

Item No. 13

SCHEDULE B

APPLICATION NUMBER	CB/11/03465/OUT
LOCATION	41 High Street, Henlow, SG16 6AA
PROPOSAL	Outline: Redevelopment of offices to provide four flats and seven houses including conversion of office building and demolition of outbuildings (All matters reserved except access)
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	29 September 2011
EXPIRY DATE	29 December 2011
APPLICANT	Champneys Henlow Ltd
AGENT	Collins & Coward Ltd
REASON FOR COMMITTEE TO DETERMINE	Application called in by Cllr Wenham to allow Henlow Parish Council the opportunity to speak at Committee.
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

The application site comprises 0.24 hectares and is located and accessed immediately west of the High Street, Henlow.

The site is within the settlement envelope and Henlow Conservation Area. It is currently used as the business support offices for the Champneys Group. These are accommodated within a former residential property fronting the High Street, with parking to the rear.

The Application:

Outline planning permission is sought for the redevelopment of offices to provide four flats and seven houses including conversion of the office building and demolition of outbuildings. **This application is with all matters reserved except access.**

This application follows the refusal of application 11/01630/OUT for two reasons:

- Lack of provision for affordable housing.
- Failure to submit legal agreement to provide contributions to local infrastructure.

As with the previous application the following documents have been submitted:

- Design and Access statement
- Transport/Travel Statement

- Habitat Survey and Biodiversity Assessment
- Flood Risk Assessment
- Archaeological Field Evaluation
- Heritage Statement
- Geo-Environmental Site Assessment
- Tree Survey

In addition this application includes a planning obligations statement and a draft Heads of Terms agreement. It is also accompanied by an Economic Viability Report.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering sustainable development

PPS3: Housing

PPS5: Planning for the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)

Core Strategy and Development Management Policies for Central Bedfordshire (North)

CS1: Development Strategy

CS2: Developer Contributions

CS3: Healthy and Sustainable Communities

CS4: Linking Communities - Accessibility and Transport

CS7: Affordable Housing

CS14: High Quality Development

CS15: Heritage in Development

CS18: Biodiversity and Geological Conservation

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM10: Housing Mix

DM13: Heritage in Development

DM15: Biodiversity

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development

Planning History

CB/11/01630/OUT	Redevelopment of offices to provide four flats and seven houses. Refused.
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Representations: (Parish & Neighbours)

Parish/Town Council	Objection on the following grounds: <ul style="list-style-type: none">• Overdevelopment;• Existing foul sewers cannot cope at present, and sewage overflows close to the site every time it rains;• High percentage of hard surfacing, concerns regarding flooding;• Traffic - concerns regarding the exit from the site, with poor visibility sight lines;• Traffic - Exacerbate existing problems in terms of traffic congestion tailing back from A507 during peak times;• Traffic - Existing parking in the High Street is a problem and it is feared additional parking in the High Street would result from the density of this development.
Neighbours	Comments received from the occupiers of 2 and 3 and 4 Elizabeth Court: <ul style="list-style-type: none">- concerned about proximity of bin stores to No.2 and safety of existing boundary wall to properties due to proximity of car parking.

Consultations/Publicity responses

Henlow Village Design Association	No comments received.
Highways	No objection subject to conditions.
Environment Agency	No objection.
IDB	No objection subject to conditions.
Public Protection	No objection subject to conditions.
Conservation and Design	No objection.
Affordable Housing	Taking account of the viability report the provision of two affordable units instead of four is accepted.
Council's Archaeologist	No objection subject to condition requiring written scheme of investigation.
Council's Ecologist	No comments received to date.

Tree and Landscape
Officer

Comprehensive tree survey identifies that the majority of trees that could be affected are outside the site in adjoining land. Care must be taken to ensure that damage is not caused to these trees either by compaction, trenching or level changes as such protective fencing will be required. All this is detailed in the tree survey.

It is identified that two over mature Pear trees are to be removed in order for this development to occur. as the survey comments, these two trees give an indication that the land could at some point been part of an orchard. Certainly there was evidence of a nearby orchard in a previous application on adjoining land. Old orchards are well recognised for their biodiversity not only of mammals, birdlife and invertebrates but also for the potential old unusual cultivars of fruit trees that can be found in them. As such we would want to see incorporated into the new planting scheme a small group of fruit trees preferably pear cultivars. It would be feasible to include them along the western boundary of the three riverside properties.

Details will be required of hard and soft landscaping.
No service trenches or soakaways to be within root protection areas.
No level changes within root protection areas.
Storage of materials and plant outside root protection areas.
Recommendations of tree survey are to be followed.

Determining Issues

The main considerations of the application are;

1. The Principle of Development
2. Affordable Housing
3. Character and appearance of the surrounding area
4. Residential amenities of existing and future residents
5. Other Issues

Considerations

1. The Principle of Development

The application site is within the settlement envelope of Henlow. Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) identifies Henlow as a large village. Policy DM4 of the same document states that within large villages settlement envelopes, small-scale housing will be permitted.

It is therefore considered that the principle of development is acceptable, subject to an acceptable design and layout in accordance with the criteria set out in the Core Strategy and Development Management Policies for Central Bedfordshire (North).

2. Affordable Housing

Policy CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that new housing development for 4 or more dwellings should provide an element of affordable housing. This level of affordable housing is stated as being 35% which would generate a requirement in this case for four affordable homes.

The applicant has submitted an economic viability report as part of the application which concludes that the site without the affordable housing requirement would generate a loss against the viability benchmark. This figure would be exacerbated by the provision of affordable housing. Having regard to the specific circumstances of this case and following discussions with the Councils' Housing Development team it has been agreed that the provision of 2 affordable houses (18%) would be acceptable.

It is therefore considered that the proposal meets the objectives of PPS3 and Policy CS7 of the Core Strategy.

3. Character and Appearance of the Surrounding Area

The proposal is for outline consent with all matters reserved except access. Therefore, there is limited details in terms of the design of the dwellings.

Given the size of the site, it is considered that an acceptable layout could be achieved based on the indicative plan submitted.

The existing office at the front of the site is within the Conservation Area, therefore full details have been submitted in terms of the conversion of this building. The application is accompanied by a Heritage Assessment. The Councils Conservation Officer has raised no objection to the proposal and it is considered that the proposed conversion would preserve the character and appearance of the Conservation Area in accordance with PPS and policies CS15 and DM13 of the Core Strategy.

In terms of the overall scheme, there has been a number of backland developments within Henlow and it is not considered that the proposed development would be out of keeping with the character and appearance of the surrounding area. A more detailed consideration in terms of the character and appearance would be required at submission of reserved matters should planning permission be granted for outline permission.

4. Residential amenities of both existing and future residents

The indicative site layout shows the relationship to the adjacent approved development.

In terms of the future residents of both this development and the adjacent development it is considered that an acceptable level of privacy could be achieved. It is also not considered that the proposed development would appear overbearing in terms of the relationship with the adjacent development.

In terms of the existing residents within Elizabeth Court, it is also considered that given the indicative layout that an acceptable level of privacy could be achieved.

The proposal shows private amenity space for all the dwellings and two small areas for the flats.

It is therefore considered that there would not be a detrimental impact on the residential amenities of any existing neighbours, and that adequate provision can be made for the required level of amenity for future occupiers. It is therefore considered that the proposal would be in conformity with Policy DM3 of the Core Strategy.

5. Other Issues

Highways

A Transport and Travel Statement has been submitted with the application. The Councils' Highways officers agree that the proposal would be likely to generate less traffic than the existing office use and as such have raised no objections. It is considered that the on site parking provision accords with the Council's standards and the proposed internal road layout is considered acceptable. Highways have raised no objection subject to the imposition of conditions.

Ecology

The application is accompanied by a Phase 1 Habitat Survey and Biodiversity Assessment. The report provides confirmation that a bat roost is present at the property and provides a mitigation strategy. The report also recommends actions to protect any nesting birds and reptiles on the site. The comments of the Councils' ecologist are awaited.

Trees

The application includes a Tree Survey and Tree Protection Plan. The report includes a recommendation that all construction within the root protection area of protected trees be carried out by hand. The Tree Officer raises no objection to the proposal subject to conditions.

Archaeology

An archaeological field evaluation has been submitted as part of the application. The report concludes that some heritage assets may exist at the site. Whilst the Councils' Archaeologist raises no objection to the proposal it is recommended that a written scheme of investigation is submitted.

Flooding

The application is accompanied by a flood risk assessment and no objections have been raised by the Environment Agency.

Unilateral Undertaking

The applicant has stated within the application that they would enter into an appropriate legal agreement to secure contributions towards local infrastructure, and affordable housing as set out above, in accordance with Policy CS2 of the Core Strategy and the Planning Obligations Strategy SPD. The level of contributions has been agreed and an agreement is being drafted.

Recommendation

That Planning Permission be approved subject to the completion of a Section 106 planning obligation requiring contributions towards local infrastructure and affordable housing and subject to the following conditions:

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

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

- 2 Approval of the details of:-

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

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

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

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

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

- 4 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.

- 5 Prior to commencement of development a Written Multi-Stage Scheme of Archaeological Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Written Multi-Stage Scheme of Archaeological Investigation must be fully compliant with the Brief prepared by the Archaeological Advisor for the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.

Reason: To record and advance understanding of the significance of the heritage asset in accordance with Policy HE12.3 of PPS5.

- 6 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been improved and constructed in accordance with the approved details. For the avoidance of doubt the access shall have a minimum width of 5.5m over the initial 8m when measured from the existing nearside kerbline.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the development in accordance with Policy DM3 of the Core Strategy.

- 7 Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason: To maximise the level of visibility between the existing highway and the proposed access and to make the access safer and more convenient for the traffic which is likely to use it, in accordance with Policy DM3 of the Core Strategy.

- 8 Development shall not begin until the detailed plans and sections of the proposed internal access 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 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, in accordance with Policy DM3 of the Core Strategy.

- 9 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened. In accordance with Policy DM3 of the Core Strategy.

- 10 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.

- 11 The development shall not be brought into use until a turning space for refuse vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway, in accordance with Policy DM3 of the Core Strategy.

- 12 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, in accordance with Policy DM3 of the Core Strategy.

- 13 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety in accordance with Policy DM3 of the Core Strategy.

- 14 Development shall not commence until a scheme detailing provision for 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. (HC 38)

Reason: To ensure adequate off street parking during construction in the interests of road safety in accordance with Policy DM3 of the Core Strategy.

- 15 **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. 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.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11/51/2, 262/18A, 262/19C, 262/20, 262/21.

Reason: For the avoidance of doubt.

Reasons for Granting

In conclusion, the principle of redevelopment and the provision of four flats and seven houses served by the access shown would not harm highway safety, the appearance of the area or have any adverse impact on the residential amenity of neighbouring properties or any other material considerations. As such the proposal is in conformity with Policies CS1, CS2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010); Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009) and Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the improvement to 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, Technology House, 239 Ampthill Road, Bedford MK42 9BD 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 photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
4. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. 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 Guidance - July 2010".
6. Land drainage shall be installed where necessary to ensure continuity of existing land drainage.
7. In conjunction with Condition 15 the applicant is advised of the comments by Bedfordshire and River Ivel IDB which in the interests of flood risk mitigation recommend that the ground site levels of the residential development be a minimum of 37.83 AOD on the south side of the site reducing to 37.70 AOD on the north side of the site.

DECISION

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