

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/13/04451/FULL</b>
<b>LOCATION</b>	<b>Crossways Park, Hitchin Road, Arlesey, SG15 6SG</b>
<b>PROPOSAL</b>	<b>Alterations to access road incorporating changes to road layout and incorporation of new footpath to Hitchin Road from development approved under planning permission CB/10/02584/REN and CB/11/02358/RM.</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>06 January 2014</b>
<b>EXPIRY DATE</b>	<b>03 March 2014</b>
<b>APPLICANT</b>	<b>UK Construction</b>
<b>AGENT</b>	<b>Reynolds Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Dalgarno due to concerns from local residents and the occupiers of the remaining business units.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for approval</b>

### Summary of Recommendation

The proposed realigned access road and new footway would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties or on highway safety. The proposal is in conformity with Policy DM3 and CS14 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Guide: Design in Central Bedfordshire: A Guide for Development, 2010.

### Site Location:

The application site comprises the access road from Hitchin Road serving Portland Industrial Estate.

To the east of the site are residential properties, numbers 66-136 Hitchin Road, many of which have pedestrian and vehicular entrances onto the access road. To the west are the industrial workshops forming the remainder of Portland Industrial Estate. To the south of the access road are the partly demolished former industrial buildings which comprises the land to which an extant consent for 43 dwellings exists (06/00272/OUT), which was renewed under planning permission 10/02585/REN.

The access road currently has no continuous pedestrian footway from the site of the extant approved residential development to Hitchin Road.

## **The Application:**

This application seeks permission to alter the access serving the industrial estate and the approved residential development.

The requirement to provide a footway along the access road arose from the original 2006 appeal decision, where the housing development was approved subject to a footway being provided along the industrial road as an alternative to the existing access between No's 136 and 138 Hitchin Road. In his decision letter the Inspector commented:

"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".

A reserved matters application was approved in 2011 (11/02358/RM) which provided details of a new footway along the access road.

### **The only changes between the 2011 approved details which remain extant and the details shown in this application are:**

- the southernmost part of the access road moved up to 2.8m away from the rear boundaries of 90-118 Hitchin Road to respond to rights of access issues.
- provision of an increased area of landscaping on the corner opposite the rear of 100 Hitchin Road and retention of part of the landscaping bay previously shown to be partially replaced by a footpath, opposite the rear of No.120
  - a reduction to the landscaped area on the south east corner of the industrial unit 2.
- loss of 4 parking spaces within the existing layby to the side of unit 2.
- greater clarity provided showing the demarcated footway where it crosses in front of units 1a to 1d with dropped kerbs ensuring that vehicular access to those units is maintained.

Members will recall that at the Development Management Committee (7 October 2012) an application to remove condition 15 of planning permission 10/02584/REN was refused. The application sought consent to allow the approved development without providing the required new footway to Hitchin Road. The reason for not providing the footway was because an acceptable width of footway could not be provided at the corner immediately to the rear of 66 Hitchin Road, as this was land not under the ownership of the applicant. Instead, the application proposed the resurfacing of and improvements to the track between No's 136 and 138 Hitchin Road, proposing that it serve as the pedestrian access to Hitchin Road and Arlesey, with the industrial access road remaining unchanged.

The above application was refused at committee for the following reason:

"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".

The applicant has now acquired a small section of land at the rear of 66 Hitchin Road which enables the provision of a wider footway where there is an existing pinch point.

In support of this application the applicants have explained the reasoning behind the requirement to realign the access road.

1. *"Titles to the rear of properties along Hitchin Road are subject to a Right-of-Way over them since 28/11/1895*
2. *The existing Private Road was constructed by the current owners The Daniels Group in 1974 which benefits the right of access for both the Commercial Units and the majority of rear gardens/garages to properties along Hitchin Road*
3. *Circa 10 years ago The Daniels Group lodged with the Land Registry a Defect Title application appertaining to the rear garden boundaries of plots 106 and 108 that protrude in to the private access road, unfortunately the correct title boundaries were not updated by the registry*
4. *This issue was raised by our end-user Raglan Housing Association and Indemnity Insurance was sought to cover any possible future issues. Unfortunately insurers would not insure as there being too much of a 'Grey Area.*
5. *The only solution to satisfy the Housing Association Solicitor was to redesign the Road around the defective title boundaries to plots 106 and 108, this was also deemed necessary to alleviate any possible future issues arising from Mortgagees in connection with the number of Shared Ownership properties to be sold on the consented scheme of 43 units by Raglan Housing Association.*
6. *The redesigned road has been agreed by Highways and the revised road layout forms the current planning application."*

*"We are somewhat surprised that this minor road amendment servicing a consented residential scheme of 43 units designated for Affordable Housing has been called to committee but trust this procedure will not jeopardise a much needed, grant supported housing association development that must commence on-site as soon as possible to meet critical hand-over dates set by the Housing Associations funding arm the Homes and Communities Agency".*

## **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)

### **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.
CB/12/01412/VOC	Removal of Condition 15 of planning permission CB/10/02584/RM. Refused.

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

Arlesey Town Council	<p>Strongly object to the application. The comments of the Town Council are summarised as follows:</p> <ul style="list-style-type: none"><li>- Width of the footpath is insufficient.</li><li>- The wall on the bend is a blind spot for road users.</li><li>- The footpath would go across commercial parking spaces.</li><li>- Insufficient parking spaces for existing businesses and residents.</li><li>- Possible flooding issues.</li></ul>
Neighbours	<p>15 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"><li>- The pathway would be crossed by users of the commercial premises.</li><li>- The corner of the access road would be unsafe.</li></ul>

- Loss of parking for existing residents.

1 letter from the occupant of No. 68 Hitchin Road raising no objection, subject to there being no restrictions to reversing from that property.

## **Consultations/Publicity responses**

### **Highways**

This application proposes improvements to an existing private road to provide a footway leading to a new residential development site granted approval at Public Inquiry. The submission is in response to a condition imposed by the Inspector at the time and is a variation of a scheme that was found to be acceptable in a highway context. The proposal introduces a change to the alignment of the road at the southern end to avoid third party land and now confirms that the applicant has obtained control over a small parcel of land at the northern end of the access road to enable a continuous footway to be provided as required by a condition imposed by the Planning Inspectorate.

In these circumstances I have no justifiable reason to object to the current submission. The revised alignment is not a material change on the previously approved scheme and indeed may have a positive impact in respect of lowering vehicle speeds. The width of the footway, at 1.8m, has not changed and although slightly narrower than the 2.0m width suggested for adoptable roads in Manual for Streets, provides an appropriate width to safely accommodate the needs of pedestrians including wheelchair users.

In these circumstances, given the planning history of the site and the fact that the land and roadway is, and will remain in private ownership which the highway authority have no jurisdiction over I can only suggest that, if planning approval is to be considered, a condition be included requiring the footway and roadworks, including signs and road markings be constructed in accordance with the details shown on the submitted plan UKC00514 – 201 – Revision P2 to be undertaken and in place before first occupation of any residential dwelling approved previously .

### **Tree Officer**

This area at present has only limited landscaping in what is a fairly bleak setting, but the existing landscaping is starting to mature and develop to provide some suitable screening effect. Planting consists mainly of early mature Birch and the usual Cotoneaster, Laurel etc providing

some evergreen screening effect.

The plans seem to indicate that a new brick planting area will be provided on the east side of the existing factory for which we will require planting details. The environment that they will be in is likely to be fairly harsh and low maintenance levels would be expected. As such hardy planting will be required with a predominance of evergreen/semi evergreen species.

Brick planter to the south end of the site is proposed for extension. I would suggest that in doing so the existing planter should be retained as is and an additional brick planter possibly at a lower level is built on the sides. This will ensure no disturbance of existing planting.

Highways Agency

No objection

## **Determining Issues**

The main considerations of the application are;

1. Impact on the character and appearance of the area and neighbouring amenity.
2. Highway and pedestrian safety

## **Considerations**

### **1. Impact on the character and appearance of the area and neighbouring amenity**

The access road and its environment is not particularly attractive at present, though the existence of landscaping does nevertheless help to soften its appearance.

The proposed layout would be very similar to the extant footway layout. Whilst it would result in a some loss of landscaping alongside the south west side of the access road this would be compensated by the opportunity for new landscaping alongside unit 2b. As such it is not considered that the proposed layout would be materially different to that which has been approved or result in detrimental harm to the existing streetscene. The Tree Officer has raised no objections to the proposal and has recommended that a detailed scheme of landscaping be provided to ensure that appropriate mitigating landscaping is provided.

The realigned access road would move further way from some of the properties on Hitchin Road and as such it is not considered that the proposal would result in any adverse impact on the existing residential occupiers, with rear accesses remaining unaffected.

## 2. Highway and pedestrian issues

The previously refused application provided for no footpath along the access road which it was considered would have resulted in a "hostile and unsafe pedestrian environment".

Now that the applicants have gained control of the parcel of land at the north corner of the access road to the rear of No.66 they are able to provide a 1.8m at that point. The width of the footway has not changed from the extant scheme and although slightly narrower than the 2.0m width suggested for adoptable roads in Manual for Streets, it nevertheless provides an appropriate width to safely accommodate the needs of pedestrians including wheelchair users.

The detailed construction plan 201 P2 indicates the lowered kerb in front of units 1a to 1d which would allow for access to those units across the footway. The footway at this point would be in the same position as approved in the extant consent, though this proposal provides a greater degree of detail and clarity regarding the actual construction and detail of the extent of the vehicular crossover.

Whilst the realignment of the access road would result in the loss of a layby to the side of unit 2b it is not considered that this serves as a necessary function for the remaining industrial units which have their own parking in front of their units.

**This proposal would provide a direct pedestrian route into Arlesey, in line with that deemed necessary by the Inspector in allowing the original appeal, and identical, apart from the slight realignment of the road, to that for which approval already exists.**

The Highways Officer considers that the realignment of the roadway may have a positive impact in respect of lowering vehicle speeds.

The pedestrian route between No's 136 and 138 would also still provide an alternative route to Arlesey and also a direct route to the bus stops on Hitchin Road.

On the basis of the above the Highways Officer supports the proposal and it is considered that the proposed footway and access road layout as proposed is acceptable in terms of vehicular and pedestrian safety.

### **Other matters**

Comments have been made by the Parish Council in respect of flooding issues. The site is however not within the flood plain and any additional hardstanding provided would be minimal.

### **Recommendation**

That Planning Permission be approved for the following reasons:

## RECOMMENDED CONDITIONS / REASONS

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall begin before a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping.**

- 3 The new road layout and footway hereby approved shall replace that approved under condition 2 of the reserved matters approval CB/11/02358/RM (pursuant to planning permission CB/10/02584/REN).

Reason: For the sake of clarity.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [10574/L10/D, L12D, 201P2].

Reason: For the avoidance of doubt.

## Notes to Applicant

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

This application has been recommended for approval. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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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