

**Item No. 16****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/11/03682/FULL</b>
<b>LOCATION</b>	<b>Land Adjacent To, Marshalls Avenue, Shillington</b>
<b>PROPOSAL</b>	<b>Erection of 8 no. Houses and 3 no. Bungalows providing self contained sustainable housing</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr MacKilligan</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</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>Kyle Smart Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Unresolved objection relating to this application on a site owned by Central Bedfordshire Council</b>
	<b>Full Application - Granted</b>

**Site Location:**

This application site comprises an area of 0.48 hectares of greenfield land, with a small existing enclosed recreation/play area (46sqm) located in its south west corner. To the south and west of the site is the existing residential development of Marshalls Avenue, a mix of modern semi detached houses and older flats. To the east of the site are the rear gardens of properties within Bryants Close, a 1930's development of semi-detached housing. Beyond the south east corner is the garaging serving Bryants Close and the rear gardens of No's 16 and 18 High Road.

A public footpath extends from High Road, and runs adjacent to the west boundary of the site, whilst another footpath leading from Upton End Road runs parallel with the northern site boundary.

**The Application:**

The application is submitted by Grand Union Housing Group and proposes the provision of 100% affordable housing.

The application is for the erection of 11 dwellings, comprising four No. 2-bed houses (plots 1,2), five No. 3-bed houses (plots 3,4,5,6,7), one No.4-bed house (plot 8), and three No. 2-bed bungalows (plots (9,10,11)).

Each property would have two parking spaces with 6 visitor parking spaces provided around the access road.

A new larger informal recreation area of approximately 130sqm would be provided immediately to the west of the existing area, serving both the proposed new and existing housing.

The application is supported by a Design and Access Statement, a Habitat Survey

and Protected Species Assessment and a Badger Survey. An Arboricultural report has also been submitted.

The application has been amended (Dwg 0773(2)wd2.003 rev P1) to include a bin collection area to serve plots 8-11, the setting back of the garden fence serving plots 1 and 2 with an additional landscape strip shown.

### **Relevant Policies:**

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

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation

#### **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** Design Guide for Central Bedfordshire (January 2010)

#### **Planning History**

08/02060                      Erection of 2 no, 2 bed houses, 5 no.3 bed houses and 1 no.4 bed house. Withdrawn

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

Shillington Parish Council                      Support application.

Neighbours                      One letter received from the occupant of 17 Marshalls Ave making the following comments:

- Question whether the provision of two parking spaces for each house and 6 visitor parking spaces is necessary.
- Request that visitor parking be available to the occupiers of existing properties in Marshalls Avenue as there is currently a shortfall.

## Consultations

Highways and Transport Division	The level of parking provision is acceptable given the size and tenure of the proposed dwellings. No objection, subject to conditions.
Internal Drainage Board (IDB)	No comments received.
Rights of Way Sustainability Officer	No comments received.
Village Design Association	Support application.
Ecology	The bat survey and site assessment is satisfactory and it is considered that no harm would result to any protected species. No objections subject to conditions to protect any nesting birds and any reptiles.
Waste Services	No objection to site layout plan amended to incorporate bin collection points.
Tree officer	Request more information regarding proposed planting within the site.
Environment Agency	No objection.
Police Architectural Liaison Officer	No objection

## 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, wherein residential development is not normally permitted. However, Policy CS8 of the Core Strategy is designed to meet local housing needs for affordable housing in rural areas by permitting such development as an exception. The policy states that "*the Council will support proposals for 100% affordable housing which are designed to meet local housing needs adjacent to the defined settlement*". This is based on the development meeting the following criteria:

- 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.

A Housing Needs Survey, compiled by *Bedfordshire Rural Communities Rural Housing Enabler*, has demonstrated that there is a need for affordable housing in the village.

The background to the survey was to assess the need in the Parish for housing, which because of high property costs 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 such need.

All of the units being proposed would be on an affordable rented tenure and would comprise a mix of house types, with a range of 2, 3 and 4 bed houses and 2 bed bungalows.

Whilst the proposed residential scheme would involve a loss of agricultural land outside the settlement envelope, it is considered that the benefits of providing a mix of much needed affordable housing, outweigh the concerns that may arise, therefore the development is in principle considered acceptable.

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

The proposed residential development would be accessed from the same access road as the existing development within Marshalls Avenue, off High Road, which currently terminates as a cul-de-sac. The layout of the development has had regard to the site constraints, dictated by its shape and the need to provide adequate servicing and manoeuvring.

The proposed development would comprise three areas of housing, to the north, west and east of an informal recreation area. Plots 3-9 would have landscaped front gardens, and rear gardens ranging from 13-28m in depth. The submitted site layout plan indicates proposed trees along the front boundaries of plots 3-9. In addition, as amended, the rear boundary fence of plots 1 and 2 has been set back to allow a strip of landscaping to soften the boundary adjacent to the access road. A number of new trees are also proposed within the recreation area.

Whilst the shape of the site appears somewhat skewed by comparison to existing properties in Marshalls Avenue and Bryants Close this reflects the

shape of the site and has been designed to make an efficient use of the site area whilst not having a harmful impact on the character of the surrounding housing layouts.

The western boundary with No. 33 Marshalls Avenue has a mature mixed hedgerow of 5 metres high with the northern boundary proposed to have a hedgerow, to screen the development from the public footpath.

Although the proposed dwellings would be of modern design and construction, they would not detract significantly from the existing properties in Marshalls Avenue or Bryants Close, being of an appropriate height scale and design.

It is considered that the layout of development and the opportunity for complimentary landscaping would result in a form of development which would be in keeping with its surroundings.

### **3. Impact of Development on neighbouring properties and future occupiers**

Plots 10 and 11 would be located closest to the rear of No's 5-10 Bryants Close, though at the closest point a 16m separation would be maintained. Furthermore the new properties nearest to the east boundary of the land would be single storey, minimising any impact on the neighbouring houses.

The two storey houses proposed at Plots 1 and 3 would be located in excess of 21m from No.33, behind an existing 5 m hedge beyond the adjacent footpath.

The rear bedrooms of plots 1 and 2 would face towards the front of No's.20 and 22 Marshalls Avenue, however the separation distance of 26m would ensure that reasonable privacy is maintained.

No's 24-30 Marshalls Ave would abut the boundary of plots 10 and 11, which would both be bungalows. The flank elevation of the closest bungalow would be sited 14m from the closest existing property, No.28. Due to the scale of the new bungalows and their design it is not considered that the development would be overbearing or result in any unacceptable loss of privacy to the neighbouring properties, which would be located behind an existing 1.8m high close-boarded fence.

In respect of the 11 proposed dwellings it is considered that the layout would result in an acceptable degree of privacy between occupiers and an acceptable level of amenity provision for future residents.

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

In considering the impact of this development on highway safety, Highways advise 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 25, which is considered acceptable.

The proposal includes parking for two cars on each plot, together with a further 6 spaces for visitor parking. Such parking provision is considered acceptable.

The application has been amended to indicate the access link to the public highways as being within the applicants ownership, as requested by the Highways team.

## **5. Planning Obligations Strategy**

In considering this type of development, the Council would normally require 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.

In this case the contributions which would be sought would amount to approximately £96,0000, including £56,000 towards education facilities and almost £23,000 towards children's play facilities, outdoor and indoor sport.

As part of this application a viability assessment has been produced which calculates the costs of providing a 100% affordable housing scheme in addition to the agreed purchase cost of the land. The conclusion of the assessment is that the scheme would not be viable if the infrastructure costs were added to the land value. As such the provision of such much needed accommodation would not be possible.

On the basis of the above and taking account of the Councils strategic aim to secure more affordable housing and the 100% affordable nature of the housing scheme in this location, where such a need has been proven to be required, overrides the justification for financial contributions in this particular case.

## **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. It is considered that this proposal incorporates the above objectives.

The application has been supported by a bat survey and protected species assessment and the Councils Ecologist is satisfied that subject to appropriate conditions that no harm to any protected species would result.

## **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. This agreement is currently being prepared.

## **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.

## **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 commencement of 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 walls and roofs of all dwellings. 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.**

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 4 Prior to commencement of development 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;
- 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.

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

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

- 5 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 **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.**

- 7 Development shall not begin until details of the junction between the proposed access road and Marshalls Avenue 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 existing access road and of the proposed access road.

- 8 No dwelling shall be occupied until visibility splays have been provided at the junction of the access road with Marshalls Avenue. 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 Marshalls Avenue and 43m measured from the centre line of the proposed estate road along the line of the channel of Marshalls Avenue. 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 road and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

- 9 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.

- 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 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(2)wd2.003 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.

- 12 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 and in the interests of encouraging the use of sustainable modes of transport.

- 13 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.

- 14 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.

- 15 The bin collection area shown on drawing 0773(2)wd2.003P1 shall be provided in accordance with that drawing prior to the occupation of any dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity.

- 16 The phasing of construction shall be such as to avoid any site clearance during the bird nesting season March to August.

Reason: To protect features of recognised nature conservation importance.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001, 0773(2)wd.003P1, 004, 005, 006, 007, 008, 009.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed residential development is considered acceptable in form, design and scale and would not cause harm to the amenities of neighbouring properties, to highway safety or to any ecological assets. The provision of 100% affordable housing would meet a housing need for the Parish, identified by a housing needs survey and as such is acceptable as an exception scheme. As such the proposal is in conformity with Policies CS1, CS2, CS7, CS8, CS14, DM2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; A Guide for Development - *Design Supplement 1: New Residential Development* (2009), and Planning Policy Statements 1, 3, 7 and 9. The proposal is therefore acceptable and planning permission should be granted subject to conditions.

### **Notes to Applicant**

1. The applicant is advised of the following notes from the Environment Agency.

The proposal is situated over a Principal aquifer.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

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 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 Highways Development Control Section, 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.
5. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
6. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
7. The applicant is encouraged to include the provision of bid and bat boxes within the development, as recommended in the submitted Design and Access Statement.
8. In accordance with the recommendations of the submitted Badger Survey and Site Assessment the applicant is encouraged to ensure a short sward is maintained and any waste vegetation removed, to prevent the site becoming suitable to protected species such as reptiles.

**DECISION**

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