

Item No. 7

APPLICATION NUMBER	CB/14/03520/FULL
LOCATION	Site of Former The Gables, Mill Lane, Pottton
PROPOSAL	Erection of 14 dwellings for residential development including garages, roads and all ancillary works.
PARISH	Pottton
WARD	Pottton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Alex Harrison
DATE REGISTERED	26 September 2014
EXPIRY DATE	26 December 2014
APPLICANT	Mr Fenlon
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Town Council objections to a major application.
RECOMMENDED DECISION	Full Application - Approval

Reasons for Granting

It is considered that the redevelopment of the site is acceptable in principle.

Outline planning permission has previously been granted at appeal on this site for 14 dwellings and the Council was unable to defend refusal grounds relating to highway safety. The Parish Council concerns are noted however the proposal is such that the development can be contained within the application site and it is considered to reflect the appeal proposal in terms of scale and amount of development. Additionally, 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 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 site is located to the north side of Mill Lane towards the north western edge of

Potton. It previously comprised a bungalow with a range of outbuildings to the rear but the dwelling has been demolished and the site is now overgrown and fenced off. There is an access to a paddock to the north.. The outbuildings remain on site and there are large amounts of rubble on site, presumably from the demolished dwelling. The site has also been subject to past works comprising of the digging and filling of a number of proposed footings, linked to a previous planning approval on the site. The surrounding area comprises residential properties, education facilities, paddock and open countryside.

The Application:

Planning permission is sought for the construction of 14 dwellings on the site with associated landscaping and parking. The scheme would comprise eight, three-bedroom semi detached properties, a terrace of three dwellings made up of one two-bed dwelling and two three-bed dwellings, one three-bed detached house and the final two units take the form of one-bed flats above separate 4-bay car port structures.

Vehicular access will be gained from Mill Lane with the existing access onto the highway improved. Within the site the layout proposes a shared surface approach. Parking provision is mixed between private driveways and allocated communal areas and a number of spaces are provided in car port structures, the plans have been amended since their original submission to amend the parking layout and allocation following Officer concerns. Plots 1 and 2 benefit from a detached single garage. The proposal also gives provision of access to the paddock to the rear of the site which is under third party ownership. The gates and paddock access exists at present and will be repositioned and retained as part of the scheme.

Cycle parking and refuse/recycling storage provision is made within the private areas for each plot. Each dwelling is provided with private amenity space.

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

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 19	Planning Obligations and Community Infrastructure Levy
Policy 27	Parking
Policy 30	Housing Mix
Policy 34	Affordable Housing
Policy 43	High Quality development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging 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

Central Bedfordshire Design Guide (2014)

Planning History

CB/12/04072/NMA	Non-material amendment regarding landscaping proposals. Approved 1/12/2012
CB/10/01454/RM	Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising of the erection of 14no. dwellings with associated access and garages. (pursuant to outline planning approval MB/06/00833/OUT granted at appeal ref. APP/J0215/A/07/2036015 dated 8/01/08) Matters to be considered are access, appearance, layout and scale. Approved 2/7/2010
CB/09/06388/RM	Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising the erection of 13 no. 3 bedroom dwellings and 1 no. 1 bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale Refused 18/2/2010 - Appeal submitted and withdrawn
CB/08/01979/RM	Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising of the erection of 12 no. 3 bedroom dwellings, 1 no. 2 bedroom dwelling and 1 no. 4 bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale. Withdrawn - 8/1/2009

CB/06/00833/OUT

Outline: Residential development following demolition of existing dwelling and outbuildings (all matters reserved)
Refused 24/7/2006 - Appeal allowed 8/1/2008

**Representations:
(Parish & Neighbours)**

Potton Parish Council Object as it is too near the school.

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

- 4 Mill Lane
- 10 Mill Lane

- The junction onto Mill Lane will create a safety issue, particularly during school drop-off and pick-up times.
- additional hard surface will add to an existing drainage problem.
- House to the rear of 10 Mill Lane will have an overbearing impact.
- Plots 3 and 4 will overlook 4 Mill Lane. Overlooking is caused by compressing an excessive number of properties on the site.
- Only Plot 3 has the rear garden depth as specified by the Council's new Development Control Guide dated 18 March 2014

Consultations/Publicity responses

Highways

The estate road is not compliant with the latest design guidance. A shared surface carriageway must be a minimum width of 8.8m. Within that corridor visitor parking, service, street furniture etc can be accommodated.

Following the receipt of amended plans

My initial comment is that I'm not convinced that they have addressed the issues.

- The shared surface estate road is still non-compliant with the new guide in that the width is only 7.8m not 8.8m. The highway layout is not very imaginative - there are no street trees or furniture such as bollards to define where on-road parking can be achieved.
- The visitor/on road parking needs to be evenly distributed throughout the development.

- The turning area for the refuse vehicle (body overhang) encroaches over private land which is not acceptable.

Local Development Framework Team.

The application is for 14 dwellings on a site within the settlement envelope in the Minor Service Centre of Potton. The site has a previous permission for a similar development. This was approved in 2010 (10/01454/RM). This application is subsequently expired. The application under consideration is similar to the previously approved application in that it has 14 dwellings. The precedent for development has therefore been set for this site.

Policy DM4 of the North Core Strategy And Development Management Policies states that any development in a minor service centre within the settlement boundary should be commensurate with the scale of the settlement. Policy 38 of the emerging Development Strategy also states this. It is considered that the proposal for 14 dwellings is commensurate with the scale of the settlement and thus accords with Policy DM4 and Policy 38. Development on the site should also be in accordance with Policy CS7 of the North Core Strategy and Policy 34 of the emerging Core Strategy; Affordable Housing.

As such we have no objection to the proposal.

Landscape Officer

I do have concerns about the scale of development proposed and the impact on the street frontage of Mill Lane, although I appreciate that the principle of development of the site is already agreed. In terms of landscape mitigation, there are several features of the scheme which I think are inappropriate in terms of character or which would create management problems in the future.

i) Street tree *Acer negundo* "Flamingo" – this has a very ornamental variegated leaf and is a bushy tree more appropriate for a private garden than as a street tree. A green leafed tree is required.

ii) The three hornbeam planted to define the car park spaces : although it would be great to have larger trees on site – I am concerned that these will become too large for the site and are then at risk of being removed. The trees have an important screening role, to mitigate views from no.4 Mill Lane. A smaller tree with a lower crown would achieve more screening.

For both situations, I suggest the use of hawthorn(

including ornamental or red flowering varieties) ,crab apple – although non fruiting for the front garden tree. Field maple could be a useful tree for the car park bays.

i) Hedging – the widespread use of privet! This development is on the rural edge and I would prefer the use of hedge species which provide greater benefit for wildlife. Cotoneaster simonsii or field maple would be good choices, or pyracantha where thorns are not an issue. The likelihood of the privet being maintained at 1.2m is unlikely – it would be better to plant hedges with less maintenance requirements. The purpose of the hedge enclosing the shrub bed near the field gate should be reviewed.

ii) Retention of the existing leylandii – it would be better to replace this hedge as a trimmed leylandii will detract from the development and again is likely to be removed.

iii) Access to the adjacent field – it is important to ensure that this development does not restrict the access of agricultural machinery to the paddock to the rear of the site.

At present I object to the landscape proposals but would be happy to discuss the planting with the Applicant.

Trees and Landscape

Proposal is to demolish existing buildings and redevelop the site for housing. A previous outline application was approved but subsequently reserved matters details were not supplied within time. One of the reserved matters was with regard to landscape detail.

Full landscape detail and specifications have been received and are acceptable. As such I have no objections or further comments.

Sustainability Officer

The proposed development should comply with the development management policies DM1: Renewable Energy and DM2: Resource Efficiency, which has not been acknowledged in the planning application.

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 therefore 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 110 litres per person per day (requirement of CfSH Level 3 / 4 plus additional 5 litres per person per day for external water use). I would request that information how the proposed development meets the above policy requirements is submitted. Should a planning permission be granted, the following condition should be attached:

- 10% energy demand of the development to be secured from renewable sources, this to be calculated as built;
- Water efficiency to be delivered to 110 litres per person per day.

I note that a number of dwellings are east-west orientated which can lead to summer overheating if there is no sufficient shading provided. I would like that the risk of overheating is assessed based on temperatures projected for the next 30 years rather than industry standard of last 30 years. The shading can be provided through careful planting of deciduous trees or through inclusion of architectural features such as oversized eaves, external blinds, brise soleil.

In addition to the above planning policies the proposed development should meet the minimum space requirements as set in the Central Bedfordshire Design Guide. The applicants themselves acknowledge that some of the dwellings do not meet the total space required. Looking at the plans it seems that most 3 bedroom dwellings' third bedrooms are unlikely to meet the minimum space standard and are unlikely to be able to accommodate a single bed making these rooms unsuitable for use as a bedroom. I would request that drawings with room dimensions are submitted to verify a compliance with the Council's minimum space standards.

Ecologist

Having read through the Ecological Appraisal I am satisfied that no protected species will be affected by the proposals. The NPPF calls for a net gain for biodiversity to be delivered through development and some enhancements have been suggested. I would wish to build on these through measures detailed in the CBC Design Guide. I would seek to attach a condition to require integral bat / bird bricks are included in the new dwellings 1 per unit. Also I note that 2 car ports are to be provided and would seek to include nesting opportunities for swifts and swallows within these.

Housing Development This application provides for 0 affordable homes which

Officer

are not in accordance with the current affordable housing policy requirement. I would expect to see 35% affordable housing or 5 affordable units. The Strategic Housing Market Assessment (SHMA) indicates a tenure split of 63% affordable rent and 37% intermediate tenures. This would make a requirement of 3 units of affordable rent and 2 units of intermediate tenure from this development. 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. If these comments are taken on board, I would support this application.

I have reviewed the viability you sent through (attached). The following has been identified from the appraisal:

Total value: £2,626,000

Profit: £209,451 equates to 7.9%

The viability indicates that any inclusion of affordable housing would make the scheme unviable. The scheme with s106 contributions of £80k is making only 7.9% profit which is well below the industry standard. On this basis I would not expect to see affordable housing delivered from this scheme. To ensure that affordable housing does not miss out on contributions, I suggest that an appropriate % of the s106 contributions is allocated towards affordable housing. This contribution will then be used towards future affordable housing provision within Central Bedfordshire.

I would also recommend a review mechanism is considered with this scheme. The submitted viability indicates that the potential s106 contributions could be as much as £116,099.36. With zero affordable housing and lowered s106 contributions, a review mechanism could help to address this.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below:

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 approved 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.

Advice to Applicant

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 Systems (SUDs) greater than 2M below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2M clearance between the base of infiltration SuDS and peak seasonal groundwater levels. They must not be constructed in ground affected by contamination. All need to meet the criteria in our Groundwater Protection: Principles and Practice position statements G1 to G13.

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 National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Internal Drainage Board The Board have no comments to make with regard to the above application.

Walking and Cycling Officer This development is in close proximity to Old Bedford Road/ Bridleway 9, which form one section of cycle route we are developing linking Potton with Sandy via the RSPB. If we are minded to approve I would appreciate a S106 contribution toward the costs of constructing the route which will total around £500k. As part of these works we will be surfacing the Bridleway.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character of the area;
3. Amenity of adjoining properties
4. Highway Safety
5. Section 106 Contributions
6. Other matters

Considerations

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'. In its local context, the site lies wholly within the settlement envelope for Potton which is classified as a minor service centre in the Core Strategy. Policy DM4 of this document states that the Council will approve, among other things, housing development that is commensurate with the scale of the settlement, taking account of its role as a local service centre.

Notwithstanding the principle of the development having been accepted, careful consideration of the 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 to 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.

Planning History

The planning history as listed above is considered to form a material consideration. In 2006 an application was submitted on the site seeking outline permission for 14 dwellings with all matters reserved. The application was recommended for permission by Officers and a report drafted to Development Management Committee. The resolution was to refuse the application on the grounds that the development would cause harm to highway safety due to its proximity to the schools south east of the site. The applicant appealed the Council's decision and the Planning Inspector allowed the appeal, granting outline planning permission without any S106 contributions or affordable housing provision. Following the allowed appeal reserved matters were approved for the scheme.

The Inspectorate also awarded full costs to the appellant on the grounds that the Council was unable to produce any relevant evidence to substantiate its decision to refuse. The Inspector acknowledged that the Council's reasons reflected genuine local concerns over highway safety but at the same time pointed out that local opinion is not a reasonable ground for refusal by itself.

The extant permission for the site expired on 8 January 2013. Prior to its expiration attempts were made to begin the implementation of the consent and a number of footings were dug. However, not all of the pre-commencement conditions had not had the requisite details approved and therefore the works carried out did not amount to a lawful commencement of work and the consent

therefore lapsed.

It is considered that the policy framework relating to residential development has not changed significantly to the extent that the appeal decision is no longer relevant. The previous concern on the site resulted in an allowed appeal and the Council having to pay costs. As a result the appeal decision is considered to carry significant weight in balancing the merits of this proposal and the principle of development should, along with the impact on Mill Lane in terms of highway safety and convenience, be considered acceptable as a result.

2. Character of the area

The proposal has been subject to pre-applications dating back to April 2014. These discussions looked at the detail of a revised scheme including viability. The Central Bedfordshire Design Guide was adopted in March 2014 and published in September 2014. In accordance with the guidance set out on the Council's website it is considered that negotiations and discussions on this scheme were progressed to such an extent and detail that the application of the design guide can be carried out with less rigor. Having said that the scheme has attempted to accord with the recommendation of the design guide as much as possible.

The existing character of the area is mixed in terms of scales and forms. Housing varies between detached two storey dwellings to smaller bungalows. Education facilities lie to the southeast of the site. In addressing the frontage to Mill Lane the dwellings have been located so that plots 1 and 2 reflect the building line of adjacent units. The site frontage is balanced with plots 13 and 14 and as there is no prevailing character of dwelling in this area, the street scene of Mill Lane is not considered to be harmed as a result. Within the site the proposal shows a mix of housing sizes and design which is considered to add interest to the proposal.

The development does not meet the minimum depths of gardens as set out in the adopted Design Guide and some do not meet the minimum size for garden areas. Of those that fall short, Plot 6 is short by 0.6 square metres Plot 7 by 2.7 square metres, Plot 11 by 3.1 square metres, Plot 12 by 0.4 square metres and Plot 13 by 2 square metres. The shortfalls on each plot are small and as discussions into this proposal were advanced prior to the adoption of the Design Guide, and having regard to the planning history of the site, it is considered that the sizes as proposed are suitable in this instance. The two flats proposed will also have allocated private gardens. These are one-bed units and the design guide does not have a standard for this size of dwelling. The provision of private garden is considered to be positive.

The Sustainable Growth Officer has requested that the applicant ensures 10% of energy demand is from renewable sources and water efficiency of 110 litres per person per day be achieved. To accord with Core Strategy and Development Management policies DM1 and DM2 a condition has been included requiring 10% of energy demand to come from renewable sources this condition has also been worded to take account of water efficiency.

The scale and form of development are considered to be appropriate and the

proposal creates an improved and sympathetic frontage to Mill Lane. The development could sit comfortably within the grain of this area of Potton and would not result in any harm to the character of the area as a result.

In order to ensure development is acceptable when implemented conditions are proposed requiring prior approval of external materials and hard and soft landscaping. On this basis the proposal is considered to be in accordance with policy DM3 of the Core strategy and Development Management Policies (2009)

3. Amenity of adjoining properties

The occupier of 4 Mill Lane has objected on the grounds of overlooking to that property from the development. The nearest dwellings as proposed are plots 3 and 4, a 3 bed detached dwelling and 1 bed flat-above-car-port respectively. Any impact from ground floor windows can be mitigated through appropriate boundary treatments required by condition. In terms of the first floor window Plot 3 has three windows facing No 4, two of which serve bathrooms. These can be conditioned to be obscurely glazed and non-opening. The third window is a bedroom window and is the opening furthest from 4 Mill Lane itself. In terms of overlooking, the distance to the garden boundary is between 10 metres and 11 metres and this is not considered detrimental to the residents, given the orientation of the view. It is also reflective of the approved layout of the previous application.

The impact from Plot 4 is lesser still. The rear facing opening on this plot are high level windows serving the stairwell/landing area. There are two gable windows with an outlook towards the rear garden of No. 4 but this outlook is to the end of the garden and will not have any direct outlook to the private amenity areas of the garden and dwelling that would substantiate a detrimental impact on the amenity of the neighbouring occupier.

The occupier of 10 Mill Lane has objected on the grounds that Plot 6 would have an overbearing impact. This plot is the same as previously approved and is noted as being a subservient unit in the terrace it is part of, with a half hipped roof. Numbers 6, 8, 10, 12 and 14 Mill Lane are not considered to suffer an unreasonable impact in terms of loss of light, privacy, overlooking or overbearing impact. These properties have a varying rear garden sizes of between 13.5 metres and 18 metres adjoining the site and are considered suitable distances to reduce the impact of the development to their rear boundaries.

The distance between the proposed dwellings fronting Mill Lane and the opposite bungalows is reduced when comparing it with the distance of the previous bungalow but the distance in excess of 15 metres is considered to be acceptable. Similarly the dwellings on Everton Road that back onto the eastern boundary of the site are considered to retain suitable distances from plots 9, 10, 11 and 12 to ensure there would be no harmful impact.

In terms of the homes proposed themselves, the applicant has acknowledged that the internal floor space dimensions do not meet the minimum standards as set out in the design guide. The shortfalls relate to third bedrooms on the three bed houses and the Council's Sustainable Growth Officer requested amended

plans to show dimensions reflecting the recommendations of the guide. However consideration has to be given to the view that negotiations and discussions on this scheme were progressed to such an extent and detail that the application of the design guide can be carried out with less rigor. Enlarged homes would also impact on amenity and character impacts by virtue of enlarging dwelling sizes and reducing garden sizes as a result. There could also be implications regarding amenity and parking impacts on a site which planning history shows development of 14 dwellings is acceptable in principle. On balance, while the internal space dimensions of the adopted design guide should be achieved, the circumstances of this site are such that, on balance, the dwellings as shown are considered to be acceptable.

4. Highway Safety

The existing access is proposed to be upgraded to allow for greater width and visibility, the latter of which will be improved due to removal of existing landscaping as part of the works proposed. A shared surface arrangement is proposed for the main access areas within the site. The width of this does not comply to the standards but is not considered to be unacceptable given that all allocated parking can be provided on areas outside of this shared surface. Off of the main access are private driveways and two communal parking areas serving a number of the proposed units and visitor spaces. Access is also provided to the paddock to the rear and the northern extent of the site sees the access arrangements form a turning head to allow for refuse vehicles to manoeuvre.

In terms of parking the amended layout shows that the minimum standards as set out in the Design Guide have been met for each dwelling. It has also been possible to provide 7 visitor bays within the site with additional opportunities within the shared surface area. It is not possible to provide private parking to each unit on plot but the revised layout has located the allocated parking to each unit as close and conveniently as possible and ensured it is compliant with the Council's space requirements of 2.4m x 5m. . This approach is a reflection of the previous approval although this latest scheme has achieved more parking than the last.

The access arrangements and layout are a reflection of the previously approved scheme and are considered to still be acceptable. The plans show potential visitor spaces being provided on the shared surface area which would reduce the width in these areas. It would still enable a width of 5 metres which would allow for two vehicles to pass however which means that access within the site is not precluded. The Highways Engineer has requested the use of street furniture to define on-road visitor parking and this can be requested by condition.

Parking is provided in a mix of open and car port spaces. Two private garages are proposed. These garages are of a size that is compliant with the design guide. The initial proposal showed visitor spaces provided on Mill Lane itself but these have been removed following Officer concerns.

In terms of cycle parking, space is provided for each plot. Plots 1 and 2 show provision with the garages and the other dwellings have spaces within their curtilage for such facilities. Plot 4 and 5 (flats above car ports) have been given spaces within the car port area which is sufficient.

Objection has been received on the grounds of highways impact from increased vehicles. These concerns are noted however it has been possible to ensure all parking can be provided within the site and the extent of vehicle movements to and from the site is not considered to have a detrimental impact when considering the conclusions of the Planning Inspectorate's previous decision and the implications this has had on the Council in terms of costs.

Taking account of highway safety and parking the scheme is reflective of the previous approval, which is a material consideration, and has been re-addressed to provide parking that is compliant with the design guide. As a result there are no objections on highways grounds.

5. Section 106 Contributions

The previous scheme allowed at appeal was done so without the provision of any S106 monetary contributions or affordable housing. The applicant has had a number of pre-application discussions with Officers regarding contributions. It is considered that the previous decision is a material consideration that should be balanced against current policy. It is considered reasonable to expect the applicant to comply with policies CS2 and CS7 of the Core Strategy with any new scheme on the site. The previous lack of contributions as allowed by the Inspectorate is not considered, in isolation, to outweigh this policy requirement.

The proposal has been subject to viability considerations which have been reviewed both internally and independently. The viability of the scheme is such that no affordable housing provision is proposed on this scheme. The Council's Housing Development Officer has confirmed the scheme as unviable with the provision of affordable housing which was also the conclusion of the independent assessment. Government guidance contained within *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.

The proposed S106 offers £69,085 which in part could be redirected from some areas monies are not so crucially required and instead be attributed to an affordable housing commuted sum to be used towards affordable housing elsewhere. As affordable housing is at the top of the planning obligation hierarchy, it is recommended that the Council should apportion some of the monies to its provision offset by those areas that are currently less of a priority to the Council.

Of the contributions required it is proposed that monies from the following areas be attributed to an affordable housing commuted sum of £21,621 which would be taken from the following areas:

Healthcare - £18, 255

Libraries - £738

Emergency Services - £2,628

The agreement also includes a trigger mechanism which requires a re-appraisal of viability if development does not commence within 12 months of decision to see if affordable housing can be provided on site as part of the build. This is a reasonable clause to include and it is considered that this proposal contains a unit mix that can be adapted to provide affordable housing if revised viability suggests it is possible.

In addition to this it is apparent that the S106 calculator has underestimated the education contribution required. As proposed the contribution is £2,361, which is larger than requested at pre-application stage. The actual contribution required is higher and as a result it is also proposed to redirect monies to increase the education contribution.

Of the remaining contributions, and under the same rationale considered when looking at the affordable housing contribution, it is considered that the following contribution can be redirected to provide a revised education contribution of £11,112 against a requirement of £41,940.08.

Marston Vale Community Forest - £8,751

Subject to the completion of a S106 agreement 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).

4. Ecology

The Council's Ecologist has commented requesting biodiversity enhancements as part of the proposal, namely the provision of bat and bird bricks integrally to each dwelling and nesting opportunities in car ports. The applicant proposes the inclusion of bat boxes on new buildings and also on trees with one box installed on the south facing wall of any new building. Bird boxes are to be installed on mature trees. In addition to this the recommendation of the Ecological Survey proposes wildlife-friendly planting, installation of bird baths and using trellis to encourage climbing plant species. The comments of the Ecologist are noted however it is considered that the ecological mitigation/enhancement proposals as submitted are acceptable and it is not considered appropriate in this instance to require any variation to this.

5. Landscape

Concerns are raised by a Landscape Officer over elements of the proposed scheme. Namely the proposal of an acer tree and hornbeam trees, use of privet hedging and retaining existing leylandii. Alternatives are suggested which are considered to be warranted to serve as an enhancement to the site and remove what are regarded as inappropriate species. As a result it is proposed to include a condition requiring a revised landscaping scheme for approval.

It is also noted that the landscaping scheme only shows one bat box illustrated on the plan which does not accord with the interpretation of the recommendations of the Ecological Assessment. The condition can therefore also require increased bat boxes on the development as per the previously mentioned recommendations.

Recommendation

That, subject to the completion of a S106 agreement, Planning Permission be granted 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 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.
(Policy 43, DSCB)**

- 3 **Notwithstanding the details in the approved plans, no development shall take place until a revised landscaping scheme to include all hard and soft landscaping, increased provision of bat boxes and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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.
(Policies 43 and 58, DSCB)**

- 4 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme for surface

water disposal showing infiltration systems used only where it can be demonstrated that they will not pose a risk to groundwater quality. The works shall then be carried out in accordance with the approved details.

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

- 5 **Prior to the first occupation of the dwelling at plot 3 , the first floor windows in the rear elevation of those plots with the exception of the bedroom window, shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 6 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 works shall be commenced for the extension of the buildings, any material alteration of its external appearance (including additional openings) or the erection of any building or structure within its curtilage until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 7 No building shall be occupied until the junction of the proposed vehicular accesses with the highway has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 8 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access for plots 2 and 13 and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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.

- 9 Before the access is first brought into use a triangular vision splay shall be provided on the east side of the new access for the development and plot 1 and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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.

- 10 Visibility splays shall be provided at the junction of the access for the development and with Mill Lane and the junction of the access for plot 1 before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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.

- 11 Before the premises are occupied the on site vehicular areas shall be constructed and 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 .

- 12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the 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.

- 13 **No development shall take place until details of the stands/brackets to be used for the cycle parking have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 14 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

Reason

In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 15 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of

visual amenity.

- 16 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the first dwelling on site occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policy 43, DSCB)

- 17 No development shall take place until details of finished external ground levels and ground floor slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.

Reason. To ensure development integrates successfully into the existing character of the area and in the interests of the impact on neighbouring residential amenity.

- 18 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

Reason: In the interests of sustainability.

Notes to Applicant

- . 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.

- . The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - August 2006".

- . The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is

advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Chicksands, Shefford, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. 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 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.

Applicant is advised to note that the revised landscaping scheme required by Condition XX of this decision should take account of, but not be limited to, the comments made by the Landscape Officer dated 16 October 2014 and also reflect the recommendations of the Ecological Appraisal as submitted (Ref: VIG19393) with regards to siting multiple bat boxes within the development. Furthermore, hard landscaping details should include street furniture used to define on-road visitor parking spaces.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process and engaged with the applicant at the pre-application stage 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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