

**Item No. 14****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/04503/FULL</b>
<b>LOCATION</b>	<b>Land at former Fairholme, Fairfield Road, Biggleswade, Beds. SG18 0DP</b>
<b>PROPOSAL</b>	<b>Residential development comprising 19 No. units plus associated car parking and landscaping.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>21 December 2011</b>
<b>EXPIRY DATE</b>	<b>21 March 2012</b>
<b>APPLICANT</b>	<b>Grand Union Housing Group</b>
<b>AGENT</b>	<b>BRP Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr call in – Cllr Jane Lawrence due to public attention</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is located on the north side of Sun Street at the junction with Fairfield Road in a predominantly residential area of Biggleswade. The western boundary of the site fronts Fairfield Road and the northern boundary is immediately adjacent to properties in Fairfield Road and Cedar Avenue. The boundary to the east faces an area of public open space that lies between St Johns Road and Cedar Avenue. A public footpath also runs alongside the public open space connecting St Johns Street with the residential properties in Cedar Avenue and beyond. Much of the southern boundary fronts Sun Street however part of the site also shares the rear boundaries of properties in St Johns Street.

The site was formerly occupied by a sheltered housing facility known as Fairholme that comprised 24 self contained units with communal amenity space and a parking area accessed off Fairfield Road. Fairholme was constructed in the late 1960's as a two storey building with small elements of single storey sections. The accommodation provided was deemed to be sub-standard when compared to current construction legislation and the upgrading of the building unviable. The building has since been demolished. The site is owned by Grand Union Housing Group.

**The Application:**

Planning consent is sought for the erection of 19 dwellings with associated parking and access.

The application proposes the erection of nine 2 bedroom houses, eight 3 bedroom houses and two, 2 bedroomed flats. The proposal includes private garden space

and 43 parking spaces along with access and turning area within the site. Six of the dwellings are to be Shared Ownership units with the remainder being rented accommodation.

This application is submitted following the withdrawal of a previous application CB/11/03095/FULL. The application was withdrawn following concerns regarding highway matters.

The revised application has reduced the number of dwellings from 21 to 19, increased the parking provision, reconfigured the access arrangements and included a 1.8m boundary wall to the eastern boundary of the site.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 Delivering Sustainable Development  
PP3 Housing  
PPG13 Transport  
PPS22 Renewable Energy  
PPG24 Planning and Noise

### **Regional Spatial Strategy**

East of England Plan (May 2008) (RSS14)  
Milton Keynes & South Midlands Sub-Regional Strategy (MKSM SRS)

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

CS1 Development Strategy  
CS2 Developer Contributions  
CS7 Affordable Housing  
CS14, DM3 High Quality Development  
DM1 Renewable Energy  
DM4 Development Within and Beyond Settlement Envelopes  
DM10 Housing Mix

### **Supplementary Planning Guidance**

Design in Central Bedfordshire (2010) A Guide for Development: DS1 New Residential Development

### **Planning History**

MB/02/01043	Boiler/plant room serving new heating system - Granted 07/08/02
MB/92/01098/DC	Regulation 2: Ground floor extension to provide covered link, lift extension on east and west elevations - Granted 16/10/92
CB/11/03095 withdrawn	Residential development comprising 21 dwellings -

**Representations:  
(Parish & Neighbours)**

Biggleswade Town Council	<p>Strongly Object - inappropriate development in this area with the loss of sheltered accommodation. Development is too high density. Members of the public present at the Town Council meeting expressed concerns. Summarised below as</p> <ul style="list-style-type: none"><li>• conflicts with Bedfordshire Community Safety Supplementary Planning Guidance</li><li>• insufficient parking</li><li>• increased parking in Cedar Avenue and surrounding areas</li><li>• will cause difficulty for emergency vehicles as people forced to park on the street</li><li>• overlooking properties gardens in Cedar Avenue</li><li>• no provision for elderly accommodation</li><li>• increase in noise pollution</li><li>• privacy issues</li><li>• 1.8m wall not tall enough, should be 2m</li><li>• Grand Union change plots 1-4 to bungalows for elderly</li></ul>
Application advertised in local press	6.01.12
Site Notice displayed (x2)	4.01.12
Neighbours	<p>9 comments received with objections to the proposal summarised below -</p> <ul style="list-style-type: none"><li>• no great change from previous plans</li><li>• loss of existing facility for the elderly, this should be replaced with a similar facility</li><li>• increase in traffic in the area</li><li>• not enough parking, will result in residents having to park on surrounding streets</li><li>• already a congested area, development will mean additional traffic</li><li>• driveways onto Fairfield Road too close to busy junction</li><li>• on street parking will be a hazard to emergency vehicles</li><li>• design of properties not in-keeping with area</li><li>• overdevelopment of site - too many properties</li><li>• noise and disturbance from building site</li><li>• overlooking onto properties in Cedar Avenue</li></ul>

## **Consultations/Publicity responses**

CBC Archaeology Officer	No objection on archaeological grounds
CBC Public Protection	No objections subject to condition to ensure the proposed dwellings are protected from noise from road traffic in accordance with PPG24 .
CBC Waste	No comments received for this application. Comments sent for previous application recommended a Site Waste Management Plan as a condition if approved.
CBC Highways	No objection subject to conditions.
CBC Tree and Landscape	Comprehensive landscape scheme required as condition.
Environment Agency	No objection to application.

## **Determining Issues**

The main considerations of the application are;

1. The principle of the development
2. The effect on the character and appearance of the area
3. The impact on amenity
4. Highway safety
5. Other considerations

## **Considerations**

### **1. The principle of the development**

The Core Strategy (CS) defines Biggleswade as a Major Service Centre. Policy DM4 of the CS supports new development within the Settlement Envelopes of Major Service Centres where it is commensurate with the scale of the settlement. Policy CS7 (Affordable Housing) aims to secure affordable housing on developments of 4 or more dwellings stating that 35% or more should be affordable.

In terms of density, the site proposes 43 dwellings per ha. The Council's Design Guide for New Residential Development gives an indicative guide to densities depending on the location of the site. The Design Guide recommends that in Market Town residential areas the indicative density is 35-45 dph however higher densities would be expected where dwellings are of a smaller size. The proposal is considered to be in accordance with this recommendation.

Concern has been raised relating to the replacement of the former Sheltered Housing accommodation. Residents feel that the former building should be replaced with similar accommodation for the elderly, however there are no

Policies in the Core Strategy that require the retention of this type of accommodation.

The principle of new residential development in this location is in accordance with Policy DM4 and CS7 and therefore acceptable provided that the proposal complies with other Policies and Guidance relevant to the development.

## **2. The effect on the character and appearance of the area**

The site lies in a prominent location on the corner of the junction of Sun Street and Fairfield Road. Although mainly residential opposite the site there are some commercial uses. Fairholme, the former building, occupied a large area of the site but was set back into the site resulting in an open frontage landscaped with mature trees. The proposed two storey development would be located close to the edge of the site bringing the built form closer to the street frontage along Sun Street and Fairfield Road. The properties that would front Fairfield Road are to be set back from the pavement edge retaining the existing building line along this part of the road whilst along Sun Street the proposed dwellings would sit closer to the pavement edge to reflect the existing dwellings in St Johns Road. Access into the site would be taken from the existing access off Fairfield Road which would lead to the plots located to the rear and parking spaces with a turning area central to the development.

The properties are designed as two storey cottages with a mixture of semi-detached properties and small terrace blocks. On the junction corner, where the flats are proposed the dwellings would be linked with a corner frontage creating a prominent feature in the street scene. It is proposed to use a combination of red brick and render under a slate roof for the external materials however the final details would need to be agreed as a condition of planning approval. 900mm railings are to be provided along the front boundaries of the plots facing Sun Street and Fairfield Road.

Solar Panels are proposed on the southern facing elevations of the dwellings. This accords with section 6 of the Council's Design Guide which states 'photovoltaic panels and solar panels should be incorporated in the roof profile at the outset of the design process'.

On average around 50 sq m of private rear garden space has been provided for each dwelling except for Plot 13 and 14, the two bedroom flats, where a small courtyard area is located to the rear.

It is considered that the proposal would not adversely affect the character and appearance of the street scene along Fairfield Road and Sun Street given that the proposed dwellings have been designed to reflect the scale and form of the existing terraced properties in the vicinity.

The proposed development would also form part of the existing street scene along Cedar Avenue, in particular the area of public open space adjacent to the footpath. However the site is to be closed off to this area by the construction of a 1.8m boundary wall therefore while the rear elevations will be visible they will not have a detrimental impact on the visual appearance of the area.

Overall it is considered that the scale, layout and design of the proposed

residential development would not have an adverse impact upon the character and appearance of the area.

### **3. The impact on neighbouring amenity**

Immediately surrounding the site are properties in Fairfield Road, Cedar Avenue and St Johns Street.

#### Loss of light and overbearing impact to existing properties

The proposed dwellings are separated from the existing dwellings by distances of at least 10 metres or more apart from Plot 8 which is located to the side of No. 1 St Johns Street separated by approximately 7m. Therefore no adverse loss of light or overbearing impact would occur.

#### Loss of privacy to existing properties

Plots 08 - 19 are to be located along the site frontage facing Sun Street and Fairfield Road. While these properties would face the existing dwellings on the opposite side of the road, given their separation it is not considered that there would be any adverse loss of privacy.

The side elevation of Plot 19 would be approximately 18m from the side elevation of No 20 Fairfield Road. Windows are proposed on the elevation facing the existing dwelling that would serve ground floor wc, a narrow window in the living room and to the entrance hall. On the first floor there is to be a narrow window serving the landing. Given the existing boundary treatment there would be no adverse overlooking from the ground floor windows and the first floor window is not considered to be a habitable room.

Plots 1-4 would be located towards the rear of the site. The front elevations of these plots would face towards the side elevation and rear garden of No. 28 Cedar Avenue. There is a distance of approximately 18m between the properties which also includes a car parking court. The Council's Design Guide recommends a distance of 21m between rear facing windows of one two storey property and the rear of another facing it. This distance has not been achieved however the guidance refers to rear facing windows. The front elevations of Plots 1-4 would result in some overlooking the rear garden of No 28 however the physical separation between the elevations of the new dwellings and the existing property is not considered to be unreasonable, therefore the level of overlooking is not considered to be unacceptable in a residential area.

Plots 5, 6 and 7 face into the centre of the development, their rear elevations facing the public open space to the east of the site. Beyond the public open space the rear of properties in Willsheres Road are located some 30m away from the new dwellings. Given this distance no adverse overlooking would occur.

Plot 7 would be to the rear of the terraced dwellings along St Johns Road sited fairly close to the boundary. The side elevation for plot 7 would be approximately 20m from the rear elevations of the existing dwellings and separated by single storey outbuildings that form the rear boundary of the terrace. It is considered that 20m is a sufficient distance to avoid any adverse loss of privacy. Furthermore the first floor window in the side elevation of Plot 7 is to be obscurely glazed.

Plot 8 would be located to the west of No 1 St Johns Street. Due to the location of Plot 8 there would be some overlooking towards the rear garden space of No 1, however the first floor window in the side elevation of Plot 8 is to be obscurely glazed, as would the closest window on the rear elevation. Both Plot 7 and 8 would overlook the rear part of the garden of No.1 by some degree, however it is not considered to be significant given that the area is wholly residential.

Furthermore due to the position of the former Fairholme building, overlooking from all the existing first floor windows that faced onto the surrounding properties would have occurred to some extent.

#### The amenities of the new occupants

The layout of the site has been designed so that the future occupants would not suffer any loss of amenity. Adequate separation between the Plots and the location of windows ensures that there is no adverse loss of privacy.

It is considered that the proposal would not have an adverse impact upon the amenities of the adjacent occupiers therefore the proposal is considered acceptable in this respect.

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

This application is an amended version of that previously submitted under application CB/11/03095/FULL and is intended to address the concerns raised by Highways Officers with that application.

Access to the site is to be moved slightly further south. Although the 2.4 x 43m vision splay to the north still crosses land that is not within the control of the applicant, it is no longer obstructed by the adjoining boundary fence. Furthermore at 2.0m "x" distance the vision splay is wholly within the highway.

Parking provision has been increased to 2 spaces per dwelling in accordance with the Council's standards and 5 additional visitor spaces are provided.

The layout of the internal parking court has been modified, as suggested and it is now possible for the refuse vehicle to enter the larger parking court within the site, turn and exit in forward gear. This will improve accessibility for all service/delivery vehicles and will reduce carry distances.

The revised layout can be deemed acceptable in highway terms subject to the recommended conditions.

#### **5. Other relevant considerations**

##### Archaeology

Biggleswade is a medieval town therefore the site is identified as a heritage asset with archaeological interest as defined by PPS5: Planning for the Historic Environment. During pre-application discussions the applicant commissioned an archaeological trial trench evaluation. The results of the evaluation have been submitted with the application and the conclusions of the report state that the application site is likely to be just outside the core of the medieval town.

There are no objections on archaeological grounds.

### Waste

There are no objections to the layout of the scheme from a waste perspective. Details of collection points for bins needs to be clarified and due to the size of the development, a Site Waste Management Plan needs to address the anticipated waste during construction and occupation.

### Developer Contributions

Policy CS2 requires that the developer contributes towards local infrastructure requirements in accordance with the Planning Obligation Strategy. In this case the previous development is offset against the proposed dwellings resulting in net loss of dwellings, however the charges are calculated by an assessment of the number of bedrooms proposed having regard to the type and size of the unit. Given the offset, the Planning Obligations Calculator identifies nil for some contributions however Education is calculated on a case by case basis and has been assessed as £146,843 for this development. This is because the previous building on the site would not generate any educational need in view of the type of accommodation, and that family accommodation is now proposed.

The applicants have stated that this amount together with 100% affordable housing provision would render the development unviable. The Planning Obligation Strategy makes it clear that the planning obligations may be reduced where there are financial viability issues. Therefore the viability of a scheme is a material consideration in the assessment of the planning application. The onus is on the applicant to provide the necessary financial information for assessment by the Council's Housing Development Officer and following this assessment it has been found that the development would have a deficit of around £435,000 with planning obligations and affordable housing.

Given that the scheme proposes 100% affordable housing which is a priority of the Council, and in accordance with Policy CS7, it is recommended that the Council agree to accept nil contributions to enable the scheme to progress, with this subject to the proposed affordable provision being contained within a legal agreement, to ensure that the dwellings remain affordable.

### **Recommendation**

That planning permission be granted subject to the completion of a Section 106 Planning Obligation restricting the occupation of the dwellings as affordable housing and subject to the following conditions:

- 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 **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 immediate adjoining properties. 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.**

- 3 Prior to the commencement of the development 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 appearance of the buildings, and the boundary wall to the eastern boundary. 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 occupation of the buildings 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;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.
- boundary treatments.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 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.

- 6 **Prior to the commencement of the development a scheme for protecting the proposed dwellings from noise from road traffic adjacent to the proposed development has been submitted to and**

approved in writing by the Local Planning Authority. none of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and shall be retained in accordance with those details thereafter.

**Reason:** To protect occupants from externally generated traffic noise in accordance with PPG 24.

- 7 **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.

- 8 **Prior to the first occupation of Plots 05, 07, 08 and 19 the first floor window in the side elevation of the dwellings shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

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

- 9 **Prior to the commencement of the development hereby approved details of a Site Waste Management Plan and Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include -**

1. **anticipated nature and volume of waste that the development will generate.**
2. **measures to maximise the re-use of waste arising from demolition, engineering and landscaping**
3. **steps to be taken to ensure effective segregation of waste at source during demolition and subsequent construction of the development including, where appropriate, the provision of waste sorting, storage and recovery of recycling facilities.**
4. **any other steps to be taken to minimise the generation of waste throughout the process of demolition and during construction of the development**
5. **provision for monitoring the implementation of 1 -4 above.**

**The development shall accord with the approved details.**

**Reason:** To ensure the satisfactory disposal of waste at the site.

- 10 **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.**

- 11 **Development shall not begin until the detailed plans and sections of the proposed road(s), 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.**

- 12 The access shall have a minimum width of 4.8m, kerb radii of 6m, and shall be located in the position shown on approved drawing G73/003/Rev G.

Reason: In the interest of road safety and for the avoidance of doubt.

- 13 No dwelling shall be occupied until visibility splays have been provided at the junction of the access 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 access road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access 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

- 14 Before any of the individual accesses are 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 provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic that is likely to use them.

- 15 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

- 16 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning

Authority's written approval.

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

### **Reasons for Granting**

The proposed residential development of 21 dwellings would not have a negative impact on the character and appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore by reason of its site, design and location, is in conformity with Policies CS1, CS2, CS7, CS14, DM1, DM3, DM4 and DM10 of the Core Strategy and Management Policies, November 2009; Government Planning Guidance PPS1, PPS3, PPG 13, PPS22, PPG24; Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity with Supplementary Planning Guidance: Design in Central Bedfordshire, 2010.

### **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, 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.

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.

The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Central Bedfordshire Council's Highways Helpdesk, Technology House, 239 Ampthill Road, Bedford MK42 9BD. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).

## DECISION

---

---