

Item No. 10

APPLICATION NUMBER	CB/14/02134/FULL
LOCATION	Land at Chapel Close, Clifton, Shefford, SG17 5YG
PROPOSAL	Retrospective: Retention of post and rail fence and gate, hardstanding and low level emergency lighting column associated with existing pumping station.
PARISH	Clifton
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Lauren Westley
DATE REGISTERED	03 June 2014
EXPIRY DATE	29 July 2014
APPLICANT	JVD Developments Ltd
AGENT	Phillips Planning Services Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in to Committee by Ward Member Cllr Wenham due to the impact on residents, overbearing, gate opens across public highway, impact on streetscene and lack of design.
RECOMMENDED DECISION	

Summary of Recommendation

The application for retrospective planning permission for the retention of a post and rail fence, hardstanding and lighting column has been recommended for approval. Whilst the development does have an impact in the streetscene, it is considered that with additional landscaping and highway conditions the proposal will have an acceptable impact on the street scene, neighbouring amenities and highway safety, in accordance with the requirements of policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

Site Location:

The site is located on the northwestern side of Chapel Close, on a piece of land located to the front of No. 5 and No. 6 Chapel Close. The site was previously occupied by a small foul water pumping station.

The Application:

The application seeks retrospective planning permission for the retention of a foul water pumping station that is to be adopted by Anglian Water.

The development includes the retention of a 1.2m high post and rail timber fence erected around the pumping station within Chapel Close, the laying of hardstanding (concrete) within the enclosure and the retention of a 3m high emergency lighting column (with aerial attached) erected on the north western boundary of the enclosure. In addition to the above work, three bollards (1m high), a control kiosk and a junction box have also been provided.

The applicant is proposing to plant a hornbeam hedge around the perimeter of the site, and provide a sliding gate inlieue of an outward opening gate.

The underground works that accommodate the pumping station were installed in 2002 as permitted by planning permission MB/00/00738/FULL in order to serve the three dwellings permitted by the consent (No.s 6, 7 and 22 Chapel Close).

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Design

DM3 - High Quality Design

Supplementary Planning Guidance

The Central Bedfordshire Design Guide (adopted March 2014)

Planning History

Case Reference	MB/01/01161/FA
Location	Land Off, Chapel Close, Clifton
Proposal	FULL: REVISED ROAD LAYOUT. (REVISION TO SCHEME PREVIOUSLY APPROVED UNDER REF. 10/2000/0738 DATED 02.10.00 FOR ERECTION OF 3 NO. DWELLINGS WITH GARAGES AND ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING).
Decision	Full Conditional Approval
Decision Date	28/09/2001

Case Reference	MB/00/00738/FA
Location	Land Off, Chapel Close, Clifton
Proposal	FULL: ERECTION OF 3 NO. DWELLINGS WITH GARAGES AND ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING. (REVISION TO SCHEME PREVIOUSLY APPROVED UNDER REF: 10/99/1527 DATED 18.1.00)
Decision	Full Conditional Approval
Decision Date	02/10/2000

Case Reference	MB/99/01527/FA
Location	Land Off, Chapel Close, Clifton
Proposal	FULL: ERECTION OF THREE NO 4 BEDROOM DWELLINGS WITH GARAGES AND ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING
Decision	Full Conditional Approval
Decision Date	18/01/2000

Case Reference	MB/99/01528/FA
Location	Land Off, Chapel Close, Clifton
Proposal	FULL: ERECTION OF THREE NO 4 BEDROOM

	DWELLINGS WITH GARAGES AND ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING
Decision	Full Conditional Approval
Decision Date	18/01/2000

**Representations:
(Parish & Neighbours)**

Clifton Parish Council Objection - The area is considered to be out of proportion to the requirement and unsympathetic to the existing environment of Chapel Close. The concrete ground area and ranch style fencing are considered visually obtrusive.

Neighbours (7 responses received, 2 from same address) **Objections -**

- Area was previously maintained by residents of Chapel Close, currently not being maintained. Any approval should ensure that the developer/owners take responsibility for the site and care and maintain it properly until whoever adopts the site takes over that responsibility.
- The gate opens across the pavement and road, which is unacceptable, hazardous and dangerous for pedestrians and passing traffic.
- The fencing is unsightly, too high and not in keeping with surrounding dwellings. Should be close boarded to be in keeping with surrounding fencing.
- The fenced off parking space now occupies a space which was previously visitor parking.
- The concrete should be replaced with block paving.
- The screening should not be box, a box is slow growing and needs regular maintenance. Screening should be on all sides. A recent narrow strip that was concreted on kerb side should be removed and planted also.
- Before the alterations to the site, there was a water hydrant for fire services, this has gone.
- Development is an eyesore which is a cross between an industrial unit and a farm yard enclosure.
- Development has had an immediate negative impact to Chapel Close both from a visual and value perspective.
- The surrounding fence is unnecessary when a simple, more cost effective solution would be to erect temporary barriers to provide a working enclosure.
- 3 parking spaces have been lost as a result of the enclosure, two as a result of the removal of the original block paving space adjacent to No. 5 and one further space as a result of the need to retain access to the enclosure.
- The concrete hardstanding is not in keeping with surrounding area and does not respect visual amenity of neighbouring properties.
- The proposal to place box hedging around 75% of the enclosure is not adequate, it is obvious that the wooden structure would still be visible. Mature shrubs would be the only solution to reduce the impact of fencing, which in turn should be removed or substantially reduced in height. The

current attempt at landscaping is ineffective.

- The interpretation of the specification for Anglian Water is over engineered. For example fixing an emergency light standing 3m tall with a prominent aerial, when temporary lighting could easily be utilised and the hardstand off road parking is unnecessary when street parking could be used.

- The recent expansion of the pumps capability has happened without any meaningful reference to the residents of the close, without any explanation of what has been done, why, and what options were feasible. It would seem that the need to service the Chapel Lea development has increased the demand on the pumping station such that it had to be upgraded. It should have been addressed as part of the planning application for Chapel Lea. No justification of Anglian Water's requirements.

- Can not see the need for; the enclosure - why cant temporary barriers be used? Dedicated parking space - there was previously two parking spaces and off street parking. Emergency lighting - why cant temporary lighting be used.

- The box hedge will not reduce the sheer unnecessary and overbearing size of the enclosure - the expanse of concrete will still be clearly visible as you drive past and the development will continue to be more in keeping with a light industrial area rather than a residential area. Box hedge is very slow growing.

- The pumping station provides no benefits to No.s 1-5 Chapel Close.

- No mention of the metal aerial strapped to the lighting column on 25th June 2014.

- The scale and design of the enclosure is not in keeping with the rest of the close. It does not respect the sense of place or the amenity of the residents of the close.

- The fence may only be marginally outside the permitted height but it is not in keeping with the rest of the close.

- No evidence of Anglian Water's adoption requirements.

- Should not be at the expense of No.1 -5 who do not require a sewerage pump. Should have been included in plans for Chapel Lea, there are other spaces for such a development, behind the fence next to No. 5 or even on the plot next to No. 22. In both locations it could have been hidden. It should be relocation to either position.

- Who will maintain the area?

- Still object in principle to overbearing impact of design of the enclosure and damage it does to street scene.

Second
consultation period
(3 additional
responses received
from same
addresses)

- Still do not understand why it is necessary to create a fenced off area, so that Anglian Water staff are able to keep their van doors open whilst working. A small no. of temporary barriers could be used to protect the public when working.

- Loss of three parking spaces is still considered a problem.

- The lighting column and aerial have a negative visual impact, why cant the column be black? Why is the aerial needed? Why does it have to be so big? Floodlights are unsightly and its not clear why emergency lighting can not be bought in on a

temporary basis by Anglian Water.

- The dwellings in Chapel Lea are still unoccupied so the impact from noise and odour is not yet known.

- If the application goes ahead, we would like confirmation that no further equipment will be installed by Anglian Water.

- If close boarded fencing had been used it would have reduced the negative visual impact as it would have obscured most of the enclosure. A close boarded fence and vegetation should be provided.

- Who will maintain the hedge?

- A close boarded fence will immediately improve the appearance, as opposed to the hedge, which will take time to grow.

- Revised plans still haven't taken into consideration the visual impact and effect on the character of the neighbourhood.

Consultations/Publicity responses

CBC Highway Officer No objection, subject to conditions

CBC Tree Officer No objection, subject to conditions.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on visual amenity
3. Highway and access
4. Other matters

Considerations

1. Principle of development

The work that has been carried out has been done so to upgrade an existing pumping station, so that it can be formally adopted by Anglian Water. The previous pumping station served three dwellings, and was operated at the expense of a private management company (as opposed to the adoption authority).

With the development of Chapel Lea (the erection of 11 dwellings) the pumping station required upgrading and as a result could be capable of adoption by Anglian Water, subject to meeting the adoption requirements of Anglian Water.

Under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 1995 as amended, there are a number of works that can be carried out by or on behalf of a sewerage undertaker, without requiring planning permission. In this case the junction box, control kiosk and bollards all benefit from permitted development rights and therefore do not require planning permission.

Therefore, the application specifically requires retrospective consent for the erection of the post and rail fencing, retention of the hardsurfacing and retention

of the external lighting column with aerial.

The applicant has indicated that the size of the area, fencing, hardsurfacing and lighting column were required to meet the minimum standards of the adopting agency (Anglian Water). Confirmation of the following was sought;

i) The enclosure to the pumping station is the minimum size Anglian Water would accept to maintain and service the installation and comply with Health and Safety requirements;

Response from AW - *A typical minimum pumping station compound is 8m x 11m, sometimes larger, to accommodate additional apparatus, in this case a bespoke design has been accepted.* (The compound at its largest dimensions measures 7.5m x 12m)

ii) Parking is required on site to avoid parking on the highway;

Response from AW - *Our operational staff need to park on site and close the gates behind them, they could have the wet well covers open or be working on pumps/electrical panels, vehicles need to be left open for access to a variety of tools and equipment whilst working, we need safe working environment for our staff and members of the public;.*

iii) The post and rail fencing is the minimum fencing requirement and is a relaxation of your usual standards;

Response from AW - *Our minimum requirement is a 1.8m high brick built wall 225mm thick, we have already been exceptionally amicable on this relaxation.*

The existing dwellings in Chapel Close (6,7 and 22) and the newer dwellings in Chapel Lea will require foul water drainage. Anglian Water have confirmed that they will adopt the pumping station, subject to meeting certain standards. Whilst the acceptability of the location and the nature of the specific works are discussed further below, in principle the siting of a pumping station to provide foul water drainage for residential properties is acceptable.

2. Impact on visual amenity

It is acknowledged that the location of the pumping station is not ideal, being sited closer to the existing dwellings within Chapel Close, rather than closer to the newer dwellings in Chapel Lea, however given that the previous station was located on this site and served No.s 6, 7 and 22 Chapel Close, the location to some extent was pre-determined.

The nature of the pumping station and the requirements of Anglian Water mean that such developments often have an obtrusive impact within the streetscene, and the dominance of this structure is certainly so. However, this would be true of a pumping station wherever it is located within Chapel Close. The applicant has attempted to address the impact of the scheme by providing post and rail fencing (as opposed to a brick wall) and landscaping. The post and rail timber fencing is currently between 1.1m high and 1.2m high, had it been installed at 1m high it would fall within the allowances of permitted development and not require planning permission. Nevertheless the applicant has attempted to reduce the impact of the fencing and the enclosure as a whole, by providing landscaping around the edges of the enclosure. Whilst it is accepted that the landscaping will not be provided along the frontage, once grown, it will offset the appearance of the enclosure and reduce the impact of the fencing and hardsurfacing. The submitted plans have been revised so as to indicate the

provision of a Hornbeam hedge (as opposed to a Box hedge) which is native and faster growing. Conditions are attached to ensure that the planting will occur.

The emergency lighting column is 3m high with lighting and an aerial attached to it. The column has been sited to the rear of the enclosure and through the summer months is largely screened by the existing vegetation to the rear of the enclosure. It is likely that the column will be more obvious through the winter months when the vegetation cover is reduced. The lighting is for emergency use only, when work is required to be carried out during the cover of darkness, and as such will not be regularly turned on. The aerial allows the equipment on site to communicate directly with Anglian Water.

The development is required to provide the necessary infrastructure for the residential dwellings in the area, the design and scale of the proposal has been largely dictated by the requirements of Anglian Water and their Workplace Health and Safety requirements. Whilst the enclosure is currently obtrusive within the streetscene, with the establishment of vegetation over time visual impact of the surfacing and fencing will be reduced and the surfacing and fencing themselves are likely to dull in colour and blend more with the surroundings. Therefore, whilst the proposal does have an impact on the streetscene, given the need for the development and the proposed vegetation screening, it is not considered that a refusal of the application could be substantiated. The proposal is therefore considered acceptable.

3. Highway and access

Concerns have been raised by local residents in relation to the existing outward opening gate, the location of the cross over (in relation to the gate) and the loss of parking. The same concerns have been raised by the Council's highway officer.

The highway officer is satisfied that provided conditions are attached requiring details of the proposed access to be bought into use, the existing access to be closed, and the gate to be changed to a sliding gate (as opposed to outward opening), then there is no objection to the proposal. The revised plans now show a sliding gate and conditions are attached to ensure these elements of the proposal are carried out.

In terms of the loss of the off-street parking space, this was within the red line area of this application and as such was likely provided for the maintenance of the previous pumping station. This has essentially been replaced with the on-site parking space provided within the now fenced area. The re-instatement of the kerb (and its subsequent relocation to line up with the gate) will ensure that there will be no net loss of street parking.

The highway officer also requested a condition requiring details of the surfacing of the enclosure, which was not considered necessary given the retrospective nature of this application. A condition requiring the boundary fencing along the frontage to remain post and rail was also suggested on the basis of vehicular visibility, however given the width of the footpath this is not considered necessary and has subsequently been confirmed with the highway officer.

Therefore, in terms of highways, access and parking there are no concerns that

would justify a refusal of the application.

4. Other matters

Several comments have been raised by the local residents in relation to the ongoing future maintenance of the area. The landscaping of the site will be controlled by conditions, ensuring planting and replacement should the hedge not survive. The maintenance of the equipment, fencing and enclosure will become the responsibility of the Anglian Water once it has been adopted.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Within three months of the date of this planning permission widened junction of the vehicular access with the highway shall be constructed in accordance with the approved details and any surplus lengths of the existing access within the frontage of the enclosure shall be closed and reinstated and the existing gate shall be removed and replaced with a sliding gate as shown on approved plan 14-02.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the enclosure, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 2 Within three months of the date of this planning permission, the Hornbeam hedge shown on approved plan 14-02 shall be planted on site. The Hornbeam hedge shall be planted as bare root plants in suitable cultivated soil, in a single row spaced at three plants per metre. The plants shall subsequently be maintained for a period of at least 5 years from the date of this permission and any which die or are destroyed during this period shall be replaced during the next planting season (period from October to March).**

Reason: To ensure an acceptable standard of landscaping, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 The means of illumination shall be shielded and/or positioned so that no glare or dazzle occurs to drivers of vehicles using the public highway.**

Reason: In the interest of road safety, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14-01 and 14-02.

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

Notes to Applicant

1. **Any conditions in bold must be complied with within the timeframes specified. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. The applicant is advised that no works associated with the widening of the vehicular access and reinstatement of the surplus lengths 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 - Tel: 0300 300 8049 quoting the Planning Application number. 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 widening 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. The applicant is also advised that the closure of surplus lengths of the existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent. To fully discharge condition 2 the application should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken construction works in accordance with the approved plan. The applicant will be expected to bear all costs involved in closing the access.
3. The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including boundary foundations and planting shall be erected or installed in, under or overhanging the public highway and no door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.

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 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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