

**Item No. 13****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>MB/08/02060/FULL</b>
<b>LOCATION</b>	<b>Land Adjacent To 33, Marshalls Avenue, Shillington</b>
<b>PROPOSAL</b>	<b>Full: The erection of 2 no. 2 bed houses, 5 no. 3 bed houses and 1 no. 4 bed house for sustainable housing</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Rita Drinkwater, Cllr Alison Graham</b>
<b>CASE OFFICER</b>	<b>Godwin Eweka</b>
<b>DATE REGISTERED</b>	<b>25 November 2008</b>
<b>EXPIRY DATE</b>	<b>20 January 2009</b>
<b>APPLICANT</b>	<b>Aragon Housing Association</b>
<b>AGENT</b>	<b>Kyle Smart Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application site is Council owned land and objections have been received which cannot be resolved by the imposition of conditions</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site to which this development relates, is an open greenfield and lies outside the settlement envelope, but surrounded by residential properties to the west, east and south of the site. The site which measures 5338 square metres in size, would be accessed via Marshalls Avenue, where the immediate residential properties are within a cul-de-sac layout. The immediate residential properties comprise of modern design and most are semi-detached, except for those in the eastern part of the site, which are of older design and construction, dating back to the 1930's and these properties have their rear gardens backing onto the application site.

The proposed site is adjacent to public footpath Nos 23 and 38. Footpath No. 38 runs along the side of the site adjacent to Number 33 Marshalls Avenue and Footpath No.23 lies to the north of the site.

This proposal has been advertised in the local press.

**The Application:**

The submitted application is for the erection of 2no. x 2-bed houses, 5no. x 3-bed houses and 1no. x 4-bed house for sustainable affordable housing, including associated parking.

This application is being referred to the Development Management Committee, because since the submission of the application on 25th November 2008 under the then Mid Bedfordshire District Council, the owner of the land was the former Bedfordshire County Council. As Central Bedfordshire Council now owns the land,

following the emergence of the new authority, it is advised that Members of the Development Management Committee, should consider the proposal. Furthermore, material consideration received from a neighbour, cannot be resolved by the imposition of condition(s).

### **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 (May 2008)**

SS1 (Achieving Sustainable Development)  
H2 (Affordable Housing)  
ENV3 (Biodiversity and Earth Heritage)

##### **Central Bedfordshire Core Strategy and Development Management Policies (200**

CS1(Development Strategy)  
CS2(Developer Contributions)  
CS7 (Affordable Housing)  
CS8 (Exceptions Scheme)  
CS14 (High Quality Development)  
DM2 (Sustainable Construction of New Buildings)  
DM3 (High Quality Development)  
DM4 (Development Within and Beyond Settlement Envelopes)

**Supplementary Planning Guidance**      DS1-Design Guide for Central Bedfordshire (Jan 2010)

**Planning History**      There is no relevant planning history on this site.

#### **Representations: (Parish & Neighbours)**

Shillington Parish      Support application.  
Council

## Neighbours

Two letters of objection have been received from the owner-occupiers of Numbers 7 and 8 Bryants Close. The grounds of objection are as follows:

- **Amenity:** The new informal recreation area which will more or less be right by the fence of our garden;
- This area will create unwanted noise and disturbance and potentially an overbearing impact on our privacy and overlooking.
- **Highways:** The proposed development will have effect on traffic generation in the village

## Consultations

Highways and Transport Division No objection, subject to conditions.

Internal Drainage Board (IDB) No objection, subject to condition.

Rights of Way Sustainability Officer No objection, subject to condition.

Village Design Association Support application.

Ramblers Association There are two Rights of Way bordering the site FP 23 and FP 38. It is assumed that these will be unaffected by the development and will be kept free of any blockage during the building work.

## Ecology

I have been to the site and all scrub and suitable reptile / amphibian / bird habitat has been cleared. From the aerial photo and the Habitat survey it would appear that there was a high percentage of scrub cover on the site. This has now all gone and the sward height is also too low to offer any cover for reptiles or amphibians. The Habitat survey recommended further surveys for protected species and in the Design and Access statement chapter 4, it states that badger and reptile surveys had been instructed but that GCN were out of survey season so not done.

I have not had sight of the badger or reptile survey but looking at the site, I would say there was very little habitat opportunity left for protected species and that as long as the building work progresses within the next few months, there would be little opportunity for the site to colonise. A hedgerow remains in tact along the western side and this could be used by birds for nesting so no clearance or disturbance should take place within it between the months of March - August, inclusive.

Looking at the photos which were part of the Habitat survey it is disappointing to see that the site has been cleared in such a way but I would hope to see that the native planting

proposed for trees and shrubs is undertaken and also the addition of a wildflower mix along the boundaries would enhance the open areas. Ideally this could be cut annually in September with the arrisings removed, of course the majority of the open space will need to receive a regular amenity cut but to allow some areas to grow tall and flower will be of benefit. I am pleased to see the proposals for inclusion of bat and bird boxes but would suggest that instead of boxes bat and bird bricks are incorporated into the new buildings as there are few suitable trees on site in which to position boxes.

Proposals identified in the habitat survey recommendations should be followed as the design and access statement would seem to indicate. However it is noted in Chapter 5 that the pond will be enhanced, I was not aware of any pond on site but the inclusion of one as part of a SUDS system would provide additional biodiversity enhancement to the site.

## **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. Planning Obligations Strategy (2009)
6. Sustainability Issues
7. Legal Agreement

## **Considerations**

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

This development is assessed especially, against Policies CS1; CS2; CS7; CS8; CS14; DM2; DM3 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

This site lies outside the settlement envelope of Shillington, as such, residential development is not normally permitted. However, Policy CS8 in particular, is designed to meet local housing needs for affordable housing in the rural area by permitting such development outside the defined Settlement Envelope. The Council will support proposals for 100% affordable housing designed to meet local housing needs adjacent to the defined settlement provided that:

- the local need is demonstrated;
- the scheme is viable;
- the scheme will remain available in perpetuity to local people who demonstrate a need for accommodation;
- the design and location of the scheme relates well to the built up area of the settlement;
- the mix of size and tenure will relate to the needs identified in that area.

As an exception site, due to its location outside the settlement envelope and agricultural land, it was necessary therefore for a 'Housing Needs Survey' to be submitted, in view of the above policy to demonstrate a local need. As such the applicant has submitted a 'Housing Needs Survey', compiled by *Bedfordshire Rural Communities Rural Housing Enabler*, which demonstrates a need for affordable housing in the village.

The background to this survey therefore, was to assess the need in the parish for housing, which because of high property cost in relation to household disposable income or other available assets, cannot readily be met through normal market provision. It is considered that this scheme satisfactorily meets the above criteria by virtue of the agreed 'Housing Needs Survey' and to allow the development to be undertaken.

In light of the above, there are eight affordable housing properties proposed for this site, providing a mix of 2 x 2-beds, 5 x 3-beds and 1 x 4-bed. All providing 100% of rented tenure. It is considered therefore, that the residential development is acceptable.

Whilst the proposed residential scheme would involve a loss of agricultural land outside the settlement envelope, it is considered the benefits of affordable housing as demonstrated for the whole site, outweigh the concerns that may arise therefore, the development is considered acceptable.

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

The proposed residential development occupy a position, which is currently being accessed by vehicular traffic in Marshalls Avenue, where the road terminates, thus forming a cul-de-sac layout to the existing semi-detached residential properties.

The proposed development would occupy the vacant land, which stretches northwards to at least 2 metres near the public footpath No. 23 where the proposed rear gardens of six of the dwellings would be sited and this footpath runs along the rear boundary of the adjacent property at Number 33 Marshalls Avenue. The layout of these properties are considered acceptable, with varying rear garden sizes stretching from west to east of the site, with soft landscaping and tree planting and boundary treatment. The western boundary with No. 33 Marshalls Avenue has a mature mixed hedgerow of 5 metres high. The front of the properties also have sizeable gardens and a triangular shaped green open space, dedicated as an informal recreation area. Part of this site was already in use as an informal recreation area with a bench. The new dwellings typify the semi-detached concept of the existing residential dwellings in the immediate surroundings, where the dwellings are of modern design and construction.

Although the proposed dwellings would be of modern design and construction, they would not detract significantly from the existing properties, in terms of height, but the design would be different. All the dwellings would be in two-storey setting, complemented by solar panels in the roof to generate renewal source of energy. The location and exposure of these properties on the fringe of the open countryside, would appear to be an attractive concept. Overall, it is not considered the proposed residential development would have any adverse impact on the character and appearance of the area.

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

The proposed development would be occupying a vacant plot. The siting is such that it is not likely to have an adverse impact on neighbouring properties. The nearest dwelling to the application site, is Number 33 Marshalls Avenue located to the west of the site, but separated by Public Footpath No. 38. This footpath is unaffected by this development. To the north of the site, the new dwellings face open countryside. However, the site is bounded by residential properties in the east and south of the site.

The properties to the east, notably those at Bryants Close, have their rear gardens facing the new dwellings and new informal recreational area and a considerable distance from their rear boundary therefore, it is not likely that the proposed development would result in any detriment on the owner-occupiers of Numbers 7 and 8 Bryants Close, who have raised objection on amenity and noise ground. No such objections have been received from the owner-occupiers of Numbers 20-30 (even), Marshalls Avenue, whose properties face onto the proposed site. It is considered therefore, that the development is unlikely to result in any detriment on the amenity and interests of the neighbouring properties, given the siting of the dwellings.

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

In considering the impact of this development on highway safety, the Highways and Transport Division, has advised that, from its junction with Shillington High Road, Marshalls Avenue conforms to a typical minor residential access road with a footway either side of the main carriageway. Part way along the road, it reduces in status, becoming an "access way" to serve the remaining 14 properties. This proposal therefore, seeks to extend the number of dwellings served via the access way to Number 22 Marshalls Avenue and this is considered acceptable.

### **5. Planning Obligations Strategy**

In considering this type of development, the Council normally requires the applicant to submit a Planning Obligation in the form of a Unilateral Undertaking Section 106 legal agreement to secure financial contributions towards local infrastructure. However, due to the nature of the application being an exception site and providing 100% affordable housing towards housing needs in the parish, such financial contribution is not required as this would be likely to make the scheme unviable. It is considered therefore, that the provision of a much needed affordable housing within the whole plot for eight new houses and the local community, far outweighs the impact on local services.

### **6. Sustainability Issues**

In accordance with Policy DM2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), all proposals for new development should contribute towards sustainable building principles. New housing development is expected to comply with mandatory standards in relation to the '*Code for Sustainable Homes*', which seeks to provide stepped changes in sustainable home building practice measures, the sustainability of a home against design categories which are; energy/CO<sub>2</sub> emissions, water, materials, surface water run off, waste, pollution, health and wellbeing, management and ecology. The provision of Sustainable Urban Drainage Systems(SUDS) for the

disposal of surface water within and leading from development sites, will be expected.

The applicant has included in the submitted scheme that the proposed development will be aiming for *level 3 of the Code for Sustainable Homes* as a minimum. Biodiversity will be encouraged by the planting of local plant species and trees, with the existing pond enhanced. The proposed scheme will use high levels of thermal insulation to reduce energy requirements and heating appliances will have low emission levels. It is advised and that if feasible and subject to ground conditions, the parking areas will use a sustainable drainage system (SUDS) to drain so as not to adversely affect the natural water table and reduce the risk of flash flooding. There is water saving measures such as flow restrictors, aerated taps, water butts and dual flush and grey water recycling toilets. It is advised that the orientation of the dwellings, combined with large windows, will maximise solar gain and the glass used, will be highly insulated. The proposed dwellings therefore, have been designed to orientate 30 degrees towards south so as to allow for the possible use of solar panels.

## 7. Legal Agreement

This development is subject to a Section 106 legal agreement to ensure that the site is developed for the sole purpose of ensuring the provision of sustainable affordable housing for local people.

## Conclusion

In conclusion, the proposed residential development is considered acceptable in form, design and in scale and the provision of affordable housing in this parish as demonstrated by the housing needs survey, is welcomed. As such, the proposed housing provision will make a significant contribution to the local community. Therefore, it is recommended that planning permission should be granted.

- 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 **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.**

- 3 A scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the visual amenities of the building and of the area generally.

- 4 **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.**

- 5 The permission shall extend only to the application as amended by Plan Number 0773 wd2.01/P2 received 21st January 2009.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.

- 6 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- materials to be used for any hard surfacing;
- minor structures (e.g. furniture, play equipment, signs, etc);
- planting plans, including schedule of size, species, positions, density and times of planting;
- 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.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area



generally.

- 8 **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.**

- 9 No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 25.0m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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.

- 10 **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.**

- 11 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.

- 12 The driveway length to each of the properties shall be at least 11.0m as measured from the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

- 13 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. 0773 wd2.01 and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 14 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied 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.**

- 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 **The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority**

**Reason: To minimise danger and inconvenience to highway users.**

- 17 **Details of the 'Informal Recreation Area' including facilities, play equipments and furniture, shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The development shall be implemented in accordance with the approved details.**

**Reason: In the interests and amenities of the immediate surroundings.**

## Reasons for Granting

The proposal is in conformity with Policies CS1; CS2; CS7; CS8; CS14; CS18; DM2; DM3; DM4 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (2009); Planning Policy Statement: PPS1 (Delivering Sustainable Development) PPS3 (Housing) and PPS7 (Sustainable Development in Rural Areas); Supplementary Planning Guidance: Design Guide (DS1) for Central Bedfordshire (Jan 2010) and Planning Obligations Strategy (2009).

It is not considered the proposed development would result in any adverse impact on the character and appearance of the area, amenity of neighbours or highway safety. The proposed development would provide 100% sustainable affordable housing in accordance with Policy CS7 in particular, following the housing need that has been demonstrated within the community.

## 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 Highway 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 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 Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

**DECISION**

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