

Item No. 6

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	Northhill
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	Called in by Cllr Turner due to the concern of local residents regarding loss of amenity; over development; highway safety; and allocation of site
RECOMMENDED DECISION	Full Application - Granted

Reason for recommendation of approval

This application was originally before the Development Management Committee at the meeting on 27 August 2014. Members resolved to defer the application to allow discussions with the applicant regarding affordable housing options for the site.

The Council has found there to be no specific evidence to demonstrate a need for the provision of affordable bungalow units. Accordingly, with a lack of justification to require such provision Members are recommended to approve the application as set out to the Development Management Committee at their meeting in August.

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).

Recommendation

:That planning permission be granted subject to the completion of a satisfactory legal agreement as detailed 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 **Prior to the first occupation of the residential development hereby approved a scheme for the installation of equipment to control the emissions of fumes and smell from the use of the Guinea Public House shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the first occupation of the residential development hereby approved and shall be retained thereafter in full operational condition.**

Reason: To safeguard the residential amenity of the prospective occupiers adjacent to the existing public house (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 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).

- 12 **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).

- 13 Prior to the first occupation of the development hereby approved full details of a revised position of the existing 'Give Way' marking at the public highway

junction where Blunham Road intersects Bedford Road (A603) shall be submitted to and approved in writing by the local planning authority. Thereafter and prior to the first occupation of any dwelling house hereby approved the agreed arrangements for the junction layout shall be implemented and remain in perpetuity unless agreed otherwise with the express written consent of the local planning authority.

Reason: In the interests of highway safety (policy DM3 of the Core Strategy and Development Management Policies 2009).

- 14 Prior to the first occupation of the development hereby approved a plan shall be submitted to and agreed in writing by the local planning authority which demarcates the repositioned location of the existing boundary fencing to the south of the public house building. Thereafter the repositioning of the fencing as agreed shall implemented prior to the first occupation of the residential development approved and the area between the boundary of the public highway (Bedford Road/A600) and the repositioned fencing shall thereafter be maintained free of all obstruction to visibility.

Reason: In the interests of highway safety (policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 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.
4. 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.

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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of a correction to the report and additional consultation responses as set out in the Late Sheet attached to these minutes. The Committee noted an additional to The applicant, Note 4.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.