

**Item No. 11****SCHEDULE C**

|  |   |
|--|---|
| <b>APPLICATION NUMBER</b>                | <b>CB/10/03681/OUT</b>  |
| <b>LOCATION</b>                          | <b>Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP</b>   |
| <b>PROPOSAL</b>                          | <b>Outline: Redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre.</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>14 October 2010</b>  |
| <b>EXPIRY DATE</b>                       | <b>13 January 2011</b>  |
| <b>APPLICANT</b>                         | <b>Westhaven Estates Ltd</b>  |
| <b>AGENT</b>                             | <b>JRA Design Associates</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>An Officer of the Council has an interest in part of the site.</b>   |

**RECOMMENDED DECISION** **Full Application - Refused**

**Site Location:**

The site is comprised of an existing complex of former farm buildings located at the northern end of the village of Lower Shelton, accessed directly off the main road running through the village. There are a range of former agricultural buildings on the site which were put to a variety of storage uses. Open agricultural land lies immediately to the north and east of the site. Immediately to the west are a limited number of residential properties within the village. Immediately to the south are a number of infill redevelopment plots. The site lies in open countryside and within the Marston Vale Community Forest area.

**The Application:**

This application seeks outline consent for redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre (including access and layout), all other matters to be reserved.

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

PPS1 Sustainable Development and Climate Change  
PPS3 Housing  
PPS4 Planning for Sustainable Economic Growth  
PPS7 Rural Areas  
PPS9 Biodiversity and Geological Conservation  
PPG24 Noise

## **Core Strategy and Development Management Policies Adopted November 200**

|      |  |
|------|--|
| CS1  | Development Strategy                               |
| CS2  | Developer Contributions                            |
| CS3  | Healthy and Sustainable Communities                |
| CS4  | Linking communities                                |
| CS7  | Affordable Housing                                 |
| CS11 | Rural Economy                                      |
| CS14 | High Quality Development                           |
| CS16 | Landscape and Woodland                             |
| CS17 | Green Infrastructure                               |
| CS18 | Biodiversity and Geological Conservation           |
| DM2  | Surface water drainage                             |
| DM3  | High Quality Development                           |
| DM4  | Development within and beyond settlement envelopes |
| DM15 | Biodiversity                                       |

## **Supplementary Planning Guidance**

Design Guide for Central Bedfordshire & DS1 New residential development, DS2 Larger footprint buildings & DS7 Movement Street and Places Adopted January 2010

Mid Beds District Council Planning Obligations SPD (Adopted Feb 2008)

Wildlife in Development 2003

## **Planning History**

|             |   |
|-------------|---|
| 92/1554/LDC | Lawful Development Certificate: Storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery. Approved 1.3.93. |
| 00/1177     | Outline: residential development of 21 houses (all matters reserved except siting and means of access). Appeal dismissed 8.8.01   |
| 96/703      | Erection of four detached dwellings with garages and relocation of farm access. Approved 30.5.96  |
| 01/506      | Outline: residential development of 16 houses (all matters reserved except means of access). Refused 29.5.01  |

Applications Reference: 00/1177 and 01/506 were refused because residential development in the open countryside is contrary to policy, residential development in this location would adversely affect the character of the village and sufficient information had not been provided on affordable housing, contamination and drainage.

|         |  |
|---------|--|
| 02/1542 | Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 No units for B1 employment use, parking area, landscaping and alterations to public footpath and Marston Vale cycleway. Withdrawn 3.12.02 |
|---------|--|

02/2154

Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use, parking area, landscaping and resurfacing of public footpath. Approved 14.7.05

**Representations:  
(Parish & Neighbours)**

Lower Shelton PC

Object, lack of information on decontamination, the site is in open countryside and outside of permitted development, the development is not in keeping with the character of the surrounding area. Concerned about the access on the bend being dangerous. It will increase traffic flow along a road which is busy at commuter times and also narrow in some areas along its length. Insufficient on site parking will lead to on street parking to the detriment of highway safety. Bats and owls are reported to be within the vicinity of the site and surveys should be carried out. Insufficient information on the use of the enterprise centre and community building and who would be responsible for its upkeep.

Neighbours

46 letters of objection received, concerned about insufficient consultation time for residents and Parish Council and extent of consultations, 2002 application is not valid it has lapsed, question planning use as a scrap metal yard and whether the land reverts to agricultural use, application does not specify if any new public rights of way are to be provided, the site is surrounded by existing large trees and hedgerows which screen the site (and cleared at least 5 years ago) and are a wildlife habitat, question whether local people will work on site, the proposed access is unsafe, the bend is dangerous, school drop off/pick up will be unsafe, the road is already congested at peak times including the single track road from the A421 which was approved after the 2002 permission and cannot cope with increased residential and commercial traffic, the site is not accessible and unsuitable for the proposed use, insufficient on site parking proposed, no formation on traffic generation, a full traffic survey should be undertaken, damage to road from construction traffic, an independent ecological report should be carried out, owls bats and newts are present in the area, harm to neighbours privacy and concerned about security and safety of existing properties, light and noise pollution from mixed uses (community centre, businesses and residential) and traffic/movements generated including use of farm access, what are operating and delivery hours? What evidence is there to show demand here when there are already vacant houses and business units across the county and Lower Shelton Methodist Church is used by the community, how will the community hall be used? other residential development has been refused for not being infilling in a small village, nor would the erection of business premises be in keeping with a small village with no amenities/services,

can electricity supply and drainage cope, the area has flooded, there is a public footpath on the site, why is windfarm cabling mentioned?, if housing needed it should be for local people, live/work units could result in noise and traffic problems depending on the type of home working being run, covenants in deeds should ensure the dwellings are predominately residential use, would question the term 'traditional Bedford barn', poor layout with two cul-de-sacs and lack of housing mix and types, no traditional live/work units but large detached dwellings, no parking for Shelton Farmhouse, site outside settlement envelope where there is a presumption against development, site not selected in LDF, need to develop local infrastructure such as schools and need traffic calming, concerned may lead to precedent of land between Sheltons being developed.

### **Consultations/Publicity responses**

|  |   |
|--|---|
| LDF Officer                              | While the employment element of this proposal is well supported in principle by local and national policy, this must be considered against the criteria set out in DM12 in order to protect, landscape, amenity, and in particular to ensure that the access arrangements for this site are acceptable. However as the live/work market housing element of this proposal is not deemed to be acceptable outside of a defined Settlement Envelope and it is not clear whether the development would be able to deliver the sort of community use that is required in this location; it is considered that the mixed use proposal as a whole is not acceptable in policy terms. |
| Highway Officer                          | Object, firstly insufficient information has been submitted to properly and accurately assess the proposal, and secondly the proposal if permitted would lead to the use of an access at which forward visibility is substandard, leading to conflicting vehicular movements to the detriment of highway safety.  |
| Affordable Housing                       | Support, 9 affordable homes reflects the 35% target, 9 social rent is acceptable but would expect them to be mixed with the live work to promote tender blindness. All homes should meet the code for sustainable homes level and meet all Housing Corporation design and quality standards.  |
| Environmental Health (Public Protection) | Require more information with regard to the proposals. If B1 for the units proposed then no objection subject to conditions restricting hours of operation, deliveries and equipment noise etc and conditions related to the community use. A contamination condition should also be attached given the previous use of the site.   |
| Waste Liaison Officer                    | The applicant should provide a full site waste management plan, full tracking & turning plan, show proposed bin collection points, details of access to the rear of each property in order to store bins at the rear of each property. Include a note to applicant for awareness  |

that only residential dwellings are eligible for the Council's collection scheme, they will have to make their own collections arrangements for all other commercial aspects.

Tree & Landscape Officer

The Tree and Landscape Officer has confirmed that there is very little vegetation on the site itself that is of any real significance. Conditions are suggested.

Education Officer

The 8 live work units are exempt from making any contributions. Any financial contributions for the 9 affordable units would be dealt with by the planning obligations calculator.

Play Space Officer

The Play and Open Space officer has also identified that an additional contribution would be required for off site children's play and outdoor sporting space.

Ecology Officer

A Walkover Ecological Survey of the site was undertaken in July 2010 and submitted with the planning application. The survey assesses the site for its value for biodiversity and identifies a number of areas which require further survey. Conditioning such surveys is not appropriate as, should a protected species be found to be using the site, adequate mitigation measures will need to be approved to ensure the status of that species will not be detrimentally affected. The necessary information must be made available prior to determination.

Building Control Officer

No comments received

Conservation Officer

No comments received

Archaeology Officer

No objection

ROW Officer

Footpath No 60 runs through the site. It appears from the plan submitted that the legal line of the footpath could be obstructed by two properties. The layout must either be redesigned or the applicant apply to divert the footpath once permission is granted but prior to commencement of development in so far as it affect the ROW. The successful making and confirmation of an Order should not be assumed.

Ramblers Association

No comments received

Marston Vale Forest Officer

This application may be relevant to contribute towards the delivery of the Forest of Marston Vale as set out in the Mid Beds Planning Obligations Strategy 2008.

Environment Agency

Object as no flood risk assessment has been submitted.

IDB

No objection, recommend a condition relating to surface water drainage.

## 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

#### Background

Application ref: 02/2154 sought full consent for alterations, extension and change of use of buildings and erection of new building to form 11 no units for B1 employment use, parking area and landscaping. In determining the application Members took a number of issues into consideration, including the principle of development, visual and residential amenity impact, highways and other relevant issues. In considering the merits of the application, the conversion of these agricultural barns to B1 commercial use was recognised as not strictly adhering to the restrictive countryside policies which seek to protect the countryside for its own sake and encourage re-use of rural buildings, particularly given the amount of new build/reconstruction involved. However, it was considered that there were other factors that tipped the balance in favour of the proposal. Policy DPS14 of the Mid Beds Local Plan supported the use of land where clear environmental or economic benefits could be achieved. In summary these were that the proposal would remove a non-conforming use, the site's contamination would be dealt with, visually the site would be cleared of scrap machinery and landscaped together with an off site contribution, the public footpath would be reinstated, and the commercial use of the site had the potential to support the economic wellbeing of the area through being within an identified strategic corridor and close to the A421 trunk road thus having good accessibility. The application was approved subject to a Section 106 which ensured the application be cleared of all scrap machinery and debris, the lawful development certificate (92/1554/LDC) be relinquished and to pay £15,000 towards the objectives of the Forest of Marston Vale.

Whilst it is stated in the Design and Access Statement that the site has a valid planning permission for eleven B1 employment use units, that planning consent has expired and therefore it is considered the lawful use of the site to be a scrap yard associated with agriculture.

#### Current proposal

The proposal is for a mixed use scheme of 9 affordable residential units, 8 detached live work units, the conversion and extension of a barn into 15 commercial units (use class B1b research and development) and a community facility building to be served by two accesses onto Lower Shelton Road.

The land in question is in open countryside. The site was previously in open countryside but just outside the settlement envelope. As part of the LDF process the settlement envelope has been completely removed. Most of the site has the benefit of a certificate of lawfulness for use as a scrap yard associated with agriculture (it appears a small triangular area to the north of the site that was then landscaped was excluded from the certificate). The land therefore complies with the definition of being brownfield (previously developed) land.

As this is a proposal for mixed use development there are a number of different elements to consider. In terms of the 15 self contained enterprise suites (B1b research and development use), PPS4 is broadly supportive of economic development in the countryside while being ever conscious of the need to locate

employment in the most sustainable location in the first instance. In paragraph EC12.1 small scale economic development is supported where the benefits outweigh the harm in terms of the potential impact on the countryside, landscapes and wildlife. In the case of this specific proposal, it allows the development of replacement buildings recognising that they should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, providing that the scale is acceptable in the context of local planning policies (EC6.2 part d.).

Policy CS11 is generally supportive of rural employment. Paragraph 6.5.3 states that: "The Council will continue to support the reuse of redundant buildings and sites in the countryside outside settlement envelopes, for employment purposes". The policy *"seeks to support the rural economy by: safeguarding rural employment sites unless it can be clearly demonstrated that they are unfit for purpose and unable to be redeveloped for employment use. It also seeks to support diversification for the rural economy and the conversion of redundant properties to commercial ... uses in the first instance"*.

It is therefore considered that the employment element of this proposal is acceptable in principle in this countryside location provided it meets other local plan criteria for example its appropriateness in terms of scale and design. It is recognised that the overall suitability of employment use on this site has already been established by the planning application 02/02154/FULL for 11 B1 units approved July 2005. However, it has not been demonstrated that redevelopment for commercial use is unviable. The applicant has indicated in writing that a detailed appraisal in this respect has been undertaken, but it was not submitted together with the application and as such this will need to form a reason for refusal.

Moving onto the housing element of the scheme, 8 large detached live work units are proposed with 9 terraced affordable housing units. Nine affordable housing units are shown on the layout, as two terraces of three and six units. In policy terms, nine affordable homes reflects more than the 35% target set out in policy CS7. However, the development of the site for residential use is contrary to both national and local planning policy as it is located in open countryside. Lower Shelton is regarded as open countryside due to its small size and rural character and as such does not have a settlement envelope. Outside settlements, where the countryside needs to be protected from inappropriate development, only particular types of development will be permitted, none of which are considered to apply here. Policy DM4 guides development within and beyond settlement envelopes. It makes it clear that windfall residential development such as that proposed in the form of live/work units, is not acceptable in policy terms outside of defined Settlement Envelopes. As the site falls within open countryside this reason also formed part of the appeal dismissed under 00/1177 which sought 21 dwellings on this site.

Furthermore, it is not considered that any other material considerations exist which warrant an exception to existing policies. In the previous appeal (00/1177), the Inspector noted that the site has the benefit of approval for agricultural commercial use which was not considered to be inappropriate in a rural location such as this. Nor was it considered that the dilapidated state of the site which could be restored justified for providing residential use in this location. (In fact, the scrap machinery on the site has since been cleared).

Whilst the previous permission 02/2154 allowed conversion/rebuild of the existing buildings that was solely for commercial use. Since that permission was granted the LDF is now more encouraging of allowing new development in the open countryside for commercial use in certain circumstances. Therefore, whilst an element of commercial conversion/new build is considered to be acceptable in principle, the residential part of the scheme remains contrary to policy.

The application also includes the repositioning of the timber barn for community use and a new building for educational use. No further information about how these buildings would be used for community and educational purposes has been provided including how they are to be secured and own/managed as part of a unilateral obligation. As part of the Local Development Framework (LDF) process an Infrastructure Audit was undertaken which identifies the need for an additional Sports Pitch and Sports Pavilion for Marston Moretaine Parish. This requirement is also identified in the Draft Local Delivery Strategy (2009). Although there are other community needs in terms of education and healthcare, the LDF team advise that these sports facilities are the only facilities that a development of this scale could realistically deliver. However, it is considered that this would be more suitably provided in Marston Moretaine itself, rather than the Sheltons to allow good accessibility from the most heavily populated settlement in the parish. In summary, the need for a community facility and educational building in this location has not been demonstrated, nor has a mechanism been submitted such as a unilateral obligation to secure them.

The applicant has queried why the site was referred to as having planning consent for live work units (when in fact it had consent for commercial B1 use) as part of the LDF process when the site was put forward for mixed use development. It did not progress to the Site Allocations Development Plan document as it was already committed by virtue of the fact that it had planning permission for live/work units and the housing assessment concluded that although it is in the Parish of Marston Moretaine, it is more closely related to Upper and Lower Shelton with the Rural Area and there are other sites in more suitable locations. The LDF team have responded to say that there is an error in the Site Assessment Document as the site does not have permission for live/work units. However regardless of this, the site would not have been allocated because it was the lowest scoring in the Marston Vale by some margin. In summary it is considered to be a rural site which is poorly located, particularly for residential use.

## **2. Visual impact**

Details of appearance, landscaping and scale are reserved matters to be considered at a later stage. However access and layout is to be considered as part of the application.

Although no details of the appearance of the buildings have therefore been provided, in terms of scale all the buildings proposed would be two storey therefore some basic assessment can be made in terms of the visual impact on the open countryside and in relation to adjacent properties.

Although the structural survey has not been updated, it is noted that both national and local policies now support redevelopment of existing employment sites. There is a very small element of conversion proposed with the retention



and extension of the existing barn to the north east of the site. It was also previously noted that the only timber framed building on the site which although in a poor condition was the only unit of any architectural merit and was conditioned to be carefully converted. In this scheme it is proposed to reposition that building, and whilst that would likely result in a new build visually it would be in keeping in this location retaining a traditional barn appearance.

Residential development has previously been considered on this site. At appeal the Inspector noted that the village is typified by frontage development along the road that leads from the A421 towards Upper Shelton. In contrast the application site is surrounded for the most part on three sides by open agricultural land. About one third of the site is open land with no buildings on it. Residential development on the scale proposed would represent a substantial extension of the built-up area of the village into the open countryside. It would be an intrusive form of development out of character with the remainder of the village and harmful to its setting within the countryside.

The site is a brownfield site. However, it is important to note that PPG3 in defining such a definition also notes that "There is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed." Given that as part of the LDF process the settlement envelope has been completely removed, it is not considered this is a suitable location for further housing.

In terms of layout the scheme is considered to be poor. Whilst the affordable housing is accessed from the southern access only, in streetscene terms it would greatly be improved by presenting a frontage onto the other access road. A tight relationship is shown between the community hall and affordable housing with one housing unit facing directly onto the community hall and taking access that way. In the absence of details of how that community hall is to be used this could result in noise and disturbance. The rural innovations centre appears cramped and overdeveloped. The existing rural buildings are generally low profile and range in height from approximately 5 to 7.5 metres. In comparison a completely two storey scheme is likely to have a greater amount, scale and spread of built form than currently exists on site thus having a greater visual impact on the surrounding area. Whilst there is some scope for landscaping on the boundaries it wouldn't compensate for the scale of built development being proposed across the site.

The Tree and Landscape Officer has confirmed that there is very little vegetation on the site itself that is of any real significance, although the southern boundary has a number of conifers planted as an effort to screen the site. The majority of the screening planting is now on neighbouring land. Only an early mature Oak at the far east of the site and on the ditch boundary and a Pine situated on the north boundary are considered worthy of retention. Details of all landscaping proposals, a tree survey mainly to detail protection distances and care for trees on adjoining land that may be influenced by the proposals. (they offer substantial screening and require protection) also the few trees of worth on the site, hard landscaping and location of service line routes and soakaways would be required by condition.

### **3. Residential amenity**

Residential properties are located to the south and west of the application site.

B1 use was previously approved on this site as it is normally considered acceptable close to residential properties because its uses satisfies amenity tests making it an acceptable neighbour to residential use.

In this current proposal only one building is proposed for commercial use adjacent to 112 Lower Shelton Road. That dwelling has a single storey outbuilding which faces onto the application site (and the owner advises possibly a rights of way to it) and a garage on its own land which would effectively screen the 15 proposed commercial units (this has consent to be converted under 05/889). Although the comments of the neighbour are noted concerned with the increase in height to two storey and loss of residential amenity, even though it is clear from the block plan that the roof of the existing barn is to be changed from a gable to pyramid and increased to two storey, given the relationship and distances involved it is considered there should be no significant loss of light, privacy or overbearing impact for that adjoining property. A fuller assessment would be made at the reserved matters stage. A condition could be attached to ensure no windows in the first floor side elevation. Whilst no information has been provided on the ultimate use of the 15 commercial units they could be conditioned as was done previously for example restricting hours of operation, deliveries, equipment, noise etc to protect adjoining neighbours amenity.

The commercial building is to be accessed from the northern most access. This used to serve the scrapyard and the farmhouse when they were in the same ownership. In the previous 2002 application it was shown to serve the farmhouse only. However, the farmhouse is now in separate ownership to the application site. The applicant has verbally stated that the farmhouse owns the access and the applicant's have a right of way across it and therefore it could revert back to a scrapyard access. The intention is to undertake a private transaction with the owner of the farmhouse so the applicants own the access and the farmhouse a right of way across it and a land swap so that the farmhouse gains a strip of land to the rear, presumably for garden use although technically this would require permission for change of use under a separate application.

Although B1b (research and development) can lead to some HGV movements given that each of the 15 units are likely to be fairly small it is considered unlikely traffic movements will have an unduly adverse impact on adjoining residential amenity in terms of noise and disturbance. Although the comments of the neighbour are noted that the existing outbuilding at 112 is to be converted and a ground floor bedroom window to be inserted in the end gable facing the application site, given that boundary fencing could be erected, and whilst there are no details of the type of traffic associated with the agricultural scrapyard given it could revert back to that use, it is considered it would be difficult to refuse the scheme in terms of noise and disturbance from traffic using this access. It is noted that the side of Shelton farmhouse is blank sided and as the landscaping buffer shown to the north of the farmhouse is within the application site this could be conditioned to ensure its implementation.

As stated above a land swap would result in the farmhouse having a larger strip of land to the rear separating it from the application site (although as stated above this cannot be secured via this application so could remain in commercial use). The proposal would remove the large barn directly to the rear to be replaced with a two storey terrace with a gable wall facing onto the boundary

which could be conditioned to have no openings on that elevation and be hipped. Given the distances and relationships involved it is considered the outlook of the farmhouses would be improved. Careful consideration would also be needed regarding the height of the terrace together with details of boundary treatment.

A large single storey extension to the rear of No 110b, not shown on the proposed layout is nearing completion. Whilst the two storey terrace would be sited nearer the boundary than the existing barn, given its relationship and orientation it will not have an unduly adverse impact in terms of light or overbearing impact on No 110b. However, whilst not directly to the rear of 110b the terrace proposed would only be sited approx 13.6m away from existing first floor bedroom windows at No 110b. Careful design at a reserved matters stage could preserve privacy.

It is proposed to use the existing farm access (approved under ref: 96/703) which runs between residential properties No. 110 and 110a and around the rear boundaries of 110a and 110b Lower Shelton Road. The use of this farm access will undoubtedly alter its character, having previously only been used by farm vehicles. Whilst the use of the community hall and thereby associated traffic is unknown it has already been accepted as part of the previous 2002 commercial application that vehicle usage of this access will significantly increase and given the large width of the access it is not considered its use will unduly harm nearby residential properties in terms of noise and disturbance. It is not considered that any other surrounding properties will be adversely affected due to the distances involved.

Comments of neighbours are noted regarding residential amenity issues relating to for example hours of operations and deliveries to the site, and possible light pollution, these could be dealt with by attaching appropriate conditions. A further condition restricting the use to B1 use only (i.e. offices, light industrial uses i.e. workshops and high tech, research and development uses) to ensure that no permitted change to B8 (storage and distribution) can take place which otherwise would be likely to lead to large vehicles such as HGV's visiting the site would not be required as the size of each of the 15 units is likely to be fairly small.

#### **4. Highways**

No information on traffic generation for the lawful use (believed to be a scrap yard) or for the proposed uses has been submitted in support of the proposal and as such no assessment can be made. Whilst traffic generation for the proposed residential element and the business uses can be found in the TRICS database, traffic generation for the community facilities cannot be calculated since no information has been provided on the type of community facilities proposed. Also, traffic generation for the lawful use, is not included in the TRICS database and therefore a proper assessment cannot be made of the effect that the development traffic may have on the highway.

The mixed use scheme would be served by two existing accesses onto Lower Shelton Road. The westernmost access is substandard in terms of its forward visibility provision and therefore not acceptable to serve the proposal. In the 2002 application this access was shown to only serve the farmhouse which it

does at present.

A development in excess of 5 residential units (8 live/work units are shown to use this access) should be served by an access designed to adoptable standards. The proposed road layout fails to comply with such standards and it is therefore not satisfactory.

Furthermore, on site parking for some of the live/work units do not meet current standards leading to leading to on street parking hence to conflicting traffic movements. Car parking for the affordable units shall be 18 spaces for the residents and 3 for visitors. 15 spaces are proposed which will lead to on street parking and to obstruction for emergency and refuse vehicles. In the above calculations no allowance has been made for car parking to serve the Rural Innovation Centre as it needs to be assessed individually depending on how it is to operate. Nevertheless, the units have the potential to be occupied by different users and therefore additional parking provision may be justified.

As such it is recommended that the proposal be refused due to lack of information to accurately assess the proposal and due to the use of a substandard access leading to conflicting vehicular movements to the detriment of highway safety. No adequate provision is included in the proposal for the satisfactory lay out of the statutory services equipment; parking of vehicles and turning of commercial vehicles leading to road blockage, on street parking and reversing movements to the detriment of highway safety.

The new layout will remove the existing vehicular access to Shelton Farmhouse. Alternative parking cannot be secured in this application because it is outside the application site. However, Lower Shelton Road is unclassified so the farmhouse could construct a new vehicular access without planning consent.

It is noted that the widening of A421 was approved prior to the 2002 application approval in July 2005 and has now been constructed. The A421 Trunk Road side orders one of which is the new road to connect to Lower Shelton was approved July 2008. The Highway Officer has confirmed that the new road layout is not an impediment for planning consent to be granted as the way one system with passing places may be able to accommodate the development traffic depending on a full traffic assessment being made including the community facility.

## **5. Other issues**

### Ecology

A Walkover Ecological Survey of the site (undertaken in July 2010) was submitted with the planning application. The survey assesses the site for its value for biodiversity and identifies a number of areas which require further survey, i.e. a reptile survey; assessment of two ponds for the presence of Great Crested Newts, emergence surveys of three of the barns for bats. It also includes recommendations relating to the welfare of birds; a bird nest check should any development take place outside the nesting season, end Feb to mid Sept inclusive and also to ensure that the wooden barn be made unsuitable for barn owl use. The site is clearly of ecological interest and these surveys need to

be undertaken in order to inform any decision to be made. Conditioning such surveys is not appropriate as, should a protected species be found to be using the site, adequate mitigation measures will need to be approved to ensure the status of that species will not be detrimentally affected. The report makes some additional suggestions which would support a biodiversity gain for the remainder of the site of which a large amount is concreted areas. The Council has a duty under the NERC Act to have regard to the purpose of conserving biodiversity in the exercise of its functions and as such it is considered insufficient information has been provided and this should form a reason for refusal.

### Drainage

The applicant has proposed to enhance the site by including a comprehensive landscaping scheme incorporating a pond/reed bed and communal landscaping area. Whilst the site falls outside the IDB district it has pointed out that the site is on Oxford /clay hence soakage rates are likely to be low. Soakaways may be insufficient and it may not be possible to design a SUDs solution for surface water drainage which meets current standards as it is believed there is no outfall. A prior to commencement condition is recommended. However the Environment Agency objects due to the lack of a Flood Risk Assessment as required by PPS25 as the proposed scale of development may present risks of flooding on-site and/or off site if surface water run-off is not effectively managed. As such the absence of a FRA should form a reason for refusal.

### Contamination

Although no details regarding contamination have been submitted it is noted that a Geo-environmental Assessment report was submitted with the previous commercial application. That report concluded that the site can be classed as contaminated and there are potential risks to groundwater and surface waters through off-site migration of existing contaminants. Conditions were therefore attached relating to water and land contamination being identified and adequately mitigated which again could be attached to any approval.

### Archaeology

The proposed development lies partially within the historic core of the settlement of Lower Shelton, this is an archaeologically sensitive area and a locally identified heritage asset. However, given the previous land use it is likely any surviving archaeological deposits will have been heavily disturbed and as such the Archaeology Officer has no objection.

### Public Footpath

Footpath No 60 runs through the site. It appears from the plan submitted that the legal line of the footpath could be obstructed by two properties. As layout is included as part of the application to be considered at this stage, the applicant will need to apply to divert the footpath once permission is granted but prior to commencement of development in so far as it affects the ROW. The Footpaths Officer has stated that the successful making and confirmation of an Order should not be assumed.

### Unilateral

The Mid Beds District Council Planning Obligations Strategy was Adopted in February 2008. Under that document there is a requirement for any new residential and commercial development to provide a financial contribution towards local infrastructure/services. The Play and Open Space officer has also

identified that an additional contribution would be required for off site children's play and outdoor sporting space. Whilst a new community centre has been proposed as part of the scheme the need for such a facility in this location has not been demonstrated and any contributions towards community facilities would therefore be targeted elsewhere within the Parish. As no unilateral has been submitted this needs to form another reason for refusal.

## **Recommendation**

That Planning Permission be REFUSED subject to the following:

- 1 The proposed development is located outside any defined settlement envelope and in open countryside and no overriding justification has been made to demonstrate that an alternative employment use of the barns/site is inappropriate. As such the proposal is contrary to PPS7 and Policies CS1 and CS11 of the of the Core Strategy and Development Management Policies Adopted November 2009.
- 2 The proposal is contrary to Policies CS1 and DM4 of the Core Strategy and Development Management Policies Adopted November 2009 and PPS3 Housing and PPS7 Sustainable Development in Rural Areas as it constitutes residential development on an area of open countryside. No other material considerations exist which warrant an exception to existing policies.
- 3 The proposal will adversely affect the character of the village of Lower Shelton in that it will result in the addition of a large residential development on the edge of the village lying within the open countryside which is contrary to Policies CS1, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies Adopted November 2009 and PPS3 Housing and PPS7 Sustainable Development in Rural Areas and Technical Guidance entitled Design in Central Bedfordshire A Guide for Development.
- 4 The proposed development, by nature of its form and content, would result in a cramped and confined form of development to the detriment of the character and appearance of the area. A tight relationship is shown between the community hall and affordable housing. In the absence of details of how that community hall is to be used this could result in undue noise and disturbance. The rural innovations centre appears cramped and overdeveloped. Proposed scheme will have a greater scale and spread of built form than currently exists on site thus having a greater visual impact on the surrounding area. As such the proposal is contrary to Policies CS1, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies Adopted November 2009 and PPS3 Housing and PPS7 Sustainable Development in Rural Areas and Technical Guidance entitled Design in Central Bedfordshire A Guide for Development.
- 5 Insufficient information has been submitted to properly and accurately assess the proposal. No information on traffic generation for the lawful use or the proposed uses has been submitted and as such a proper assessment of the effect that the development traffic may have on the highway cannot be made. As such the proposal is contrary to policies CS14 and DM3 of the Core Strategy and Development Management Policies Adopted November 2009 and technical guidance entitled Design Guide for Central Bedfordshire & DS7 Movement Street and Places Adopted January 2010.

- 6 The proposal if permitted would lead to the use of an access at which point forward visibility is substandard, leading to conflicting vehicular movements to the detriment of highway safety. As such the proposal is contrary to policies CS14 and DM3 of the Core Strategy and Development Management Policies Adopted November 2009 and technical guidance entitled Design Guide for Central Bedfordshire & DS7 Movement Street and Places Adopted January 2010.
- 7 No adequate provision is included in the proposal for the satisfactory lay out of the statutory services equipment; parking of vehicles and turning of commercial vehicles leading to road blockage, on street parking and reversing movements to the detriment of highway safety. As such the proposal is contrary to policies CS14 and DM3 of the Core Strategy and Development Management Policies Adopted November 2009 and technical guidance entitled Design Guide for Central Bedfordshire & DS7 Movement Street and Places Adopted January 2010.
- 8 Insufficient information has been submitted in terms of the existing biodiversity of the site and any mitigation measures that might be required. As such the proposal is contrary to policies CS18 and DM15 of the Core Strategy and Development Management Policies Adopted November 2009 and PPS9 Biodiversity and Geological Conservation and technical guidance Wildlife in Development 2003
- 9 The application contains insufficient information to show that the development will not increase the risk of flooding on and in the vicinity of the application site. A Flood Risk Assessment should have been submitted; as such the proposal is contrary to PPS25 Development and Flood Risk, Policy DM2 of the Core Strategy and Development Management Policies Adopted November 2009.
- 10 The application fails to have regard to the Council's adopted Planning Obligations Strategy adopted 2008, insofar as it is not accompanied by an acceptable undertaking to provide contributions to local infrastructure. The application therefore fails to accord with the Adopted Planning Obligations Strategy, Policy CS2, CS3, CS4, DM14, DM16, and DM17 of the Core Strategy Adopted November 2009 and PPS1: Delivering Sustainable Development and PPS3 Housing.