

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/17/00981/OUT</b>
<b>LOCATION</b>	<b>Land North of Clophill Road, Maulden, MK45 2AE</b>
<b>PROPOSAL</b>	<b>Outline: Erection of 21 dwellings with estate road</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Matthew Heron</b>
<b>DATE REGISTERED</b>	<b>24 February 2017</b>
<b>EXPIRY DATE</b>	<b>30 May 2017</b>
<b>APPLICANT</b>	<b>Mrs Cowell and Mrs Donnelly</b>
<b>AGENT</b>	<b>Mr M Doodes</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Objection from Maulden Parish Council</b>

<b>RECOMMENDED DECISION</b>	<b>Outline application – Recommend approval</b>
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### **Summary of Recommendation**

The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

It is acknowledged that there would be some harm to the landscape character. However, when considered in the round, the development represents a logical expansion to the settlement and would contribute significantly to the economic and social dimensions of sustainability.

In the overall balancing exercise required, the identified harm and conflict with the Development Plan would be significantly out-weighed by the benefits of this scheme, particularly when assessed against the National Planning Policy Framework as a whole.

### **Site Location:**

The application site is located towards the western side of Clophill and is approximately 2k to the west of Maulden. The site itself is rectangular piece of predominately open agricultural land.

To the north of the site is Maulden Wood, a Site of Special Scientific Interest (SSSI) for acidic grassland and heathland interest and as a large part remains ancient woodland. To the east, the site adjoins a modern housing development, which comprises residential units constructed in a range of architectural styles. To the west, the site adjoins a piece of agricultural land.

## **The Application:**

This application seeks outline planning permission, with all matters except access reserved, for the construction of 21 residential units.

## **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 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:**

None relevant.

### **Consultees:**

Maulden Parish Council

*“Maulden Parish Council strongly object to this application on the following grounds:*

- *Outside the Maulden Settlement Envelope*
- *Significant harm to the village character.*

- *The village school is at breaking point and no meaningful school provision has been or can be provided by the addition of this quantity of houses.*
- *Draft CBC Local Plan will be published at the end of June and this application is untimely and improper prior to this publication.*
- *Considering the emerging Maulden Neighbourhood Plan and an emerging desire in the village to be involved in the NP, to build a significant settlement in this part of the village, we feel this application is premature and insufficient.*
- *Loss of green space and visual amenity.*

*In addition and without prejudice to the above objection the application makes mention of Development Infrastructure Contributions under Proposed Planning Obligations. Under section S106 Maulden Parish Council would propose the following provisions to be made and agreed with the developer:*

#### *Recreation and Open Strategy*

- *Improvements to existing facilities at Trilley Fields as well as on-site facilities identified in the proposed site plan.*
- *Increase and improvements to the facilities at the existing Brache Recreation Ground to benefit the whole village. New slides and additional facilities for the play area. New bench's to replace the old ones that have had to be removed due to wear and tear.*

#### *Outdoor Sport*

*As no on-site outdoor sports facilities would be appropriate on this development a contribution towards improvements to the changing rooms at the recreation ground, new toilet block and sports facilities/equipment for outdoor sports*

#### *School Places*

*As mentioned in our objection Maulden School is currently full so there is a need for more school places as a result of a development of this size. This needs to be addressed by the Local Education Authority.*

#### *Traffic Calming*

*Concern over road safety within the village has been expressed for many years by both MPC and local organisations. Vehicles speeding are a problem and various traffic calming options are being discussed between MPC/CBC. The increased traffic will only add to the problem in the rest of the village. Therefore a contribution to traffic calming measures in the village and a safe pedestrian crossing point adjacent to the village shop should be included.*

#### *Community Benefit Fund*

*This has been proposed for other developments in the village so the setting up a Community Benefit Fund and a contribution that could be used by MPC to fund local causes such as the extension to the Village Hall."*

## Consultees

**Highways Team** – No objection subject to relevant conditions.

**Trees and Landscape** – No objection subject to relevant conditions.

**Ecology** – No objection subject to relevant conditions.

**SuDS** – No objection subject to relevant conditions.

**Bedfordshire and River Ivel Internal Drainage Board** – No objection.

**Waste Services** – No objection.

**Environment Agency** – No objection.

**Environmental Health** – No objection subject to relevant conditions.

**Fire and Rescue** – No objection.

**Affordable Housing Officer** – No objection.

## Local Residents

11 letters of objection have been received from surrounding addresses. Comments are summarised as:

- Harm to biodiversity.
- Harm to the character of the area.
- Increased traffic and congestion.
- Harm in terms of vehicular and pedestrian safety.
- Insufficient services (including school provision and healthcare).
- Limited need for additional housing.
- Noise and disturbance to living conditions during construction.
- Harm in terms of flooding.

The loss of views has also been referenced in above mentioned objections. The loss of views are not material planning considerations. Further, concern has been raised with regards to the possible precedent that this application would set for future development and also attention has been drawn to developments refused within the surrounding area. Each application is determined on its own individual merits with regards to its own particular circumstances. As such, limited weight is afforded to these concerns.

## **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. Other material considerations
  - i) Sustainability
  - ii) Ecology
  - iii) Flooding and Drainage
  - iv) Affordable Housing and Contributions
  - v) Contaminated Land

## **Considerations**

### **1. The principle of the development**

- 1.1 The application site is located outside of the defined 'settlement envelopes' of Clophill and Maulden 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, it is considered that weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner.
- 1.3 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

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

- 2.1 Policies CS14, DM3 and DM4 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, 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 application site comprises an area of open agricultural land, adjacent to built residential form to the east, and is accessed off Clophill Road which bounds the site to the south. Though there is vegetation to the front of the site, views would be available of the proposed development from the public domain.

- 2.3 It is noted that concern has been raised from Landscape Officers regarding the loss of views of the woodland to the rear of the site and the loss of an open field which is considered to contribute positively to settlement character. However, the woodland to the rear is at an elevated position compared to vantage points along the access road and so views of vegetation to the north of the site would still be available. In any event, the loss of a particular view is afforded no weight in this balancing exercise.
- 2.4 The applicant has submitted a landscape and visual impact assessment which indicates that the proposal would not result in significant and demonstrable harm to the character of the area. The site is not an identified 'gap' in policy terms and comprises no discernible landscape features. Given the existence of built residential form immediately adjacent to the site to the east and opposite the site to the south, it is considered that this development proposes a logical expansion to the village.
- 2.5 The units would not be more than two storeys in height and sufficient space would be left about units to ensure that they did not appear cramped upon their plots. It is recommended that permitted development rights for extensions and roof alterations (including dormer windows) are withdrawn to ensure the development remains acceptable in terms of spacing and design. Furthermore, a Landscaping Plan could be secured to ensure that built form is appropriately softened.
- 2.6 Though the extent to which the development would be visible would depend upon details reserved for future determination, and it is anticipated that views of the units would be screened by established and proposed vegetation, it is acknowledged that the final form of the proposal would result in residential development on land predominantly absent of built form. This would not result in the merging of settlements or harm to the wider landscape character, but would add to the erosion of the countryside.
- 2.7 Overall, there would be some visual and landscape harm arising from the loss of the site's open and undeveloped character. However, this could be mitigated, through the appropriate management of elements reserved for future consideration and through conditions. As such, the proposal would not result in significant harm 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 NPPF 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 Though the detailed layout and overall design of units is reserved for future consideration, it is considered that, given the size of the application site, units could be positioned and designed in such a way as to not result in significant and demonstrable harm to the living conditions of surrounding units. Furthermore, given the existence of surrounding residential units and the scale of the proposal, it is not considered that the access would result in significant harm in terms of increased noise and disturbance from vehicular movements associated with the development.

- 3.3 Furthermore, it is noted that specific concerns have been raised with regards to the impacts of the proposal in terms of noise and disturbance during construction. The construction of units must adhere to environmental health legislation (which, amongst other things, manages the hours of construction to appropriate times) and it is recommended that a Construction Management Plan is requested through condition. This would ensure that vehicular movements and methods of dust suppression are appropriately managed, in the interest of neighbouring living conditions. Overall, it is not considered that the proposal would result in significant harm in this regard.

#### **4. Highway safety and parking provision**

- 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 Though plots seem large enough to accommodate sufficient off-road parking, the overall layout of units is reserved for future consideration. However, a condition requested by Highways Officers would ensure that parking provision is in accordance with the Council's standards applicable at the time of submission.
- 4.3 Turning to highway safety, on discussion with Highways Officers it is considered that the access to the site would be suitable and that vehicular movements associated with this development could be accommodated on the existing highway network.
- 4.4 As such, subject to the imposition of conditions requesting; a Construction Management Plan, details of off-street parking and cycle provision, details of the access road, footways, cycle ways and turning areas and ensuring the provision of a footway along the northern side of Clophill Road, the proposal is considered acceptable in this regard.

#### **5. Other material considerations**

##### *(i) Sustainability*

- 5.1 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*

- 5.2 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. Further, it is noted that there has been concern raised with regards to

there not being the services within Clophill and Maulden to support this development. However, both settlements are defined as a Large Villages within Policy CS1 and have a number of services and facilities. Taking this into account, and given the statutory duty of relevant bodies to provided services (such as health and education) it is considered that there are sufficient services with the Large Village to accommodate the additional units.

### *Economic*

- 5.3 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. The proposal is considered sustainable in this regard, which again weighs in favour of the grant of permission.

### *Environmental*

- 5.4 It is acknowledged that the proposal would result in some (moderate) harm to the character of the rural setting. However, the proposal is within close proximity to services and facilities and, overall, the development would not be environmentally unsustainable.

### *(ii) Ecology*

- 5.5 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.
- 5.6 The site lies in the Greensand Ridge Nature Improvement Area (NIA) and as such development would be expected to deliver net gains for biodiversity. The proposals include a considerable 'buffer' to the adjacent SSSI and, on discussion with Ecology Officers, it is considered that the development could achieve a net gain in this regards.
- 5.7 To ensure that this gain is secured, it is recommended that a conditions is imposed ensuring that the development is in accordance with the details contained in the submitted October 2016 Ecological Appraisal and revision F of the indicative masterplan for the site.

### *(iii) Flooding and Drainage*

- 5.8 Policy CS13 seeks to ensure that proposals incorporate suitable drainage infrastructure. It is acknowledged that concern has been raised with regards to the proposal being susceptible to and increasing the risk of flooding.
- 5.9 However, the site lies wholly within Flood Zone 1 – indicating a low probability of flooding. Further, on discussion with internal Drainage Engineers, it is considered that, subject conditions requesting the submission of a detailed Surface Water Drainage Plan and an associated maintenance plan, the



proposal would not increase the risk of flooding to the surrounding area and proposed units would not be susceptible to such risks. Subject to the imposition of this requested condition, and as there is no objection from the Environment Agency, the proposal would be acceptable in this regard.

*(iv) Affordable Housing and Contributions*

5.10 Policy CS7 states that development of four or more dwellings should provide an element of affordable housing and Policy CS2 seeks to secure appropriate contributions.

5.11 **The applicant has legally agreed to provide 35% affordable housing (7 affordable units). Further to this, the Strategic Housing Market Assessment (SHMA) has a tenure split requirement from sites** meeting the affordable housing threshold as being 73% affordable rent and 27% intermediate tenure. The applicant has also agreed to provide 5 units of affordable rent and 2 units of intermediate tenure in line with the SHMA. As such, the development is acceptable in this regard.

5.12 It is noted that the Parish Council has requested financial contributions for various local projects. However, no other financial contributions have been requested from relevant consultees. As such, it is not considered reasonable to request additional contributions from the applicant.

*(v) Contaminated Land*

5.13 Given the existing agricultural use of the site, on discussion with Public Protection it is considered that there may be some risk to human health through ground contamination. As such, it is recommended that a condition is imposed requiring the developer to keep a watching brief during constructions. Subject to the imposition of this condition, any unexpected contamination can be reported and appropriately remediated.

## **6. Overall Planning Balance**

6.15 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

6.16 It is acknowledged that there would be some harm to the landscape character. However, when considered in the round, the development represents a logical expansion to the settlement and would contribute significantly to the economic and social dimensions of sustainability.

6.17 In the overall balancing exercise required, the identified harm and conflict with the Development Plan, would be significantly out-weighted by the benefits of this scheme, particularly when assessed against the Framework as a whole.

### **Recommendation:**

That Outline Planning Permission be GRANTED subject to the following:

## RECOMMENDED CONDITIONS / REASONS

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

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

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

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; Site Location Plan (scale of 1:1250 & 3206\_DR\_001 Rev. F.

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

- 5 The development shall not commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:

- i) waste management measures;
- ii) details of site compounds, offices and areas to be used for the storage of materials;
- iii) methods and details of dust suppression during construction;
- iv) proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic.
- v) construction traffic routes

The development shall be carried out in accordance with the details so approved.

Reason: In the interest of highway safety and the living conditions of

surrounding properties.

- 6 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. The development shall be carried out and retained in accordance with details approved in this regard.

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.

- 7 No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The 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)

- 8 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, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 9 Prior to the commencement of the development hereby approved full engineering details of the proposed 5.5m wide access road junction with Clophill Road as shown indicatively on the submitted plans shall be submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the junction has been constructed in accordance with the approved details.

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

- 10 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include plans and sections of the

proposed access road(s), footways, cycleways, turning areas, etc. to accord with the Council's published standards.

Reason: To ensure a satisfactory means of access between the proposed dwellings and the public highway and to ensure that the proposed dwellings can be properly serviced.

- 11 No dwelling shall be occupied until a 2.0m wide footway has been constructed on the northern side of Clophill Road between the proposed site access and the bus stop at the eastern end of the site frontage in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

- 12 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of off-street parking and cycle storage in accordance with the Council's published standards.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising conditions of danger, obstruction, and inconvenience to users of the highway and of the premises and to ensure cycle parking is appropriate.

- 13 All ecological measures and/or works shall not be carried out other than in accordance with the details contained in the October 2016 Ecological Appraisal and drawing no. 3206\_DR\_001 Rev. F.

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

- 14 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Rev B Jan 2015) and Drainage Strategy Report (Rev A – Dec 2015) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and restriction in run-off rates and volumes to at or below greenfield, using suitable drainage principles. The scheme shall include details of a site specific ground investigation report (in accordance with BRE 365 standards) to determine the infiltration capacity of the underlying geology and the ground water level, as well as details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance shall be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the

Ciria SuDS Manual (2016, C753).

The scheme shall be implemented in accordance with the approved final details before the development is completed, 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 and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 15 Prior to the first occupation of the dwellinghouses hereby approved, a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, shall be submitted to and approved in writing by the local planning authority. The development shall be in accordance with this approved plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 16 During any ground works on the site a Watching Brief shall be kept to monitor any potentially contaminated material. Should any such material be encountered, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed.

Reason: To minimise the risk to human health through ground contamination.

## **INFORMATIVE NOTES TO APPLICANT**

### **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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