

Item No. 9

APPLICATION NUMBER	CB/14/01589/FULL
LOCATION	The Pig And Whistle, 40 Brook Street, Stotfold, Hitchin, SG5 4LA
PROPOSAL	Demolition of existing PH and redevelopment of the site as 7 No. houses with associated landscaping and parking.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Amy Lack
DATE REGISTERED	07 May 2014
EXPIRY DATE	02 July 2014
APPLICANT	Mr O'Sullivan
AGENT	Mark Rawcliffe - arc7
REASON FOR COMMITTEE TO DETERMINE	Cllr Brian Saunders - Called in at the request of Stotfold Town Council who consider the proposal to represent an overdevelopment of the site and the design of the dwellings to fail to reflect the style and design of existing dwellings in the immediate locality.
RECOMMENDED DECISION	Full Application - Approval

Reason for recommendation of approval

The wholesale redevelopment of the existing public house site with residential units is considered acceptable in principle.

The scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding local development. 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 potential impacts upon 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 guidance provided by the Central Bedfordshire Council's Design Guide (2014).

Site Location:

The application site comprises the Pig and Whistle public house, a large attractive two storey building sitting central to the site, with a car parking area to the east, Brook Street defining the boundary of the site to the south, to the west the site boundary is demarcated by Pix Brook the land adjacent to which is currently used as a beer garden by the public house, to the north is a recently developed single

storey sheltered housing block comprising nine, two bedroom bungalow terrace dwellings and one, three bedroom detached dwelling on the former Hallworth House site. To the east are Nos. 34, 36 and 38 Brook Street beyond the public footpath which runs hard to the boundary of the site, linking Brook Street to the residential development of The Mixes and Hallworth Drive beyond.

The site is located within the defined settlement envelope, just south of the town centre of Stotfold. It is not located within a designated conservation area and the subject building is not listed.

The Application:

The application seeks planning permission for the wholesale redevelopment of the site. The existing public house building is to be demolished and seven, two and a half storey residential units erected, comprising: five, three bedroom semi-detached dwellings; one, four bedroom semi-detached dwelling; and one, four bedroom detached dwelling.

Vehicular access to the site will remain from Brook Street on the southern boundary of the site, slightly further west than the existing arrangement. A semi-detached pair will sit on the eastern side of the access adjacent to the existing public footpath along the eastern boundary of the application site. The remaining five units will address the new access road into the site from its western side and back onto Pix Brook to the west.

The access road is terminated by a single storey car port structure, making provision for six car parking spaces, along the northern boundary of the application site.

Cycle parking and refuse/recycling storage provision is made within the private garden areas of each plot.

RELEVANT POLICIES:

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
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

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

There is no planning history for the application site that is relevant to its redevelopment with residential dwellings or any other use other than as a public house.

Representations: (Parish & Neighbours)

Stotfold
Town
Council

Object for the following reasons:

- Overdevelopment of the site;
- design of the dwellings does not reflect the style and design of existing dwellings in immediate locality;
- In terms of planning gain additional street lighting should be installed to footpath 11 and tarmac re-laid;
- double yellow lines should be enforced along the front of the site;
- Suitable precautions should be taken with respect to health problems and the integrity of the nearby old properties should demolition/construction go ahead.

Neighbours

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

- 17 The Mixies
- 26 The Mixies
- 34 Brook Street
- 63 Hitchin Road

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

- The application will result in the loss of a community facility of which Stotfold is in short supply and the creation of additional housing and Stotfold does not need any more housing, it needs facilities;
- The site is prone to flooding from the brook in bad storms so this number of houses is too great for the plot of land;
- Privacy of residents in 'The Mixies' will be compromised;
- The proposal will result in additional traffic and pressure upon Brook Street; and
- The construction of the development will be disruptive and there is

concern with respect to subsidence and vibration impacting upon the integrity of nearby old buildings.

A third party representation has been received in support of the demolition of the existing public house from the owner/occupier of the following address:

- 38 Brook Street

Their comments can be summarised as follows:

- Public house has been in decline for years, complaints have been made to the police and environmental health to the noise, disturbance and antisocial behaviour of those using the pub, its demolition is welcomed.

The above is a summary of concerns and comments 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

Highways No objection subject to conditions.

Please be aware that the rumble strips indicated on the submitted plan will cause a noise issue.

It would be beneficial if the footway serving the development could be fronting the dwellings and the service strip fronting the boundary of plot 6. As submitted the footway is on the opposite side of the road to the dwellings so pedestrians will have to cross the road to use the footway. (A more suitable scheme would be to have the development as a shared surface).

I have attached a condition for the footway to be 'swapped' with the indicated service strip and leave it to your discretion whether to include it in any permission or not?

The visibility to the oncoming traffic from the modified access is sufficient. There are some issues with the in site layout that can be overcome with conditions however the applicant has made me aware that he wishes the development to go through the Section 38 process and have the proposal adopted as public highway. The layout within the site should include a 2.0m service strip either side of adoptable highway, inclusive of the turning head (the applicant has been informed of this).

This is not the case and a revised plan e-mailed to me has not overcome the issue of adequate adoptable layout. I have spoken with the Section 38 officer regarding the site and the layout as submitted is not acceptable and therefore can not go through the adoption process and shall remain private if permission is issued.

This will cause issues with the refuse collection service who may not go into the site to make the weekly refuse collection and a refuse collection point will be required for all properties at the site frontage, outside of the highway and any visibility splays.

Archaeology No objection subject to a condition to agree an archaeological investigation.

The proposed development site lies within the historic core of Stotfold Brook End (HER 17163) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

Further to my comments dated 2nd June 2014, I can confirm that the agent has now submitted an archaeological desk-based assessment and heritage report (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*). This report summarises the known historical, cartographic and archaeological data for the area, and the discussion ends with the following:

“In summary, it must be concluded that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved.” (The Pig and Whistle, Stotfold, Central Bedfordshire: Archaeological Assessment and Heritage Report. P Turnbull, 3rd June 2014, page 16)

Environment Agency No objection.

The site is located partly within Flood Zone 2/3 on the western side but the Pix Brook watercourse is within the IDB jurisdiction.

The site is located above a Principal Aquifer but this proposal is not considered high risk.

Internal drainage board No objection. The development will result in a reduction of surface water discharging directly into Pix Brook.

Conditions should be imposed to require storm water design and construction proposal are adequate before the development commences.

Landscaping Object.

The re-arrangement of plots 6 & 7 creates a more positive frontage on to Brook Street and alterations in design of fencing aligning Pix Brook at Plots 1 & 2, there are still concerns about the treatment of Pix Brook in relation to orientation of development and enclosure of the brook corridor. There are missed opportunities to embrace the brook within the development and enhance as part of the street scene therefore I must object to the proposals.

Development Layout and Street scene:The character of street scene along this length of Brook Street is diminishing due to frontages 'turning away' from the road and presenting side elevations, fencing and walls, reducing active frontages, overseeing of and participation of the public realm.

Whilst the amended design includes plots 6 & 7 now presenting a positive 'active frontage' on to Brook Street plots 1 & 2 present a side elevation albeit it with a ground floor bay window facing Brook Street - in addition to a side elevation of cycle / refuse store - which is unacceptable.

The opportunity to embrace Pix Brook as a feature of the site development, setting and general street scene is under valued - the brook is a feature and contributes to the character of the site and street scene. Development on the site must avoid backing on to the brook corridor, back garden fencing is not acceptable. At present adjoining development to the west and south of the brook retain a green infrastructure stand off which enhances the brook setting and adjoining development.

If development on the application site were to be approved a contribution towards enhancement of the Pix Brook should be sought.

Streetscene & Highway Design: The bell mouth in the amended layout is shown as having increased width which is likely to result in loss of enclosure within the immediate street scene.

The footpaths appear to have increased in width which results in a more vacuous space within the development rather than a 'court' or mews.

The covered car park area goes some way to improve the view from Brook Street through the development but it is disappointing that car parking remains the focal point and cars parking dominates the street scene.

There are further opportunities for tree and hedgerow planting to 'soften' development - Plots 1, 6 & 7 frontages could include more tree planting to enclose space and create a 'gateway' into the development.

Surface Water Management: The application appears to propose the discharge of surface water directly in to the Pix Brook which is unacceptable. Surface water must be filtered before discharge to the brook. The application fails to deal with surface water management effectively via SUDs - the employment of a surface water management train and filter stages.

The proposed covered car parking area is located over the permeable paving which is nonsense.

If the car parking area is to be covered by a roofed structure then a green / sedum / brown roof would assist in water attenuation and as part of a SUDs surface water management train.

Soft landscaped areas, including shrubs trees and grass, could perform as bio retention areas, a typical SUDs feature, which attenuates and filters surface water as part of the management train. Shallow channels and rills could capture and convey water on the surface conveying surface water run-off to swales and bio retention areas - avoiding the cost of pipes - and together form multi functional landscape features within the development and filter system before discharge in to the Pix Brook.

Conclusion: I object to the proposed layout and design in relation to landscape and townscape character. I also have concerns regarding highway design and surface water management:

Highway design: - junction design and car parking layout dominates the development and streetscene, this is not acceptable.

Trees and
landscape

New revised plans have been received with regards to this site.

Principle change would seem to be the rearrangement of the parking to the north edge of the site to provide an oak framed covered parking area and in doing so moving the proposed planting of *Acer platanoides* 'Globosum' to a position where their proximity to the parking areas is less likely to cause a conflict. Looking at this area and the proposed planting it would seem that it will be in an area where maintenance will be undertaken by a management company in that it is not located within the boundary of any of the plots. To this end I would have concerns with regards how these trees being planted as large specimens will be managed, maintained and even more importantly watered to ensure good establishment. They are a principle part of the proposed landscaping.

Repositioning of Plots 6 and 7 to the south has resulted in parking now to the rear of these Plots and changes to the landscaping.

It is still proposed that a *Metasequoia Glyptostrobooides* is to be planted 4 metres from the south corner of Plot 1. My previous comments regarding this choice of species and its proximity to Plot 1 along with its location on the south of the building were not well received, but it is my personal opinion only that planting this potentially very large tree so close to the building will inevitably bring it into conflict at some point in the future with the property owner, not with regards to foundation design etc but simply because of its proximity. Although a tree with an upright growth habit it will have a canopy spread that exceeds the 4 metres between the tree and building within a short time and as such will require pruning back. As the tree matures and grows in height this problem will continue, conflicting with gutters/fascias etc. As this problem becomes harder

for the owner to deal with themselves then so the consideration to remove it will increase. I believe that there is only a requirement for an owner to retain landscaping and planting for five years and after that point it could be removed, as such then the development will have lost a principal part of its landscaping.

I fully support the use of striking large trees in landscaping schemes and would always try and encourage it where it can reach its full potential without conflict. I would suggest that if this tree is to be used then it should be moved as far south and east on the plot as would be possible.

A tree being planted of this size will require substantial watering to ensure it establishes. As this will be within a private plot then what arrangements can be made to ensure that the new owner will be aware of what watering requirements will be. Should it die within the first five years then there would be a requirement to replace it. As mentioned in earlier comments, the cost of a tree of this size is very high. Can we ensure that the new owner has some idea what the requirements would be, ie supplied with the buyers pack details supplied by the developers landscape team what its maintenance and watering requirements will be to try and ensure it survives and establishes in the first five years.

Rights of way There is a Public footpath (stotfold footpath No. 11) running along the eastern boundary of the site. At present the legal line of the footpath does not follow the used line i.e. the tar path everyone walks on. As part of another application in Stotfold and in order to correct anomalies on the path, this footpath will be subject to a diversion order this year. I intend to move the present legal line of the footpath affecting this application marginally eastwards such that it will lie in the centre of the used route i.e. the tarred path.

The applicant can not develop over the present legal line of the footpath until this has taken place but is, if permission is granted, able to develop on land not under the legal width of the footpath . In this context, please consider the width of the footpath to be 2 metres. As this anticipated move will help remove any problem from the applicant, I do not expect any opposition to the diversion.

Ecology In considering the submitted Ecological Appraisal I am satisfied that no bat interest has been identified on site so the proposal to demolish the Pig & Whistle PH will not impact on a protected species.

The report notes 'The most significant feature is the Pix Brook... which requires protection.'Hence the brook corridor should be a focus for enhancement. The use of 1.8m high fencing of any sort will not enhance the corridor and recommend a 2m bank top buffer is retained.

The report states that where mature trees are present they are to be retained, clearly this was not the case where the walnut was

concerned. Whilst the ideal is for these trees to be retained they will be within the curtilage of the dwellings and hence under the control of the householder. In the case of plot 3 the canopy of the sycamore (as shown on the landscape plan) takes up 50% of the outside space of the property and it is likely that the owner would wish to remove this. As bat boxes are to be erected on these trees and additionally bird boxes are also proposed within the mitigation an assurance of their retention through a covenant would be required.

The report states in 8 that 'Mitigation and enhancement suggestions are made and so long as these are carried out, no significant or major impacts from this development are expected Therefore I suggest mitigation and enhancements recommended in 7.2.1 and 8.2.2 of the Ecological Appraisal are conditioned.

Public protection	No comment to make.
Contaminated land	No objection. Standard informative should land contamination be identified.
Housing development officer	An appraisal for this site has been completed. The scheme is unviable, however it seems the land has been purchased at a too high a value. Developers should be paying the right value for the land taking account of the Council's requirements, not paying too much and then asking the Council's to reduce its requirements. There is £79,000 s106. If that was reduced in some areas where it was not needed and provided as an affordable housing commuted sum that may be acceptable.
Waste services	No objection. However, a designated location on the highway boundary on Brook street where all the residents will need to present their bins and bags on collection day must be provided. The collection contractor will not be accessing this development in order to retrieve the bins and bags.

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
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. Archaeology
9. Trees and landscaping
10. Third Party representations
11. Planning obligation strategy

1. Principle of development

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 Stotfold. Stotfold is classified a Minor Service Centre by Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) (2009) wherein accordance with Policy DM4 (Development Within and Beyond Settlement Envelopes) the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre. This is subject to the proposal according with the other relevant planning policies which shall be discussed within the main body of the report to follow.

With respect to the principle of the wholesale redevelopment of the site and the loss of a public house, Policy DM8 (Village Shops and Pubs) of the local plan states that planning permission will not be permitted for a change of use resulting in the loss of a pub unless:

- there are other facilities performing the same function within easy walking distance of the village community, and
- the applicant provides evidence that there is no prospect of the use continuing even if permission is refused.

The closest pub to the application site is 'The Stag' less than 100 metres from the Pig and Whistle, which like the subject public house is a small wet led pub, but in a very good state of repair having been refurbished to a high standard.

Stotfold also has the benefit of The Chequers, operated by brewers Greene King and The Fox & Duck. Both of these public houses provide a food service in addition to wet trade. Also within the town centre is The Crown, another small wet trade establishment. As such, notwithstanding the loss of the Pig and Whistle as proposed by this application, Stotfold is considered to remain well served by public houses.

A viability appraisal for the public house has been submitted with the application. This concludes that the pub is incapable of operating at a net profit before tax and is only capable of operating at a marginal break-even level before any property cost. There is no surplus in this business to cover any costs of occupying the property. This assessment deems the Pig and Whistle unviable and with no prospect of its use as a public house continuing even if planning permission for this proposal was refused.

It is therefore considered that demolition of the public house and replacement with seven houses is in principle acceptable and in accordance with Policy DM8 and generally supported by the National Planning Policy Framework (2009).

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

During pre-application discussions and throughout the course of the application as originally submitted and revised there had been concern raised by the Council's Ecological and Landscaping officers with regard to the design response of the scheme to the site in the context of Pix Brook and Brook Street.

It is acknowledged that there is no prevailing or uniform character along the street scene of Brook Street. The proposed development, in a cul-de-sac arrangement will effectively create what will be read as a new street, emphasised by the development on the west side of the access road into the site by virtue of its orientation, turning its side to the established existing development along Brook Street and instead addressing the newly created access road into the site. Revisions to the scheme further to initial comments as part of the consultation of the application has resulted in a stronger address of the proposed buildings with Brook Street, by repositioning Plots 6 and 7 southwards towards the road to better align with the established building line of No.34 immediately adjacent to the east on the opposite side of the public footpath. The on site car parking provision for these two units has been relocated to the rear of each plot as opposed to their frontage. This has significantly improved the presence and interaction of the new development with the street scene. The other significant amendment to the scheme is the termination of the vista up the access road with a shared single storey car port structure. This results in a more positive 'end' to the newly created access and has softened and broken up what was previously a layout dominated by car parking.

The proposal will undoubtedly close down views of Pix Brook running along the west of the site. Where currently the garden area to the front, side and rear of the existing building allows for a more open view across site frontage to the brook the introduction of the proposed units, boundary fencing and the associated required provisions of cycle parking and refuse/recycling storage, along with other domestic paraphernalia will not contribute so positively. This will change the character of the open watercourse edge, to a feature that the development turns its back on and encloses. However, it should be noted that the play equipment and seating in association with the pub on this garden land and street furniture and railings that interrupt the view of the brook from the street do not currently provide a rural setting to the banks of the brook. The

altered setting to the watercourse is not considered reason enough to constrain the development. The layout proposed makes best use of the space available and will provide much needed housing provision.

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 as originally submitted.

Subject to conditions to control the material detailing (condition 2) and secure the delivery of landscaping (condition 14) 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

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 Pix Brook and Brook Street respectively and as such are sufficiently removed from the application site as not to be adversely impacted upon by any overbearing presence, loss of light or reduced privacy.

To the north is the relatively new single storey sheltered housing development. This building has low, sloped roof profile, the only element of the building which rises above the closed boarded fencing that currently defines the common boundary between the application site and this neighbouring development. The single storey car port structure is proposed to this north edge of the site, which, by virtue of the good screening provided by the boundary treatment, its low level height and that it will not be a habitable space, its unlikely to have any adverse impact upon the residential occupiers of this neighbouring building. The closest proposed dwelling to the sheltered accommodation is Plot 5 to the northwest of the application site. A separation distance of 13 metres is afforded between the two buildings at their closest point. Only two secondary windows are proposed on the north flank of this building above ground floor level, serving an en suite bathroom at first floor level and a stairwell at second floor level. Given the relatively short distance of the neighbouring building to the common boundary with the application site and the height closed boarded fencing that demarcated this boundary it is unlikely that occupiers will experience any significant loss of privacy from overlooking. However, the presence of a high two and a half storey building introducing windows in closer proximity to the boundary than the existing relationship with the residential accommodation on the upper floor of the public house will have the potential for a heighten perception of being overlooked. Accordingly a condition is recommended to ensure that the window openings at first and second floor level on the north facing flank wall of plot 5 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 17).

To the east Nos. 34, 36 and 38 Brook Street back onto the public footpath which separates the western boundary of these neighbouring properties from the eastern boundary of the application site. Plot 7 sits closest to these neighbouring properties with a separation distance of 2 metres afforded between the east flank wall of the building on Plot 7 and the rear wall of a single storey rear addition to No.34 (the southern most of the three existing neighbouring properties) that sits hard its west boundary and the public footpath. These do not benefit from any windows with an outlook towards the proposed development. Only No.36 and 38, the two properties north of No.34 have the benefit of windows with westward outlook directly towards the application site at first floor level. A separation distance of approximately 10 metres will be afforded between the east flank of Plot 7 and the rear windows of No.36. The north facing windows on the rear elevation of the semi-detached pair of Plots 6 and 7 will only afford oblique views across to the rear of No.38, and to a lesser extent No.36. This relationship is considered acceptable. The presence of a two and a half storey development across the application site will undoubtedly have a significant presence, however the layout of the site, orientation of the buildings on their plots and distances involved are considered acceptable, demonstrating a sympathy to the surrounding existing built form.

To ensure a satisfactory relationship between the development and the existing dwellings to the east a condition is recommended to ensure that the window opening at first floor level on the east facing flank wall of plot 7 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 18).

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 internal space and private amenity space afforded to the curtilage of each dwelling accords with the guidance provided in the Central Bedfordshire Council Design Guide (2014).

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 contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety

A single access from Brook Street is proposed into the application site to serve all of the proposed units. This is positioned slightly west of the location of the existing access. The proposed residential scheme is unlikely to generate a

greater number of movements to and from the site than the existing public house use. Since the submission of the planning application Brook Street now has only one way traffic coming from the east which is restricted to 20 mph. The Council's Highway Officer consulted on the proposals has raised no objection with respect to highway safety subject to conditions to ensure that the surface finish, visibility and provision of car parking spaces are acceptable.

Conditions have been recommended which amend the arrangement of the footpaths across the frontage and into the development so that pedestrians will not have to cross the road to use the footway. However, these changes are not considered necessary to ensure the development will not have any adverse impact upon highway safety and make the development acceptable, as rehearsed above the highway only has traffic movements in one direction restricted to a speed of 20 mph and as such subject to adequate visibility to oncoming traffic and pedestrian users at the junction of the proposed access with Brook Street (condition 6) the proposal will not give rise to any adverse impact upon highway safety.

Subject to the imposition of conditions to ensure 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. Parking provision for the semi-detached dwellings is made within their curtilage, with provision for the detached house made within the proposed car port structure immediately adjacent to its plot along with visitor car parking, two of these three spaces disabled accessible.

All units have the benefit of secure and covered cycle parking, details of which are to be secured by condition (condition 12). 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 required and has not been demonstrated on the submitted plans. It is considered there is space to make such provision in an acceptable manner and as such it is recommended a condition be imposed to require this (condition 11).

7. Sustainable drainage

The Council's Landscape Officer consulted on the proposal raises concern at the applicant's intention for surface water from the site to discharge directly into Pix Brook. Pix Brook falls within the jurisdiction of the internal drainage board who

have raised no objection to the development, satisfied that the development will actually result in a reduction of surface water discharging directly into the brook and therefore represents an improvement on the existing use of the site.

The Environment Agency identify that the application site as being located partly within Flood Zone 2/3 on the western side but does not consider 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.

8. Archaeology

The proposed development site lies within the historic core of Stotfold Brook End (HER 17163) 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 archaeological desk-based assessment and heritage report submitted with the application (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*) *Heritage Asset Assessment* (Heritage Network, September 2012) which concludes that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved. 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).

Accordingly, subject to a condition being 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, landscaping and ecology

There is little of vegetation on the site. At the pre-application stage an early mature Walnut tree, located close to the west side of the existing building was identified as having amenity value and that reconfiguration of the site should have retained this as an important landscape feature. However, this tree was not afforded any protection by a tree preservation order and the site is not located within a conservation area and the applicant removed the tree prior to the submission of the planning application.

The proposed landscaping scheme is generally considered acceptable and provides some softening and interest to the development. However, the Council's Landscape Officer does have some reservations with respect to the choice of planting and its location, management and maintenance. These are not however reasons to resist the development and it is considered that the imposition of condition will ensure that an acceptable landscaping scheme can be secured which will enhance the scheme (conditions 14 and 15).

With respect to Ecology the Council's Ecology Officer is satisfied that the submitted Ecological Appraisal identifies no bat interest at the site and as such the proposal to demolish the existing building will not impact on a protected species. An informative is recommended to ensure the applicant is aware that should bats be found to be present all works must cease and Natural England contacted. In addition this it is considered necessary to impose a condition to protect the brook during the demolition and construction phases of the development from pollution (condition 19).

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.

The concerns raised with respect to the structural integrity of neighbouring buildings and the potential for the demolition and construction phases of the development, if approved, to be likely to cause damage and also give rise to health concerns of nearby local residents are not material considerations for the local planning authority in the determination of a planning application. Notwithstanding this, the Council's Public Protection team have been consulted on the proposals for the site and raised no concern with respect to noise, disturbance or health implications.

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; health care; 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. This application of seven units meets the required threshold for affordable housing provision. In seeking an affordable housing requirement of 35% this equates to 3 affordable housing units from the development.

The applicant is prepared to pay the total S106 contribution of £79,104 but make no affordable housing contribution either on site or by way of a commuted sum. Based on the viability information provided with the application the Council's Housing Development Officer has confirmed the scheme as unviable with the provision of affordable housing. Government guidance contained in *Section 106 Affordable Housing Requirements* states:

Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit.

There is £79,104 s106 contributions which in part could be redirected from some areas where monies are not so crucially required and instead be attributed to an affordable housing commuted sum to be used toward affordable housing provision elsewhere.

The normal approach is 50% market value per unit that replaces the affordable provision. This however is unviable for the development proposed. As affordable housing is at the top of the planning obligation hierarchy, it is recommended the Council should apportion a share of the section 106 monies to its provision, offset by those areas which are currently less of a priority to the Council. For sites of this size this has varied between £5000.00 and £15,000.00.

Of the contributions required it is proposed that monies from the following areas be attributed to an affordable housing commuted sum of £15,645.00, which would be taken from the following areas:

Health Care - £9,600.00

Marston Vale Community Forest – £4,649.00

Police Force – £1,396.00

Subject to the completion of a S106 as per the arrangement of the heads of terms set out above it is considered that any impacts on existing local infrastructure will be acceptably mitigated, bearing in mind the viability of the development, thereby complying 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 details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 3 Notwithstanding the details provided on the submitted plans hereby approved all parking bays and car ports (internal dimensions) shall measure no less than 2.5 metres x 5 metres each, and disabled car port internal measurements shall be 3.3 metres x 5 metres each. These shall be constructed prior to the first occupation of the residential development and remain thereafter for car parking purposes.

Reason: For the avoidance of doubt and to provide adequate parking provision (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, the car port accommodation on the site shall not be used for any purpose, other than as car port 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 Prior to the first occupation of the residential development hereby approved the modified junction of the proposed vehicular access with the highway shall be constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 6 Prior to the first use of the proposed access a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8 metres measured along the back edge of the highway from the centre line of the

anticipated vehicle path to a point 2 metres measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicants control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level in perpetuity.

Reason: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 7 Prior to the first occupation of the residential units hereby approved the proposed vehicular access into the site shall be surfaced in bituminous or other similar durable material to be approved in writing by the Local Planning Authority. Details shall include the arrangements 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 or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 8 Prior to the first use of the modified access hereby approved, any existing access within the frontage of the land to be developed (to the frontage of plot 6 and plot 7), not incorporated in the access hereby approved shall be closed in a manner to be agreed in writing with the Local Planning Authority.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 9 Prior to the first occupation of the development hereby approved full details of the demarcation/signage for the visitor parking spaces shall be submitted to and approved in writing by the local planning authority. Thereafter the agreed signage shall be implemented prior to the first occupation of the development hereby approved and shall remain as agreed thereafter.

Reason: To provide adequate visitor parking provision (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 10 Prior to the first occupation of any of the residential units hereby approved the turning space for vehicles illustrated on the approved drawing no. 825.002P/B shall be fully constructed. Thereafter this shall remain as agreed, in perpetuity.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 **No development shall commence until such time as full details of a refuse collection point located outside of the public highway has been submitted to and approved by the Local Planning Authority. Thereafter the agreed scheme shall be fully implemented prior to occupation of any dwellings hereby approved and shall be retained thereafter.**

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 12 **Prior to the first occupation of the residential units hereby approved full details of the design of the structures proposed for the secure and covered cycle storage and storage of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. Thereafter the approved storage provision shall be fully implemented prior to the first occupation of the residential units hereby approved and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking and refuse/recycling storage to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport and that it is in keeping and character with the surrounding area in respect to its design and appearance (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 13 **No development shall commence until such time as full details of the final ground and slab levels of the dwelling hereby approved has 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).

- 14 **No development shall commence until such time as full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 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 are part of the approved landscaping works, 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).

- 16 **No development shall take place until 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.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure that protection and management of archaeological remains preserved in situ within the development (policy CS15 of the Core Strategy and Development Management Policies 2009).

- 17 The window openings at first and second floor level on the north facing flank wall of Plot 5 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows shall be fixed shut. Thereafter these windows shall remain as first installed in perpetuity.

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

- 18 The window opening at first floor level on the east facing flank wall of Plot 7 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or

the windows shall be fixed shut. Thereafter this window shall remain as first installed in perpetuity.

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

- 19 For the entire duration of the demolition and construction phases of the development hereby approved the length of the perimeter with Pix Brook shall be fenced to prevent and accidental loss of polluting material over the bank.

Reason: To protect the water course from pollutants (Policy DM3 of the Core Strategy and Development Management Policies 2009)

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; 825.001P/B; 825.002P/B; 825.103P; 825.104P; 825.105P; 825.106P/A; 825.107P; 825.108P; 825.200P; 825.201P; 825.202P; 825.203P; 825.204P/A

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

Notes to Applicant

1. Please note that the unnumbered drawing submitted in connection with this application has been given a unique number by the Local Planning Authority. The number can be sourced by examining the plans on the 'View a Planning Application' pages of the Council's website www.centralbedfordshire.gov.uk.
2. The applicant is advised that the watercourse on the boundary of/passing through this site is under the statutory control of the Bedfordshire and River Ivel Internal Drainage Board. In accordance with the Board's byelaws, no development shall take place within 7 metres of bank top, without the Board's prior consent. This includes any planting, fencing or other landscaping.
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, they should notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Andre Douglas on Tel. 0300 300 4404.

5. The applicant is advised that all bat roosts are protected by law whether they are in occupation or not. If bat roosts are found in the building before or during demolition, work must stop immediately and contractors should contact a licensed bat ecologist. If bats are found, then all works must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted and it may then be necessary to obtain a European Protected Species (EPS) Licence.
6. The applicant is advised that no works associated with the construction of the modified 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 contact 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 construction of the modified 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.
7. 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, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
8. 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.
9. The applicant is advised that the closure of 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, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 8. Upon formal approval of details, the applicant is advised to contact 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. To fully discharge condition 8 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the

development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

- 10. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
- 11. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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

It is recommended that planning permission be granted for this proposal. 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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