

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06296/OUT</b>
<b>LOCATION</b>	<b>Land Off, Chapel Close, Clifton</b>
<b>PROPOSAL</b>	<b>Outline: Residential development of 12 no. dwellings with all matters reserved except access</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Langford and Henlow</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Godwin Eweka</b>
<b>DATE REGISTERED</b>	<b>15 October 2009</b>
<b>EXPIRY DATE</b>	<b>14 January 2010</b>
<b>APPLICANT</b>	<b>Alderwine Limited</b>
<b>AGENT</b>	<b>Phillips Planning Services Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Cllr Rogers on grounds of overdevelopment</b>
	<b>Outline Permission</b>

**Site Location:**

This site which measures 0.55 hectares, is situated at the end of Chapel Close and lies within the settlement envelope of Clifton. This is a short residential access road, comprising eight modern two-storey detached residential properties.

The application site is almost rectangular in shape and enclosed by other residential properties in Spring Road, Pedley Lane and Shefford Road. This site is comprised of garden land associated with other residential properties located on Shefford Road and Pedley Lane. It is advised the proposed development would form a further phase of development, thus extending Chapel Close character and streetscene.

Chapel Close extends from the junction with Shefford Road up to the proposed application site on the south-western corner, where the existing access is located. The area is predominantly residential in character with a mix of designs of traditional and modern architecture. The topography of the site is generally flat and previously vegetated with shrubs and trees prior to site clearance.

**The Application:**

Outline: Residential development of 12no. dwellings with (All Matters Reserved, except access).

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS7(Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

## **Regional Spatial Strategy**

### **East of England Plan (May 2008)**

SS1 (Achieving Sustainable Development)

H4 (Affordable Housing)

ENV1 (Green Infrastructure)

ENV3 (Biodiversity and Earth Heritage)

WM6 (Waste Management in Development)

### **Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**

### **Bedfordshire Structure Plan 2011**

### **Central Bedfordshire (Core Strategy and Development Management Policies DPD)**

CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10; DM15;

### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid Bedfordshire (2004)

### **South Bedfordshire Local Plan Review Policies**

### **Supplementary Planning Guidance**

### **Planning History**

MB/99/01528/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted 25/10/99.
MB/99/01527/FA	Erection of three, 4-bedroom dwellings with garages and associated vehicular access and landscaping. Granted on 25/10/99.
MB/00/00738/FA	Erection of 3no. dwellings with garages and associated vehicular access and landscaping. (Revision to scheme previously approved under ref: 10/99/01527 dated 18.1.00). Approved 02/10/2000.
MB/01/01161/FA	Revised Road Layout (Revision to scheme previously approved under ref: 00/00738 dated 02/10/2000 for the erection of 3no. dwellings with garages and associated vehicular access and landscaping). Approved 31/07/2001.

## Representations: (Parish & Neighbours)

Clifton Parish Council

No objection raised. However, the following comments were made:

- The Council was strongly against any attempt to increase the number of houses beyond 12.
- The design of the houses should match the existing in Chapel Close.
- There should be a mix of houses, including 2 and 3 bedrooms to maximise affordability.
- Garages should be of adequate size to accommodate a family sized car plus storage space for bins and bicycles. Without adequate parking facilities, this development would be a disaster.
- Provision of play space. There is none at this end of the village.
- There should be a Section 106 agreement to fund traffic calming in Shefford Road, adjacent to Chapel Close. These points should be taken into account when the detailed application is submitted.

Whilst not objecting, the Council felt that it is important to restate the points made in the site application exercise.

1. The village Lower School is full.
2. Health facilities are under great strain.
3. Traffic through Clifton is totally unmanaged with very high levels of traffic breaking the speed limit.

Neighbours

Twenty-one letters of objection have been received. The grounds of objection are as follow:

- **Loss of Privacy:** We are currently overlooked and are surrounded by trees. A development of the housing proposed on this land would mean that this screening be removed and other houses visible from ours. According to the submitted plan, there will be two houses built directly behind our house backing onto our garden. The plans state that existing gardens in Spring Road are a minimum of 17-18 metres, this is serious underestimate as our gardens only 14 metres.
- **Noise Nuisance:** We are currently in a quiet area, but the development proposed would place many more neighbours in the vicinity and cause an increase in noise from cars and people. The building work itself will of course be intrusive.
- **Impact on Protected Wildlife:** We are in a rural setting and the area of land proposed for development has been a haven for many types of flora and fauna. we have seen a great variety of animals such as bats, birds (including woodpecker), deer, fox, hedgehogs, frogs and newts in our garden and are sure that they

are supported by the presence of this patch of land behind us.

- **Amenities:** Clifton is a small village and as such, cannot cope with another estate, which is what Chapel Close would become. Clifton has had problems with sewage disposal as the sewers are unable to cope with demand. Additional homes will add to this unpleasant problem and there is a lack of play areas, schools and doctors.
- **Increased Traffic:** The development will cause a significant increase in the daily traffic flow (probably greater than 100%) in Chapel Close, which has until now provided a safe environment for the children living the close.
- **Design and Appearance:** This should be in keeping with the existing part of Chapel Close where all houses are detached two-storey properties, not a mix as indicated on the application. Any higher than 2-storey would prove overbearing on surrounding properties.
- **Lack of Parking:** There is insufficient parking in the outline, compounded by the suggested use of the garages for recycling, storage and cycles.
- **Density:** Though the style and design of the proposed dwellings are yet to be determined because of the surrounding existing homes and the elevation of the plot, I believe a low level development made up of maximum of 6 x 1.5 storey and bungalows would have less impact on the surrounding area.
- **Back-Back Development:** The Design and Access Statement has used an old OS Plan and since this plan was made, quite a large number of properties have had extension built, reducing the stated 18 metres to the fence line. My house, for example, has only 8.6 metres to the rear fence and I believe a more up to date plan needs to be used before this application can be considered accurate.

## Consultations/Publicity responses

Highways Section  
Bedfordshire and River  
Ivel Internal Drainage  
Board (IDB)

No objection, subject to conditions.

This site is some 250m from the Board's drainage district where much of the land is in flood zone 3. The drainage map also indicates that drains issuing in Pedley Lane are likely to discharge into the drainage district.

It is recommended that if planning permission is granted this be on condition that the volumes and peak flow rates of surface water runoff from the proposed development are no greater than the greenfield rate of runoff of 3 litres per second per hectare of developed land, in order that the drainage district is not subject to an increased flood risk by overland flows or by flows channelled into the

district.

Trees and Landscape Officer	No objection, subject to conditions. The site has been cleared of all trees/vegetation and there do not appear to be any substantial trees in neighbouring properties that are likely to be at risk of damage. The submission of a planting scheme with densities, species and sizes would be required.
Natural England	No formal objection, the Council's attention has been drawn to the European or UK legislation.
The Wildlife Trust	<p>No formal objection, the Council's attention has been drawn to the non-submission of an ecological assessments. The Wildlife Trust has advised that they have records that indicate that Great Crested Newts are found within Clifton. They are also now aware that the application site was cleared prior to a planning application being submitted, following complaints from nearby residents.</p> <p>Furthermore, they advise that as orchards are often hotspots for biodiversity, containing a wide range of wildlife, including rare and protected species, they have been designated as a Biodiversity Action Plan (BAP) habitat. There are national and Bedfordshire action plans for traditional orchards and the special biodiversity features that they contain.</p> <p>Due to the possible presence of Great Crested Newts and remnants of BAP habitat with no ecological report, we advise that there is insufficient information provided to enable the Planning Authority to a make a decision on this application under their obligations in the Natural Environment and Rural Communities (NERC) Act 2006.</p>
Public Protection (North)	No comments on either contamination or noise issue/

## **Determining Issues**

The main considerations of the application are:

1. Principle of Development
2. Impact of Development on Character and Appearance of the Area
3. Impact of Development on Neighbouring Properties
4. Highway Safety Implications
5. Biodiversity Issues
6. Other Issues

## **Considerations**

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

The proposed development is in outline stage, where all matters have been reserved for future consideration by the applicant, except for access. The existing access (i.e. Chapel Close, comprise eight residential detached properties. This is a short residential access road, culminating into a cul-de-sac arrangement. The vehicular access would be taken from the south-western corner of the existing access into the application site.

In view of the recently adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009), the proposed development will be assessed against the following Development Management Policies, particularly, DM2; DM3; DM4 and DM15.

Policy DM2 for example, expects all proposals for new development to contribute towards sustainable building principles. The Council expects future new housing development to comply with mandatory standards in relation to the Code for Sustainable homes and any major developments and developments, which will have high water consumption like this one, should incorporate measures to minimise their use of 'white' water.

Similarly, Policy DM3 will expect the proposed development to be of an appropriate scale and design to their setting; create a sense of place and to respect local distinctiveness in terms of the use of materials, efficient use of land, energy efficiency, safeguarding the amenities of neighbouring properties; provision of adequate areas for parking and the provision of adequate hard and soft landscaping.

As this development is in outline stage, the Council can only consider the access and pay regard to the above policies at the reserved matters stage. The applicant has provided an indicative layout for twelve dwellings which shows that the site is capable of accommodating 12 dwellings.

However, the Council will pay regard to the details as shown in the application and assess as to whether the principle of a residential development is acceptable. Having consideration to all other matters, It is considered the principle of a residential development is considered acceptable, by virtue of its location within the 'settlement envelope' and in an area surrounded by residential properties.

### **2. Impact of Development Character and Appearance of the Area**

The proposed residential development lies within the settlement envelope of Clifton. As already explained, the principle of a residential development on the site is considered acceptable. Whilst this is an outline application, any subsequent detailed application for the reserved matters, is expected to respect the character and appearance of the area by creating a sense of place and respecting the local distinctiveness in its design and use of local sourced materials for the construction of the development.

The existing properties in Chapel Close are of modern, detached and of attractive architectural design, comprising two-storey, with adequate spacing around the dwellings. The neighbouring properties though, of traditional

construction and older styles and design, it is considered that the Council will expect any reserved matters' application to respect this setting, character and appearance and to be in keeping with the immediate surroundings, especially those of Chapel Close in terms of use of materials in its construction and space around the buildings.

Given the location of the site, and the fact that it is surrounded by existing dwellings, it is not considered that residential development on the land would in principle be harmful to the character of the area.

### **3. Impact of Development on Neighbouring Properties**

Whilst considering the impact of the development, it is apparent that the application site is capable of accommodating 12 dwellings. There are some concerns relating to the siting of plots 1 and 2 in relation to 7 Chapel Close. However, the layout is purely illustrative at this stage and the siting of the dwellings would be the subject of a reserved matters' application.

The illustrative layout does however indicate that 12 dwellings could be erected on the site without having an adverse impact on neighbouring dwellings by way of overbearing impact, loss of light or privacy. On most of its boundaries, the site adjoins the rear gardens of existing properties. Having regard to the depth of the adjacent gardens and the size of the site, it is considered that if appropriately designed the proposal would be acceptable in terms its effect on existing houses which surround the site.

The proposal would inevitably give rise to traffic generation in Chapel Close, although given the width of the highway this should not have an adverse impact on existing properties.

### **4. Highway Safety Implications**

The Highways Section of the Council has advised that the site is proposed to be accessed through Chapel Close that already serves 8 properties, and that whilst it is not an adopted highway, it is in the process to being adopted. However since it is still a private highway, the proposal should include at least one of the footways within the application site to ensure that pedestrians will not be prejudiced.

Chapel Close is of the required standard to serve the additional development, however the proposed extension of the road does not comply with the required standards of the provision of a service strip of 2.0m preferable or minimum 1.0m at the back of the turning head.

In addition and due to the distance between the unit on plot 3 and the edge of the prospective adoptable street, a refuse collection point needs to be provided in close proximity to the latter. However, these issues can be resolved at the reserved matters stage.

In the circumstances, and subject to application site including at least one of the existing footways, no objection is raised to the development in terms of highway safety, subject to conditions.

### **5. Biodiversity Issues**

The proposed site has been the subject of complaints from local residents

particularly, from those in Chapel Close. This site was in vegetation, comprising trees and shrubs for many years therefore, undisturbed.

Under the Natural Environment and Rural Communities Act 2006 and PPS9, the Council must have regard to the impact of the proposal on biodiversity in its determination of the application.

Following the clearance of the land by the owner and applicant, local residents complained that the site was a protected habitat for wildlife of all kinds, including many species of birds, small mammals, hedgehog and amphibians (i.e frogs) and Great crested newts. It is claimed by these residents that this was a haven for many types of flora and fauna and that evidence of this wildlife has now been destroyed.

Council's policies relating to biodiversity has been effective in protecting wildlife and habitats in the district. The Council has also fully endorsed the 'Bedfordshire and Luton Biodiversity Action Plan' that seeks to protect locally important habitats and species. The Council therefore, has had regard to the proposed site and although, is keen to continue supporting the protection of designated sites from the effects of new development, the proposed site is not a protected or designated site for wildlife that is subject to Policy DM15 of the adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

As this site is not a designated site for wildlife, even though there were some evidence of habitat prior to the site clearance as claimed by neighbouring residents, under Policy DM15, the Council will pay regard to where any development is permitted within, adjacent to or in close proximity to designated sites or known locations of identified species, to ensure that the developer takes steps to secure the protection of such animals and plants. However, in cases where new development is unavoidable, such as this enclosed site within the settlement envelope and may harm wildlife interests, mitigation measures would be required.

More recently, the applicant has submitted a report regarding biodiversity, and comments from the ecologist will be reported in the late sheet. However, at the present time it is not considered that the proposal would be unacceptable due to its impact on biodiversity.

## **6. Other Issues**

This development is required to make contributions to local infrastructure to comply with the Council's Planning Obligations Strategy. This will be secured by way of a legal agreement and will include the provision of some affordable housing. No completed agreement has yet been submitted and if the Committee are minded to approve the application, this should be subject to the completion of the required agreement. However, in the event that the agreement is not submitted in an acceptable form before the expiration of the application on 14th January, delegated powers are sought to the Director of Sustainable Communities to refuse the application as it would fail to comply with the Council's Planning Obligations Strategy.



## Reasons for Granting

The proposed site lies within the 'Settlement Envelope' of Clifton and whilst this is an outline application for residential development, it is considered that the principle of a residential development is acceptable and in accordance with Policies CS1; CS2; CS7; CS16; DM2; DM3; DM4; DM10 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (November 2009).

## Recommendation

That Outline Permission be granted subject to the following:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the scale of the building(s);
- (c) the appearance of the building(s);
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 The scheme approved in condition 1 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the first occupation of the development hereby approved.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or

both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

- 5 **Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**

- 6 **Development shall not begin until the detailed plans and sections of the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an adequate standard**

- 7 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a 2.0m service strip at the back of the turning head

Reason: For the avoidance of doubt.

- 8 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

## DECISION

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