

## **Item No. 15**

<b>APPLICATION NUMBER</b>	<b>CB/14/03686/FULL</b>
<b>LOCATION</b>	<b>Land at Former Farris Garden Centre, Clophill Road, Maulden, Bedford, MK45 2AD</b>
<b>PROPOSAL</b>	<b>Erection of 12 retirement homes and 5 affordable retirement homes and new access works.</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Smith</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>18 September 2014</b>
<b>EXPIRY DATE</b>	<b>18 December 2014</b>
<b>APPLICANT</b>	<b>Maulden Vale Limited</b>
<b>AGENT</b>	<b>Aragon Land &amp; Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application and the parish council have objected</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Summary of Recommendation**

The development is within open countryside and outside the development envelope. However, this is a previously developed site which has been vacant for a significant number of years. Taking into account that the proposed development supplies a specific housing need, it is considered that very special circumstances exist to justify the development and outweighs the harm to the openness of the countryside, having regard to policies DM4, CS2 and CS7 of the Core Strategy and Development Management Policies (2009) and Policies 31, 32, 35, 38 and 43 of the Emerging Development Strategy for Central Bedfordshire. There will be no adverse impact on the residential amenity of any neighbouring property by reason of loss of light, privacy or overbearing impact in accordance with DM3. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Regarding The Dog & Badger Public House: the findings of the noise assessment or mitigation measures proposed have not been received at the time of preparing this Committee report and will be reported at committee. This recommendation is therefore subject to the submission of a satisfactory noise mitigation scheme.

### **Site Location:**

The site is a vacant garden centre which lies on rising terraced land on the northern side of Clophill Road between Clophill and Maulden. The garden centre closed in 2003 due to several years of declining sales. The site comprises of a hard surfaced car park which rises to a further parking area. To the rear of the site are a number of outbuildings, display areas and the base is in evidence where the warehouse stood. The site is located between the Dog and Badger Public House to the east and a number of residential dwellings to the west.

The site lies outside the settlement envelope and within the open countryside. The site is not within the Green Belt.

Previous application CB/14/01995/FULL was withdrawn as there was an insufficient provision of affordable units. The proposal has since been revised in-line with pre-application discussions. The applicants state that the local support of the scheme is material to the application.

### **The Application:**

Planning Permission is being sought for the erection of 12 x 2 bed retirement homes and 5 x 1 bed affordable retirement homes. The proposed dwellings are to be for the over 55 age group.

Submitted with the application is the following:

- Design & Access Statement
- Statement of community involvement
- Housing needs survey (January 2014)
- Ecological appraisal (May 2014)
- Tree report (May 2014)

### **RELEVANT POLICIES:**

#### The National Planning Policy Framework (2012)

#### Core Strategy and Development Management Policies (2009)

- DM3: High Quality Development
- DM4: Development Within and Beyond Settlement Envelopes
- CS2: Development Contributions
- CS7: Affordable Housing

#### Emerging Development Strategy for Central Bedfordshire (submitted October 2014)

- Policy 31: Supporting an Ageing Population
- Policy 32: Lifetime Homes
- Policy 35: Exception Sites
- Policy 38: Within and Beyond Settlement Boundaries
- Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October).

#### Supplementary Planning Guidance

- Design Guide for Central Bedfordshire 2014 (The revised Central Bedfordshire Design Guide was adopted by Executive on 18 March 2014 as technical guidance for Development Management purposes and hence is a material consideration).
- Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

- Planning Obligations Strategy, October 2009

## Planning History

<b>Case Reference</b>	<b>CB/14/01995/FULL</b>
Location	Land at former Farris Garden Centre, Clophill Road, Maulden, Bedford, MK45 2AD
Proposal	Erection of 12 retirement homes and 4 affordable retirement homes. Demolition of existing structures
Decision	Application Withdrawn
Decision Date	19/09/2014

<b>Case Reference</b>	<b>MB/03/02271/FULL</b>
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	Full: Erection of 7 dwellings (4 detached and 3 in terrace) and a block of 7 workshop units. (Class B1c) and use of existing workshop for B1c purposes
Decision	Refuse
Decision Date	01/04/2004
Appeal Decision Date	14/01/2005
Appeal Decision	Planning Appeal Dismissed

<b>Case Reference</b>	<b>MB/03/00828/OUT</b>
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	Outline: Residential Development - all matters reserved except siting and means of access.
Decision	Refuse
Decision Date	03/07/2003

<b>Case Reference</b>	<b>MB/99/00063/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: ERECTION OF 2 STORAGE BUILDINGS.
Decision	Full Conditional Approval
Decision Date	01/03/1999

<b>Case Reference</b>	<b>MB/98/00794/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: ERECTION OF 2 STORAGE BUILDINGS.
Decision	Refuse
Decision Date	22/07/1998

<b>Case Reference</b>	<b>MB/95/01120/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: DEMOLITION OF EXISTING GLASSHOUSES, ERECTION OF NEW EXTENSION AND TWO POLYTUNNELS, ERECTION OF NEW ENTRANCE CANOPIES PLUS FORMATION OF ADDITIONAL CARPARK WITH SECURITY FENCING.
Decision	Full Conditional Approval
Decision Date	19/10/1995

<b>Case Reference</b>	<b>MB/92/01104/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: FORMATION OF VEHICULAR ACCESS.
Decision	Full Conditional Approval
Decision Date	21/09/1992

<b>Case Reference</b>	<b>MB/89/01123/FA</b>
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	FULL: VARIATION OR REMOVAL OF CONDITION CONTINUATION OF USE FOR RETAIL WITHOUT CONDITION 2 ON MB/79/289/A

Decision	Full Conditional
Decision Date	18/10/1989

<b>Case Reference</b>	<b>MB/86/01032/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: USE OF PART OF EXISTING GLASS HOUSE TO PROVIDE CATERING FACILITIES (SNACK/COFFEE SHOP)
Decision	Full Conditional
Decision Date	20/01/1987

<b>Case Reference</b>	<b>MB/79/0289E/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: MOBILE HOME FOR AGRICULTURAL USE
Decision	Full Conditional
Decision Date	21/10/1982

<b>Case Reference</b>	<b>MB/79/0289D/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: AGRICULTURAL ACCESS
Decision	Full Conditional
Decision Date	23/02/1982

<b>Case Reference</b>	<b>MB/79/0289C/FA</b>
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: MOBILE HOME FOR AGRICULTURAL USE
Decision	Full Conditional
Decision Date	27/08/1981

<b>Case Reference</b>	<b>MB/79/0289A/FA</b>
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	FULL: CHANGE OF USE WHOLESAL TO WHOLESAL/RETAIL
Decision	Full Conditional
Decision Date	31/01/1980

**Representations:**  
(Parish & Neighbours)

Comments received from the Maulden Parish Council:

I am writing to confirm that the above plans have been examined and discussed and that Maulden Parish Council would very much like to see this site of the former Farris Garden Centre developed as suggested in this application. It has been proved by a Housing Survey that there is a need in the village for this type of development. However, because of the restrictions imposed by Central Bedfordshire Council i.e. the development envelope, we have no option but to very reluctantly oppose this application.

Comments received from Neighbours:

1 objection from the occupiers of the Dog & Badger Public House.  
1 comment from the occupiers of 113 Clophill Road.  
2 letters of support (Badger Mount and Badger Hill Bungalow).

The objection is as following:

I run a very busy, established pub & restaurant next door to the proposed site. The pub has been here for 300 years, I have been building up my business for the last 6 years, with hard work and our life savings we have doubled the turnover. We have

never had any issues where the police or licensing officers have been called. I operate my business 18 hours a day. Points which I feel may become an issue and cause offence to elderly neighbours so close to our boundary; deliveries 7am-5pm, articulated vehicles entering site; reversing, unloading, loading can be noisy - lots of banging, customers coming and going (up until midnight) extractor fan smells, outdoor smokers, our family friendly garden (generates noise) My guard dog barking when people enter the property out of hours, Birthday / Christmas / Weddings / funerals / Christening parties, New Years Eve, in fact any time we have an event I feel that this would be intrusive to residents who perhaps require a peaceful environment. I foresee a barrage of complaints, detrimental to my business which I run in the most professional of manner, employing 15 members of staff and being a hub of our village and community, raising thousands of pounds for local causes. I do not feel that the development would benefit any of the parties with the exception of the land owner, who has left the site derelict, unsafe and an eyesore for so long in the hope that any development would be approved as an improvement on how it has become. A school would be a better investment for the village, certainly one that can accommodate all of the village. I strongly object these plans on the detrimental effects this would have on my business.

The comment is as following:

I would like written assurances that if this planning application is agreed for seventeen single story dwellings that at no stage in the future would planning permission be favoured for houses to be extended upwards.

Whilst I appreciate this land needs developing; consideration needs to be given to neighbouring housing and their need for privacy.

I would also like to say that it does appear to be a large number of houses for the proposed site.

Site notice posted  
11/6/14

Advertised 5/6/14

## **Consultations and Publicity responses**

Comments received from the  
Housing Officer

I would expect to see 35% affordable housing or 6 affordable residential units. I would like to see a tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures such as Shared Ownership as per our SHMA. In this case we would like to see 4 units for affordable rent and 2 units for Intermediate tenure. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the

code for sustainable homes level 3 and meet all HCA design and quality standards.

However if there are viability issues a smaller number of affordable homes would be acceptable. Five affordable bungalows providing much needed older persons accommodation and providing they meet standards identified in the Design Guide to meet older persons identified needs they would be acceptable and I would support their delivery. If these comments are taken on board, I would support this application.

Comments received from the Highways Officer

I confirm that there is no fundamental highway reason why development for residential purposes on the site of a former garden centre should not be considered. The proposal indicates an acceptable junction onto Clophill Road of an appropriate design and standard. Traffic generation will not be significant and can be easily accommodated on the public highway especially when compared against the traffic movements associated with the previous uses.

The proposal includes an extension of the footway to link with an improved new bus stop on the south side of Clophill Road and is shown for indicative purposes on the site layout plan.

No objection has been raised subject to the specified conditions.

Comments received from the Tree & Landscapes Officer

No objection has been raised subject to further landscaping & boundary details.

Comments received from the Waste Officer

The applicant will need to provide the following;

- tracking details using the Council's current waste collection vehicle, Dennis Eagle Elite two non rear steer 6x4 fawn body 13.5 metre over all length.
- If the roads are not be adopted, the council will require a disclaimer to be provided prior to commencement of waste collection.
- storage and collection points for bins for each property.

Comments received from the Environmental Health Officer (contamination)

Due to the former use of the application site please attach the specified conditions to any permission granted.

Comments received from the Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if

the specified conditions are included.

Comments received from the Ecology Officer

I have read through the Ecological Appraisal and reptile survey dated October 2014. I note that a small population of common lizard was found on the site. In addition records for bats also exist in the area and given the location of the site in close proximity to a SSSI the report recommends the submission of a lighting strategy.

No objection subject to conditions.

Sustainable Growth/Climate Change North

The proposed development is over the threshold of the policy DM1 to meet the development's 10% energy demand from renewable sources. Policy DM2 encourages all new development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The proposed development should comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources.

In terms of water efficiency, the development should achieve 105 litres per person per day (requirement of CfSH Level 3/4).

An advisory note will be attached to any grant of permission.

Sustainable transport

No comments received

Comments received from the Environmental Health Officer (Public Protection)

There are a number of noise sources associated with the Dog and Badger, which has opening hours of 1100 to 0000 hours Monday to Saturday and 1000 to 0000 hours Sunday. Fixed sources include external refrigeration plant motors and kitchen extract equipment; other noise sources include the pub's bin storage area, a bottle bank provided by CBC, the pub's car park and beer garden/smoking area. Changes to Licensing Legislation means that external regulated entertainment from 0800 to 2300 hours is permissible without requiring an application to the local authority provided no more than 200 people attend (soon to be raised to 500 people). The pub holds a number of external events each year. Potential odour from the pub's kitchen extract equipment also needs to be considered.

Officer's comment

During the determination of the application a noise assessment has been undertaken and further consultations will be made.

The findings of the noise assessment or mitigation measures proposed have not been received at the time of preparing the Committee report and will be reported at committee.

## **Determining Issues**

The main considerations of the application are;

1. The principle of development
2. Design, layout of site and highway safety
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Any other considerations

## **Considerations**

### **1. The Principle of Development**

The former garden centre site has been derelict since 2003 which is considered to have a degrading impact on the character of the area. The proposed scheme would replace the empty and disused garden centre.

The application site falls outside any defined settlement envelope and is within the open countryside where the principle of residential development is not acceptable unless it can be demonstrated that 'very special circumstances' exist. The Maulden Parish Council acknowledge that there is a need in the village for this type of development but given that this is an 'out-of-settlement' location, they object to the application.

A previous application for the erection of 7 two storey dwellings and a block of 7 workshops (MB/03/02271/FULL) was refused in 2004 and the subsequent appeal dismissed in 2005. The reasons for refusal were as following:

1. The proposed development, by nature of its location outside the Maulden Settlement Envelope, is contrary to long established planning policy which seeks to protect the countryside for its own sake. As such this proposal is contrary to PPG7, Policies 1 and 35 of the Bedfordshire Structure Plan Adopted 1997, NE3 and H4 of the Mid Beds Local Plan Adopted 1993, CS19, HO6 and EMP6 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed to be changed and CS19, HO6 and EMP6A of the Mid Beds Local Plan First Review Deposit Draft Incorporating Proposed Modifications 2003.
2. It is not considered that this is a suitable site for the proposed redevelopment within the context of PPG3 given that it fails to respect the openness of the site and does not meet the exceptions of Policy CS15 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed to be changed and CS15 of the Mid Beds Local Plan First Review Deposit Draft Incorporating Proposed Modifications 2003.
3. The applicant has failed to demonstrate that there are any exceptional circumstances for development of this site for residential or commercial purposes. Despite claims that the site is unviable as a garden centre no evidence has been submitted to demonstrate that. As such this proposal is contrary to PPG7, Policies 1 and 35 of the Bedfordshire Structure Plan Adopted 1997, NE3 and H4 of the Mid Beds Local Plan Adopted 1993, CS19, HO6 and EMP6 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed



to be changed, and CS19, HO6 and EMP6A of the Mid Beds Local Plan First Review Deposit Draft Incorporating Proposed Modifications 2003.

An appeal was submitted and dismissed. The inspector identified the main issues as:

The effect of the development on the character and appearance of the rural area with reference to national and development plan policy objectives in PPG3; PPG13 and PPS7 to secure sustainable development and to control housing and other development in the countryside. The inspector also raised a criticism with the continuous two storey nature of the appeal.

The current application seeks permission for the erection of 17 bungalows for the 55 age group. Five of which are to be affordable units for the over 55 age group.

### **Very Special Circumstances:**

The NPPF states a presumption in favour of sustainable development

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

The NPPF also provides a definition of previously developed land as:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.*

### **Supporting an Ageing Population**

The applicants have put forward, as a very special circumstance, the argument that the development would re-use a previously developed site in a way which meets a specific need within the community of Maulden in line with Paragraph 50 of the NPPF and Policy 31 of the Development Strategy for Central Bedfordshire. Policy 31 does not specify that the development should be within the settlement envelope.

A ‘Housing Needs’ survey was carried out in November/December 2013 and the analysis of the response to the survey identified a need for additional market housing within Maulden - particularly retirement housing.

Under Policy 31 such a site should be located in a suitable/sustainable location;

be of various tenures; be financially viable; meet the standards for elderly care and be consistent with other policies in the Development Strategy.

### Location

The application site is located between a public house and ribbon development to the east and a number of small bungalows to the west. To the south, on the opposite side of Clophill Road, are open fields.

The NPPF; Core Strategy & Development Management Policies and the emerging Development Strategy for Central Bedfordshire all encourage development which is easily accessible by a variety of means of transport. Whilst it is acknowledged that there is limited access to services and facilities from the site (ie. the Post Office & convenience store being the closest in the neighbouring village of Clophill) in support of the proposal the applicants state that no site exists within the settlement envelope for Maulden which could provide for 17 retirement bungalows.

The application does include an extension of the footway to link with an improved new bus stop on the south side of Clophill Road.

### Mixed tenure

The Council expects the scheme to offer various forms of tenure such as social rent, shared ownership/other intermediate tenures and includes the option for outright purchase/leasehold for those able to do so.

Discussions have taken place with the Council's Housing Officer and the proposed scheme will deliver 5 units of affordable housing that will remain in perpetuity for the over 55's. No objection has been raised by the Housing Officer providing they meet standards identified in the Design Guide to meet older persons identified needs.

### Standards for elderly care

The NPPF provides a definition of older people as:

*"People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs".*

The design of the bungalows will achieve a 'Mobility Standard Housing' in-line with the following criteria:

- Single storey, no lifts or stairs
- Moveable internal partitions
- Low window cills
- Wheelchair accessible 'one plot' parking near to front door
- All dwellings designed for wheelchair access
- Bedrooms and en-suites capable of having hoists fitted
- All bathrooms designed as 'wet rooms'

### Consistent with other policies in the Development Strategy

The site has declined significantly over the years. Taking into account the above and subject to the imposition of conditions it is considered that the development

would respect, preserve and enhance the character and appearance of the rural landscape and would not result in any significant harm to the openness of the countryside in line with the requirements of the NPPF.

Previous application MB/03/02271/FULL was refused because the site was outside of the settlement envelope; did not meet the criteria of an 'exception site and failed to demonstrate any 'exceptional circumstances'. The development was two storey in height.

It is considered that the provision of elderly persons bungalows (secured in perpetuity via a planning condition / s106 agreement), of which 30% is affordable, weighs more in favour of this development.

## **2. Design, layout of site and highway safety**

The applicants state that the current submission takes account of the Inspector's decision and provides for single storey units, of attractive design set within landscaped gardens

### Design

The bungalows are modest in scale with Types A & B being 2-bed in nature and Type C being 1-bed in nature. They provide for open plan kitchen & living accommodation. Plots 1-12 are detached and plots 13-17 form a small terrace which are slightly reflective of 'alms-houses'. The overall design of the bungalows are considered to blend into the rural setting of the site; the dwellings being constructed in a mix of brick and render under hipped and gabled rooflines in either 'slate' or 'tiles'.

### Amenity space

The proposed bungalows are arranged within a landscaped site which serves a functional purpose of providing a degree of recreation and amenity space as well as areas of private garden space. Whilst the Council's design guide provides a standard for private garden areas, for example, family houses it is silent on retirement dwellings. The gardens, whilst not large, provide private garden areas as befits 'retirement' accommodation of this size and style. The proposal is therefore considered to be acceptable in this regard.

The properties fronting onto Clophill Road are set back to allow for landscaping and this 'set back' is consistent with the Dog & Badger public house. Overall it is considered that the proposal is acceptable in terms of scale, design and materials and complies with the relevant parts of policy DM3.

### Highway safety

Plot 1 and plots 13-17 front onto (and are accessed from) Clophill Road. The remainder of the dwellings form small cul-de-sacs which are accessed from the existing side road.

No objection has been raised by the Highways Officer (subject to the specified conditions) and as such the proposal is considered to be acceptable in this regard.

## **3. Residential Amenity of Neighbouring Properties**

The application site lies on rising, terraced land. The bungalow 'brockhurst' is located to the rear of the site and would be unaffected to any material degree by the proposed development. The other neighbouring properties  
The layout appears acceptable as the dwellings are single storey in nature with most of the garages positioned in such a way as to prevent overlooking of side windows and to maintain residential amenity.

The comments received by the occupiers of 113 Clophill Road have been noted and should approval be recommended an appropriate condition will be attached to any grant of permission.

#### Dog and Badger Public House

The occupier of the public house has raised concerns over the potential for conflict over the general day to day running of the business and the peace and quiet sought by the future occupiers of the retirement bungalows.

These concerns have been noted and guidance has been sought from the Council's Public Protection Officer. During the determination of this application a noise assessment survey has been undertaken by the applicant and the Environmental Health Officer has been re-consulted.

The findings of any noise assessment or mitigation measures proposed have not been received at the time of preparing the Committee report and will be reported at committee. The recommendation is therefore subject to suitable mitigation being provided.

### **3. Any other considerations**

#### Planning Obligation Strategy

The application qualifies for contributions in accordance with the adopted Planning Obligations Strategy. A draft s106 has been submitted to the Council's Legal Team however a signed version has not been approved at the time of preparing the Committee report. Unless a signed version is submitted and agreed, the proposal would be contrary to Policy CS2 and the Planning Obligation Strategy.

#### Ecology

No objection has been raised by the Ecology Officer subject to the specified conditions.

#### Sustainable Growth

The proposed development should seek to comply with the development management policies DM1 (Renewable Energy) and DM2 (Resource Efficiency) which requires that new development should contribute towards sustainable building principles.

The proposed dwellings are to be for the over 55 age group accommodation, adaptable and lifetime homes. 'Lifetime Homes' are standard homes which incorporate 16 design criteria that can be universally applied to new homes at relatively minimal cost. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.

### Human Rights issues

The development has been assessed in the context of the Human Rights and would have no relevant implications.

### Equality Act 2010

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

## **Conclusion**

The site is located outside of the village envelope but is a brownfield site, previously occupied by a garden centre. Whilst the site is not ideally located for shops and services the availability of a similar brownfield site closer to such services has not been advanced and the proposal provides for an extended footpath to an upgraded bus stop. Having regard to the need for this type of elderly accommodation; the mixed tenure of the units and the low level landscaped design it is considered that the development is acceptable.

## **Recommendation**

That Planning Permission be approved and a grant of permission be delegated to the Head of Development Management subject to the signing of a S106 Agreement; the submission of a satisfactory noise mitigation scheme and the following conditions:

## **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 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).**

- 3 **Notwithstanding the details shown on the submitted plan development shall not begin until detailed plans and sections of the proposed junction onto Clophill Road, access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section**

of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 4 No development shall take place until samples 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.

- 5 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
  - Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

Reason: To protect human health and the environment

- 6 Notwithstanding the details as submitted with the application no development shall take place until a landscaping scheme (details to include the boundary treatment and the sizes, species and densities of planting) and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 7 The reptile mitigation shall be undertaken in accordance with the details in section 6.3 of the October 2014 Ecological Appraisal.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 8 No occupation of any permitted building shall take place until the following

has been submitted to and approved in writing by the Local Planning Authority:

- Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition 1, a Phase 3 detailed remediation scheme and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
- The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

- 9 Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes; and
  - show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 10 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the rural amenity of the area.

- 12 Each unit of the development hereby permitted shall be occupied only by:
- (ii) persons aged 55 or above;
  - (iii) persons living as part of a single household with such a person or persons; and/or
  - (iv) persons who were living as part of a single household with such a person or persons who have since died.

Reason: For the avoidance of doubt and Policy 31 of the emerging Development Strategy for Central Bedfordshire.

- 13 The development shall not be brought into use until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Tracking of the waste collection vehicle on all roads to be accessed by the collection crew. This will need to be to the Council's vehicle dimensions.
- Any turning point will need to be tracked and information as to how the prevention of vehicles parking in the turning point will be prevented.
- Confirmation that all roads to be accessed for waste collection are to be adopted

Reason: In the interest of amenity and highways safety

- 14 The dwellings hereby approved shall not be occupied until details of the bin [storage/collection] areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin [storage/collection] areas shall be retained thereafter.

Reason: In the interest of amenity.

- 15 Notwithstanding the detail shown on the submitted plan no dwelling shall be occupied until such time as the extended footway on the north side of Clophill Road and the bus-stop provision on the south side of Clophill Road, has been provided to the specification of the highway authority and satisfaction of the Local Planning Authority..

Reason; To ensure the provision of safe and convenient pedestrian access to sustainable modes of transport.

- 16 Before the premises are occupied all on site vehicular areas shall be



surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason; To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 17 Before the new access and modified junction is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason; In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 18 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular( but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason; To minimise the impact of construction vehicles on the amenity of the local area.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12-020-100B (site plan); 1639/12/1 (site location plan); 1790 C (site layout); 1790.3 (type A); 1790.4 (type A1); 1790.5 (type A2); 1790.6 (type A3); 1790.7 (type B); 11790.8 (type B1); 1790.9 (type C).

Reason: To identify the approved plans and to avoid doubt.

## Notes to Applicant

1. Advice from the Tree & Landscape Officer  
Condition 6 requires an improved and more detailed landscape plan with more emphasis on the choice of planting - bearing in mind the clients who will be living in these properties. Avoid prickly, spiny planting with more emphasis on colour. Consider Cotoneaster, Robinia fraseri Red Robin as hedging. Trees with light tracery leaves Birch is fine but Holly is not to be recommended.
2. Advice from the Environment Agency  
The water environment is potentially vulnerable and there is an increased

potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

#### Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency [Guiding Principles for Land Contamination](#)

3. In line with policies DM1 (Renewable Energy) and DM2 (Resource Efficiency) of the Core Strategy and Development Management Policies it is recommended that 10% energy demand of the development to be secured from renewable sources and water efficiency to be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
4. It is recommended that the development should comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources. In addition it is recommended that water efficiency should be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
5. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. 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 developer's 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.

7. 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.
  
8. 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.