schedule and the development shall be carried out in accordance with the approved details.**

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

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

- 3 The details required by condition 1 of this permission shall include the provision of an access of 2.4m x 32.0m to the west, and 2.4m x 128.0m to the east with visibility splays clear of all obstruction. No dwelling approved under subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

Reason: To ensure the provision of appropriate access arrangements and associated off site highway works in the interest of highway safety (Section 7, NPPF)

- 4 Any subsequent reserved matters application shall include the following:
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission
 - Cycle parking and storage in accordance with the councils standards applicable at the time of submission
 - An access no less than 5.0m wide for the first 8.0m into the site
 - A turning area suitable for a service/delivery sized vehicle (6.5m length) within the curtilage of the site inclusive of tracking diagrams
 - A vehicular turning area within the curtilage of all premises taking access directly from the public highway
 - Driver/driver intervisibility and driver/pedestrian intervisibility from the residential accesses within the site
 - A refuse collection point clear of the public highway and any visibility splays
 - Construction workers parking provision, loading and unloading area
 - Materials storage area
 - Wheel cleaning arrangements

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times (Section 7, NPPF)

- 5 **No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and shall include details of the Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities.**

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 management and maintenance plan.

Reason: This condition is pre-commencement as water drainage must be installed before construction to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 6 The details required by condition 1 of this permission shall include a scheme for biodiversity enhancement at the site and a timetable for its delivery. The development shall be carried out as approved and in accordance with the approved timetable.

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

- 7 **Development shall not begin until a scheme for protecting the proposed dwellings from road traffic noise adjacent to the proposed development has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and which shall be retained in accordance with those details thereafter.**

Reason: This condition is pre-commencement as details of any noise attenuation which may be required in the fabric of the building or within the extent of the site needs to be agreed before construction begins and to prevent nuisance from noise and to safeguard the residential amenity of future occupiers. (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 8 This approval relates only to the details shown on the submitted plan number P003 (site location) & Scale Parameters Schedule.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3.
 - The permission shall not extend to the indicative layout submitted in support of this application
 - The applicant is advised that in order to comply with highways conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ
To fully discharge the highways conditions the applicant should provide evidence to the Local Planning Authority that the construction is in accordance with the approved plan, before the development is brought into use.

- The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system
- The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049
- The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved
- Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site
- The applicant is advised that in order to achieve the vision splays in as indicated in this permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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

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

DECISION

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