

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Leslie Manning  
**direct line** 0300 300 5132  
**date** 23 November 2017

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 6 December 2017 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, I Dalgarno, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

Cllrs D Bowater, A D Brown, Mrs C F Chapman MBE, S Dixon, Ms C Maudlin, A Ryan and B J Spurr]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

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# AGENDA

## Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 8 November 2017 (copy to follow).

4. **Members' Interests**

To receive from Members any declarations of interest including membership of any Parish/Town Council consulted upon during the planning application process and the way in which a Member cast his/her vote.

## Report

Item	Subject	Page Nos.
5.	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7 - 12

To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.

## Planning and Related Applications

**Prior to considering the planning applications contained in the following schedules Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6.	<p><b>Planning Application No. CB/17/03883/FULL (Amphill)</b></p> <p><b>Address:</b> Existing public car park, St Andrews Place, Church Street, Amphill (nearest postcode MK45 2EW)</p> <p>Erection of 8 dwellings alongside the provision of 12 public car parking spaces and demolition of existing boundary wall.</p> <p><b>Applicant:</b> Dandara Ltd</p>	13 - 34
7.	<p><b>Planning Application No. CB/16/02971/OUT (Houghton Conquest and Haynes)</b></p> <p><b>Address:</b> Land at Chapel End Road and London Lane, Houghton Conquest, Beds. MK45 3LN</p> <p>Outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved; for the creation of 16 self-build homes and all associated works including surface water attenuation, car parking and landscaping.</p> <p><b>Applicant:</b> Self-Build-Developments Ltd</p>	35 - 56
8.	<p><b>Planning Application No. CB/17/04022/OUT (Houghton Conquest and Haynes)</b></p> <p><b>Address:</b> 12 North Lane, Haynes, Beds. MK45 3PW</p> <p>Outline Application: erection of up to two dwellings.</p> <p><b>Applicant:</b> Mrs Roberts</p>	57 - 70

9. **Planning Application No. CB/17/04334/FULL (Northhill)** 71 - 78

**Address:** Caldecote House, 8 Caldecote Green, Upper Caldecote, Biggleswade, SG18 9BX

Proposed staff accommodation.

**Applicant:** Maudlin G J & Sons

10. **Late Sheet**

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on **5 December 2017**.

11. **Site Inspection Appointment(s)**

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **3 January 2018** and the Site Inspections will be undertaken on **2 January 2018**.

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**Meeting:** Development Management Committee  
**Date:** 6<sup>th</sup> December 2017  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



**Planning Enforcement formal action (DM Committee 6th December 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Consultation on further action.
2	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12			Not complied	Consultation on further action
3	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	No compliance. Legal advice being sought as to next steps.
4	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		04-Apr-17	Not complied	The approved revised scheme for the provision of a flat roof dwelling (CB/17/02434/FULL) is in progress, and the whole of the unauthorised pitched roof with dormers and balconies has been demolished. The Enforcement notice is still in effect. The site is being regularly visited to check that the impolementation of the 2017 permission accords with the approved drawings.
5	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Consultation on further action
6	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeal dismissed.	02-May-17	Part complied	(Part complied) Residential occupation has ceased but fixtures and fittings remain. Appeals submitted to Planning Inspectorate related to lawful development certificate applications (CB/17/02161 & CB/17/02162)
7	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015	Not complied	To seek advice on how we are too progress this case given the time period involved.

**Planning Enforcement formal action (DM Committee 6th December 2017)**

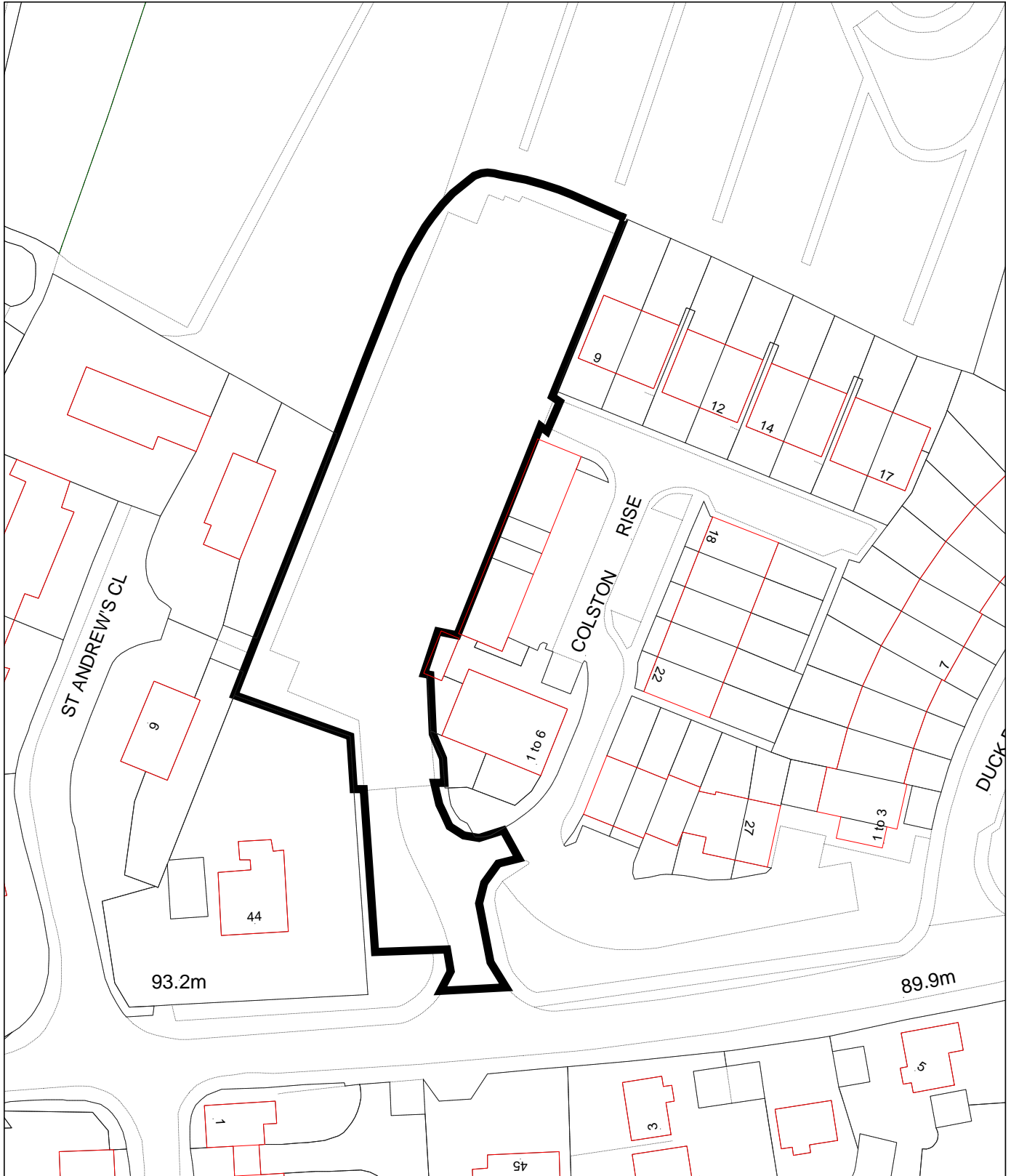
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
8	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal decision Enforcement Notice upheld	27/09/2016	Not complied	Court case adjourned. Owner to complete works to comply with the Notice by 6th January 2018.
9	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings  Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes	06-May-16  07-Apr-17	08-Jun-16  08-May-17	08-Jul-16  08-Jul-17 08-Aug-17	  Appeal received 26/04/17		Part complied	Part compliance with the Section 215 Notice. Tyres and scrap removed.  Appeal Inquiry 13/14th March 2018. Await outcome of Inquiry.
10	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal dismissed	02-Mar-17 02-Jun-17	Not complied	Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused.  Injunction remains in place to prevent further development. Enforcement Notice remains in effect. Residential use has ceased (although temporary occupation of the site by persons in caravans unknown took place 4 - 6 November inclusive) Owner has been reminded that the Enforcement requirements to remove the hardstanding area and associated items is still required to be carried out. The site continues to be regularly monitored and proceedings to progress prosecution action against the non compliance with the Enforcement Notice have commenced.
11	CB/ENC/15/0466	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				Works underway to comply with Enforcement Notice.

**Planning Enforcement formal action (DM Committee 6th December 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
12	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16			Not complied	Section 215 Notice not complied with. Lawful use certificate application submitted for parking of vehicles and use of rear garage for car repairs (CB/17/02115/LDCE) awaiting to be determined. Prosecution file with Legal to consider whether to take formal action.
13	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal dismissed	19-Jan-17	Not complied	Following Counsel advice the challenge to the appeal decision allowing planning permission for change of use will not go ahead, therefore enforcement case will be closed.
14	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17			Part complied	Awaiting confirmation of the replacement door knocker being reinstated.
15	CB/ENC/16/0170	Car Park, The Pack Horse Public House, Watling Street, Kensworth	Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan.	20-Apr-17	18-May-17	18-Jul-17			Not complied	Part compliance - caravan removed, vehicle servicing ceased, and almost all cars for sale removed.
16	CB/ENC/16/0216	Falcons Field, Lower Rads End, Eversholt, MK17 9EE	Enforcement Notice - Unauthorised construction of a tree house	08-Mar-17	08-Apr-17	08-May-17	Appeal received 28/03/17			Await appeal decision.
17	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16		02-Jul-17	Not complied	Case adjourned for defence to obtain legal advice and enter plea - case rescheduled for 05/12/2017 at Luton Magistrates Court.
18	CB/ENC/16/0331	Rear of Grange Nurseries, The Green, Beeston, SG19 1PG	Enforcement Notice - Unauthorised change of use from agriculture to use for the parking and storage of military vehicles, trailers, containers, structures, associated paraphernalia and the installation of a septic tank	03-Jul-17	03-Aug-17	03-Sep-17	Appeal submitted 02/08/17			Await outcome of enforcement notice appeal.

**Planning Enforcement formal action (DM Committee 6th December 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/16/0534	Lynmore House, Sharpenhoe Road, Sharpenhoe, MK45 4SU	Breach of Condition x2	22-Jun-17	22-Jun-17	22-Jul-17				Await update from The Planning Inspectorate regarding appeal against planning application CB/17/00183/FULL.
20	CB/ENC/16/0548	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17	Appeal received 09/02/17	24-Sep-17		Property has been sold and breach has now ceased. Enforcement Notice complied with.
21	CB/ENC/16/0584	63 Katherine Drive, Dunstable, LU5 4NP	Enforcement Notice - Unauthorised change of use to gym	30-Jun-17	28-Jul-17	28-Aug-17				Some improvement regarding noise. Alternative premises identified and planning application submitted.
22	CB/ENC/17/0235	New Spring Farm, London Road, Biggleswade, SG18 9SZ	Unauthorised Advertisement							Advertisement & hoarding have now been removed, legal have determined that it is not in the public interest to prosecute. Case has now been closed.
23	CB/ENC/17/0265	Gravenhurst Lane/A6, Silsoe	Enforcement Notice - Change of use, barn to residential	02-Aug-17	04-Sep-17	04-Oct-17	Appeal received 18/9/17			Appeal Inquiry 13th/14th March 2018. Await outcome of Inquiry
24	CB/ENC/17/0266	Gravenhurst Lane/A6, Silsoe	Enforcement Notice - Creation of Bund	02-Aug-17	04-Sep-17	04-Oct-17	Appeal received 18/9/17			Appeal Inquiry 13th/14th March 2018. Await outcome of Inquiry
25	CB/ENC/17/0333	Four Winds Garage, West End, Haynes, MK45 3QT	Enforcement Notice - Unauthorised erection of a timber structure above the A6 Café units	05-Oct-17	05-Nov-17	05-Dec-17				No appeal has been submitted to date and so the Enforcement Notice is now in effect with compliance date of 05/12/2017.



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<b>Application No</b> <b>CB/17/03883/FULL</b>
	Date: 21:November:2017  Map Sheet No	
Scale: 1:1250	<b>Existing Public Car Park, St Andrews Place, Church Street, Ampthill</b>	

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**Item No. 6**

<b>APPLICATION NUMBER</b>	CB/17/03883/FULL
<b>LOCATION</b>	Existing public car park, St Andrews Place, Church Street, Ampthill
<b>PROPOSAL</b>	Erection of 8 dwellings alongside the provision of 12 public car parking spaces and demolition of existing boundary wall
<b>PARISH</b>	Ampthill
<b>WARD</b>	Ampthill
<b>WARD COUNCILLORS</b>	Cllrs Duckett, Blair & Downing
<b>CASE OFFICER</b>	Matthew Heron
<b>DATE REGISTERED</b>	26 July 2017
<b>EXPIRY DATE</b>	20 September 2017
<b>APPLICANT</b>	Dandara Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	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.
<b>RECOMMENDED DECISION</b>	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:**

<b>Case Reference</b>	<b>CB/15/04351/NMA</b>
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

<b>Case Reference</b>	<b>CB/15/01995/VOC</b>
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

<b>Case Reference</b>	<b>CB/15/00468/NMA</b>
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

<b>Case Reference</b>	<b>CB/14/04966/NMA</b>
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 B lock 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

<b>Case Reference</b>	<b>CB/14/03650/ADV</b>
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

<b>Case Reference</b>	<b>CB/14/00649/VOC</b>
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

<b>Case Reference</b>	<b>CB/14/00594/NMA</b>
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

<b>Case Reference</b>	<b>CB/13/00727/FULL</b>
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

<b>Case Reference</b>	<b>CB/12/02051/VOC</b>
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

<b>Case Reference</b>	<b>CB/11/00140/NMA</b>
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

<b>Case Reference</b>	<b>CB/10/03609/NMA</b>
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

<b>Case Reference</b>	<b>CB/10/01283/ADV</b>
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

<b>Case Reference</b>	<b>MB/08/01890/FULL</b>
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

<b>Case Reference</b>	<b>MB/03/01196/FULL</b>
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

<b>Case Reference</b>	<b>MB/02/01310/FULL</b>
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 Amphill.

- 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 Amphill (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 conditions 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 1000m<sup>2</sup>, 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. Page 28  
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

- 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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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/16/02971/OUT
	Date: 20:November:2017  Map Sheet No	
Scale: 1:1250	Land at Chapel End Road and London Lane Houghton Conquest MK45 3LN	

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/16/02971/OUT</b>
<b>LOCATION</b>	<b>Land at Chapel End Road and London Lane, Houghton Conquest</b>
<b>PROPOSAL</b>	<b>Outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved; for the creation of 16 self- build homes and all associated works including surface water attenuation, car parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Conquest</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>07 July 2016</b>
<b>EXPIRY DATE</b>	<b>06 October 2016</b>
<b>APPLICANT</b>	<b>Self-Build-Developments Ltd</b>
<b>AGENT</b>	<b>DLP Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Change in Policy position in terms of the 5 year housing supply from when it was original resolved to grant permission in November 2016.</b>
	<b>Major development recommended for approval with Parish Council objection and departure from the Development Plan. Call in from Cllr Mrs Barker: The site is outside the settlement envelope The site is in open countryside Concern over new access and parking Self build scheme so only details for outline and reserved matters, also no contributions on Section 106 to local school</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Reason for Recommendation**

The proposal for residential development is outside, but adjacent to the settlement boundary of Houghton Conquest which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area and would result in the loss of agricultural land however this impact is not considered to be harmful. The proposal is also considered to be acceptable in terms of highway safety and residential amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing through a commuted sum. The proposal would deliver 16 serviced plots towards meeting the need identified in the Council's Self Build Register. These benefits are considered to

outweigh the harm arising from the development and the proposal is, therefore, considered to be acceptable.

### **Introduction**

This application was previously reported to Development Management Committee in November last year. It was resolved that the application be approved subject to the completion of a satisfactory S106 to include an appropriate commuted sum for affordable housing.

On 18 April 2017 the Council published its quarterly housing monitoring statement which concluded that the Council is able to demonstrate a deliverable housing land supply in excess of 5 years (5.66 years). As a result the Council's housing supply policies are not considered to be out of date and the weight that is applied to schemes proposing housing development is affected. Prior to the April monitoring statement the Council was unable to demonstrate a deliverable 5 year housing land supply and therefore in accordance with the National Planning Policy Framework (NPPF) significant weight was given to the provision of housing through applications that would otherwise be contrary to the Council's policies that determine the supply of housing.

This was the case with this application and the Council's ability to now demonstrate a deliverable 5 year housing land supply means that the weighting and material considerations have materially changed. As a result the previous resolution to grant, through giving significant weight to the supply of housing, is out of date and inaccurate given the current position. Any applications resolved to approve on this basis that have not had a decision therefore need to be reviewed and re-determined against the current material considerations.

This report will therefore assess and make a recommendation on the individual merits of the scheme and any other material considerations to reflect the current housing land supply position.

Since the resolution to grant planning permission the applicants have undertaken a viability assessment and an appropriate level of affordable housing contribution has been agreed.

### **Site Location:**

The application site lies to the south east of the main built up area of Houghton Conquest to the east of the junction between Chapel End Road and London Lane. The site forms a field used for arable cultivation. To the east of the site lies Conquest Wood (part of the Marston Vale Forest) with its footpath network. A small gypsy and traveller site adjoins the north east corner of the site.

To the west is agricultural land and Village Farm with further agricultural land to the south. A recreation ground/local park lies to the immediate north of the site.

There is an existing agricultural access to the site from London Lane which creates an opening in the mature hedge that marks the site's boundaries. The site is generally level and rises gently from north to south.

### **The Application:**

The application is made in outline form with all matters except access from London Lane reserved for subsequent approval. The application is supported by a comprehensive suite of documents including: Design and access Statement, Planning Statement, Transport Assessment, Landscape and visual assessment and Ecological Appraisal. An indicative layout drawing is also submitted in support of the application.

The application proposes the erection of 16 dwellings together with associated, garden and parking facilities. Access to the site would be from a new access off London Lane with the existing agricultural access being closed. The proposed drainage strategy would follow a Sustainable Drainage System (SuDS) approach with the indicative plans indicating provision of an attenuation facility in the north east corner.

The proposed dwellings would be in the form of self build and/or custom build dwellings rather than general open market dwellings delivered by a single builder. Self Build and Custom Build dwellings are properties that are built by, or for, an individual to meet their particular needs and aspirations rather than rely on the standardised product of house builders or occupying existing dwellings. Such dwellings are occupied by those that have been responsible for their construction rather than sold on the open market (or let out) upon completion.

Self Build and Custom Build Housing is subject to specific legislation in the Self-build and Custom Housebuilding Act 2015 and associated regulations.. The Act requires Council's to maintain a register of persons wishing to carry out a self build development. Council's are also required to maintain a five year supply of self/custom build plots (this is distinct from the general five year supply of all types of dwelling).

The development strategy put forward by the applicant is the provision of serviced plots that would be offered to individuals who would build (or commission the building) of bespoke dwellings on each plot. The services would include access, electricity water and drainage. Individual plot developers would be responsible for the submission of reserved matters applications for each plot.

Self Build and Custom Build Housing is intended to support those looking to build a property in a specific location for reasons such as family connections or the location of their place of work. The building of such houses is normally funded by the prospective occupier who would then live in the property. The area of search is effectively set by the individual and may be limited to a single town or Parish but may extend to a wider geographic area dependent on the aspirations and circumstances of the individual.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012)**

Delivering sustainable Development

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

**Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
CS2 Developer Contributions  
CS3 Healthy and Sustainable Communities  
CS4 Linking Communities - Accessibility and Transport  
CS5 Providing Homes  
CS6 Delivery and Timing of Housing Provision  
CS7 Affordable Housing  
CS13 Climate Change  
CS14 High Quality Development  
CS16 Landscape and Woodland  
CS17 Green Infrastructure  
CS18 Biodiversity and Geological Conservation  
DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM10 Housing Mix  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM16 Green Infrastructure  
DM17 Accessible Green Spaces  
South Bedfordshire Local Plan Review Policies

**Development Strategy**

The Council has recently consulted 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 - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)



**Relevant Planning History:**

Application Number      CB/15/01362/OUT  
Address                      Land off Chapel End Road, Houghton Conquest  
Description                Outline application: of up to 125 dwellings with associated landscaping, public open space and infrastructure with all matters reserved except for access.  
Decision                    Outline Application - Granted  
Decision Date             02/06/2016

Application Number      CB/15/03706/OUT  
Address                      Land off Bedford Road and rear of Duck End Close, Houghton Conquest  
Description                Outline: The erection of up to 52 dwellings with all matters reserved except for access  
Decision                    Resolution to grant outline planning permission subject to completion of a section 106 agreement made at Development Management Committee meeting on 30/03/2016  
Decision Date             Outline granted

**Consultees:**

Houghton Conquest Parish Council      The Parish Council OBJECTS to this application for the following reasons:

- The land is outside of the village settlement envelope.
- The site is an inappropriate location for development.
- The highway access is inadequate & the impact of increased traffic at this location is a concern.
- The problems with the fragility water main in village are well documented. This increase in demand on an already frail system is of great concern. We would urge the Planning Authority to seek definitive assurance from Anglian Water, that this development on top of the 125 homes on Chapel End Rd, & the 52 homes in Duck End Close, will be able to cope.
- There is no local evidence to suggest Houghton Conquest needs further housing. It should be noted that the recent successful application for 125 homes on Chapel End Rd, & the 52 homes in Duck End Close are both very close by.

The local amenity infrastructure is not adequate to accommodate even more housing on top of what has

recently been approved. The school is full & doctor's surgery is already at capacity. Public Transport links are also inadequate.

Trees and  
Landscape

Retention of existing hedgelines will be looked for along with detailed and comprehensive landscape plans.

Landscape

No objections to the development of self build homes on this land. The site is bounded by particularly good hedgerows which will aid integration and development will be screened by the new woodland to the east.

Bedfordshire and  
River Ivel Internal  
Drainage Board

The Board has no comments to make regarding the above planning application

Highways

The existing is agricultural land at the village edge with Chapel End Road at the north (20mph road with speed reduction build outs), and London Lane to the west; a 30mph single width road.

The existing speed reduction build out on Chapel End Road reduces the carriageway to single width and adding a pedestrian crossing at this location will cause confusion between drivers and pedestrians over who has priority and could lead to issues of safety. This alteration should be supported with a safety audit.

It would be better to have a footway along the frontage of the site along Chapel End Road and allow pedestrians to cross where they want. The majority of the village is west of the site and that is where the pedestrian will be walking from, it is unlikely they will use the link proposed in the north east corner.

The applicant has also not provided any tracking diagrams to indicate that the refuse vehicle can enter/exit the site.

Conditions and informatives are recommended to address the concerns highlighted as part of the reserved matters submission.

Ecology

No objection to a self-build development. Site is currently arable agricultural land with hedgerows which are to be retained. The NPPF calls for development to deliver a net gain for biodiversity and with the introduction of additional planting attenuation feature this could be achieved.

SuDS Management  
Team

Consider that planning permission could be granted for the proposed development subject to the final surface water drainage design being submitted and approved by the planning authority before any development commences on

site. The imposition of conditions to address matters of detail is recommended.

Self Build Officer

Central Bedfordshire's Self Build Register has currently 43 people registered. At the moment there is no interest in a plot located in Houghton Conquest, but 6 people are looking for a plot anywhere in Central Bedfordshire and 30 people would consider location outside their preference. This development could therefore help to meet the demand for serviced plots in Central Bedfordshire.

The Register shows that majority of people are looking for a plot to accommodate a detached 3-5 bedroom dwelling with parking for 2-3 cars and above; two people are looking to build a semi-detached property; and 4 people a bungalow. The Council expectation is that these plots will be offered to people on the CBC Register first, before being marketed to a wider open market.

Should the planning permission be granted for this development a time limitation for completion should be secured to ensure quick delivery of projects and prevent land banking of the plots.

Updated position: Since the application was previously reported to committee the Self Build Register has grown.

Currently there are 230 people registered on the Central Bedfordshire's Self and Custom Build Register. 38 of them are looking for a plot located in Houghton Conquest, Wixams, Marston Moretaine, Lidlington, Ampthill, Maulden and Clophill area; 27 people would consider a plot anywhere in Central Bedfordshire, and an additional 170 would consider a plot outside their preferred location.

Meeting the  
Accommodation  
Needs of Older  
People Team

Advise that the Ward has an increasing number of residents aged 65 and over and if people live in properties that do not meet their needs it can have an adverse impact on health and well-being. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

It would be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people.

Campaign to Protect  
Rural England

Objection:

The proposed self build site in Houghton Conquest is set outside of the Village Envelope and on productive agricultural land, currently in cultivation. The site sits in open countryside and development here would not be a natural extension to the village and would have significant impacts

on the rural setting of Houghton Conquest. The site is also adjacent to Conquest Wood – community woodland, which is being planted as part of the Forest of Marston Vale.

Houghton Conquest has been subject to other hostile applications, resulting in a substantial development of 125 houses being agreed outside of the Local Plan process. CBC are progressing the development of a new Local Plan. There has been a call for sites, bringing forward over 800 sites for consideration, the site assessment criteria has been subject to consultation and the agreed criteria will ultimately be used to assess the sites put forward.

CPRE understand that CBC have made considerable progress in 'closing the gap' in the 5 year land supply for Central Beds and approving this site would not contribute to this process in any meaningful way.

There are significant road safety issues regarding the position of this site in Chapel End Road, which require that access has to be made from London Lane. This road is narrow and winding and there is no footpath. The access point indicated would be too close to the Dairy Farm access opposite.

A number of appeal decisions have shown support for the refusal of residential development outside settlement envelopes despite the Council not being able to demonstrate a five year supply of deliverable housing land

The proposal is contrary to Core Strategy & Development Management Policies: DM3, DM4, CS8, DM14, CS16, DM16, TP1A and DPS19.

This site lies on the very edge of this rural village from which most residents commute by car to work, larger shopping centres, GP and schools and it is highly likely that this pattern would be replicated by the residents of any development in Houghton Conquest.

CPRE believes this application should be refused as the detriments to the local area clearly outweigh any perceived benefits and it conflicts with the sustainability objectives of National Planning Policy.

Anglian Water

Water supply is managed as part of the application process for new connections to the existing water supply network in accordance with the provisions of the Water Industry Act 1991. As part of this if there is an unacceptable impact on existing water supply/pressure we will work with the developer as part of the design to ensure that the impact of development is mitigated and we maintain the existing level

of service to customers.

Therefore we do not comment on water supply as part of the planning application process as there is a separate application process that allows us to mitigate the impact of development on the water supply network if required.

Anglian Water provides a pre-planning service for potable (clean) water which is used to give developers an understanding of the expected costs of supplying water to their development. This can include contributions to strategic water mains and/or reinforcement of local water mains as appropriate.

Contributions for upgrades or strategic schemes (where required) will be obtained by Anglian Water through the provisions in the Water Industry Act 1991. Where there is a requirement for off-site improvements to the water supply network these would be made by Anglian Water prior to the occupation of the development.

We request a condition requiring a drainage strategy to be submitted.

The sewerage system at present has available capacity for these flows.

Planning conditions are recommended.

Housing  
Development Officer

This application of 16 self build units provides for the provision of zero affordable homes on site contrary to Council policy requirements of 35% with a commuted sum to be paid in lieu of the onsite provision.

The Council's preference is to see the onsite provision of the units unless there is a lack of interest from Registered Providers (RP's) in taking on the affordable element of the scheme. The agent approached RP's from the contact details provided by Strategic Housing. The response received indicated there would be no interest in taking the affordable element from a self build scheme. Evidence of this has been submitted to the Council.

In terms of calculation for any commuted sum, the Council policy is for 50% of the open market value for each unit in question. The affordable requirement from this scheme would equate to six units on which we would expect a commuted sum in lieu of the onsite provision. The commuted sum would be put towards future affordable housing in any location within the administrative area of Central Bedfordshire.

Update:

The independent viability assessment has been reviewed. The review and methodology is considered acceptable in terms of establishing the commuted sum. It is considered that the commuted sum identified of £290,400 is acceptable.

### **Other Representations:**

Seven nearby neighbours were notified of the application by letter, site notices were posted and a press advert published but no third party comments have been submitted in response to this publicity.

### **Determining Issues:**

The main considerations of the application are;

1. Compliance with National and Local policy
2. Infrastructure and affordable housing
3. Other Section 106 issues
4. Highways matters
5. Matters of detail
6. Agricultural Land
7. Other Considerations

### **Considerations**

#### **1. Compliance with National and Local policy**

##### **1.1 NPPF/Core Strategy**

The site lies outside the settlement envelope of Houghton Conquest and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Houghton Conquest is designated as a large village where Policy DM4 limits new housing development to small scale developments. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether other material considerations outweigh the non-compliance with Policy.

##### **1.2 Self-build and Custom Housebuilding Act**

The Self-build and Custom Housebuilding Act 2015 places a number of duties on Local Planning Authorities which include to keep a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. Council's are required to publicise their registers and have regard to their register when carrying out their functions such as planning, housing, disposal of land and regeneration. The register is a material consideration in planning decisions.

##### **1.3 The Self-build and Custom Housebuilding (Register) Regulations 2016 set legislative requirements for local Registers, such as specified eligibility criteria for individuals and group to be entered on to the register. CBC's Register was**

launched on 26th April 2016 and so far has 230 people registered.

- 1.4 To meet demand for serviced plots The Housing and Planning Act 2016 made changes to the Self-Build and Custom Housebuilding Act and introduced a legal duty for Council's to meet the demand from the Register. This is to be met through granting suitable development permissions in respect of enough serviced plots of land to meet the demand in the authority's area arising from each base period.
- 1.5 The first base period is from the date the Register is established to the day before the day on which section 10 of the Act comes into force (11th May 2016). Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period; second base period therefore is 12th May 2016 to 11th May 2017.
- 1.6 A serviced plot is defined by the Act as a plot of land that has access to a public highway and has connections for electricity, water and waste water; or can be provided with those things in specified circumstances or within a specified period.
- 1.7 At the present time 7 serviced plots were permitted in Potton. The Houghton Regis North development includes provision for a significant number of serviced plots to be delivered; however, this provision is unlikely to be delivered for some years and cannot meet the demand arising from those currently on the register.
- 1.8 The current application would deliver 16 plots that could meet some of the demand identified through the CBC register. If this application was to be granted then the plots could become available in a relatively short time and help the Council to meet its duties under the amended Self-Build and Custom Housebuilding Act to meet demand.
- 1.9 The site is adjacent to the Houghton Conquest Settlement Envelope. The areas north and east of the site form the edge of the existing residential development. The proposal will amount to an encroachment of built form into the open countryside but its relationship with the existing settlement is close and it is not regarded as an isolated site.
- 1.10 **Relevant Applications/Decisions**  
It is noted that there was an outline planning permission for 52 dwellings off Bedford Road/Duck End and planning permission for 125 dwellings at a large edge of settlement site off Chapel End Road elsewhere in the village. In assessing both of these applications it was concluded that the development comprised sustainable development in accord with the NPPF and was acceptable due to the lack of a current 5 year housing land supply. These decisions are considered to be material to the determination of this application; particularly in respect of Houghton Conquest being considered as a sustainable location.
- 1.12 Whilst the proposal is not considered to accord with Development Plan policies it is considered that the other considerations outlined above in respect of the delivery of serviced plots, and the affordable housing commuted sum

are considered to outweigh this. The principal of development is considered, on balance, to be acceptable.

## **2. Infrastructure and affordable housing**

### **2.1 Infrastructure**

The proposed development would involve the erection of more than 10 dwellings and as such contributions would normally be sought towards additional infrastructure. The regulations relating to Self and Custom Build development provide an exemption from payments made under the Community Infrastructure Levy (CIL) towards infrastructure. Whilst CBC does not have a CIL it is considered that the exemption set out in the regulations is intended to apply to all forms of contribution to off site infrastructure as the reason for the exemption is to avoid placing an additional financial burden on the individuals building the plots. It is, therefore, considered that it is not appropriate to seek infrastructure contributions for the proposed development.

2.2 The Town Council have raised concerns over the impact of this development on local services. In the absence of the opportunity to request contributions it is considered that the small number of additional units proposed will not have a significant impact on local services (such as schools and healthcare) to outweigh the other issues outlined in this report.

### **2.4 Affordable Housing**

The regulations do not make any exception for affordable housing (which is not subject to CIL) and affordable housing should, therefore, be sought as part of the development. The evidence from the applicant demonstrates that Registered Providers would not be willing/able to deliver affordable housing on site. Following the submission of an independent viability assessment a commuted sum of £290,400 has been agreed in lieu of the onsite provision of affordable housing. The commuted sum, to be secured by a Section 106 Agreement, would be put towards future affordable housing in any location within the administrative area of Central Bedfordshire.

## **3. Other Section 106 issues**

3.1 The proposed development is acceptable as an exception to the general policy framework to meet a specific need.

3.2 It is considered that the agreement will need to control the development to ensure that the plots are delivered as serviced plots to individuals and occupied by the self builder for a reasonable time period. Priority should be given to those on the Council's register living in (or connected to) the area with a cascade mechanism should there not be sufficient demand. These matters should also be addressed in the proposed section 106 agreement.

## **4. Highways matters**

4.1 The proposed vehicular access would be from London Lane and this is considered to be acceptable in principle. The proposed junction could be detailed with appropriate geometry and provided with adequate visibility sight lines. The detailed design of the internal road network is a matter for a future



reserved matters application.

- 4.2 The highway officer has raised concern over the proposed pedestrian routes/facilities. The principal of connecting to the local pedestrian network is acceptable and can be delivered. The applicant has confirmed that following review and discussion with the highway officer the principle of the proposed conditions is accepted. No further plans have, therefore been submitted and the details of access and parking will be addressed at reserved matters stage in line with the recommended conditions shown at the end of the report.
- 4.3 The documentation supplied in support of the application indicates that there is adequate capacity in the local road network to accommodate traffic from the proposed development. The highway officer has not raised any concerns over the capacity of the local highway network.
- 4.4 Overall the proposed development is considered to be acceptable in highway terms.

## **5. Matters of detail**

- 5.1 Detailed design matters are reserved and therefore a full assessment of the merits of the application and impact on neighbours cannot be made. The relationship of the site to the existing settlement is such that the new dwellings will be set away from existing dwellings. The indicative layout also indicates a substantial separation from the mobile homes to the north east.
- 5.2 Overall the indicative layout shows that it would be possible in principle to develop the site for the quantum of units shown without detrimentally harming the amenity of neighbouring residents and delivering good levels of amenity for prospective residents. It is also considered that there is sufficient space to provide parking, access and garden space to serve each of the plots along with a SuDS drainage scheme.
- 5.3 The overall development offers significant scope to deliver substantial landscaping and enhance bio-diversity. The retention of the majority of the existing boundary hedging is also considered to be a positive element of the scheme. The reserved matters applications would address these issues.
- 5.4 The proposed development would involve sixteen bespoke dwelling designs and could lead to a discordant development. To address the applicants have set out a number of design parameters in the submitted details including a limit to two storey development and no more than 50% of the plots being hard surfaced. This approach is welcomed, however, it is considered that a condition be imposed requiring a set of design parameters to be agreed and applied prior to submission of any reserved matters application. The parameters would provide a framework for development setting limits on matters such as scale and height but still allowing for high quality and innovative design compatible with the edge of village location.

## **6. Agricultural Land**

- 6.1 Development of the site results in a loss of productive agricultural land

extending to approximately 0.75ha. This is an acknowledged planning consideration and the NPPF advises that development should be directed to the areas of poorer land. In this instance the amount of land to be lost is small and there is a need for housing land, particularly serviced plots, and it is considered that the benefit of housing development should be given significant weight. It is considered that the benefit of the housing outweighs the impact of the loss of agricultural land in this case.

## **7. Other Considerations**

### **7.1 Human Rights issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights Act and as such there would be no relevant implications with this proposal.

### **7.2 Equality Act 2010:**

Based on the information submitted there are no known issues raised in the context of Equalities Act and as such there would be no relevant implications with this proposal.

## **Recommendation:**

That the outline planning application be APPROVED subject to the completion of a Section 106 Agreement

## **RECOMMENDED CONDITIONS / REASONS**

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

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

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

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

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

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

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

**Reason: This condition relates to the construction period of the development and is necessary in the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.**

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

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

- 6 The landscaping details required to be submitted by condition 2 of this permission shall include details of hard and soft landscaping (including details of boundary treatments and any public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.

The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread); measures for

their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

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

- 7 Unless an alternative routing is agreed at reserved matters approval the development shall not be brought into use until a 2.0m wide footway has been constructed from the junction of the proposed access along the east side of London Lane to Chapel End Road, to join with a 2.0m wide footway along the south side of Chapel End Road along the length of the frontage of the site to join the existing footway, in accordance with details to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway

Reason

In the interest of road safety and pedestrian movement in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 8 Before the new access is brought into use the existing access to the north of the site fronting London Lane and not incorporated in the access hereby approved shall be closed.  
(see notes to applicant)

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 9 The details required by Condition 2 of this permission shall include full engineering details of the access arrangements shown for indicative purposes on drawing no. 5074-PL02, including tracking diagrams for an 11.5m length refuse vehicle entering/exiting the site, shall be submitted to and approved in writing by the local planning authority. The internal layout of the site approved under any subsequent reserved matters application shall not be brought into use until such a time as the agreed works, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, have been implemented.

Reason

To provide adequate access visibility between the existing highway and the proposed access, to make the access safe and convenient for the traffic which is likely to use it in the interest of highway safety. In accordance with policy DM3 of the Core Strategy and Development Management Policies

(2009) and the principles of the NPPF.

10 Prior to approval of the details required by Condition 2 of this permission, a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy Report (July 2016) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Run off shall be restricted to greenfield run off rate and fully attenuated for the (1 in 100 + 35% allowance for climate change).
- Detailed infiltration testing shall be undertaken in accordance with BRE365 to determine if infiltration systems can be used on any part of the site, including permeable paving on private driveways.
- Each plot's drainage requirements shall be in line with the requirements set out in the approved flood risk assessment, drainage strategy report and the design and access statement. The proposals shall not include impermeable areas of over 50% of a plot's total area, unless it is demonstrated that the increase in surface water can be managed appropriately on plot without increasing the agreed run off rate or volume. The need for culverting of surface water features including swales shall be avoided, where this is proposed the length involved should be restricted to a minimum, the hydraulic and environmental design assessed, and appropriate mitigating enhancements to the surrounding environment provided. Maintenance requirements shall also be considered.
- Management of exceedance in the event of system failure shall be demonstrated with the detailed design and finished floor levels shall be set a minimum of 150 mm above ground level, for plots shown to be at risk from any source of flooding floor levels should be set or 300 mm above the estimated flood level.
- Details of land drainage consent shall be provided with the full detailed design, and an easement provided on the developable side of any existing watercourse to allow access for maintenance.
- Details of the arrangements for future management and maintenance of the design for the entire surface water drainage system.

The development shall be carried out in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance details.

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.

- 11 **No development shall commence until a waste water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the approved works have been carried out in accordance with the approved waste water strategy.**

**Reason: The approved details may affect the resulting layout of the development and to prevent environmental and amenity problems in accordance with the principles of the NPPF.**

- 12 Prior to the submission of any reserved matters application a Development Parameters Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the guiding principals to be applied in the design of any dwelling, associated structures, hard surfaces and landscaping to be constructed pursuant to this planning permission. The scheme shall include, but not be limited to: maximum building height, built form, materials, plot coverage, set back from plot boundaries, boundary treatment, access and parking facilities and, protection of existing trees and hedges. The design of each dwelling the subject of this permission shall be developed in accordance with the approved Development Parameters Scheme.

Reason: In the interest of visual amenity and to ensure a consistent design approach to the dwellings hereby permitted in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 5074-PL02, TS16-212W\1 and TS16-212W1.

Reason: To identify the approved plan/s 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 applicant is advised that in order to comply with the highway related 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 Development Management, 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 if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. The applicant is advised that no private surface water drainage system designed as part of the new development will be allowed to enter any existing highway surface water drainage system.
8. 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**

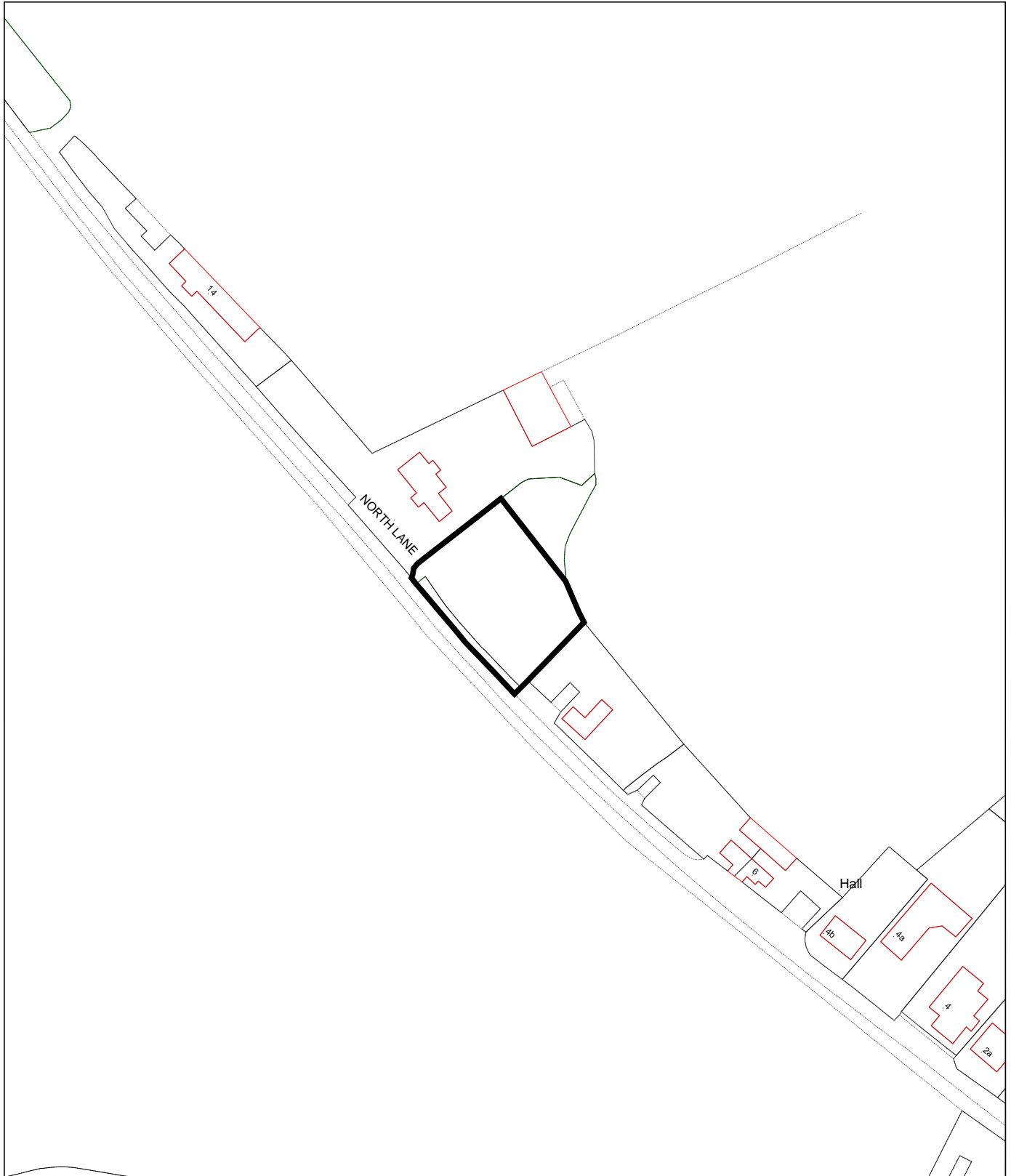
The Council acted pro-actively through engagement with the applicant during the application

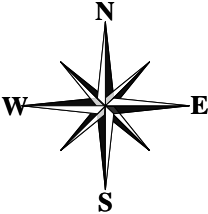
process which led to revisions and additional information in relation to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<b>Application No.</b> <b>CB/17/04022/OUT</b>
	Date: 17:November:2017	
	Map Sheet No	
Scale: 1:1250	<b>12 North Lane, Haynes, Bedford, MK45 3PW</b>	

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**Item No. 8**

**APPLICATION NUMBER**      **CB/17/04022/OUT**  
**LOCATION**                      **12 North Lane, Haynes, Bedford, MK45 3PW**  
**PROPOSAL**                      **Outline Application: erection of up to two dwellings**  
**PARISH**                         **Haynes**  
**WARD**                            **Houghton Conquest & Haynes**  
**WARD COUNCILLORS**       **Cllr Mrs Barker**  
**CASE OFFICER**               **Dee Walker**  
**DATE REGISTERED**         **29 September 2017**  
**EXPIRY DATE**                **24 November 2017**  
**APPLICANT**                  **Mrs Roberts**  
**AGENT**                         **Mr R Murdock**  
**REASON FOR COMMITTEE TO DETERMINE**      **Ward Cllr call in on grounds of site being outside the settlement envelope, change of use of an orchard, highway safety and visual impact**

**RECOMMENDED DECISION**                      **Outline Application - Approval**

**Site Location:**

The application site is land to the south east of 12 North Lane in Haynes. The site is currently defined as a traditional orchard and has a number of trees scattered over the plot. The site is located abutting the defined settlement envelope for Henlow, lies within the Greensand Ridge Nature Improvement Area and contains a Habitat of Principal Importance as being an orchard.

**The Application:**

The application seeks outline permission for the erection of up to 2no dwellings with all matters reserved. An indicative layout has been supplied demonstrating the proposed accesses, a potential siting of the 2no dwellings and an indicative height and associated parking.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

- 1            Delivering Sustainable Development
- 4            Promoting Sustainable Transport
- 7            Requiring good design
- 8            Promoting Healthy Communities
- 11          Conserving the Natural Environment

**Central Bedfordshire Council's Core Strategy and Development Management Policies 2009**

- CS5      Providing Homes
- CS14     High Quality Development
- CS16     Landscape & Woodland

- CS18 Biodiversity & Geological Conservation
- DM3 High quality development
- DM4 Development Within & Beyond Settlement Envelopes
- DM14 Landscape & Woodland
- 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)

- 1 Placemaking in Central Bedfordshire
- 5 Residential development

### Relevant Planning History:

<b>Case Reference</b>	<b>MB/01/01003/FULL</b>
Location	Land To The Rear Of 12, North Lane, Haynes Silver End
Proposal	FULL: CONVERSION OF BARN TO DWELLING AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL
Decision	Full Application - Refused
Decision Date	28/08/2001

<b>Case Reference</b>	<b>MB/00/01089/FULL</b>
Location	Land To The Rear Of 12, North Lane, Haynes Silver End
Proposal	FULL: CONVERSION OF BARN TO DWELLING.
Decision	Full Application - Refused
Decision Date	05/10/2000

<b>Case Reference</b>	<b>MB/88/00040/OA</b>
Location	12 North Lane, Haynes Silver End, MK45 3PW
Proposal	OUTLINE: CONSTRUCTION OF ONE DWELLING
Decision	Outline Application - Refused
Decision Date	15/03/1988

<b>Case Reference</b>	<b>MB/87/00752/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	23/06/1987

<b>Case Reference</b>	<b>MB/78/00079/FULL</b>
Location	12 North Lane, Haynes Silver End, MK45 3PW

Proposal	FULL: EXTENSION AND DOUBLE GARAGE
Decision	Full Application - Granted
Decision Date	21/03/1978

<b>Case Reference</b>	<b>MB/76/0336A/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	22/03/1977

<b>Case Reference</b>	<b>MB/76/00336/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	03/06/1976

**Consultees:**

Haynes Parish Council	Cllrs understand it is an outline application only 7 therefore all the details will be addressed during a future Reserved Matters application should the outline application be consented. The site lies outside the recognised settlement area. In a particular rural part of our Parish. As such we consider that you should treat it with caution & apply the appropriate policies accordingly. We understand several local residents have raised their concerns with you & we ask that you give these concerns careful consideration. We are pleased to hear that it will be considered by the Development Management Committee if the officer is minded to approve, & residents will have an opportunity to address the committee. We urge the committee to visit the site as part of their deliberations
CBC Archaeology	No objection
CBC Ecology	No objection subject to an Ecological Enhancement Strategy condition being attached to any consent granted to provide compensatory orchard habitat on adjacent land
CBC Highways	No objection subject to relevant conditions being attached to any consent granted
CBC Pollution	No comment
CBC SuDS	No objection with the recommendation for infiltration as a surface water disposal solution
CBC Tree & Landscape Officer	No objection subject to a landscaping scheme being part of the application for reserved matters
I.D.B	No comments

**Other Representations:**

Neighbours	Four objection representations received from: North Lane: 4B, 10, 14, Northwood End Farm
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The summary of objections are:

- Outside settlement envelope;
- Busy working lane which is already damaged and in need of repair;
- Drainage concerns – flooding, foul drainage;
- Visual impact of development within the character of the lane;
- Increase density of the Lane by 25%;
- Highway safety – no pavements, currently dangerous exiting onto Silver End Road;
- General impact on close proximity to no. 10, noise, quality of life, loss of valued green space;
- Trees currently being cut down to minimise any impact on the ancient orchard;
- Overdevelopment of site.

### **Determining Issues:**

The main considerations of the application are;

1. Principle of Development
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
  - Ancient Orchard & Biodiversity
  - Drainage
  - Human Rights issues
  - Equality Act 2010

### **Considerations**

#### **1. Principle of Development**

- 1.1 The site lies outside of the settlement envelope of Haynes and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Haynes is designated as a large village where Policy DM4 limits new housing development to small scale infill development only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 The site is adjacent to the Haynes Settlement Envelope and is adjoined on both sides by existing residential development. The proposal will see development within the open countryside however its relationship with the existing settlement noted and it is not regarded as an isolated site.

1.3 The National Planning Policy Framework 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 Economic

The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, and therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 2no dwellings would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year.

1.4.1 Haynes provides some employment opportunities including a public house, village stores and a school. However Haynes is in close proximity to Shefford and Houghton Conquest which constitute Minor Service Areas which have access to a range of facilities and services which would provide local employment opportunities. On the basis of this the village is considered to be a sustainable location.

1.5 Social

The provision of housing is a benefit of the scheme which should be given significant weight. Furthermore Haynes is regarded as a large village which has access to a number of services identified in the previous paragraph. The village is served by a bus service which stops on Bedford Road directly opposite the site. Therefore the village can be regarded as a sustainable location and it is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents. The development will have no adverse impact on the local infrastructure which would require any offset by way of a S106 agreement and financial contributions. On the basis of this the village is considered to be a sustainable location.

1.6 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologist is satisfied that the proposal could secure additional biodiversity gain through effective detailed design and a compensatory orchard habitat. Although there would be the loss of a designated Habitat of Principal Importance, it is considered to be of a declining condition and could be lost without any formal permission. As such, the Councils Ecologist has recommended a condition to ensure the development delivers a net gain for biodiversity.

- 1.6.1 The site is located within a gap of the built form along North Lane and as such would not encroach further into the open countryside. The flat topography of the site and adjacent residential properties would reduce any visual dominance from North Lane and surrounding residential properties. As such, the proposal is considered to be sustainable from the environmental aspect and would enhance the existing orchard habitat.
- 1.6.2 Paragraph 55 allows housing development in rural areas where it would enhance or maintain the vitality of rural communities, it would represent the optimal viable use of a heritage asset or where it would re-use redundant or disused buildings. The proposal herein makes no such contribution.
- 1.6.3 The 2no dwellings would provide positive social benefits in contributing to the supply of housing and economic benefits through their construction and servicing, and by generally helping to maintain and enhance the vitality of this village. There are positive environmental benefits as a result of this proposal through the delivery of an orchard habitat and its on-going maintenance. Although the proposal would conflict with Policy DM4, in respect of the development being beyond the settlement envelope, in this case no adverse impacts would arise as a consequence which would significantly and demonstrably outweigh the benefits identified above.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 The site is bound on both sides by residential development and therefore is considered as a form of infill development. As the application is for outline only with all matters reserved no detail on the appearance of the dwellings has been submitted. However, the site can comfortably accommodate up to 2no dwellings with associated gardens and therefore not considered to be out of keeping with the siting of dwellings within this locality.
- 2.2 Overall it is considered that the resultant development would not adversely affect the character and appearance of the area.

## **3. Neighbouring Amenity**

### **3.1 Existing Occupiers**

Both plots are sited so that their associated garages are nearest to the neighbouring properties so as to reduce any loss of light or overbearing impact. Careful consideration needs to be given to the final siting of the buildings and placement of windows and doors at the detailed design stage to avoid any loss of privacy.

### **3.2 Future Occupiers**

The indicative layout demonstrates that the dwellings could be sited such that there would be no resultant impact on future occupiers in terms of loss of light or privacy.

- 3.2.1 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter that would be addressed at the Reserved Matters stage. However on the



basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.

- 3.2.2 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, there is sufficient space within the site to accommodate such facilities and as such this could be secured by condition. Therefore the proposal in this regard, would conform with Policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highway Considerations**

- 4.1 Concerns have been raised by local residents with regards to the adequacy of North Lane to accommodate additional traffic as a result of this development, particularly the lack of footpath.

- 4.2 The Councils Highways Officer has raised no objection to the proposal with regards to any negative impact on the local road network or the lack of footpath. Their recommended conditions relate to appropriate access width and compliance with the Councils design guides in respect of garage sizes, cycle parking, refuse collection points, turning areas and on site construction workers parking.

#### **5. Other Considerations**

##### **5.1 Ancient Orchard & Biodiversity**

The site is designated on the People's Trust for Endangered Species as a 'Traditional Orchard' with apple trees but with the habitat condition as declining. The Councils Ecologist advises that many traditional orchards are declining predominantly through lack of management. The ecological value of a traditional orchard goes beyond the fruit trees themselves but the associated flora and fauna with them like fungi, lichen and invertebrate communities. The older the trees the better established these communities are.

- 5.2 Following discussion with the agent, it is apparent that the applicant has additional land available on which compensatory orchard habitat could be created. Existing trees on the site should be retained where possible with the new dwellings being positioned in a sensitive manner. The site sits in the Greensand Ridge Nature Improvement Area and in accordance with the NPPF a net gain for biodiversity would be expected. As such, the Councils Ecologist has recommended a condition be attached to any consent granted for the submission of an Ecological Enhancement Strategy to ensure the delivery and management of the biodiversity gain.

##### **5.3 Drainage**

Whilst concerns have been expressed by local residents about the impact of two additional dwellinghouses on the existing drainage, the Internal Drainage Board has not raised any objections or concerns in this regard.

5.4 Human Rights issues

It is the officers understanding that the proposal would raise no Human Rights issues.

5.5 Equality Act 2010

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

**Recommendation:**

That Planning Permission be APPROVED subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 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.

- 2 **No development shall take place until approval of the details of the access, appearance, landscaping, layout and scale of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. 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.**

- 3 Any subsequent reserved matters application shall include the following:
- vehicle parking and garaging in accordance with the Councils standards at the time of submission;
  - cycle parking and storage in accordance with the Councils standards at the time of submission;
  - a refuse collection point located at the site frontage outside of the public highway and any visibility splays;
  - a vehicular turning area within the curtilage of all premises taking access directly from the public highway;
  - a plan showing the area for construction worker parking provision, deliveries, materials storage clear of the public highway.

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times. (Section 4 & 7, NPPF)

- 4 **No development shall take place until details of the junction of the access/junction arrangements, shown for indicative purposes on drawing no. 2, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling approved under any subsequent reserved matters application shall be occupied until such time as the agreed works, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, have been implemented.**

**Reason: This is a pre-commencement condition to ensure the access/junction is acceptable in order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Section 4, NPPF)**

- 5 **No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the local planning authority. The EES shall include the following:**

- **Purpose and conservation objectives for the proposed works;**
- **Review of site potential and constraints informed by an up to date tree survey;**
- **Detailed design showing retained trees and compensatory planting;**
- **Extent and location/area of proposed works on appropriate scale plans;**
- **Type and source of fruit tree species of local provenance;**
- **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;**
- **Persons responsible for implementing the works;**
- **Details of initial aftercare and long-term maintenance.**

**The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: This is a pre-commencement condition to ensure the development is designed at the detailed stage to deliver a net gain for biodiversity within this area of the Greensand Ridge Nature Improvement Area. (Section 11, NPPF)**

- 6 **No development shall take place until details of the surface water drainage system have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: This is a pre-commencement condition so that the drainage details can be finalised so that adequate surface water drainage is provided and that existing and future land drainage needs are protected. (Section 10, NPPF)**

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 02, CBC/001, Supporting Letter.

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

## INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
3. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
4. The permission shall not extend to the indicative layout submitted in support of the application.
5. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 4 Upon formal approval of details, the applicant is advised to follow this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

To fully discharge condition 4 the applicant should provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction in accordance with the approved plan, before the development is brought into use.

6. 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
7. 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 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
8. 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.
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**

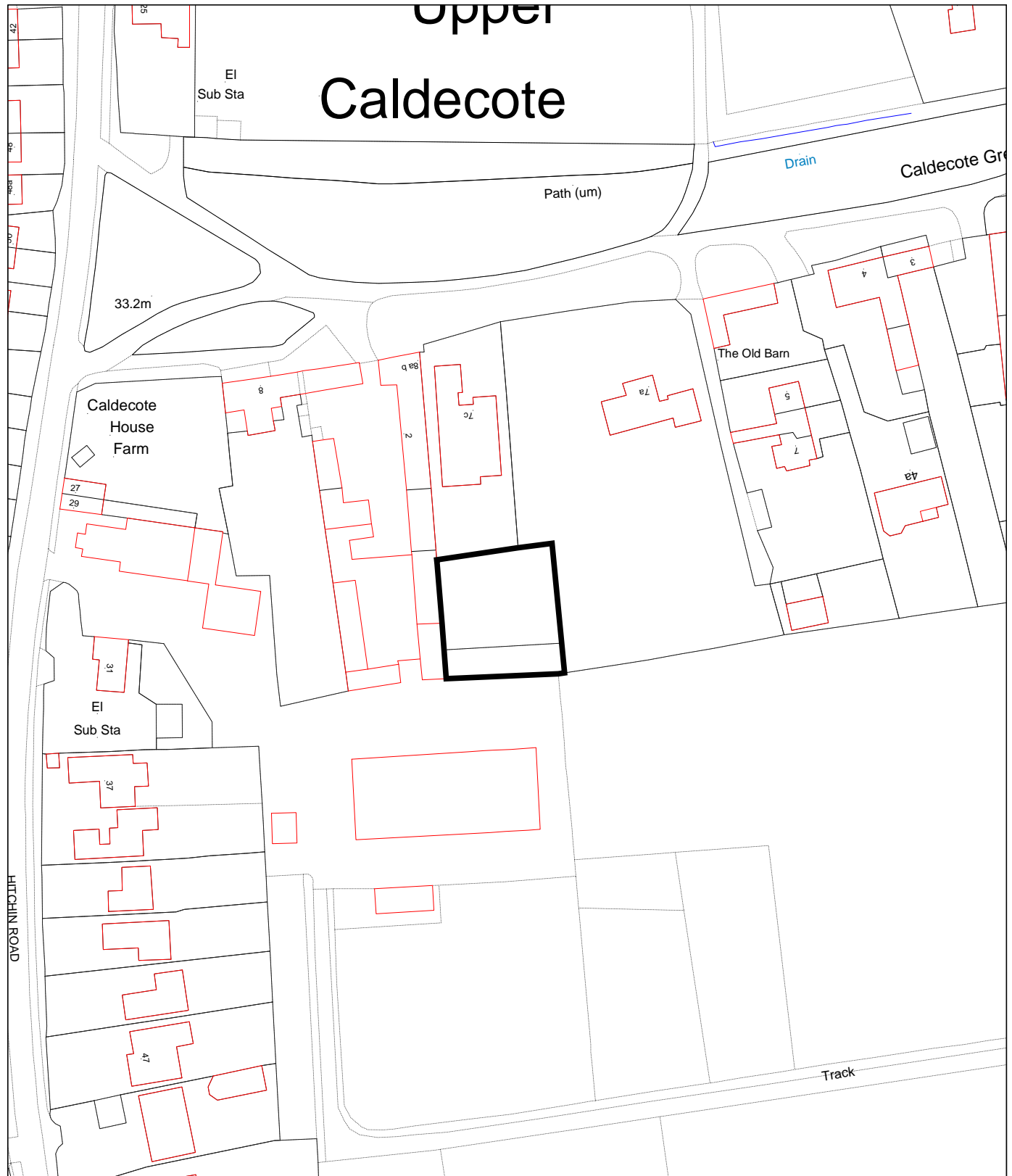
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

**DECISION**

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# Upper Caldecote



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. <b>CB/17/04334/FULL</b>
	Date: 17:November:2017  Map Sheet No	
Scale: 1:1250	Caldecote House, 8 Caldecote Green, Upper Caldecote Biggleswade, SG18 9BX	

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**Item No. 9**

**APPLICATION NUMBER**      **CB/17/04334/FULL**  
**LOCATION**                      **Caldecote House Farm, 8 Caldecote Green, Upper Caldecote, Biggleswade, SG18 9BX**  
**PROPOSAL**                      **Proposed Staff Accommodation**  
**PARISH**                         **Northill**  
**WARD**                          **Northill**  
**WARD COUNCILLORS**        **Cllr Mr Firth**  
**CASE OFFICER**                **Martin Plummer**  
**DATE REGISTERED**          **09 October 2017**  
**EXPIRY DATE**                 **04 December 2017**  
**APPLICANT**                    **Maudlin G J & Sons**  
**AGENT**                         **Richard Beaty (Building Design) Limited**  
**REASON FOR**                 **Applicant is related to Cllr C Maudlin**  
**COMMITTEE TO**  
**DETERMINE**

**RECOMMENDED**  
**DECISION**                      **Full Application - Approval**

**Site Location:**

The site is located to the rear of number 7c Caldecote Green and to the east of a collection of farm buildings. Access to the site is gained through the courtyard of those farm buildings via an access to the south of site. The site forms a grassed area of approximately 750 square metres and is bordered with mature hedgerow and farm buildings. To the north of the site are residential dwellings.

**The Application:**

Planning permission is sought for the erection of a single storey dwelling to be used by agricultural workers. The proposed building has a footprint of approximately 80 sqm and comprises of a shallow pitched roof (maximum height to ridge of 3.5 metres) with vertical boarding and a metal roof. The plans indicate a small turning head and parking for two vehicles within the application site. Internally the proposed dwelling incorporates an open plan living and kitchen area and two bedrooms.

A supporting statement accompanies the application which explains the agricultural operation of land within the applicants control and the reliance of irrigation in the farms agricultural processes. Management of irrigation of crops is important to meet market demands (in terms of quality of produce). Irrigation use varies depending on a number of factors with night-time irrigation favoured as less water is lost via evaporation compared with day-time irrigation. Agricultural works are required as part of the management of the farms irrigation which requires un-social hours of working and need to be located within the farm to deal with any issues with the irrigation system which might arise.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes

## 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

### Consultees:

Northill Parish Council      None received

### Other Representations:

Neighbours      None received

### Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

## Considerations

### 1. Principle

- 1.1 The site is located outside of the settlement boundary of Upper Caldecote as defined in the Development Plan. Policy DM4 of the Core Strategy Development Management Policies sets out certain criteria for development beyond settlement envelopes which does not include new residential development. The development proposal is therefore contrary to policy DM4 of Development Plan.
- 1.2 The site is located within open countryside and paragraph 55 of the NPPF sets out that isolated housing should be avoided except where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside.

- 1.3 Members will be aware that the NPPF replaced previous Planning Policy Statements and Guidance including PPS7 (Planning Policy Statement 7) - Sustainable Development in Rural Areas. Whilst PPS7 has therefore been replaced by the NPPF, the assessment criteria of agricultural workers dwellings as set out in this Policy Statement are used by Planning Professionals and Planning Inspectors. Annex A of PPS7 includes a range of detailed criteria which needs to be satisfied in respect of agricultural workers dwellings including *inter alia*, a clear functional need (to establish that it is essential for the proper functioning of the enterprise for agricultural workers to be readily available most times) and such a functional need cannot be fulfilled by another existing dwelling on the agricultural unit or any other existing accommodation in the area.
- 1.4 Some supporting information has been submitted with the application however, it has not been fully demonstrated that it is essential for agricultural workers to be readily available at most times which cannot be fulfilled by existing dwellings within the area. The proposal does not therefore fully satisfy the above mentioned criteria of paragraph 55.
- 1.5 The Council have identified and demonstrated in the latest Annual Monitoring Report a five year supply of housing. Accordingly, having regard to paragraph 49 of the NPPF, the Council's policies regarding housing supply (including DM4 referred to above) are considered to be up to date and the policy test in paragraph 14 of the NPPF to consider whether any 'adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits' is not therefore triggered. However, the aforementioned paragraph of the NPPF sets out that there is a presumption in favour of sustainable development, which should be seen as the golden thread running through decision-taking. Notwithstanding the above issue identified with the conflict with paragraph 55 of the NPPF, the determining consideration in respect of this development proposal relates to whether or not the development is sustainable.

## **2. Sustainable development**

### **2.1 Economic dimension**

In terms of the economic dimension, the development will have benefit in the short term associated with the construction phase of implementing the development. In the medium – long term, future occupiers of the development may also help support existing local facilities in the settlement.

- 2.2 The provision of a dwelling for agricultural workers will, in addition, have benefit to the rural economy in terms of the way in which workers will support the existing business.

### **2.3 Social dimension**

The social dimension of sustainable development relates mainly to the provision of a dwelling - the provision of a single dwelling does not weigh significantly in favour of the proposal in terms of the limited impact in maintaining housing supply.

### **2.4 Environmental dimension**

This dimension incorporates a range of planning considerations which are discussed in more detail below. However, none of the issues identified raise

significant or harmful impact in terms of this dimension. The site is considered to be within reasonable walking and cycling distance to the range of services and amenities in the settlement of Upper Caldecote together with access to sustainable modes of transport to nearby larger settlements.

### **3. Character and appearance**

3.1 Whilst the site is located outside of the settlement boundary and within the countryside, the site forms a close relationship with built form associated with farm buildings and other built form within Caldecote Green. The proposed dwelling is modest in terms of its height and proportions and, together with existing boundary treatment, will not appear overly dominant or out of character in the context of its siting and positioning in relation to existing buildings.

3.2 The design is simple and utilitarian utilising a mixture of traditional materials and simple building techniques. The design in this respect, is appropriate to its context and is considered to be high quality in elevation and layout terms in accordance with policy DM3 of the Core Strategy and Development Management Policies.

### **4. The Historic Environment**

4.1 There are a two listed buildings to the north east and north west of the application site (Caldecote House and 5, 6 and 7 Caldecote Green) and consideration is required to be given to ensuring that setting of those listed buildings is preserved. Having regard to the distance and relationship between the proposed dwelling and those heritage assets (with other built form in-between) it is considered that there will be less than substantial harm to the setting of those heritage assets. Public benefits are identified in respect of the way in which the development will support the existing agricultural operation in the production of food. Having regard to those considerations the setting of the designated heritage assets would therefore be preserved.

### **5. Neighbour amenity**

5.1 The proposed dwelling is 18.9 metres to the south of the neighbour, 7c Caldecote Green which is within the 21 metre distance required in the Design Guide. However, given the modest proportions and height of the proposed dwelling noted above, together with its siting, it is not considered that there will be any significant harm to the living conditions of this neighbour.

5.2 Consideration has been given to the impact on an approved (but not yet implemented dwelling) between 7a and 7c Caldcote Green (LPA reference CB/17/05772/OUT). Reserved matters have not yet been approved in relation to that development but, in any event, for the reasons previously identified in regard to the relationship with 7c Caldecote Green, it is not considered that there will be any significant harm to the living conditions of this future dwelling or any other neighbouring property to the north of the application site.

### **6. Highway considerations**

6.1 The development will utilise existing access via the farmyard to the west of the site and the provision of a single dwelling is not likely to result in significant or harmful levels of traffic movements which would reflect a severe impact in NPPF terms.

### **7. Other Considerations**

7.1 Given the submissions made above in respect of the sustainable nature of the development proposal, a planning condition restricting the use of the building for agricultural workers is not considered to be necessary, in this case.

7.2 **Human Rights issues:** None identified

7.3 **Equality Act 2010:** None identified  
**Recommendation:**

That Planning Permission be **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 accordance with the details shown on the submitted plans, numbers 17.029.OSmap and 17.29.01A.

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

**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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