

Item No. 7

APPLICATION NUMBER	CB/13/00441/FULL
LOCATION	Land rear of The Wrestlers, 126 Church Street, Langford, Biggleswade, SG18 9NX
PROPOSAL	Erection of 12 dwellings with access, parking, associated landscaping and public open space
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	22 February 2013
EXPIRY DATE	24 May 2013
APPLICANT	Greene King PLC
AGENT	Caldecotte Consultants
REASON FOR COMMITTEE TO DETERMINE	Departure from Policy HA22 of the Site Allocation Development Plan Document
RECOMMENDED DECISION	Approval recommended subject to the completion of a S106 Agreement

Reason for Recommendation

The proposal would not fully comply with the terms of Policy HA22, however it is felt that there would be community benefits from the proposal in terms of the MUGA contribution and the area of land to be transferred as public open space in perpetuity. The applicant has demonstrated that the site cannot meet the terms of the policy and remain a viable scheme. Given the benefits to the community, it is considered that the proposal is acceptable despite the departure from Policy HA22.

The proposal would not have a negative impact on the character 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 size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, 2010 and the Local Transport Plan: Parking Strategy: Appendix F (2013)

Site Location:

The application site is located to the west of Church Street in Langford on an area of overgrown land to the rear of The Wrestlers Public House and the existing properties in Pound Close. The site adjoins the King George V Playing Field to the north, the rear gardens of the dwellings in Pound Close to the east and the River Ivel to the west. The south the site partly adjoins the The Wrestlers and its gardens along with an area of overgrown scrub land to the south.

There is no existing vehicular access into the site, there is however an informal footpath running through the site from Church Street to the King George V Playing Field. The site itself is overgrown with hedgerows and mature trees along the boundaries.

The surrounding area is generally residential comprising a mixture of detached, semi-detached and older style terraced housing. Pound Close immediately adjacent to the site comprises a small cul de sac of six large detached modern dwellings.

The site is located partly outside the settlement envelope however Policy HA22 of the Site Allocations DPD allocates part of the site for housing.

The Application:

Planning permission is sought for the erection of 12 dwellings to be located on the eastern section of the 1.4ha site and within the 0.59ha of the housing allocation designated by Policy HA22.

The western section of the application will comprise an area of public open space which will be secured as part of this planning application. Of the 12 dwellings six would be located on the area of land adjacent to the Wrestlers Public House and the remaining six located to the rear of the existing dwellings in Pound Close all falling within the red line of the housing allocation. A new access road off Church Street is to be formed that would serve the development and provide a turning area. The proposal would also include the upgrading the informal footpath to the King George V Playing Field.

During the application process revised plans have been received with amendments to the junction of the new access into the site and Church Street. The application now proposes the addition of a mini roundabout in Church Street close to the existing mini roundabout at the junction with Garfield forming a double mini roundabout layout. This approach was recommended by the Highways Officer.

The application also proposes a financial contribution towards the provision of a Multi Use Games Area in a location and to a specification preferred by Langford Parish Council. This would be subject to a separate planning application at a later date.

The application will be subject to a Section 106 Agreement ensuring that the public open space and the contribution towards the MUGA is delivered.

RELEVANT POLICIES:

National Planning Policy Framework

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking Communities - Accessibility and Transport

CS5 Providing Homes

CS7 Affordable Housing
CS14 and DM3 High Quality Development
DM4 Development within and Beyond Settlement Envelopes
DM10 Housing Mix
CS18 and DM15 Biodiversity

Central Bedfordshire Site Allocations Development Plan Document
Policy HA22 Land to the rear of the Wrestlers Public House Langford

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development (2010)
Planning Obligations Strategy (2008)
Local Transport Plan: Parking Strategy

Planning History

There is no planning history for the site.

**Representations:
(Parish & Neighbours)**

Langford Parish Council No objections but wish to comment as follows:

1. Have concerns about the access to the site from Church Street. It looks congested with the mini roundabout at the entrance to Garfield which is offset to the north from the proposed access road. Would be a complex junction at busy times of day - could there be a stop sign for traffic exiting Garfield.
2. It is noted that the plans include culverting of the ditch at the south end of the site. If this were extended further north towards the Playing Field this would provide more flat ground for amenity use and given good opportunities for the siting of the MUGA or some other structure at this point.

Further comments on revised plans:

The revisions still fail to address the fundamental access issue perceived by the Parish Council, we will end up with 3 mini roundabouts and two speed bumps within the very short distance from Garfield to Station road. We believe this can be best dealt with by removing the existing mini roundabout at Garfield and installing stop signs both there and at the new development.

Neighbours One letter received from the tenants of The Wrestlers Public House with concerns that the new dwellings would

have an impact on the business at the pub in particular live music events as the new dwellings are sited close to the rear of the pub. The pub has struggled to maintain business over the last few years and are concerned that there may be future problems.

One letter received from a neighbouring property with no objections to the proposed development however concerned over an area of land to be used as visibility splay that is within the applicant's ownership but has, for many years, been used as part of his garden.

One further letter received. Concerns over flooding and drainage issues. Impact on wildlife and ecology. Impact on privacy from Plots 9 and 10. Loss of natural light. Area too small for MUGA. Entrance to site too close to existing roundabout.

Site notice displayed - 14/03/2013
Application advertised in local press - 15/03/13

Consultations/Publicity responses

Archaeology

The proposed development is located within the core of the medieval village of Church End, Langford (HER 17135 and 19481), this is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*.

On the advice of the Archaeology Team an archaeological field evaluation comprising a programme of trial trenching was undertaken in 2012 in order to provide information on the impact of the proposal on archaeological remains. A copy of the report (Foundation Archaeology May 2012) on the field evaluation forms part of the planning application. The application, therefore, conforms to the requirements of Paragraph 128 of the *NPPF* and Policy 45 of the *Development Strategy for Central Bedfordshire* (Pre-submission version January 2013). It should be noted, though, that the evaluation was restricted to the eastern part of the site defined by the red line in the Location Plan in the application. This is the part of the site allocated for housing under Policy HA22 of the *Site Allocations* document. It did not include the western part of the site which the application proposes as open or amenity space for community benefit destined to be handed over to the Parish Council.

Archaeological features and deposits were found in all the trial trenches opened up across the site. They represent a substantial settlement dating from the late

Saxon and early medieval periods (10th to late 12th - early 13th century). The quality of the pottery found in the evaluation indicates that the archaeological remains are well preserved and one of the pits contained a waterlogged deposit suggesting high potential for the preservation of organic remains. A burnt deposit that produced metal slag suggests that industrial activity was taking place within the settlement. A small quantity of Roman material was found in the evaluation but this probably does not represent evidence of occupation, rather the presence of Roman settlement somewhere in the vicinity of the application site. A number of Mesolithic flint artefacts were recovered from the evaluation. Although no contemporary features were identified, their fresh condition indicates that they were found close to their original place deposition. The site is located close to a river, a characteristic location for Mesolithic sites, therefore, it is likely that the flint artefacts represent a Mesolithic occupation or activity site.

The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25; Oake 2007, 14 and Medlycott 2011, 70). Mesolithic sites are very rare in Bedfordshire, regionally and nationally, developing a basic understanding of the character and context of Mesolithic occupation has been identified as important local and regional research topics (Austin 2000, 6; Oake 2007, 9 and Medlycott, 2011, 7-8). Therefore, the archaeological remains the proposed development site contains and the heritage assets with archaeological interest they represent are of local and regional significance.

The proposed housing development will have a negative and irreversible impact upon the archaeological remains of Mesolithic occupation and late Saxon and early medieval settlement the site contains and will result in a loss of significance of the heritage assets with archaeological interest. This does not present an overriding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development. In order to secure this, please attach the following condition to any permission granted in respect of this application.

"No development shall take place until a written scheme

of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme."

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development.

This condition will cover the impact of the housing development on the eastern part of the site. The western part of the site will not be subject to housing development but will be given to the Parish Council as an open space for community benefit. This land is likely to become an extension to the playing field to the north and there is an aspiration to create a MUGA partly funded by the housing development; although it is not clear whether the MUGA will be built on the western part of the application site or the existing playing fields. This part of the site was not covered by the archaeological field evaluation but it is clear that the archaeological deposits identified in the evaluation extend into the western part of the site. If the use of this part of the site as an open space does not involve any construction works or landscaping there would probably be no impact on archaeological remains. However, any works within the area such the construction of a MUGA or footpaths as well as landscaping would certainly have a damaging affect on archaeological remains. I am concerned that the Parish Council's aspirations of this part of the site may be compromised by the need to protect archaeological remains and that these aspirations may result in further damage to the archaeology. This problem could be resolved by extending the investigation of the eastern part of the site secured by the condition (above) westwards to encompass the whole of the area within the red line, thereby removing the archaeological constraint before the land is handed over to the Parish Council. Alternatively a condition could be attached to any planning permission removing permitted development rights for the western part of the site to ensure that any future developments within it are subject to planning permission as a way of controlling the impact of any future works on archaeology.

Tree and Landscape

Comprehensive tree survey supplied with the application identifies that there is little in the way of trees on site that would be affected by the proposal. Trees of importance are located to the west of the site and are close to the river. This area is not proposed for development.

Some minor trees and vegetation will be removed but they are of no significance.

New landscaping should include additional planting between the access road and the Pond Close properties to provide some additional screening and use the opportunity to remove the existing conifer boundary planting east of Pond Close and improve with additional planting and the opportunity for one good specimen tree within this location.

Details of proposed new native hedge planting to the north of Plots 10 and 12 will be required.

Boundary treatment to the south of Plots 1 to 6 should include new native hedge planting and either post and rail fencing or wire fencing to retain a view over open countryside.

The site boundary to the west includes a large amount of land that it appears will not be developed. We should use this application to improve the west of the site with new planting. Details should be asked for.

Full hard and soft landscape details to include species, sizes, densities of planting.

Protective fencing details to be supplied to prevent damage to trees to the west of the site during development.

Public Protection
(contamination)

The site is within 250m of a historic landfill site.

Please attach the following condition to any permission granted:

No development approved by this permission shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme

*approved by the local authority shall be completed in full before any **permitted building** is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.*

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Strategic
Officer

Landscape

No objections to the proposals in principle but would like to make the following comments and suggestions:

Whilst views to the site from the west and Ivel Valley are filtered by trees along the river corridor there is opportunity to enhance this urban / rural interface :

The entrance from Church Street offers views through to the river valley beyond the site, the opportunity to include native trees and shrubs to form a gateway which is sympathetic with the rural landscape beyond would be appropriate.

The treatment of the site access route could be more rural in character possibly through the use of lower conservation style kerbs. The southern site boundary along the access road doesn't appear to allow adequate space for planting and I would suggest a close boarded timber fence alone is not sympathetic and should be avoided.

The turning head / visitor parking / land to west adjacent to plot 6 appears unresolved. Referring back to the sketch layout provided as part of the Pre App the original design for this portion of the site worked much better in terms of landscape and continued a more subtle line of development.

The proposed footpath linking the development with the King George V playing fields must be sympathetic with the rural character of the open space / Ivel Valley via design and materials - i.e. no hard kerbing / blacktop.

I support the suggestion made by Sport England that the MUGA needs to be placed more central to car parking

and other play facilities - a MUGA within the application site area would be detrimental to landscape character.

There is great opportunity to consider enhancement of the site and open space in terms of landscape and habitat improvements / creation. If the application were to be approved I would look forward to a condition being applied requesting a detail landscape plan for the whole site.

Environment Agency

No objection to the principle of the application. At this stage we are satisfied that a suitable drainage solution may be achieved. However at present further information is required in order to demonstrate that the surface water plans will provide a satisfactory method of managing surface water run-off from the site therefore a condition relating to surface water drainage works should be attached to any permission issued.

There is a historic landfill less than 250m from this site, there are no comments regarding contamination.

Anglian Water

No assets owned by Anglian Water within the development site boundary.

Wastewater Treatment - foul drainage is within the catchment of Poppyhill Sewage Treatment Works which at present has capacity for these flows.

Foul Sewerage Network - the sewerage system at present has available capacity for these flows.

Surface Water Disposal - the surface water/flood risk assessment submitted with the application is not relevant to Anglian Water and therefore out of jurisdiction for comment.

Beds and River Ivel
Drainage Board

The Board note from Section 2.3 of the Flood Risk Assessment that finished floor levels are to be set at least 600mm above the 1:100 year flood level and a factor for climate change. In addition the Board note that the applicant intends to manage storm water by means of a sustainable drainage system and it is their intention to limit storm water runoff from the site to predevelopment levels. Although the Board has no objection to this proposal in principle they are unable to assess its efficiency until it has been provided.

The Board therefore suggest that planning permission should not be granted without conditions requiring that the applicant's storm water design and construction proposals are adequate before any development commences.

Minerals and Waste	<p>Approximately half the land falls within a mineral safeguarding area identified in the emerging Minerals and Waste plan. The area identified for housing does not fall within the MSA however the western half of the site does. The proposed development does not fall within the list of exemptions listed within minerals policy¹⁴ therefore the Minerals and Waste team request for a Minerals Resource Assessment to be undertaken and sent to the team for comment.</p>
Building Control	<p>No disability issues however fire service access to plots 9,10, 11 and 12 may be a problem.</p>
Beds Police	<p>No objections</p>
Ecology Officer	<p>I have read through the Phase 1 Habitat survey that was undertaken in January 2012. This report looks at the various habitats on site and makes an evaluation as to the sites importance for protected species. Amphibians, badgers, bats, birds and terrestrial mammals were all discounted and given a negative value, suitable habitat was found on site for reptiles. In the conclusions the report contradicts itself in stating 'as the site is fairly small it would be onerous to undertake full reptile surveys.' Given that the site will only be partially developed there will be opportunities for the retention of reptile habitat. I would seek to condition that the area to be developed is made unsuitable for reptiles prior to construction works through the establishment and maintenance of a short sward to prevent harm to a protected species as a result of the development.</p> <p>In the conclusion the report makes a number of suggestions for habitat enhancement in the form of bird and bat boxes and also with the creation of an artificial otter holt which I support. It also states that the removal of trees & scrub should avoid the bird nesting season.</p> <p>Neither the design and access statement, nor the layout plans give any indication to a provision for biodiversity interest. This is an area of semi-natural habitat which borders the River Ivel. Langford Common County Wildlife Site lies across the river opposite the site which is also a Local Nature Reserve. Whilst the development proposals are for a low density development the management of the remaining open space will be crucial to ensure a net gain to biodiversity can be achieved rather than a loss of habitat. I would wish to see a condition be place on any permission granted for the provision of a habitat management plan to show how the undeveloped parts of the site can be best managed for biodiversity interests.</p>

The western part of the site lies within the floodplain and hence cannot be developed and I would like to see a suitable management plan provided to show how the existing value of the site can be maintained and enhanced. As otters are known to use this part of the level the inclusion of a holt would be such an opportunity. The site lies within the Biodiversity Opportunity Area map identifying it to have enhancement opportunities for wetlands so a focus on this western edge would be ideal.

I note that the provision of a MUGA is considered with this application though the siting of it is yet to be decided. Please consider the impact that lighting of such a facility can have on the river corridor. Bats will commute along the river and to have a lit MUGA close by could have a detrimental impact to their commuting and foraging patterns. Consideration as to the siting of the otter holt will also be needed to ensure it is well clear of any such facilities to avoid disturbance.

Public Protection (noise)

I am concerned that noise from The Wrestlers public house may be detrimental to future occupiers of the proposed development. However, I note from the proposed layout that plot 1 will have only bathroom windows directly facing the public house and that a close boarded 1.8m timber fence is proposed along the boundary with the pub. I would advise that this fence is an acoustic fence to provide a noise barrier along this boundary. The wrestlers pub is also in close proximity to an existing house on Church Street and there is no history of noise complaints being made to the council.

I visited the site and noted that the pub's beer garden and car park are to the front of the premises and to the rear is what appears to be a private garden for the landlord which would be adjacent to the proposed residential gardens.

Therefore I have no objection to the proposed development subject to a condition being attached to any permission requesting details of the boundary fencing between the dwellings and the Wrestlers.

Highways

Whilst I am aware that this is an allocated site I do have concerns with regard to the access and its proximity to the mini roundabout at Garfields. As submitted I believe that it presents an unacceptable arrangement and should not be permitted on highway safety grounds.

I would suggest that the applicant be advised to revise the proposal to effectively provide a double mini-

roundabout junction. This will involve moving the junction slightly to the south with possibly a revision to the eastern kerbline of Church Street.

Further comments on revised plans:

In a highway context I can confirm that the scheme is now acceptable. Given that the location of the point of access onto Church Street is immediately adjacent to the existing mini-roundabout serving as access to the residential estate known as Garfields the only safe option was to effectively mirror that junction and combine the two into a double mini-roundabout configuration. That arrangement is now shown on the revised plans.

In all other respects the internal layout accords with the guidelines in DS7 and car parking is compliant with the latest strategy.

Rights of Way Officer No comments

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact on the character and appearance of the area
3. The impact on neighbouring amenity
4. Highway considerations
5. Any other relevant issues

Considerations

1. The principle of the development

The application site is partly outside the Settlement Envelope for Langford.

The Settlement Envelope boundary line crosses the site from the north west corner of the rear garden of No. 128 Church Road to the south west corner of the rear garden of 4 Pound Close. Only Plots 1 and 2 are sited within the Settlement Envelope however the site has been allocated for housing under Policy HA22 of the Site Allocations DPD. Policy HA22 reads as follows:

Site Area: 0.59 ha

Land to the rear of The Wrestlers Public House, Langford, as identified on the Proposals Map, is allocated for residential development providing a minimum of 9 dwellings, of which 4 units are affordable, amenity open space and a Multi Use Games Area (MUGA).

In addition to the general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to

infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following:

- Control of surface water drainage to ensure that there is no increase in run-off into surrounding water courses;
- Provision of adequate access from the King George V Memorial Playing Fields to the proposed Multi Use Games Area; and
- Retention of the informal footpath from Church Street to the King George V Memorial Playing Fields.

The principle of residential development is considered acceptable provided that the requirements of Policy HA22 are met.

During the application process the applicant has submitted a viability assessment which has concluded that the requirements of the allocation policy cannot be delivered when providing the affordable housing requirements and the full contributions to infrastructure provision in accordance with the Planning Obligation Strategy. In addition, discussions between the Parish Council and the applicant have concluded that the application site is not an ideal location for the siting of a MUGA which has resulted in the applicant's proposition of a financial contribution to the Parish Council towards the facility.

The MUGA is to be provided under the terms of Policy HA22. It would be expected to conform with Sport England's standards of 37m by 18.5m with markings for tennis, netball and basket ball. Discussions with the Parish Council have revealed that the predicted siting of the MUGA, in the north west corner of the site, may not be an appropriate location for the facility. Sport England advise that MUGA's are best located close to car parks, adjacent to roads for maintenance and emergency access, close to places of supervision but away from noise sensitive areas, and where there is good access for people with disabilities. Consequently the Parish Council are reviewing an alternative location for the MUGA. In order for the Parish to secure the relevant funding for the MUGA (some funding has already been made available through contributions from existing residential developments) a financial contribution of £60,000 is proposed as part of this application to meet the existing shortfall. Once the future location of the MUGA has been decided by the Parish, it will be subject to planning permission and the suitability of the proposed site assessed during the application process.

Policy HA22 also requires the provision of amenity open space to the western section of the site covering 0.71 ha of land. This area of land will be transferred to the Parish Council for use by the community as part of the development proposals and the Parish shall take on responsibility for its future maintenance. The land should be transferred to the Parish in an acceptable state, ie: levelled and seeded following occupation of the first dwelling.

In terms of viability, section 19.0 of the Planning Obligations Strategy recognises that there may be cases where financial obligations and affordable housing requirements would have significant harm on the viability of a proposal. This attitude is echoed in the NPPF. Therefore the viability of a scheme is a material

planning consideration where it has been proven in a financial appraisal that there would be a significant impact on the viability of the development.

In this case the financial appraisal submitted with the application which has been considered by a consultant act on behalf of the Council demonstrates that the allocation cannot be delivered when providing the MUGA, the public open space, affordable housing and financial contributions towards local infrastructure given the predicted build costs, the highway works and the cost of evaluating on site archaeology. The appraisal was assessed on the basis that no affordable housing would be provided, the area of land to the east would be transferred as public open space and there would be a contribution of £60,000 to the Parish. The viability assessment concluded that the developer would receive a small profit from the development however the profit margin is well below what would normally be expected.

Despite being unable to fully meet the terms of Policy HA22, when considering the overall the benefits available to the community, on balance the proposal is considered acceptable.

2. The impact on the character and appearance of the area

The proposed dwellings are located in fairly close proximity to the existing dwellings in Pound Close and Church Street. Plots 1 -6 form the street scene when entering the development and Plots 7 -10 run along the rear garden boundaries of the properties in Pound Close. The properties are well spaced apart, provide adequate private amenity space for future occupants and are designed with the appearance of cottage style properties with varying roof heights and frontages.

There is no dominant character to the surrounding area. Pound Close comprises modern red brick detached dwellings and opposite there are smaller cottages of buff brick and render. Further north the new development at Garfield comprises modern red and yellow brick dwellings. The Wrestlers is a double fronted rendered building set back from Church Street by the parking area and further afield properties are mixed in scale and character. In this respect the general layout and design of the dwellings is considered to be acceptable and not out of character with the surroundings.

In terms of parking, the proposal complies with the Council's Parking Strategy in that there is one on plot parking space for each bedroom within each property. The double garages for Plots 9 and 10 are also compliant with the parking strategy being 7m in depth. Plot 8 includes a double car barn which is 5m in depth however as the barn would be open fronted it is unlikely that the building would be used for storage or for parking cycles.

The access road includes the provision of a footpath link to the King George V Playing Fields.

The provision of the amenity open space to the west of the site would retain the appearance of the openness in this part of the site which forms the edge of the built environment. The proposal is therefore considered to be acceptable and would not result in significant harm to the character of the area in accordance

with Policy DM3 of the Core Strategy and Development Management Policies.

3. The impact on neighbouring amenity

The properties most affected by the development are No's 3 and 4 Pound Close and The Wrestlers Public House.

The side elevation of Plot 1 is sited approximately 24m from the rear elevation of The Wrestlers therefore given this distance no adverse impact is considered to occur. There is to be a first floor window in the side elevation of Plot 1 however the window serves a bathroom and is likely to be obscurely glazed reducing any potential overlooking. Furthermore the garden area to the rear of The Wrestlers is well covered by mature trees and is used for the public house as such there would be no impact on the residential amenities the occupants of the Wrestlers. In any case, a distance of 24m between properties is considered to be acceptable spacing.

Plot 10 is located to the rear of No. 3 Pound Close. It is off set from the rear so that only the linked garage is directly to the rear of No. 3. Due to the layout of Pound Close most of the rear garden space is located to the side of the dwelling. Plot 10 has been designed so that there would be one window in the rear elevation which is to serve the stairwell. The window would face into the garden area of No. 3 however as it is not a primary window no significant overlooking is considered to occur however the existing occupants privacy can be further protected if this window is obscurely glazed.. Given the separation distance and the design of the dwelling there would be no adverse impact on the amenities of No. 3.

Plot 9 would be partly to the rear of No.s 3 and 4 Pound Close however given the design and orientation of Plot 9, the linked garage would be closest to the boundary with these properties. The side elevation of the garage would face the boundary and would include one ground floor window. This is not considered to result in adverse overlooking. The proposed properties are sufficiently separated from the existing dwellings to ensure that there would be no overbearing impact or significant loss of light.

In terms of the amenity of future occupiers of the dwellings, the dwellings are designed and positioned so that they would not overlook each other or result in a detrimental impact on light or outlook. The occupants of Plot 1 and 2 would be closest to the public house garden area where noise and disturbance may arise particularly given the live music events held at the pub. It has been recommended that details of the proposed fencing between the public house and Plot 1 be submitted as a condition so that an acoustic barrier can be secured along this boundary to reduce any noise impact. The Public House is located in a residential area and shares its southern boundary with a dwellinghouse therefore noise from the pub does not appear to be an issue for the existing residents.

The proposal is considered acceptable in terms of the impact of the proposal on the existing neighbouring properties and the future occupants of the dwellings. The proposal therefore accords with Policy DM3 of the Core Strategy and

4. Highway considerations

The proposal requires the construction of a new access to serve the properties. A mini roundabout is proposed at the point of access onto Church Street immediately adjacent to the existing mini-roundabout serving as access to the residential estate known as Garfield. The access arrangements have been discussed with Highways Officers and the only safe option was to effectively mirror the junction at Garfield and combine the two into a double mini-roundabout configuration. That arrangement is now shown on the revised plans therefore no objection has been raised by Highways.

In terms of parking provision, the proposal complies with the Local Transport Plan: Parking Strategy appendix F. Garages are also designed to be compliant with the strategy with regard to their size.

5. Other issues

Archaeology

An archaeological field evaluation comprising a programme of trial trenching was undertaken in 2012 in order to provide information on the impact of the proposal on archaeological remains. However it is noted that the evaluation was restricted to the eastern part of the site defined by the red line in the Location Plan in the application.

Archaeological features and deposits were found in all the trial trenches opened up across the site therefore the proposed housing development will have a negative and irreversible impact upon the archaeological remains found. However this does not present an over-riding constraint on the development providing that the applicant takes appropriate measures by the investigation and recording of any archaeological deposits which can be secured by a condition.

Minerals and Waste

The area of land identified as public open space falls within the Minerals Safeguarding area however the land to be developed falls outside of the Minerals Safeguarding area, therefore it is unlikely that the proposed development would cause sterilisation of minerals of economic importance. Such issues would have been considered in full when the site was being considered for its inclusion in the Site Allocation Document.

Drainage

There are no objections from the relevant drainage/flooding consultees however a condition should be attached relating to the methods of surface water run-off.

Contamination

The site is within 250m of a historic landfill site. There are no objections to the proposed subject to a condition requiring investigation into potential land contamination prior to any works commencing.

Ecology

The Phase 1 Habitat survey submitted with the application established that the site was a suitable habitat for reptiles. Therefore as the site is only to be partially developed, to prevent harm to the protected species the area to be developed should be made unsuitable prior to construction works taking place. This can be secured by a condition.

The ecology officer's recommendation to include a condition for the preparation of a management plan for future ecological enhancements to the area of open space are noted, however given that the land will be used by the general public and the exact nature of any future development is unknown, it is not considered necessary to expect a management plan for ecology at this stage. However a condition has been included to ensure that there is provision for future wildlife habitats including the provision of new hedgerows and other enhancement features.

Planning Obligation Strategy

The proposal would fall within the remit of the Planning Obligation Strategy which requires developer contributions towards new community facilities and infrastructure however the circumstances of this site have identified viability issues as outlined above therefore in this case no planning contributions will be sought.

A Section 106 agreement is currently in negotiations and will include a payment of £60,000 to the Parish Council for the provision of a MUGA upon commencement of the development and the transfer of the public open space.

Human Rights issues/ Equality Act 2010

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Acts, and as such there would be no relevant implications.

6. Conclusion

The proposal would not fully comply with the terms of Policy HA22, however it is felt that there would be community benefits from the proposal in terms of the MUGA contribution and the area of land to be transferred as public open space in perpetuity. The applicant has demonstrated that the site cannot meet the terms of the policy in full and remain a viable scheme. Given the benefits to the community, it is considered that the proposal is acceptable despite the departure from Policy HA22.

The proposal would not have a negative impact on the character 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 size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, 2010 and the Local Transport Plan: Parking Strategy: Appendix F (2013)

Recommendation

That Planning Permission be granted subject to the following conditions and the completion of the S106 Agreement securing a £60,000 contribution to the Parish Council for the provision of a MUGA and the transfer of the public open space land to the Parish Council.

RECOMMENDED CONDITIONS / REASONS

- 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 No development shall commence until 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. 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.

- 3 **No development shall commence until details of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.

- 4 **No development shall commence until details of the final ground and slab levels of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 5 **No development shall commence on site until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development.

- 6 **No development shall commence on site until the following has been submitted to and approved in writing by the Local Planning Authority:**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any **permitted building** is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

- 7 Development shall not commence until full details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- all proposed boundary treatments, to include materials and dimensions;
- materials to be used for any hard surfacing;

- minor structures (e.g. furniture, play equipment, signs, etc);
- proposed and existing functional services above and below ground level;
- 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.

- 8 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.

- 9 **No development shall commence until full details of mitigation, conservation and/or enhancement measures for (protected/locally important) species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These measures shall include:**

- a) surveys at agreed periods during (season) by an agreed expert to determine the possible presence of particular protected species previously specified by the Local Planning Authority.**
- b) details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing for breeding, (ii) in the process of breeding or (iii) rearing young;**
- c) mechanisms to enhance identified existing wildlife habitats through the development process.**
- d) new hedgerows along the boundary of the public open space to encourage wildlife habitats.**

The works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure all impacts from development are taken into account and mitigated.

- 10 **No development shall commence until a Site Waste Management Plan**

has been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 11 **No development shall commence until specifications of the works to be undertaken on the area of land to the west of the site, prior to its use as public open space land, has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority and in complete accordance with the approved specifications.**

Reason: To safeguard the future use of the public open space and ensure that it is transferred to the Parish Council in an appropriate condition.

- 12 **No development shall commence until the detailed plans and sections of the proposed estate road and the mini roundabout, including 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.

- 13 Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 14 Before first occupation of the approved development, the double mini-roundabout junction arrangement serving the development shall be completed in accordance with the approved in principle plan no 12c and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as

garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 16 **Prior to the first occupation of Plot 10 the first floor landing window in the eastern elevation of the development shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, 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.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12 rev C, 08, 00A, 13 rev A, 09 rev A, 11 rev C, 10 rev A, 07, 02 rev A, 06, 03 rev A, 04 rev A, 05 rev A, 10963ea-01, BS5837 Tree Survey dated Nov 2012 rev 17th December 2012, Flood Risk Assessment ref ENV/0104/12FRA October 2012, Archaeological Evaluation No. 800 May 2012, Habitat Survey dated 27/01/12.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements at the junction onto Church Street. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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 Amphill Road, Bedford MK42 9BD.

The applicant is advised that if it is the intention to request the 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 Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford

Bedfordshire 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.

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

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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