

Item No. 6

APPLICATION NUMBER	CB/17/03883/FULL
LOCATION	Existing public car park, St Andrews Place, Church Street, Ampthill
PROPOSAL	Erection of 8 dwellings alongside the provision of 12 public car parking spaces and demolition of existing boundary wall
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Matthew Heron
DATE REGISTERED	26 July 2017
EXPIRY DATE	20 September 2017
APPLICANT	Dandara Ltd
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Duckett due to concerns regarding a loss of parking provision which is required to alleviate on-street parking pressures in the interest of highway safety.
RECOMMENDED DECISION	Full Application – Recommend Approval

Summary of Recommendation

Though outside of the defined settlement 'envelope', the application site is located within an area identified as an allocated housing site (HA5 as illustrated on associated proposals maps). This site therefore forms part of the existing strategy for the planned release of land. Given the application site has an allocated residential land use and the proposal would still afford a public car park, the proposed development would comply with this identified strategy. There is therefore no objection to the principle of the proposal.

The proposed redevelopment provides 12 car parking spaces that would be solely available for use by members of the public. Taking this into account, it is not considered that the loss of the underused car parking spaces would result in significant on-street parking pressures within Ampthill. A refusal on these grounds alone is therefore not considered reasonable.

The proposal has also been assessed in terms of its impacts upon the character of the area, the living conditions of surrounding residential units, highway safety and on other relevant material considerations. Subject to the imposition of identified conditions, the proposal is considered acceptable in this regard.

Overall, the proposal represents sustainable social, economic and environmental development and complies with the identified policies within the current Development Plan and the relevant sections of the Framework.

Site Location:

The application site comprises a car park which formed part of the St Andrew's Place development, granted planning permission in 2013. To the west the site shares a boundary with existing residential development on St Andrew's Close with the church beyond. To the south, the site fronts Church Street.

Residential properties line the south side of Church Street. To the east the site is bounded by the St Andrew's Place development.

The Application:

This application seeks full planning permission for the erection of eight dwellings (4 no. three bedroom units and 4 no. two bedroom units) alongside the provision of 12 public car parking spaces and demolition of existing boundary wall.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1 – Development Strategy

Policy CS2 – Developer Contributions

Policy CS6 - Delivery and Timing of Housing Provision

Policy CS7 – Affordable Housing

Policy CS13 – Climate Change

Policy CS14 – High Quality Development

Policy CS16 – Landscape and Woodland

Policy CS18 – Biodiversity and Geological Conservation

Policy DM2 – Sustainable Construction of New Buildings

Policy DM3 – High Quality development

Policy DM4 – Development Within and Beyond Settlement Envelopes

Policy DM10 – Housing Mix

Policy DM14 – Landscape and Woodland

Policy DM15 – Biodiversity

Local Plan

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/15/04351/NMA
Location	Land on the North Side of Church Street, Ampthill
Proposal	Non Material Amendment App CB/13/00727/Full Dated 18/12/2013: Provision of 38 new residential Units and 100 space long stay car park. Changes to position of two car parking bays.
Decision	Non-Material Amendment - Granted
Decision Date	20/01/2016

Case Reference	CB/15/01995/VOC
Location	St Andrews Place, Ampthill, Bedford, MK45 2PZ
Proposal	Variation of Condition 3: 93 spaces of the car park hereby approved are to be made available for use as public car parking prior to the occupation of the 1st dwelling. The remainder of the car park, as approved, shall be made available prior to the occupation of the 38th dwelling.
Decision	Variation of Condition - Granted
Decision Date	14/10/2015

Case Reference	CB/15/00468/NMA
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Non Material Amendment: App No: CB/13/00727/Full dated: 16/12/2013 Provision of 38 new residential units and 100 space long stay car park. Amendment to position of gate to public car park.
Decision	Non-Material Amendment - Granted
Decision Date	03/03/2015

Case Reference	CB/14/04966/NMA
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Non Material Amendment to App: CB/13/00727/Full dated: 18/12/2013 38 New residential units and 100 space long stay car park. Amendment to - Second parking space to plots 30, 31, 32 and 3 No Visitor parking bays reconfigured as dictated by level constraints and pond setting out, in accordance with approved conditions 9 and 10. - 2No. visitor spaces outside Block K swapped with allocated spaces for plot 2 as requested by sales. - Visitor space added adjacent parking space 100 and visitor space replaced with private space, allocated to plot 6 on revised plan. - Private allocations have been amended in line with sales requirements.
Decision	Non-Material Amendment - Granted
Decision Date	16/01/2015

Case Reference	CB/14/03650/ADV
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Advertisement: Erection of 6 aluminium hoarding signs, 2 flagpoles and a V board sign on stilts
Decision	Advertisement - Granted
Decision Date	20/11/2014

Case Reference	CB/14/00649/VOC
Location	Land North Side of Church Street, Ampthill, Bedford,
Proposal	Variation of Conditions 9, 10, 18, 22 and 30 pursuant to Planning Permission CB/13/00727/FULL (Provision of 38 residential units

	and 100 space long stay car park). Variation to provide amended design and elevations for Block K, alterations to the timing of information relating to commencing works on site.
Decision	Variation of Condition - Granted
Decision Date	11/06/2014

Case Reference	CB/14/00594/NMA
Location	Land on the north side of Church Street, Ampthill, Bedford, MK45 2EW
Proposal	Non-Material Amendment: CB/13/0727/FULL Provision of 38 new residential units and a 100 space long stay car park (revised scheme). Internal changes to plots 9 - 16 to remove split level accommodation and associated retaining wall added to garden. Eaves line lowered on plots 7 - 16 to contain dormers fully in roof. Weather boarding added to apartment/garage building and dormers/rooflights adjusted. Chimney positions altered and window heads changed to reconstituted stone on plots 17 - 26.
Decision	Non-Material Amendment - Granted
Decision Date	14/03/2014

Case Reference	CB/13/00727/FULL
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Provision of 38 new residential units and a 100 space long stay car park (revised scheme).
Decision	Full Application - Granted
Decision Date	18/12/2013

Case Reference	CB/12/02051/VOC
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Variation of Condition: variation of condition 14 (surface/flood water) of planning permission MB/08/01890/FULL (Provision of a new long-stay car park comprising 100 spaces and 38 new residential units (30 houses and 8 apartments))
Decision	Variation of Condition - Granted
Decision Date	06/12/2012

Case Reference	CB/11/00140/NMA
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Non material amendment to planning permission MB 08/01890/FULL to allow changes to the rear elevation of apartment block Type 1 (plots 31-35) - additional window at first floor and replacement of windows at ground floor with french doors.
Decision	Non-Material Amendment - Granted
Decision Date	20/01/2011

Case Reference	CB/10/03609/NMA
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Non Material Amendment: Application no: MB/08/01890/Full dated 19/11/09 Provision of a new long-stay town centre car park comprising 100 spaces and 38 new residential units (30 houses and 8 apartments) - Request removal of Conditions 2 and 3.
Decision	Non-Material Amendment - Granted
Decision Date	15/10/2010

Case Reference	CB/10/01283/ADV
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Full: Advertisement Board fronting onto Church Street.
Decision	Advertisement - Granted
Decision Date	07/06/2010

Case Reference	MB/08/01890/FULL
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Full: Provision of a new long-stay town centre car park comprising 100 spaces and 38 new residential units (30 houses and 8 apartments).
Decision	Full Application - Granted
Decision Date	09/11/2009

Case Reference	MB/03/01196/FULL
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Full: Change of use of land for use as long stay car park, formation of access road and pedestrian access onto Church Street.
Decision	Full Application - Refused
Decision Date	05/12/2003
Appeal Decision Date	20/07/2004
Appeal Decision	Planning Appeal Dismissed

Case Reference	MB/02/01310/FULL
Location	Land On The North Side Of, Church Street, Ampthill
Proposal	Full: Change of use of land to form long stay private car parking, formation of access road and pedestrian access onto Church Street
Decision	Full Application - Refused
Decision Date	18/12/2002

Consultees:

Ampthill Town Council

The Town Council have objected to this proposal. Comments relating to material planning considerations are as follows:

- Still a need for the existing parking spaces.
- The proposal will increase parking pressure.
- The car park formed part of the benefits of the original scheme for 38 units.
- No justification for the loss of the car park as it has not been free of charge and has not been well advertised.

Consultees

Highways Team – No Objection subject to relevant conditions.

Trees and Landscape – No objection received.

Ecology – No objection subject to relevant conditions.

SuDS – No objection subject to relevant conditions.

Waste Services – No objection.

Archaeology – No objection.

Environmental Health – No objection received.

Local Residents and Ampthill Business Chamber

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

- Harm to heritage assets.
- Removal of the car park would remove much needed parking provision and increase parking pressure within the settlement.
- Harm to businesses through loss of parking provision.
- Harm in terms of vehicular and pedestrian safety through loss of parking provision.
- There is limited justification from the applicant to remove the existing parking spaces.
- Loss of parking undermines the reasons the original application for 38 units was granted.
- Harm to the character of the area through overdevelopment of the site.
- Harm to living conditions, in terms of overbearing, overlooking, loss of light and noise and disturbance.
- Proposed parking provision is insufficient.

Concern has also been raised with regards to the damage to property as a result of the proposed development. This would form a separate legal matter and, as such, carries little weight in the determination of this application.

Determining Issues:

The main considerations of the application are:

1. The principle of the development
2. The quality of the design and the impact upon the character of the area
3. The impact upon living conditions
4. Highway safety and parking provision
5. The loss of the existing car park
6. Other material considerations
 - i) Sustainability
 - ii) Ecology
 - iii) Flooding and Drainage
 - iv) Affordable Housing

Background

Application MB/08/01890/FULL was granted in 2008 at 'Land on the north side of Church Street' for the construction of 38 residential units and a long-stay car park comprising 100 spaces. This application ensured that the car park was available for use prior to the occupation of the sixth dwelling, managed the times of operation of this facility and secured affordable housing provision on site (7 units) through conditions. The associated S106 secured other relevant financial contributions only.

Following the grant of the above mentioned permission there have been a number of approvals for non-material and minor-material (S73) amendments to the scheme - altering the design and layout of units themselves and the layout of spaces within the larger car park.

In 2013 a revision to the approved 2008 scheme referenced above was submitted and approved under application ref. CB/13/00727/FULL. With regards to the associated car park, through conditions this application secured the provision of the car park prior to the construction of the sixth unit and restricted the hours of operation to between 7am and 10pm Monday – Saturday and between 8am and 10pm on Sundays. Furthermore, a Car Park Management Plan was also secured through condition. It should also be noted that, following submission of a Viability Assessment, the legal agreement associated with application ref. CB/13/00727/FULL secured a commuted sum for affordable housing.

Following this 2013 revision, a variation to this scheme, under application ref. CB/15/01995/VOC, was submitted and approved. This altered the delivery of the car park so that the majority of spaces were provided upfront and the remaining spaces were provided after the completion of the last unit to aid the actual construction of units.

Considerations

1. The principle of the development

- 1.1 The application site is located outside of the defined 'settlement envelope' of Amptill and the Council can currently demonstrate a five year supply of housing land.
- 1.2 It is acknowledged that the approach of Policy DM4 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the balanced, cost/benefit, approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach. However, this policy also seeks to ensure development is channelled to more sustainable settlements, away from isolated rural locations which have limited access to services and facilities. In this respect, Policy DM4 is entirely consistent with the thrust of the Framework which seeks to promote sustainable social, economic and environmental development. Overall, though Policy DM4 is somewhat restrictive, it is considered that significant weight may still be attributed to this policy in the determination of the application as the Council seeks to deliver planned development in a sustainable manner.
- 1.3 Though outside of the defined settlement 'envelope', the application site is located within an area identified as an allocated housing site (HA5 as illustrated

on associated proposals maps). This site therefore forms part of the existing strategy for the planned release of land and Policies CS1 and CS6 state that sufficient housing land supply will be provided through the development of such allocated sites adjacent to Major Service Centres such as Ampthill.

- 1.4 Taking all of the above into account, Policies DM4, CS1 and CS6 and Site Allocation DPD site HA5 form the Councils existing settlement strategy. Given the application site has an allocated residential land use and the proposal would still afford a public car park, the proposed development would comply with this identified strategy. There is therefore no objection to the principle of the proposal in residential land use terms.

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

- 2.1 Policies CS14, DM3 and DM14 seeks to ensure proposals are of a high quality of design, respect the local context, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 2.2 The specific historic environment policies within the Framework are contained within paragraphs 126-141. Paragraph 131 states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Further, Policies CS15 and DM13 seek to preserve and enhance the setting and distinctiveness of heritage assets and historic landscapes.
- 2.3 The application site comprises an existing 100 space car park, located towards the east of Ampthill (identified as a Major Service Centre). To the west of the site is a residential development comprising single storey units and to the east is the residential development built-out under application ref. CB/13/00727/FULL. To the north of the site is a cemetery and associated open space.
- 2.4 There would be a gap of approximately 6m between units labelled 5, 6, 7 and 8 on drawing no. LN35_PL003 Rev. PL6 and the western boundary of the site and a gap of approximately 14m between units labelled 1, 2, 3 and 4 on drawing no. LN35_PL003 Rev. PL6 and the northern boundary of the site. There would also be a gap of approximately 1.2m between the unit labelled 4 on drawing no. LN35_PL003 Rev. PL6 and the eastern site boundary.
- 2.5 Though the garden depths from the rear elevations of the single storey units (5, 6, 7 and 8) fall short of the recommended standards within the adopted Design Guide, these gardens wrap around these units. As such, additional external amenity space is provided to the side of these dwellings. Overall, though not fully compliant with the adopted guidance in this respect, external amenity space for proposed units would be broadly commensurate with the proportion of external space which benefits dwelling houses to the east of the site.
- 2.6 Taking the above into account, and given the set back nature of the units from the access road, it is considered that sufficient space would be left about units

so that they did not appear cramped upon their plots and that properties would not appear visually dominant or incongruous within the streetscene. However, to ensure that the development remains acceptable in this regard, it is recommended that conditions are imposed removing permitted development rights for extensions and alterations to the properties and also for roof alterations including dormer windows.

- 2.7 Turning to the individual design of units, it is not considered that semi-detached, single storey and two and a half storey, dwellings would disrupt the surrounding spatial pattern of built form. Further, the proposed materials (facing red brickwork and white render under grey or red roof tiles) would not disrupt the rhythm of adjacent built form. It is, however, recommended that a condition is imposed requesting the submission of the exact specifications of these materials to ensure that the design of units is of a high standard.
- 2.8 With regards to landscaping, on discussion with Trees and Woodland Officers, it is not considered that the proposal would result in harm to any vegetation that is of significant amenity value to protect. Notwithstanding this, it is recommended that a condition is imposed requesting the submission of a Landscaping Plan (comprising details of hardstanding materials, species number and mix and boundary treatments) prior to occupation of the units. This would ensure that large areas of hardstanding are 'broken-up' and that the built form is suitably softened.
- 2.9 Finally, it is noted that specific concern has been raised with regards to the impact of the proposal on the historic environment. The boundary of the Conservation Area is approximately 60m away to the west of the application site and the nearest listed building is in excess of 70m away from the site. The site is also separated from these designated heritage assets by intervening features (built residential development). As such, it is not considered that the proposal would result in harm to the surrounding historic environment and the proposal is acceptable in this regard.
- 2.10 Taking all of the above into account, subject to the imposition of identified conditions, it is not considered that the proposed development would result in harm to the character of the immediate streetscene and the visual interests of its surroundings – including adjacent heritage assets. Accordingly, the proposal complies with identified local and national policy in this regard.

3. The impact upon living conditions

- 3.1 Policy DM3 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the Framework is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 3.2 Proposed units at plots labelled 5, 6, 7 and 8 would be single storey, with a maximum height of approximately 5.8m, and would be approximately 14m away from units to the west. As such, it is not considered that these units would result in harm to the living conditions of the occupants of surrounding properties, in terms of overbearing, overlooking and loss of light.

- 3.3 Turning to units labelled 1, 2, 3 and 4, these dwellings would not project beyond the rear elevations of adjacent units to the east and first and second floor rear windows would not afford direct views of private, primary, neighbouring amenity space. As such, these units would also preserve the living conditions of the occupants of surrounding properties, in terms of overbearing, overlooking and loss of light.
- 3.4 With regards to noise and disturbance, given the scale of the development, its residential nature and also with particular regard to the existing lawful use of the application site, it is not considered that the proposal would result in harm in this regard over and above the existing situation. Furthermore, concern has been raised with regards to impacts in this regard during the construction period. However, as the developer must adhere to separate Environmental Health legislation, which manages the operation of development to appropriate times and controls the level of noise permissible, it is not considered that the development would result in unacceptable impacts during the construction phase.
- 3.5 Turning to the living conditions the proposed units would afford future occupants, appropriate external amenity space and the relationships they would share between themselves and with surrounding units would not result in unacceptable conditions in terms of overlooking, overbearing impact and loss of light.
- 3.6 Taking all of the above into account, and as permitted development rights for roof alterations including dormer windows would be removed, it is considered that the proposed units would not result in harm to the living conditions of surrounding units. Further, they would afford suitable living conditions for future occupants. The proposal therefore complies with identified local and national policy in this regard.

4. Highway safety and parking provision

Parking provision for proposed units

- 4.1 Guidance within the 'Design for Central Bedfordshire: A Guide for Development' states that, generally, one bedroom units will require one parking space, two and three bedroom units will require two parking spaces and four bedroom units will require three spaces.
- 4.2 Each unit would benefit from two off-road car parking spaces. This provision is considered acceptable.

Highway Safety

- 4.3 Turning to highway safety, following on-going discussion with Highways Officers revised plans have been received during the course of this application. The access will be shared and the scheme would provide 12 parking spaces for users of the site and those who wish to use it for parking and walking into the town. These spaces can also be used for visitor parking and are located at the entrance into the development away from the residential dwellings. As such, there is a simple segregation between residential and public car parking.

- 4.4 Overall, it is considered that the access to the site is acceptable and that vehicles, including larger refuse vehicles, could enter, manoeuvre within and exit the site appropriately. Taking this into account, subject to the imposition of relevant conditions, it is considered that the additional vehicular movements associated with the development could be accommodated onto the highway network without prejudicing vehicular or pedestrian safety. No objection has been raised from the Highways Team and the proposal is therefore acceptable in this regard.

5. The loss of the existing car park

- 5.1 It is acknowledged that the proposal would result in the loss of 88 public car parking spaces (12 would remain in public use) and that there has been considerable concern regarding the loss of these spaces.
- 5.2 As discussed in the background section at the beginning of this report, the existing car park is governed by an approved Car Park Management Plan secured through condition as part of application ref. CB/13/00727/FULL. This approved Plan manages; the prices for parking at the site, the responsibility for the daily management of the car park, the hours of operation, signage (at the entrance and within the site only) and the enforcement procedure following the issuing of a ticket.
- 5.3 The applicant has submitted statements outlining that the public car park has suffered from exceptionally poor usage despite the presence of directional signage, suitable advertisement and competitive charging rates. This statement is supported by evidence from data (analysed by RCP) considering the purchase of parking tickets.
- 5.4 The data shows that, generally, between 4-7 cars park in the car park on an average day, with the exception of December - when average usage increased to 11 cars. This represents between 4-11% occupancy of the 100 space car park. Average weekend usage is typically higher than weekday usage but even then, average occupancy rates have never exceeded 16 vehicles - representing 16% capacity. This, of course, does not indicate that there have been 16 vehicles at any one time at the site. Rather that, throughout the day, the car park has been used by a maximum of 16 vehicles.
- 5.5 This level of occupancy has had a significant impact upon the viability of the public car park. RCP have provided a summary of costs associated with running the car park during the period April 2016 to March 2017. This viability work demonstrates that it is losing circa £1,250 per month.
- 5.6 The proposed redevelopment provides 12 car parking spaces that would be solely available for use by members of the public. In line with the existing situation, these public spaces would be managed by a management company, as neither the Local Authority nor the Town Council wish to adopt the spaces.
- 5.7 Taking all of the above into account, and as there are other public car parks available in Ampthill, it is not considered that the loss of the underused car parking spaces, from a car park that is not viable to operate, would result in significant on-street parking pressures within Ampthill. A refusal on these grounds alone is therefore not reasonable.

- 5.8 Notwithstanding the above, it is recommended that conditions are imposed securing the provision of the 12 car parking spaces for public use and requiring further details of the management of the spaces through a revised Car Park Management Plan.

6. Other material considerations

(i) Sustainability

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

Social

- 6.2 The proposal would make a small but valuable contribution to the existing housing stock. Given that one of the key aims of the Framework is to significantly boost the supply of housing, the proposal is considered sustainable in this regard and significant weight in favour of the proposal is attached to this factor.

Economic

- 6.3 The proposal would also result in economic benefits, through the purchase of materials and services in connection with the construction of the dwellings and an increase in local household expenditure. Further, as discussed above, it is not considered that the loss of underused spaces would result in significant harm to local businesses. Overall, the proposal is considered sustainable in this regard, which again weighs in favour of the grant of permission.

Environmental

- 6.4 The proposal is within close proximity to services and facilities and would not result in harm to the existing urban area. Overall, the development would not be environmentally unsustainable.

(ii) Ecology

- 6.5 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS18 seeks to support the maintenance and enhancement of habitats and states that development that would fragment or prejudice the biodiversity network will not be supported.
- 6.6 On discussion with Ecology Officers, it is considered that the site itself is of very limited ecological value. As such, subject to the imposition of a condition

ensuring that the applicant provides details of ecological enhancements at the site, the proposal is considered acceptable in this regard.

(iii) Flooding and Drainage

- 6.7 Policy CS13 seeks to ensure proposal incorporates suitable drainage infrastructure. The application site is not located within Flood Zones 2 or 3 – indicating a low probability of flooding. Furthermore, there are no identified critical drainage issues at the site.
- 6.8 Taking the above into account, and as internal drainage engineers have not objected to this proposal subject to the imposition of a condition requesting the submission of a detailed surface water drainage scheme, the proposal is considered acceptable in this regard.

(iv) Affordable Housing

- 6.9 Policy CS7 states that development of four or more dwellings should provide an element of affordable housing.
- 6.10 It is noted that the Planning Practice Guidance (PPG) states that contributions for affordable housing and tariff style planning obligations should not be sought from some small scale developments. 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 2014.
- 6.11 The result of the above mentioned case is that the Secretary of State's policy on affordable housing be implemented and applied, and decision makers can be expected to give effect to this policy in determining applications where the threshold level for affordable housing contributions is in issue between the parties. Weight given to this policy is, of course, down to the decision maker.
- 6.12 Given the considerable age of the Core Strategy and the now out-of-date evidence used to support Policy CS7, more weight is instead afforded to the above mentioned policy within the PPG.
- 6.13 Given the scheme proposes less than 10 residential units which would have a combined floor area less than 1000m², it is not considered that the applicant is strictly bound to providing affordable units for this development.
- 6.14 Further, it should also be noted that the car park itself was not used as a reason for a reduced commuted sum in this regard for application ref. CB/13/00727/FULL. A positive value was given to this car park in the above mentioned scheme, based upon revenue generated from 80% occupancy.

7. Overall Planning Balance

- 7.1 Though outside of the defined settlement 'envelope', the application site is located within an area identified as an allocated housing site (HA5 as illustrated on associated proposals maps). This site therefore forms part of the existing strategy for the planned release of land. Given the application site has an allocated residential land use and the proposal would still afford a public car

park, the proposed development would comply with this identified strategy. There is therefore no objection to the principle of the proposal.

- 7.2 The proposed redevelopment provides 12 car parking spaces that would be solely available for use by members of the public. Taking this into account, and as there are other public car parks available in Ampthill, it is not considered that the loss of the underused car parking spaces, from a car park that the applicants advise has not been viable to operate, would result in significant on-street parking pressures within Ampthill. A refusal on these grounds alone is therefore not reasonable.
- 7.3 The proposal has also been assessed in terms of its impacts upon the character of the area, the living conditions of surrounding residential units, highway safety and on other relevant material considerations. Subject to the imposition of identified conditions, the proposal is considered acceptable in this regard.
- 7.4 Overall, the proposal represents sustainable social, economic and environmental development and complies with the identified policies within the current Development Plan and the relevant sections of the Framework.

Recommendation:

That Planning Permission is GRANTED subject to the following:

RECOMMENDED CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; LN35-PL-101 Rev. PL1 & LN35-PL-101 Rev. PL1 & LN35-PL-001 Rev. PL1 & LN30-PL-201 Rev. PL2 & LN35_PL003 Rev. PL6 & LN35-PL-002 Rev. PL1.

Reason: To identify the approved plan/s and to avoid doubt.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area and neighbouring living conditions, in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 4 Prior to the construction of the dwellinghouses hereby permitted full specifications of the materials to be used for their external surfaces must be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with these approved details.

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

- 5 Prior to first occupation of the buildings hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 6 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 7 Prior to first occupation of the development hereby approved, a revised Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, spaces identified as 1-12 on approved drawing no. LN35_PL003 Rev. PL6 shall not be operated other than in accordance with the details approved under this Plan.

Reason: In the interests of public parking provision in accordance with Policies DM3, DM4, CS1 and CS6 of the Core Strategy and Development Management Policies 2009 and the associated Site Allocation DPD.

- 8 Spaces identified as 1-12 on approved drawing no. LN35_PL003 Rev. PL6 shall remain open for public use in perpetuity in accordance with the terms agreed in the approved Car Park Management Plan under condition 7.

Reason: In the interests of public parking provision in accordance with Policies DM3, DM4, CS1 and CS6 of the Core Strategy and Development Management Policies 2009 and the associated Site Allocation DPD

- 9 Prior to the first occupation of the development hereby approved details for ecological enhancements at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with these details.

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

- 10 Prior to the construction of any of the units hereby approved a detailed surface water drainage scheme for the site, including a management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance, in accordance with Policy CS13 of the Core Strategy and Development Management Policies 2009 and the associated Site Allocation DPD.

- 11 Prior to first occupation of the dwelling houses hereby approved, the development shall be carried out and completed with regards to the highways layout (access siting and layout, parking provision layout and allocation and turning area) illustrated on the approved drawing no. LN35_PL003 Rev PL6. The layout in this regard shall be retained in accordance with approved drawing LN35_PL003 Rev. PL6 in perpetuity.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times, in

accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 12 Prior to the first occupation of the dwelling houses hereby approved, all on site vehicular areas shall be surfaced using stable and durable materials. Arrangements shall be made for surface water drainage from the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site, to reduce the risk of flooding, to minimise inconvenience to users of the premises and to ensure satisfactory parking of vehicles outside highway limits, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 13 Prior to the first occupation of the dwelling houses hereby approved, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Prior to the first occupation of the dwelling houses hereby approved details of a refuse collection point, located at the site frontage and outside of the public highway and any visibility splays, shall be submitted to and approved by the Local Planning Authority. The development shall subsequently be retained in accordance with details approved in this regard.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 15 The dwellings hereby approved shall not be occupied until details of the bin storage areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage areas have been implemented in accordance with the approved details. The bin storage areas shall be retained thereafter.

Reason: In the interest of amenity.
(Section 7, NPPF)

INFORMATIVE NOTES TO APPLICANT

1.
 1. The applicant is advised that as a result of the development, new highway street lighting may be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
 2. The applicant is advised that in order to comply with some conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

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

3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved

6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed turning head/access within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
8. The applicant is advised that in order to achieve the vision splays of the permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.
9. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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

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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