

Item No. 9

APPLICATION NUMBER	CB/13/03519/FULL
LOCATION	Land at Mill Lane, Hulcote, Beds, MK17 8BP
PROPOSAL	Erection of new dwelling including new access to site.
PARISH	Hulcote/Salford
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Judy Self
DATE REGISTERED	15 October 2013
EXPIRY DATE	10 December 2013
APPLICANT	K R Childrens Trust Fund
AGENT	George Crutcher Planning
REASON FOR COMMITTEE TO DETERMINE	The proposed development is in open countryside and therefore is contrary to Policy DM4 of the Core Strategy and Development Management Policies
RECOMMENDED DECISION	Full Application - Approval

Summary of Recommendation

Taking into account that the development is of exceptional quality and innovative design and because this particular design requirement cannot be easily replicated elsewhere in the open countryside it is considered that the development is acceptable in principle and that very special circumstances exist to justify the development and outweighs the harm to the openness of the countryside, having regard to policies CS14, DM1, DM2, DM14, DM15 of the Core Strategy and Development Management Policies and in particular paragraph 55 of the NPPF. There will be no adverse impact on the residential amenity of any neighbouring property by reason of loss of light, privacy or overbearing impact in accordance with DM3. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Description of Proposal

Planning permission is being sought to erect a contemporary new dwelling. The proposed development comprises a single storey, 4 bedroomed, house with a basement to accommodate garaging for 4 vehicles and domestic leisure facilities, a new vehicular access off Mill lane, and a new surfaced driveway to serve the property. The house is to be set within newly planted woodland and open wildflower areas.

The following accommodation and facilities are proposed in the house:

The ground floor (565m/sq)

Kitchen, living room, dining room, study, 4 x bedrooms with ensuite facilities, utility room and changing room for external pool.

The basement (549m/sq)

Garage parking for 4 cars, lobby, gym, cinema and games room.

A 119m/sq outdoor swimming pool is also proposed.

Description of site and surroundings

The proposal site is formed between the M1 motorway, Salford Road and Mill Lane in Hulcote. Land to the west and north is principally open countryside, with fields bounded by hedgerows and open ditches. There is a number of properties/small holdings scattered along Mill Lane.

The site falls beyond any established settlement in a position where permission for new residential development would not normally be permitted. At present the site lies vacant, with disused and dilapidated poultry sheds.

Planning History

Pre application discussions have taken place but there is no formal planning history

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies, November 2009

CS14: High Quality Development

DM1: Renewably Energy

DM2: Sustainable Construction of New Buildings

DM3 High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

Development Strategy for Central Bedfordshire

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High quality development

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, trees and hedgerows

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014.)

Supplementary Planning Guidance

None applicable to this application

The application was submitted with the following documents:

- CSH (Code for Sustainable Homes)
- Landscape Proposals
- Arboricultural Report
- Ecological Appraisal
- Contamination Report

**Representations:
(Parish & Neighbours)**

Hulcote & Salford Parish Council The PC and the residents of Mil Lane unanimously support the application. They consider it to be a “welcome and quite exciting” addition to Mill lane community and are encouraged by the extensive tree planting proposed for the landscaping.

The PC respectfully request that the following observations made by Mill Lane residents and endorsed by the PC are considered.

- All construction traffic accessing the development site should do so from the Salford Road entrance to the site and not from Mill Lane. This should be a condition of the granting of planning permission;
- Construction traffic leaving the site should take suitable precautions to prevent the transfer of mud and other debris to the Salford Road.

The PC have been reassured that:

- An operational helicopter pad associated with the client’s current commercial buildings at the nearby Brooke Farm in Salford Road will not be moved onto the development site;
- Any scheme to generate electricity from the Broughton Brooke, adjacent to the development site, will be full discussed with other Mill Lane residents whose land is traversed by Broughton Brooke;
- The proposed location of the vehicular entrance to the finished development will be as shown in the submitted plans namely “closer to the Salford Road junction” as set out in the supporting document.

Neighbours Two letters of support

Consultations/Publicity responses

Highways	No objection subject to the specified conditions
Trees & Landscape Officer	No objection
Ecology	No objection
Environment Agency	The site lies within the IDB’s jurisdiction so no comments to make
Minerals & Waste Section	No objection subject to a specified condition

Bedfordshire & River Ivel Internal Drainage Board (IDB)	The IDB have been consulted and any comments received will be reported at committee.
Building Control	Building Control have been consulted and any comments received will be reported at committee.
Environmental Health	Environmental health have been consulted and any comments received will be reported at committee.

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The design of the building and the impact upon the character and appearance of the area
3. Impact on the amenities of neighbours
4. Highway considerations
5. Other Considerations

Considerations

Human Rights issues

The development has been assessed in the context of the Human Rights and would have no relevant implications.

Equality Act 2010

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

1. The principle of development

New residential development in the open countryside is not supported in principle having regard to policy DM4 of the Development Strategy for Central Bedfordshire and Policy 38 of the emerging Development Strategy for Central Bedfordshire. However there is scope with the National Planning Policy Framework (NPPF) for Local Authorities to very occasionally grant permission for isolated new houses provided that the design is truly outstanding or innovative. This includes methods of construction and contribution to protecting and enhancing the environment.

The number of dwellings approved under paragraph 55 of the NPPF has been very small and the extent to which any particular proposal satisfies the requirements is a matter of judgement. It is clear, however, that the clause is intended only to be satisfied as an exception and should consequently be applied with care to avoid undermining the normal restrictive approach to isolated dwellings in the countryside.

The applicants currently live within Hulcote and have approached the local community with their proposal.

Very Special Circumstances

The applicants have put forward, as a very special circumstance, the argument that the building is of exceptional and innovative design, in line with paragraph 55 of the NPPF.

Paragraph 55 allows for the creation of an isolated rural dwelling which is of exceptional quality or innovative design. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The building has been specifically designed to ensure compatibility with the wider rural landscape (linked to its agricultural function) and consists of a low profile roof set into the existing topography thereby minimising its visual impact. The new building would facilitate the removal of the existing dilapidated chicken sheds thereby significantly improving the visual amenity of the area.

The supporting statement suggests that the building has been designed in appreciation of the character and appearance of the area. "The form of the proposal is broken into segments, which in plan have been inspired by agricultural land boundaries. These land boundaries when viewed as aerial photography present a series of seemingly random intersecting patterns of hedgerows and occasional waterways". The varying roof planes are said to reflect the typography. A series of semi enclosed courtyards address key spaces. Full height glazing is proposed to the living areas.

The building also proposes to meet code level 6 (pre-assessment) of the code for sustainable homes, which is at the highest levels of building construction/sustainability.

Paragraph 55 of the NPPF requires the Council to take a view as to whether the proposal is of such as exceptional quality in terms of its architecture and landscape design. To a great extent this is a subjective judgement. However, given the applicant's ability to justify the design in line with paragraph 55 of the NPPF and the unique nature of the dwelling which could not be easily replicated elsewhere in the countryside it does, in officers' opinion, constitute a very special circumstance in this instance.

The proposed landscape improvements will significantly enhance both the setting of the new house and the area generally. It is not currently a particularly attractive site and the landscaping proposed will significantly improve its appearance.

On balance, taking together the design of the house and the landscape improvements associated it is considered that the scheme is in line with the requirements of the NPPF.

2. The design of the building and the impact upon the character and appearance of the area

At present the site lies vacant, with disused and dilapidated poultry sheds. The M1 motorway and A421 are dominant features in the landscape to the south and east of the site. Land to the west and north is principally open countryside, with fields bounded by hedgerows and open ditches. There are a number of properties/small holdings scattered along Mill Lane.

It is considered that the modern scheme reflects the site context in terms of the local topography, site orientation and positioning. Whilst the proposed dwelling is significant in size the perceived bulk and scale of the structure is kept to a minimum by proposing a single story semi subterranean building.

The supporting statement suggests that a substantial amount of new woodland will be planted to enhance the site surrounding the proposed new build to set the building in a new woodland setting. The tree planting would in effect help to screen the dwelling from view over time.

The dwelling is in close proximity to the M1 motorway but is designed in such a way that views and noise would be screened by the use of roof planes and landscaping which allows the vast majority of noise to flow over the building.

The proposed design purports a very high standard in terms of its sustainable features

- Construction – steel and concrete. The external skin is to be of an organic material (rock origin) and is dark grey in colour. A rain-screen cladding system will be used for both the walls and roof and the external insulation will be concealed by the rain screen cladding.
- Local sourced material and fabrication – the steel elements will be fabricated 1 mile away. Recycled steel will be used throughout. The mix for the concrete would include 70% recycled materials.
- Rain water harvesting
- Energy – utilised ground source heat pump and photovoltaic array.
- Landscaping – creates native natural woodland across the whole site with small meadow clearings to enhance biodiversity.

Taking into account the above and subject to the imposition of conditions it is considered that the development would respect, preserve and enhance the character and appearance of the rural landscape and would not result in any significant harm to the openness of the countryside in line with the requirements of the NPPF.

3. Impact on neighbouring properties

The development due to its location, low profile design and relationship to neighbouring properties would not give rise to any unacceptable impact in terms of loss of amenity in relation to overbearing, overshadowing or overlooking impact.

4. Highway implications

The application proposes the erection of a four bedroom detached dwelling and the creation of a new vehicular access onto Mill Lane on a site currently occupied by a pair of disused poultry sheds.

The new access is shown to be gated and incorporates a bin store enclosure close to the public highway. It is located some 55m southwest of the Mill Lane/Salford Road junction and given the extent of the site frontage to Mill Lane, adequate visibility splays can be achieved.

A new internal driveway is shown to lead to:

- a surface level parking area containing four parking spaces and a single garage; and
- a basement garage/parking area large enough to accommodate four cars.

The creation of a four bedroom property in this location has the potential to generate some 8 to 10 additional traffic movements per day. However it is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse impact, once completed.

Mill Lane is effectively a single track rural lane and is not suitable for regular use by HGV traffic. Therefore if planning permission is to be granted, it will be necessary to ensure appropriate control, routing and parking of construction vehicles during the build. The PC comments have been duly noted. No objection has been raised by the Highways Authority subject to the specified conditions.

5. Other considerations

Energy Conservation

The application has been submitted with a detailed energy statement and 'Code for Sustainable Homes' pre-assessment report. The house will comply with all 16 sections of the Lifetime Homes standards.

The code for Sustainable Homes measures the sustainability of a new home against nine categories of sustainable design (*energy & carbon dioxide emissions, water, materials, surface water run-off, waste, pollution, health & well-being, management, ecology*), rating the 'whole home' as a complete package. The Code uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home.

The building proposes to meet code level 6 (pre-assessment) of the code for sustainable homes and an appropriate condition will be attached to any permission.

Section 106/Community Infrastructure Levy

The erection of a 4 bedroom dwelling would constitute development which would be subject to developer contributions. A satisfactory legal agreement has been submitted and is in accordance with the planning obligations strategy.

Tree & Landscapes

The applicants have been working with The Marston vale Woodland Trust and it is proposed to plant natural native woodland across the whole site with naturally occurring small meadow clearings that will considerably enhance the biodiversity of both flora and fauna.

This application includes a comprehensive planting and hard landscaping plan which covers all proposed species sizes and densities of planting along with a full management plan. A tree survey of the site has also been included.

Taking into account the response from the Councils Tree & Landscape Officer the proposed development is acceptable having regard to Policy DM14 of the Core Strategy and Development Management Policies, November 2009 and section 11 of the NPPF.

Ecology

The proposals which include wildflower meadow and native woodland planting are welcomed as it is believed that this would deliver a net gain for biodiversity in line with NPPF guidance. It should be noted however, that habitat creation or enhancement does not override protected species legislation, and due care must be exercised in order to avoid damage to such species and their habitats during potentially disturbing works.

Equally as the proposals include the provision of a new pond and associated marsh edge planting, a further enhancement which would be beneficial could be the inclusion of a reptile / amphibian hibernacula.

Taking into account the response from the Councils Ecology Officer the proposed development is acceptable having regard to Policy DM15: Biodiversity of the Core Strategy and Development Management Policies, November 2009 and section 11 of the NPPF.

Minerals and Waste

The landscaping proposals associated with the erection of this new dwelling include the creation of a bund to mitigate the noise and visual intrusion of the M1. No objection has been raised by the Councils Minerals and Waste Officer (subject to a condition) and the proposed development is considered to be acceptable in this regard.

Conclusions

Planning permission is being sought to erect a contemporary new dwelling. New residential development in the open countryside is not supported in principle having regard to policy DM4 of the Core Strategy and Development Management Policies. Paragraph 55 of the NPPF also confirms that the new isolated dwellings in the open countryside should not be supported, unless justified as one of the exceptions as outlined under paragraph 55. Taking into account that the development is of exceptional quality and innovative design and because this particular design

requirement cannot be easily replicated elsewhere in the open countryside it is considered that the development is acceptable in principle and that very special circumstances exist to justify the development and outweighs the harm to the openness of the countryside, having regard to policies CS14, DM1, DM2, DM14, DM15 and in particular paragraph 55 of the NPPF.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED 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 **No development shall take place until samples of the materials to be used for the external walls and roof have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **No development shall take place until final levels of the dwelling and the extent of the area to be contoured have been submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

Reason: To produce a satisfactory relationship between the various elements of the scheme.

- 4 **No development shall take place until full details of all energy efficient features of the building and site have been submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved scheme.**

Reason: To secure an energy efficient building.

- 5 **No development shall take place until a plan designating the curtilage of the house has been submitted to and approved in writing by the Local Planning Authority. Only the area so designated shall be taken as forming the curtilage of the house.**

Reason: To ensure that the curtilage of the house is clearly identified in the interests of the character and appearance of the site and the surrounding areas.

- 6 **No development shall take place until details of the junction of the**

proposed vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 No development shall take place 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 approved facilities shall be installed and made operational before development commences and the site developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).

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.

- 8 No development shall take place until a scheme detailing access provision to and from the site for construction traffic has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall show what arrangements will be made for controlling and restricting such vehicles to the approved points of access and egress and 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.

- 9 No development shall take place until a scheme detailing provision for on-site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure that adequate off street parking is provided during the construction period in the interests of road safety.

- 10 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 8m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud, gravel or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

- 11 Before the new access is first brought into use visibility splays shall be provided on each side of the new access at its junction with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 70m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction to visibility exceeding a height of 1.05mm above the adjoining carriageway level.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

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

Reason: To enable vehicles to draw off the highway before the gates are opened.

- 13 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

- 14 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no works shall be commenced for the

extension or material alteration of the building, or the erection of any building or structure within its curtilage, until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenities of the area.

- 16 No waste material shall be imported to the site for use in landscaping.

Reason: to restrict the development to that applied for and to minimise disturbance to the local environment.

- 17 The landscaping works shall accord with the details set out on drg. nos. 405.13.1; 405.13.2; 405.13.3; 405.13.4; 405.13.5; 405.13.6 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the site surrounding the new build to set the building in a new woodland setting.

- 18 The management and maintenance of the landscape works (trees, shrubs, hedges, wildflower meadow, wetland/marsh area) shall be carried out in accordance with the 'Soft Landscape Specification and Maintenance' plan (September 2012) and any measures thereby included shall be fully implemented until the development is completed.

Reason: To ensure the longevity of the high quality landscaping scheme.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1460.02.01 (proposed site plan); 1460.02.02 (proposed ground floor plan); 1460.02.03 (proposed basement floor plan); 1460.02.04 (proposed elevations); 1460.02.05 (proposed elevations); 1460.02.08 (vehicular entrance, waste & recycling); Site Location Plan; Block Plan.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

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 the closure of existing access shall include the reinstatement of the highway to include any verge and carriageway edging in a manner to be agreed in writing with Bedfordshire Highways, Central Bedfordshire Council's Highways Helpdesk, Technology House, 239 Ampthill Road, Bedford MK42 9BD. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.
5. The ecological appraisal states that no records of Great Crested Newts (GCN) were returned from the data search and yet on looking at the NBN gateway 15 records appear within 500m of the site. As an existing water course forms the western boundary of the site there is a possibility that GCN may have migrated across to the proposed development site.

It is therefore recommended that any works undertaken to the rank grass and tall vegetation within the watercourse corridor be cleared / cut short to 25mm during Summer months when GCN would be in breeding ponds and not hibernating so as to avoid risk of disturbance and hence avoid any offence being committed.

Equally as the proposals include the provision of a new pond and associated marsh edge planting, a further enhancement which would be beneficial could be the inclusion of a reptile / amphibian hibernacula.

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

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively 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.

