

Item No. 6

APPLICATION NUMBER	CB/12/01412/VOC
LOCATION	Portland Industrial Estate, Hitchin Road, Arlesey
PROPOSAL	Removal of condition 15 for the provision of a new footway attached to planning approval CB/10/02584/REN dated 13/06/11
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	16 April 2012
EXPIRY DATE	16 July 2012
APPLICANT	
AGENT	Pegasus Planning Group
REASON FOR COMMITTEE TO DETERMINE	Referred by the Head of Planning Services due to the issues raised by the application.
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The site to which this proposal relates, measures 1.0 hectares and comprises land at Portland Industrial Estate, adjacent to the Crossways Park, an industrial area. To the east of the site are residential properties, numbers 66-136 Hitchin Road, whilst to the south of the site are the rear gardens of properties in Jubilee Crescent. To the west of the site is the East Coast Main Railway Line.

The vehicular access to the site is shared with the industrial estate and the residents of Hitchin Road, whom have garages and rear access for refuse collection. The road however has no pedestrian footway serving it.

The red line site area also includes a track which extends from the south east part of the site between No's 136 and 138 Hitchin Road. The track is currently used as a vehicular and pedestrian access to the rear of the adjacent properties on Hitchin Road and also provides access onto the industrial access road.

The Application:

Outline planning permission was originally granted on appeal in 2007 (06/00272/OUT) for demolition of the industrial units and erection of 43 dwellings. Whilst an illustrative layout was provided the consent only related to the principle of residential development and to the means of access, with all other matters reserved for future consideration. A renewal of that consent was granted under planning permission 10/02584 (which is still extant). A reserved matters approval was also granted under permission 11/02358 and also remains extant.

In allowing the 2006 appeal the Inspector imposed a condition to ensure that the footway was provided. The condition (15) stated that, "*No development shall take*

place until details of the proposed footway along the existing industrial estate road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved footway has been completed". The same condition was transferred to the renewal outline permission 10/02584. The subsequent reserved matters approval (11/021358) had a different layout but with houses and an access still laid out in such a way as to make the industrial road a convenient route for future occupiers to the town and its facilities.

It is the above condition which the applicants are seeking to remove. This application proposes a minor reconfiguration of the parking layout including the removal of two parking bays directly in front of plot 7 and a parking bay to the side of plot 5. It also proposes resurfacing of the track between No's 136 and 138 Hitchin Road with bollards installed to prevent cars other than maintenance vehicles accessing the route from the new development. This route is proposed to represent the alternative to providing a footway adjacent to the industrial access road.

This current application has been revised (dwgs 02E & PL-01A) to include parking bays previously shown located outside the approved application site moved within the site. The red line has also been amended accordingly. A planning statement was submitted with the application and two further letters of correspondence have been submitted by the agents.

RELEVANT POLICIES:

National Planning Policy Framework (para 69)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3 (High Quality Development)
CS14 (High Quality Development)

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policy is considered to be broadly consistent with the NPPF and have therefore been given significant weight in the determination of this application.

Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)

- A guide for Development (para 6.31-6.33, 6.4.3)
- DS1 New Residential Development (para 6.04)
- DS7 Movement, streets and places (para 6.02.1- 6.02.3)

Planning History

MB/06/00272/OUT Demolition of Industrial units and erection of 43 dwellings (all matters reserved except means of access) Refused 26th May 2006. Subsequent appeal allowed on 18th September 2007

CB/10/02584/REN	Demolition of Industrial units and erection of 43 dwellings (all matters reserved except means of access). Approved.
CB/11/02358/RM	Demolition of Industrial units and erection of 43 dwellings. Approved

**Representations:
(Parish & Neighbours)**

Arlesey Town Council	Strongly object to removal of condition 15 as it would be a flagrant contradiction to the original agreed conditions. The alternative track would not be the natural route to the village centre.
Neighbours	<p>11 letters of objection have been received, from the occupants of properties on Hitchin Road. The comments are summarised as follows:</p> <ul style="list-style-type: none"> • Use of the vehicular access between 136 and 138 for pedestrians would be dangerous given its regular use by cars • Residents of Hitchin Road use the access to get to the back of their properties • The industrial access road is not suitable to accommodate more traffic • Residents of Hitchin Road would still have to use the industrial road to access the rear of their properties • Public transport from Hitchin Road is infrequent and not a viable option. • The industrial access road would be the most direct route to the schools shops and railway station in Arlesey for future occupants of the houses

Consultations/Publicity responses

Highways & Transport Division	Recommend refusal. In the 2007 appeal the Inspector agreed with the Highway Authority that the footway along the industrial access road is necessary and could be provided through a condition. It is not uncommon for a footway to be crossed by several vehicle accesses and it is not considered that the applicant has justified removal of condition 15.
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Determining Issues

The main considerations of the application are;

1. Principle of removing condition 15.
2. Infrastructure Implications

Considerations

1. Principle of removing condition 15

The Council's Design Guide refers to matters of design and access. A Guide for Development at para 6.31 states, "the needs of all the users of the residential environment should be taken into account in the design process: children and their carers, elderly people and people with disabilities of many types. The aim should be to create as far as possible a barrier free environment". Para 6.4.3 outlines the importance of identifying barriers to walking, for example the need to cross a busy road, and land ownership.

Design Supplement 1 of the Design Guide states that "footpaths should be closely associated with carriageways. Where it may be necessary to have separate footpaths, there should be short, direct, well lit, and likely to be well used" (para 6.04).

Design Supplement 7 of the Design Guide refers to planning for pedestrians. Para 6.02.1 states that routes should be as direct as possible, safe and attractive. "Routes should follow natural "desire lines" both at the scale of junctions, across the development and how it links into the wider footway network. Routes and network should make sense to the user.....The pedestrian network should be permeable, creating high quality links for real pedestrian journeys without creating an unnecessary multitude of routes that are likely to be poorly used".

Para 6.02.2 of Design Supplement 7 says that "pedestrians should have direct routes (normally footways) to all key local destinations. These include schools, local shops, bus stops, recreation grounds and playgrounds, to village or town centres and other public facilities. The key principle is directness. Walking is relatively slow and pedestrians minimise diversion. Routes should make sense from all parts of the development by taking the shortest route as possible and following the desire lines."

Core Strategy policies DM3 and CS14 both require development to be accessible to all.

The National Planning Policy Framework (para 69) similarly advises that planning decisions should aim to ensure safe and accessible developments, containing clear and legible pedestrian routes.

The application to which this variation of condition application relates is 10/02458/OUT, which was a renewal of the 2006 outline application allowed on appeal. **Paragraph 37 of the appeal decision read:**

"Sustainability was not a reason for refusal but is an overarching matter flowing from up to date development plan and national policies. The appellants have recognised the need to encourage new residents to travel by means other than the car and the Unilateral Undertaking includes a contribution for improving the nearby bus shelter. The illustrative layout

provides a pedestrian cut through to Hitchin road but this would not be an attractive route to those living in the northern section of the new development wishing to reach the village facilities which almost all lie to the north. The industrial access road would be a more direct route but it does not have a footway and this could result in the new occupiers facing a hostile pedestrian environment or being more likely to use their cars. The appellants have offered to provide a footway and the Bedfordshire County Council as Highway Authority considers this necessary. I agree and this could be provided through a condition".

The main access road to the housing development in the indicative layout submitted with the outline application was located slightly further to the west of that in the subsequent reserved matters approval 11/02358. This application however relates to the outline approval rather than seeking a variation to the reserved matters approval. Notwithstanding that, the layout submitted with this application is based on the reserved matters approval. In any case it was still considered essential in considering the reserved matters layout to provide a safe footpath along the industrial road, as there would still be residents who would see that route as a logical and more convenient route to the village facilities. As such, the application was approved on the basis of a drawing showing a footpath leading from the site along the west side of the industrial access road, with a raised crossing area at the corner of the road where the pavement narrows, leading to an existing pavement on the east side of the road. The width of the pavement at this corner on the east side of the road was shown to be increased to 1.8m by moving back a wall.

The principles applied by the Inspector in allowing the outline appeal and the considerations of the Highways Authority and Council in approving the reserved matters application therefore still remain. This is because despite the minor changes to the parking arrangements shown in this application residents within the development would still be likely to use the shortest route to the shops, schools and train station at Arlesey, being approximately 75m shorter.

Furthermore, Highways Officers consider that the existing alley, which would be the only pedestrian access if a variation was agreed, not be appropriate, as it has a pinch point of 2.4m with very limited pedestrian/driver intervisibility at its junction with Hitchin Road. Pedestrians would have no refuge if a vehicle enters the alley, representing a highway safety issue. Furthermore the alley has no lighting to encourage use during hours of darkness.

The alley way is therefore not considered appropriate as a sole route due to its limitations in width and potential conflict with vehicles and because it would fail to discourage people from wishing to take the "desire line" to the town centre and all the facilities.

It is also relevant that the revised drawing 02E shows three parking spaces removed from that approved as part of the reserved matters application (11/02358). The relocation of the parking to other parts of the site has resulted in an illogical parking layout. For example, the parking spaces to plots 5,6,7 and 8 being would be in different places, with each of the properties served by a parking bay over 50m from the dwelling it relates. In addition the need to relocate parking has resulted in the provision of parking on previously landscaped areas, resulting in the loss of landscaping and a more cramped

layout in what would already be a high density development.

Whilst the applicants have provided for information (drawing E1606/2/A) a pedestrian footway along the industrial road which they could provide within land under their ownership, it is considered by Highways Officers that such a route would be unsafe as it does not include the widening of the footpath at the bend on the east side of the access road, as was previously considered acceptable. It is understood that the applicants do not own adequate land in this area to provide a footpath of an acceptable width. This would result in pedestrians having to walk onto the carriageway at a dangerous point close to the junction and bend at a point of poor visibility. It is accepted that the reason for this is due to land ownership issues. However when considering the appeal the Inspector allowed the principle of housing development on the basis that a safe footway could be provided along the road, and the applicants had offered to provide this. Clearly if the Inspector had been aware that a safe and direct route could not be provided then it is unlikely that the appeal would have been allowed. It is for the applicants to secure land in order to enable the provision of a suitable and safe footway.

It is for the above reasons that a suitable footpath along the industrial road must be provided for the sake of the safety of future occupiers of the development. Whilst the legal ownership issues are acknowledged it is not considered that these override the need to provide a safe pedestrian access to and from the development along the "desire line" provided by the access road, and even more so due to the constraints of the alternative pedestrian access. The principle of housing development in this location would not have been acceptable by the Inspector in allowing the original outline consent and it is not considered that anything has changed by the detail provided in this application. As such a removal of condition 15 requiring the provision of a footway is not considered acceptable.

2. Infrastructure Implications

Following the adoption on 20 February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a unilateral agreement is required for this proposal prior to the granting of planning permission. The original outline planning permission and subsequent renewal consent to which this variation application relates was the subject of a unilateral undertaking to make provision towards local infrastructure. This application has failed to provide provision for such contributions and as such the application fails to comply with the requirements of Policy CS2 of the Core Strategy.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 Without the provision of a new footpath along the industrial access road, which would for future occupiers of the approved residential development

represent the "desire line" to Arlesey town centre and to all its local facilities, the route would be a hostile and unsafe pedestrian environment. The only other alternative route is not considered appropriate on its own due to its limitations in width and the potential conflict with vehicles, and also because it would not discourage people from wishing to take the "desire line" to the town centre and local facilities. The residential development approved by planning permission CB/10/02584/REN would not be acceptable without the provision of a new footway and as such the proposed removal of condition 15 of that permission is not acceptable, being contrary to policies DM3 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies. In addition, the residential development would also be contrary to the design and layout objectives set out in the Council's supplementary advice "Design in Central Bedfordshire 2010- A Guide for Development, and The National Planning Policy Framework (para 69).

- 2 The application contains insufficient information in the form of an acceptable legal agreement to provide financial contributions towards local infrastructure. As such the proposal is contrary to policies CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008).

Notes to Applicant

DECISION

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