

**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06175/FULL</b>
<b>LOCATION</b>	<b>Land At 100 And 102, Bedford Road, Marston Moretaine</b>
<b>PROPOSAL</b>	<b>Full: Demolition of existing two dwellings. Erection of 11 dwellings.</b>
<b>PARISH</b>	<b>Marston Moretaine</b>
<b>WARD</b>	<b>Marston</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Roger Baker &amp; Cllr Mike Gibson</b>
<b>CASE OFFICER</b>	<b>Nicola Stevens</b>
<b>DATE REGISTERED</b>	<b>01 October 2009</b>
<b>EXPIRY DATE</b>	<b>31 December 2009</b>
<b>APPLICANT</b>	<b>Grand Union Housing Group</b>
<b>AGENT</b>	<b>Levitt Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development with outstanding objection from Parish Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application – Granted Subject to signing of a S106 Legal Obligation.</b>

**Site Location:**

The site is in the main a rectangular area of land located on the eastern side of Bedford Road. It lies within the settlement envelope of Marston Moretaine. The site is surrounded by 1930's residential properties to the north, a new residential development to the south, an open ditch with open land to the east (with outline consent for mixed development), and Bedford Road to the west beyond which is public open space and playing fields located on the opposite side of the road. Within the site is a pair of semi-detached properties owned by the applicant which are to be demolished. The site was formerly used as a small sewage treatment plant.

**The Application:**

The application seeks full consent for the demolition of the existing two dwellings and erection of 11 dwellings.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

**PPS:**

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS25 Development and Flood Risk

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

- LPS1 Selected settlements
- DPS5 New development
- DPS9 Provision of amenity areas and open space
- DPS10 Highways provision for new development
- DPS17 Surface Water drainage
- H05 Housing density
- H06 Location of new residential development

### **Core Strategy and Development Management Policies Adopted November 2009**

- DM3 High Quality Development
- CS1 Selected settlements
- CS2 Developer Contributions
- CS3 Health and Sustainable Communities
- CS4 Linking Communities – Accessibility and Transport
- CS7 Affordable Housing
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- DM2 Surface Water Drainage
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes

### **Supplementary Planning Guidance**

A Design Guide for New Residential Development in Mid Bedfordshire  
Adopted 2004

Design Guide for Central Bedfordshire & DS1 New Residential Development  
Adopted Jan 2010.

## Planning History

None relevant

## Representations:

### (Parish & Neighbours)

Marston Moretaine Parish Council	Object, 36 dph is considered to be over development, suggest it be reduced to 30dph.
Neighbours/Site Notice	1 letter of objection received, hope the Parish Council object and limit any further development on this small site, concerned about structural damage to adjoining property from construction traffic, there should be a heavy restriction on the use of the area of land directly between neighbours house and the dyke which encircles the large field towards the country park.

## Consultations/Publicity responses

Highway Officer	No objection subject to conditions and notes
Forest of Marston Vale Project Officer	This application may be relevant for contribution to the delivery of the Forest of Marston Vale as set out in the Mid Beds Planning Obligations Strategy 2008.
Public Protection North	No objection subject to a contamination condition
Waste Officer	No objection to the revised layout and Waste Audit. Site Waste Management Plan required.
IDB	<p>8.11.09 The IDB has pointed out that the applicant has indicated that surface water is to be discharged to soakaways, which is unacceptable where the soil conditions are clay. If the applicant cannot discharge to the watercourse then it is unlikely a satisfactory means of surface water can be achieved. Clarification should be sought prior to grant of planning permission.</p> <p>16.11.09 According to the red line the applicant does not have control of the land between the site boundary and the watercourse. The applicant must have prior consent from the adjoining landowner and the IDB to discharge surface water to the watercourse. An alternative would be the possibility of a rainwater harvesting system. Suggest attaching a Grampian style condition stating that the</p>

development may only proceed if a satisfactory means of surface water disposal can be secured.

## **Determining Issues**

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

## **Considerations**

### **1. Principle of development**

The site is located within the selected settlement of Marston Moretaine wherein the principle of new residential development is acceptable as endorsed by Policy HO6 and CS1, subject to various criteria being satisfied.

The proposal is for 11 dwellings (following demolition of the two existing semi-detached properties) equating to a density of development of 36 dwellings per hectare. Although the comments of the Parish Council are noted, the figure set out in PPS3 of 30 dwellings per hectare is a minimum and it is considered that the tandem development proposed does reflect the character and nature of the locality and in this context the erection of 11 dwellings is considered acceptable.

The proposal falls within the selected settlement boundary and constitutes an under utilised resource. It is not defined for any purpose within the adopted Local Plan and therefore its development for residential purposes is wholly appropriate and compliant with Local Plan policy.

### **2. Visual impact**

The application seeks consent for 11 two storey dwellings. The layout of the development is tandem in its form, determined by the width and depth of the site. The majority of the site is on land currently occupied by the pair of semi-detached properties although a small element was formally part of the garden of No 104 Bedford Road. The layout shows a terrace of four properties fronting onto Bedford Road, three detached, and another terrace of four to the rear of the site.

Policy H06 and the pre-amble to it advises that the Council will generally resist proposals for "tandem development", unless it can be clearly shown that it will have no impact upon the amenity of adjoining dwellings or the character of the area. Policy DM4 of the Core Strategy states that housing will be approved commensurate with the scale of the settlement. CS1 identifies Marston Moretaine as a minor service centre where small scale housing development is considered acceptable.

The character of the area at this point is mixed comprising recent tandem development directly to the south. The existing 2 dwellings on the site sit perpendicular to Bedford Road but appear isolated and unrelated to surrounding development in terms of their orientation and setting. To the north the pattern of development reflects more conventional linear development fronting onto Bedford Road. Having regard to the shape of the site, there is no other realistic manner to develop the land in a sustainable way which maximises its potential, other than in a tandem form. Furthermore, the proposed terrace for plots 1 to 4 will continue the building line across the front of the site. Having regard to the mixed character of the surroundings it is concluded that this form of development will not be unacceptably harmful to the character of the area and in this context, it is acceptable.

The design of the dwellings and mix of ridge heights (all two storey) proposed will simply reflect the variety of building forms in the locality and is acceptable. The site is generally flat with only slight falls to the rear and the eastern boundary. Although dependant on the final ground level of the development (and as such a levels condition should be attached), it is likely the front terrace will be slightly taller than No 98 Bedford Road and possibly around a metre taller than No 104. In streetscene terms this is considered acceptable given the relationship and distances between properties. The vista along the access road is terminated by the dwelling on plot 5, which is welcomed. Each of the dwellings would sit comfortably on their respective plots and there is scope for pockets of soft landscaping to contribute to their individual settings.

Revised plans have been submitted to show solar panels on the roofs of the proposed dwellings. This is to achieve Code for Sustainable Homes Level 4. The solar panels will all be on the rear of the dwellings, except for plot 5 which will be on the front which is set back from the road. It is considered that this alteration is visually acceptable.

In this instance, it is concluded that the development of this site for 11 dwellings, in the form proposed would not result in any unacceptable harm to the character or visual amenities of the area.

### **3. Residential amenity**

The side elevations of No 98 and the proposed dwelling on plot 4 facing each other are both blank sided, given the siting and design of the front terrace it will not result in any undue loss of residential amenity to No 98 in terms of light,

privacy or overbearing impact, nor loss of privacy to No 96.

No 96 has a first floor obscure glazed window on its side elevation facing the application site. The proposed dwelling on plot 6 will be sited 14.6m away and will have only a first floor bathroom window on its rear elevation which can be conditioned to be obscure glazed.

The dwelling on plot 11 will be blank sided and offset approx 2.0m from the shared boundary. Given its siting and relationship with the two existing properties No 94 and 96 it will not result in any undue loss of light, privacy or overbearing impact.

Parking and outbuildings within the application site will be separated from the existing properties by an existing 1.8m fence with 0.3m trellis with the single storey garages serving 94, 96 and 98 providing further screening. Overall, it is considered that the proposed dwellings will have a better relationship with Nos 94, 96 and 98 in residential amenity terms than the existing semi-detached properties (nos 100 and 102).

No 104 has two small windows on the side elevation facing the application site, whilst the new access road would run parallel to its boundary and the side of the house, the road itself will be offset by approx 5.2m which is considered sufficient distance to ensure no undue loss of noise and disturbance. Furthermore, it is proposed to erect a new 1.8m fence with 0.3m trellis along the boundary. No 104 will be unaffected by the dwelling on plot 1 which will be blank sided and separated from no 104 by the new access road. The dwelling on plot 5 will be sited approx 19m away and has no first floor window facing onto the rear of 104 and only a first floor bathroom window on the rear facing onto the gardens of 104 and 106 which can be conditioned to be obscure glazed.

The rear garden of 106 adjoins the application site. However the development is sufficient distance from the house itself to ensure no undue loss of light, privacy or overbearing impact. No other surrounding properties would be harmed as a result of this scheme as they are located too far away.

Revised plans have been submitted for plot 10 (drg 13B) to show a first floor bathroom window on the side (southern) elevation. As this will face onto the blank sided wall of plot 11 there will be no loss of residential amenity to existing or future occupiers as a result of this minor change.

The siting, orientation and detailed design of the properties is such that the residential amenity of future occupiers would also be protected.

The private amenity space for each dwelling would be acceptable, providing for an appropriate level of usable amenity for future occupiers.

#### **4 Highways**

Vehicular access to the site will be taken directly from Bedford Road. The Highway Officer has confirmed in writing that the proposed layout is satisfactory and that there are no highway and pedestrian safety concerns. Sufficient vision splays, road width, service strips, and turning head have been provided to serve the proposed 11 dwellings.

Secured cycle parking is provided in sheds within the gardens of individual

properties. Access to cycle parking provision for units 1 and 2 is not satisfactory as it will only be possible to access them if the parking spaces in front are unoccupied, it is suggested this element is dealt with by condition.

A neighbour has expressed concern about the route of construction traffic accessing the site. Whilst any structural damage caused by construction damage would be a private matter, it is considered reasonable to ask for details of how construction traffic will access the site, together with on site parking as requested by the Highway Officer

## 5 Other issues

### Drainage

The IDB has pointed out that the applicant has indicated that surface water is to be discharged to soakaways, which is unacceptable where the soil conditions are clay. If the applicant cannot discharge to the watercourse then it is unlikely a satisfactory means of surface water can be achieved. It is noted that the recent residential development to the south (ref: 07/2020/Full) did discharge to the watercourse. Following discussions with the developer the IDB have stated that according to the red line the applicant does not have control of the land between the site boundary and the watercourse. The applicant must have prior consent from the adjoining landowner and the IDB to discharge surface water to the watercourse. An alternative would be the possibility of a rainwater harvesting system. It is suggested a Grampian style condition be attached to any permission stating that the development may only proceed if a satisfactory means of surface water disposal can be secured.

The use of a Grampian style condition is not advocated by Officers as it could result in a development that cannot be implemented either because they cannot provide adequate details to discharge such a condition or because it could result in drainage works which in themselves require formal planning consent. However, technically a Grampian style condition can be used in relation to private land and the applicant has confirmed in writing that they would prefer this approach. As such an appropriately worded condition is attached together with a note to applicant to advise them of the problems which may arise.

### Contamination

Given the previous use of the site, the Environmental Health Officer has no objection to its development subject to a contamination condition being attached.

### Waste

The Planning Development Liaison Officer has no objection to the proposed development or the Waste Audit Statement submitted with the application. The internal layout of the scheme has been revised to provide bin collection points for the dwellings at the rear of the site.

## Affordable Housing

There is no requirement under the Adopted Mid Bedfordshire Local Plan First Review which was the relevant policy document when this application was submitted, to provide affordable housing on this site. Under the Core Strategy policy CS7 requires an element of affordable housing but given that this application was submitted prior to the adoption of the Core Strategy this would not be sought. However, the applicant is Grand Union Housing Group an Affordable Housing provider therefore the scheme being sought is completely for affordable housing.

## Unilateral Obligation

There is a requirement for a Unilateral Obligation to be provided. This would include financial contributions to the Forest of Marston Vale as highlighted by the Project Officer. However, the applicants have satisfactorily demonstrated that based on a purely affordable housing scheme it would not be financially viable to develop this scheme based on the financial calculations of the calculator. A much reduced figure per dwelling has been agreed as the only means to develop this site purely for affordable housing. Given that a reduced figure has been agreed based on the whole site being brought forward for affordable housing its tenure must also be secured within the Unilateral The Section 106 Obligation will need to be finalised before the decision can be issued.

## **Reasons for Granting**

The proposal is in conformity with Policies H06, DPS5, DPS17 and DPS9 of the Mid Bedfordshire Local Plan First Review adopted December 2005 and policies CS1, CS2, CS3, CS4, CS7, CS16, CS17, DM2, DM3, DM4 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal does not seriously harm the amenities of neighbours and will not have a harmful impact on the character and appearance of the locality. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), Planning Policy Guidance, 25 (Development and Flood Risk), and Technical Guidance: A Design Guide for New Residential Development in Mid Bedfordshire Adopted 2004, Design Guide for Central Bedfordshire & DS1 New Residential Development Adopted Jan 2010, and Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008).

## **Recommendation**

That Planning Permission be APPROVED subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.



- 2 Notwithstanding the details shown in the application, details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 **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.**

- 4 **Notwithstanding the details shown, no development shall commence until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- i) materials to be used for any hard surfacing;**
- ii) planting plans, including schedule of size, species, positions, density and times of planting;**
- iii) cultivation details including operations required to establish new planting;**
- iv) details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

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

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

- 5 The scheme approved in Condition 4 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 buildings 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.

- 6 The boundary treatment shall be erected as shown on layout plan No 11861/10A unless otherwise agreed in writing with the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 7 Prior to the first occupation of the buildings on plots 5 and 6 the first floor windows in the rear elevations of plots 5 and 6 shall be fitted with obscured glass of a type to substantially restrict vision through them at all times, and restriction on their opening to a maximum of 10 cm. These restrictions shall be retained at all times unless written authority has been given by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 8 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side elevations of plots 7 and 11.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 9 All existing on site building and other structures shall be demolished and all resultant detritus completely removed from the site prior to the commencement of building works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 10 **No development shall commence until details of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

**Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.**

- 11 **Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.**

- 12 No dwelling shall be occupied until visibility splays as shown on drawing 11861/10A have been provided at the junction of the estate road with the

public highway.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

- 13 No dwelling shall be occupied until the 2.0m wide footway along the frontage of the site as shown on drawing No 10A has been constructed in accordance with details of the approved drawing/or scheme 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 interests of road safety and pedestrian movement.

- 14 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 15 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 16 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.

- 17 **No development shall commence until, a scheme showing how access into the parking areas for cycles for plots 1 and 2 is submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the development is first occupied or brought into use 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.**

18 **Development shall not commence until a scheme detailing provision for access of construction traffic and on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure a satisfactory means of access for construction traffic to the site to protect residential amenity and to ensure adequate off street parking during construction in the interests of road safety.**

19 **The development shall not begin until a scheme for the investigation and assessment to identify the extent and nature of contamination has been provided and agreed in writing by the Local Planning Authority. The scheme shall conform to Environmental Services 'Pre application guidance note on the assessment and remediation of land that may be affected by contamination for Environmental Consultants and Developers' and in doing so shall comprise of the following:**

- a. **A phase 1 report (desk study), including a historical survey and conceptual model of the site.**
- a. **A phase 2 report (Exploratory investigation), documenting the ground conditions of the site, incorporating chemical, gas and water analysis as identified as being appropriate by the phase 1 report**
- a. **A Phase 3 report (Remediation Plan), detailing the remediation works to prevent any land from the site being designated as contaminated land following development**
- a. **A phase 4 report (Validation), demonstrating proof and success of remedial works.**

**Reason: To ensure that any potential land contamination is identified and appropriate remedial measures taken to produce a site that is free from harm to humans and suitable for its proposed end use.**

20 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Officer. Development shall be completed in accordance with the approved details. The Site Waste Management Plan should demonstrate that in both construction and operational phases of the development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner.**

**Reason: To ensure that site waste is disposed of in a safe, efficient and comprehensive manner.**

### **Notes to Applicant**

1. 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. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number

and supplying a copy of the Decision Notice and a copy of the approved plan. 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.

2. The applicant is advised that in order to comply with Condition 13 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 Control Group, Development Management Division, , Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN
3. The applicant is advised that no highway surface water drainage system designed as part of the 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 Highways Development Control group, Development Management Division, Central Bedfordshire Council. Further details can be obtained from the Traffic Management group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
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 Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.
5. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.
6. You are advised to note the comments of the Waste Officer who states that the cost of bins for this development will be chargeable to the applicant.
7. You are advised to note that condition 10 relating to surface water drainage could result in a development that cannot immediately be implemented either because it may not be possible to provide adequate details to

discharge such a condition or because it could result in drainage works which in themselves require formal planning consent.