

Item No. 7

APPLICATION NUMBER	CB/14/01818/FULL
LOCATION	Land adjacent to The Guinea, Bedford Road, Moggerhanger
PROPOSAL	Erection of 18 dwellings with highway, services, hardstanding and external works
PARISH	Moggerhanger
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Amy Lack
DATE REGISTERED	16 May 2014
EXPIRY DATE	15 August 2014
APPLICANT	Berwick Homes/Charles Wells Ltd
AGENT	Levitt Partnership Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Called in by Cllr Turner due to the concern of local residents regarding loss of amenity; over development; highway safety; and allocation of site.
	Full Application - Granted

Reason for recommendation of approval

The land allocated for residential development under local plan policy HA26 to the rear of the Guinea Public House, Moggerhanger for development with 18no. dwellings is considered acceptable.

The scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding village setting. The scheme will not unduly impact upon the residential amenity currently enjoyed by neighbouring properties, nor will it have any significant adverse impact upon highway safety and any impacts on existing local infrastructure will be acceptably mitigated by the securing of S106 contributions.

The proposal is it considered acceptable and in accordance with policies CS1, CS2, CS5, CS13, CS14, DM2, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Central Government guidance contained within the National Planning Policy Framework (2012) and with supplementary planning guidance in the form of Central Bedfordshire Council's Design Guide (2014).

Site Location:

The application site comprises a 'T'-shaped parcel of land which wraps around the to the rear (north) and side (west) of the Guinea Public House approximately 0.59 hectares. Access to the site is proposed between the rear of the Guinea Public House to the south and No.3 Blunham Road to the North, a thatched, two-storey, white rendered Grade II listed cottage. On the opposite side of Blunham Road from the site access are modern chalet bungalows. To the south of these is another Grade II listed building.

The southern boundary of the application site, west of the Guinea Public House abuts Bedford Road (A603); to the west the site backs onto open countryside, currently farmed; and to the north is the two storey terrace development of the cul-de-sac road West Way.

The site is within Moggerhanger Settlement Envelope, it is not located within a designated conservation area. The site is allocated on the proposals map by Policy HA26 for residential development with at least 17no. dwellings.

The Application:

The application seeks planning permission for the erection of 18 dwellings, comprising:

- 4no. 2 bedroom dwellings;
- 8no. 3 bedroom dwellings; and
- 6no. 4 bedroom dwellings.

Space for refuse/recycling and cycle parking provision is accommodated within the rear garden of each dwelling, or in the case of cycle parking for the larger dwellings within the ancillary garage accommodation.

The proposed cul-de-sac development will be accessed by an adopted road off Blunham Road from the east boundary of the site between the rear of the Guinea Public House to the south and No.3 Blunham Road to the north.

The proposal provides a density of 30.5 dwellings per hectare.

National Guidance

National Planning Policy Framework (March 2012)
Circular 11/95 - The use of Conditions in Planning Permissions
Circular 05/2005 – Planning Obligations

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS5	Providing Homes
CS6	Delivery and Timing of Housing Provision
CS7	Affordable Housing
CS13	Climate Change
CS14	High Quality Development
CS16	Landscape and Woodland
CS17	Green Infrastructure
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM10	Housing Mix
DM14	Landscape and Woodland

Site Allocations Development Plan Document (2011)

HA26 Land to rear of The Guinea Public House, Bedford Road, Moggerhanger

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

CB/13/01869/FULL	Erection of 18 dwelling with Highway, Services, Hardstanding and External Works. Refused
CB/12/03143/FULL	Erection of 20 dwellings with associated works. Withdrawn 24.12.12

Representations: (Parish & Neighbours)

Moggerhanger Parish Council No objection to the principle of the development. However, the following concerns should be given due consideration:

- No provision has been made for retirement bungalows for which there is a need in the village;
- Infrastructure in the village is not adequate enough to sustain an increase by the number proposed, with sever pressures on drainage and sewerage disposal;
- The junction with the busy A603 will be compromised even further by additional movements, a highway assessment should be undertaken and the need for traffic lights at this junction will become a necessity;
- Health provision needs to be made for the villagers;
- Children of the new development should be accommodated in local schools before those outside of the catchment area;
- Additional play space is not required and the parish would not be willing to take ownership of such a space;
- S106 monies should go towards the enlargement of the village pavilion and car parking at the village hall.

Neighbours Third party representations have been received from the owner/occupiers of the following addresses in objection to the development:

- 37 Bedford Road, Moggerhanger
- 45a Bedford Road, Moggerhanger
- 53a Bedford Road, Moggerhanger
- 2 Blunham Road, Moggerhanger
- 3 Blunham Road, Moggerhanger
- 4 Blunham Road, Moggerhanger
- 6 Blunham Road, Moggerhanger
- 7 Blunham Road, Moggerhanger
- 36 Blunham Road, Moggerhanger
- 60 Blunham Road, Moggerhanger
- 20 Park Close, Moggerhanger

- 40 Park Road, Moggerhanger
- 2 St John's Road, Moggerhanger
- 26 St John's Road, Moggerhanger
- 10 The Crescent, Moggerhanger
- The Ridgeway, Blunham

A representation has also been received from residents association Moggerhanger Acting Together for Housing and Safety (MATHS).

The concerns raised by the representations received can be summarised as follows:

Character, context and design

- The development is inappropriate in this small village, the number of units should be reduced;
- Large 3/4 bedroom housing at this density is urban in character not in keeping with the housing in Blunham Road;
- The proposal will have an adverse impact upon the setting of the adjacent listed buildings;
- If taking design cues from the surrounding area why has a thatched roof not be included to one of the more prominent dwellings which would more positively enhance the area; and
- The size, density and single point of access gives the character of an urban estate, not a development that will successfully integrate with the small village.

Residential amenity

- The residential amenity of the occupants of the terrace row fronting the A603 will be very poor due to the traffic and proximity of the housing to this road; and
- Plot 1 will over shadow No. 3 Blunham Road.

Highway safety and parking

- The village already suffers from congestion, this development will make it worse. The location depends on the use of the car and with the access onto Blunham Road the queues onto the A603;
- The access should be onto the A603;
- Traffic lights are required at the junction of Blunham Road with the A603;
- The junction of the proposed access will be dangerous;
- Planting to the front of the proposed terrace row will limit visibility of the junction with Blunham Road; and
- Use of cycles by prospective occupiers is unlikely to happen.

Flooding and drainage

- During times of heavy rain water has streamed from the application site and neighbouring properties do experience

flooding;and

- The area already suffers from low water pressure, limited foul water capacity and flooding. All will be made worse by the proposed development.

Other

- The proposal would have a significant demand upon the local infrastructure, including the lower school and an already poor internet access, and application for this scale of development should include a package to enhance all shortfalls in the village;

- Many villagers were not aware that the site was allocated for housing which questions the Council's level of consultation and community involvement; and

- Citing of policies in the emerging Development Strategy which the residents association considers the application is considered contrary to.

The above is a summary of concerns raised by the representations received. Full copies of the third party representations and consultation responses can be viewed on the application file.

Consultations/Publicity responses

Conservation

No objection.

The layout of the proposal, the form, scale and massing of the proposed dwellings, the intervening spaces, materials and architectural detail windows and doors is much as discussed previously.

My principal concern when we have discussed with the architect and developers before was really the range of materials proposed (Materials Schedule), which still includes some lesser quality concrete and plastic, and with the proper conservation standard materials only in the more prominent houses, closest to Blunham Road.

The other concern was the relationship to the adjacent small scale Grade II listed cottage and the frontage of the development, where the proposed double garage for the new house still rather uncomfortably overwhelms the cottage. On balance, whilst I would frankly prefer better quality materials throughout, the site is not within a conservation area and impact on the setting of the listed buildings nearby is mostly limited. So not sufficiently harmful to amount to solid reasons for refusal although perhaps we could look at the garage scale/massing again.

Highways Authority Fundamentally there is no highway safety reason to justify and sustain a highways objection to the principle of a residential development of this site.

This development has been the subject of pre-application discussion and agreement in principle to the main highway considerations. I am aware of the concerns of the Parish Council with regard to highway issues generally on the A603 but do not consider that this development and the associated traffic movements would have any material impact upon the existing situation that would require the need for off-site works without which the development would be unacceptable.

Whilst I still have concerns regarding the frontage development onto Bedford Road and the possibility of parking thereon, sufficient parking within the site is proposed, the layout of the site complies with latest design requirements including provision for servicing.

In these circumstances the following conditions and advice notes are recommended should you be minded to recommend that planning permission be granted.

Public Protection
(Environmental
Health)

No objection.

The acoustic report presented with the application does indeed confirm that it is feasible to deal with both traffic noise from the highway network. Likewise it concludes that it is indeed possible to mitigate noise from the kitchen extract system and cooler units associated with the Guinea Public House. However, this will require the construction of a 3.5m barrier along the access road to the site to the rear of the public house. I am conscious that you may not support such a structure from a planning perspective and if that is the case then the development is unacceptable because noise from this will be to the detriment of future occupiers. However, there is another solution which is to upgrade the current extract system and chiller plant something which we would not typically accept but given that the land ownership is the same for the Public House and development site this would in this instance be feasible.

Anglia Water

No objection.

The foul drainage from this development is in the catchment of Tempsford Water Recycling Centre that has available capacity for the projected flows.

The existing sewerage system has capacity for the development at present.

Drainage Board

No comments to make.

Archaeology

No objection subject to conditions.

The proposed development site lies within the historic core of the settlement of Moggerhanger (HER 17120) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

The *Heritage Asset Assessment* (Heritage Network, September 2012) submitted with this application concludes that the proposed development site has "high" overall potential to produce archaeological remains.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development which should be controlled by condition.

Landscape

It is crucial that this site is designed in a way which limits intrusion into the rural setting and does not suburbanise Bedford Road. The following require redesign to avoid this conflict :-

1. The new development should not extend over what appears to be the grassy frontage of "The Guinea's" property, the grass and maturing two trees are an attractive feature along Bedford Road which needs to be conserved and not used for car parking and ornamental shrubbery. Replacement of the sycamore and ash with a hawthorn and rowan is unacceptable and a rowan has too suburban a character. The existing trees were given a Grade B ie keep rating by the arboriculturalist. Bedford Road is characterised by majestic lime trees, similar species are required, space permitting.

2. The Bedford Road frontage has four smaller properties, each with their own front path, five with the gated access, a busy frontage for a village. Combined paths and the use of native hedging should be used along this important frontage.

3. LAP - what fence detail is planned for this area - Picket fences are a local feature. Substitute the *Betula jacquemontii* as too urban, perhaps to a shade bearing tree?

4. Boundary hedge - as these will be family homes I suggest that the spindle, which has poisonous seeds, is substituted. Field maple has good autumn colour like the spindle. Also,

this is a dry sandy soil and Viburnum opulus is more suited to damper conditions - Viburnum lantana would be a better choice.

5. Tree choices - Betula "jacquemontii " has an urban or garden character - would prefer if this was substituted with another tree.

Ornamental shrub planting - the species selected are all attractive plants but will create a very urban character. This is a village setting - more use of native planting would be preferable and a simpler mix of flowering shrubs.

Trees No concerns, satisfied with the comments and amendments suggested by the Landscaping Officer.

Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received, third party representations and from an inspection of the application site and surrounding area the main considerations of the application are;

1. Principle of development
2. Character, context and design of external spaces and impact upon the setting of nearby listed buildings
3. Residential amenity of prospective and neighbouring occupiers
4. Highway safety
5. Car Parking and Cycle Parking
6. Refuse and Recycling
7. Sustainable drainage
8. Archeology
9. Trees and landscaping
10. Third Party representations
11. Planning obligation strategy

1. Principle of development

With respect to the principle of developing the site, consideration of the most recent application (CB/13/01869/FULL) accepted that the residential development of the site is acceptable in principle, according with the policies and guidelines of the National Planning Policy Framework (2012), the Council's Core Strategy and Development Management Policies (2009) and the Council's Design Guidance (2014).

Paragraph 49 of the National Planning Policy Framework (2012) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and in the local context, the proposal site is located within the settlement envelope of Moggerhanger. In accordance with Policy DM4 (Development within Settlement Envelopes) of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) (2009) the broad principle of residential development in this location will

normally be acceptable. Further to this the site is allocated on the proposals map by Policy HA26 for residential development with at least 17no. dwellings. As such, this is considered to be the most appropriate use for this location.

Notwithstanding the principle of the development having been accepted, careful consideration of criteria set out in Policy DM3, in particular, the proposal needs to successfully respond to the constraints of the site by making the necessary provisions for car parking, cycle parking and refuse storage. The design of the proposed dwellings must also be sympathetic their surroundings and there must not be any undue adverse impact upon the amenities of neighbouring and prospective occupiers. These material considerations will be considered within the main body of the report below.

2. Character, context and design of external spaces and impact upon the setting of nearby listed buildings

Subject to the careful selection of materials, and detailing the design and styling of the proposed dwellings is considered acceptable. The proposed development will form a cluster of housing with a common theme that will not have any adverse impact upon the character, appearance, or local distinctiveness of the surrounding area. The layout has been improved upon earlier iterations considered at the pre-application stage and the previously refused application (local planning authority reference CB/13/01869/FULL) demonstrating a more 'organic' and less formal approach, akin to its rural village setting. This has been aided by the omission of integral garages to plots, a staggered building line and a reduced number of gable ends addressing the street.

The terrace row fronting Bedford Road is considered to be the correct approach along this boundary of the site and the landscaping which provides a green buffer along the frontage compared with the previously refused scheme (CB/13/04284/FULL) is a welcome improvement.

A varied, ad hoc approach to the material palette, siting buff walls and slate roofs, amongst red brick and clay tiles will provide some contrast and relief. With respect to the quality of brick work and tiles, careful detailing has been applied to the 'gateway' dwelling (Plot 1) on the corner of the junction of the site with Blunham Road, not only because of its prominent corner siting but moreover its position immediately adjacent to the listed building at No.3 Blunham Road to the north, and for those dwellings visible in the vista read from Blunham Road up into the heart of the development. Further to the submission of the application, its consideration by the Council's Conservation Officer and concerns raised by the third party representations received which cited the importance of the listed building, the garage element of Plot 1 closest to No.3 Blunham Road has been revised. The eaves height has been reduced, which in conjunction with a lengthened half hip has reduced the mass of this part of the proposed building and in turn its impact upon the setting of the adjacent listed building.

The appearance of the affordable housing stock has a quality reflective of the remainder of the housing on the scheme, by inclusion of chimneys and gauged arch detailing. The introduction of chimneys to the terrace row in particular has served to break-up the otherwise long block, providing some relief, interest and vertical emphasis.

With respect to landscaping of the site, further to the consultation responses received from the Council's Landscaping and Tree officer's an amended scheme has been submitted which successfully addresses the concerns raised. The introduction of some more meaningful landscaping along the common boundary of the development with the open countryside adjacent to the west is welcomed and provides a better buffer for the transition between the site and the countryside. Subject to conditions to control the material detailing (condition 6) and secure the delivery of the landscaping as proposed (condition 10) the development is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity of prospective and neighbouring occupiers

The site is currently vacant which means that any development will undoubtedly have some impact upon the level of amenity currently enjoyed by nearby occupiers. However, allocated for residential development in the Site Allocations DPD the site is considered capable of accommodating at least 17no. dwellings if a scheme comes forward that successfully makes the required on site provisions and overcomes the constraints of the site.

Neighbouring occupiers

The relationship between the proposed buildings and the existing neighbouring properties is considered acceptable.

To west and south the nearest residential properties are beyond a large arable field and Bedford Road (A603) respectively and as such are sufficiently removed from the application site as not to be adversely impacted by any over bearing presence, loss of light or reduced privacy.

To the north is West Way and the rear gardens of a two storey terrace row comprising a total of 8no. dwellings. The west most 5no. (Nos.9-17) of which share their rear boundary with the application site. A separation distance of no less than 21 metres has been achieved between the four detached dwellings proposed on the north most boundary of the application site (Plots 5 - 8) in accordance with the Council's design guidance and accordingly this is considered an acceptable relationship with respect to mutual overlooking and privacy. Located due south of West Way the development of the site closest to this boundary is likely to result in some overshadowing of very rear of the garden area to these neighbouring properties by virtue of the garage accommodation closest to the common boundary's with the West Way properties, but given the single storey height and distance of these proposed structures at least a metre off the shared boundaries is unlikely to be to a significant detrimental degree.

To the east of the side of Plot 5 is No. 7 Blunham Road. The proposed dwelling sits approximately 3 metres off the shared boundary with this existing dwelling. The rear wall of No.7 then sits a further 18 metres from the boundary. Befitting from a larger than average plot comparable to the other dwellings in the immediate locality, this closest proposed dwelling which will only present an opening to a bathroom at first floor towards No.7 is unlikely to have any significant impact on the residential amenity that is currently enjoyed by the existing occupiers that would make the development proposal unacceptable.

No.3, Blunham Road, the Grade II listed building which sits adjacent to the north of the proposed dwelling on Plot 1 at the entrance of the site, is the existing property most likely to be impacted upon to a greater extent by the scheme than other existing properties. This is by virtue of the application site wrapping around the south and west boundaries of No.3. The garage, the closest element of the proposed building to the shared boundary, will extend to within 2.8 metres of the southern flank of No.3, which is approximately 15 metres in length, almost the entire depth of Plot 1, and benefits from no openings. Given this arrangement the proposal is unlikely to give rise to any overbearing or enclosing impact or a loss of privacy to an unacceptable degree. Plots 2 and 3 to the west of Plot 1 will introduce first floor windows with an outlook across the rear garden of No.3. Approximately 10 metres off the shared boundary it is acknowledged that this will reduce the level of privacy afforded to this neighbouring space but, mindful of the allocation of the site for residential development and the orientation of No.3 to these proposed dwellings which means that it is unlikely that there will be any direct views between the windows of these neighbouring properties this relationship is considered acceptable.

Prospective occupiers

The relationship between the proposed dwellings to one another is considered acceptable. Orientated and internally laid out so that where openings face one another at a closer proximity, mutual overlooking is between secondary windows serving bathrooms or stairwells and as such there is unlikely to be any significant adverse impact upon the privacy of prospective neighbouring occupiers.

The greatest concern with respect to residential amenity is with that of the prospective occupiers with respect to noise. One of the reasons for the refusal of the previous planning application (reference CB/13/01869/FULL) was the failure of the application to demonstrate that noise and disturbance created by the mechanical plant and equipment at the New Guinea Public House immediately adjacent to the site was not suitably addressed. The Noise Assessment failed to measure the background noise levels at appropriate times so subsequently the background noise levels were based on estimates. Further to this a penalty rating had not been included within the assessment methodology to take account of tonal or distinguishable characteristics which exist. These failings of the submission resulted in an incomplete assessment and even with implementation of the mitigation measures that are proposed, it demonstrates a failure to comply with the Council's assessment criteria.

This current application submission has been accompanied with an acoustic report that successfully demonstrates that it is feasible to deal with both traffic noise from the highway network and noise from the kitchen extract system and cooler units associated with the Guinea Public House adjacent. However, this will require the construction of a 3.5 metre barrier along the access road to the site to the rear of the public house. Whilst such an attenuation measure could be controlled by condition it is likely to have an adverse impact upon the character and appearance of the new development from the public highway. Accordingly, the most acceptable solution with respect to safeguarding both the character and appearance of the area and the residential amenities of the prospective occupiers closest to the Guinea Public House is to upgrade the current extract system and chiller plant to achieve an acceptable noise output from the source.

Such a measure would not ordinarily be possible but given that the land ownership is the same for the Public House and development site as demonstrated on the submitted site location plan this would in this instance be feasible (condition 9).

For the above reasons the proposed development is considered to have successfully recognised and addressed the constraints of the site by providing an adequate level of residential amenity for the existing neighbouring and prospective occupiers of the development thereby according with policy DM3 which seeks to provide high quality developments. Further to which the proposal is considered to bring forward the residential development of this site which is allocated for housing contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety

The development will be served by an access from Blunham Road located adjacent to the existing access to the parcel of land, which will be widened. An adopted, shared access road will serve the development to form a residential cul-de-sac. The street is to be laid out in a 'T' shaped configuration with private shared access drives to both ends of the turning head.

The majority of the third party consultation responses received and the comments received from the Parish Council raised concern at the impact of the proposal and the increased traffic movements it would generate having a significant and dangerous impact for pedestrians and the immediate highway network, particularly at the junction with the A603. Notwithstanding these concerns the Council's Highway officer consulted on the scheme is of the opinion that the proposed layout and projected number of movements to and from the site is acceptable without posing any significant impact upon the safety of the local highway network. The scheme is considered to provide a suitable estate road layout that is appropriate for adoption as public highway to the extent indicated on the plan. The layout allows for access for service and delivery vehicles and appropriate visibility is achievable at the junction onto Blunham Road. Subject to the imposition of conditions to ensure the layout of the access and development is laid out as proposed (condition 5) the development, with respect to highway safety is considered to comply with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Cycle Parking

Car parking provision across the site complies with the Council's current car parking standards. Visitor parking has been accommodated on street. Parking provision for the detached and semi-detached dwellings is made within their curtilage with ample driveway space and garage accommodation, capable of accommodating secure and covered cycle parking.

To the south of the site, car parking provision for the terrace row which fronts onto Bedford Road benefits from a car parking area to its rear (north) and side (east). These properties, without the benefit of curtilage parking provision with a garage benefit from sheds to provide secure and covered cycle parking. Accordingly the proposal makes adequate parking provision across the site which complies with the Council's current standards and will not give rise to any

adverse impact upon highway safety, thereby according with Policy DM3 of the Core Strategy and Development Management Policies 2009).

6. Refuse and Recycling

There is sufficient space within the curtilage of each of the dwellings to accommodate the storage of refuse and recycling bins in accordance with the Council's current waste strategy to the rear garden area of each dwelling, ensuring that there is not any adverse impact upon the character and appearance of the street scene. A wheelie bin collection point is proposed to the frontage of each property on bin collection days. As such, arrangements for waste storage and collection are considered acceptable.

7. Sustainable drainage

The application proposes that foul sewerage will be to the existing mains sewerage system and that surface water will be dealt with by way of a soakaway.

The Internal Drainage Board has not made any comment on the development proposals. The application site is not located within a flood risk area so while mindful of the concerns raised by the majority of the third party representations received it is not considered that the development will pose any significant flood risk to prospective occupiers or neighbours to that extent that the development proposals for the site would be unacceptable in this regard.

Consultation with Anglian Water confirms that the foul drainage from this development is in the catchment of Tempsford Water Recycling Centre that has available capacity for the projected flows and the existing sewerage system has capacity for the development at present. Notwithstanding this advice, to ensure that the development of the site would not make any existing pressures on the locality any worse as suggested by the representations received it is considered that matters of foul and surface water drainage could be satisfactorily controlled by the imposition of a condition (condition 11).

8. Archeology

The proposed development site lies within the historic core of the settlement of Moggerhanger (HER 17120) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

The Archaeological officer consulted on the proposal is in agreement with the conclusions of the *Heritage Asset Assessment* (Heritage Network, September 2012) submitted with this application which concludes that the proposed development site has "high" overall potential to produce archaeological remains. As such, the proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. However it is not considered that this should present an over-riding constraint on the development subject to the imposition of a condition (condition 2).

Accordingly, a condition should be imposed to ensure that archaeological investigative works take place prior to the development of the site in accordance

with policy DM13 of the Core Strategy and Development Management Policies 2009 and Central Government guidance provided within the NPPF (2012).

9. Trees and landscaping

The landscaping of the site has been considered by the Landscaping and Tree officers who provided a comprehensive response of suggested improvements to arrive at a soft landscaping scheme that sympathetically responded to the setting of the site in this rural village context. The applicant has amended the location and types of proposed planting accordingly and the Council's Landscaping and Tree officers have welcomed the changes considering the resultant scheme to successfully respond to the surrounding locality. Accordingly, subject to a condition to require the implementation of the latest landscaping scheme as demonstrated on drawing number 12353/86/B (condition 10) the proposals for the site are considered acceptable.

10. Third Party representations

The third party representations received raised concerns that cover a significant range of issues. The material planning considerations have been addressed within the main body of the report above.

With respect to the impact of the proposal upon local infrastructure the following section sets out the requirement of the development to mitigate its impact through planning obligations.

11. Planning obligation strategy

The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward recommendations in relation to the Planning Obligation for this development these requirements have been considered.

The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Central Bedfordshire Council's Adopted Supplementary Planning Document: Planning Obligations Strategy (2009) which provides a framework for expenditure of financial contributions collected through planning obligations but this has not been completed.

The proposed development triggers the requirement for the following community infrastructure: sustainable transport; healthcare; leisure, recreational open space and green infrastructure; community facilities; waste management; and emergency services.

In accordance with Policy CS7 *Affordable Housing* the development is required to provide at least 35% or more of the units proposed as affordable housing units. The terrace row of 4no. dwellings on the southern boundary of the site fronting Bedford Road have been allocated as affordable units. This provision will be secured by a S106 agreement.

The applicants have agreed to the heads of terms in accordance with the Planning Obligation Strategy (2009) set out above. Subject to the completion of the S106 the proposal is considered to comply with policy CS2 and CS7 of the Core Strategy and Development Management Policies (2009).

Recommendation

That Planning Permission be granted subject to the completion of a satisfactory legal agreement as detailed above and subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted 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 commence until such time as a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall only be implemented in full accordance with the approved archaeological scheme, including the full provision of the post-excavation analysis and publication.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development (Policy DM13 of the Core Strategy and Development Management Policies 2009).

- 3 Prior to first occupation of the dwelling houses hereby approved, all access and junction arrangement serving the development shall be completed in full accordance with the approved plans and constructed to the specification of the Highway Authority satisfaction to be agreed in writing with the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, all of the garage accommodation on the application 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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 5 The development hereby approved shall be carried out and completed in all respects in accordance with the access, siting and layout, passing bay, and visitor parking space as illustrated on the approved drawing no. 12353-70 and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing from the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times. (Policy DM3 Core Strategy and Development Management Policies 2009)

- 6 **No development shall commence until such time as full details of the materials to be used for the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**

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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 7 Notwithstanding any provision 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 further windows or other openings shall be formed on the external elevations above ground floor level of the dwelling houses hereby approved.

Reason: To protect the amenities of occupiers of neighbouring properties (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 8 **No development shall commence until such time as 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 (Policy DM3

of the Core Strategy and Development Management Policies 2009).

- 9 **No development shall commence until such time as a scheme for protecting the proposed dwellings from noise from the road traffic and mechanical plant has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter in perpetuity.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 10 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 **No development shall commence until such time as full details of a scheme for the drainage of surface water, and foul sewerage have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development will not increase the risk of flooding on the site or elsewhere (Policy CS13 of the Core Strategy and Development Management Policies 2009).

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 12353/12; 12353/70/A; 12353/71/A; 12353/72; 12353/73; 12353/74; 12353/75; 12353/76; 12353/77; 12353/78; 12353/79; 12353/80/A; 12353/81; 12353/82; 12353/83; 12353/84; 12353/85; 12353/86/B

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
2. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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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