

Item No. 7

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

Reason for Recommendation

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

The scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding local development. The scheme will not unduly impact upon the residential amenity currently enjoyed by neighbouring properties, nor will it have any significant adverse impact upon highway safety.

The proposal is it considered acceptable and in accordance with policies CS1, CS2, CS5, CS13, CS14, DM2, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Central Government guidance contained within the National Planning Policy Framework (2012) and with guidance provided by the Central Bedfordshire Council's Design Guide (2014). This application was originally considered by the Development Management Committee (DMC) at its meeting on 24 September 2014. Members resolved to defer the determination of the application to obtain independent advice on the viability of the development, and for further consideration of the layout and design of the proposal.

Background

The Council commissioned BPS surveyors to review the viability assessment that was submitted with the application. Their report concluded that, contrary to the

claims of the applicant that based on the evidence provided, that the development was capable of providing affordable housing and remaining viable. BPS sought clarification in respect of a number of points and the information provided still remains, in their view inconclusive, providing an inadequate basis from which meaningful conclusions about the viability of the scheme could be drawn. As such they were unconvinced that the site cannot generate additional contributions towards affordable housing. Upon review of the report the applicant considers it to be fundamentally flawed and maintains that should affordable housing provision have been made the scheme would not be viable.

However, notwithstanding the above the Committee are advised that The Department for Communities and Local Government (DCLG) published revised planning guidance in November relating to Section 106 obligations imposed on small scale developers. Accordingly the updated National Planning Policy Guidance (NPPG) now advises that contributions for affordable housing and tariff-style planning obligations (section 106 obligations) are not to be sought from small-scale and self-build developments of 10 or less dwellings as is the case for this proposal (see section 11 of the main body of the officer report below).

The Committee requested that further consideration is given to the layout and design of the proposal, although both of these elements are fundamentally unchanged. The agent has however liaised closely with internal consultees to accommodate their suggestions to improve the scheme. Accordingly no objections to the development have been raised towards this final iteration before DMC and the recommendation is one of approval subject to conditions.

Site Location:

The application site comprises the Pig and Whistle public house, a large attractive two storey building sitting central to the site, with a car parking area to the east, Brook Street defining the boundary of the site to the south, to the west the site boundary is demarcated by Pix Brook the land adjacent to which is currently used as a beer garden by the public house, to the north is a recently developed single storey sheltered housing block comprising nine, two bedroom bungalow terrace dwellings and one, three bedroom detached dwelling on the former Hallworth House site. To the east are Nos. 34, 36 and 38 Brook Street beyond the public footpath which runs hard to the boundary of the site, linking Brook Street to the residential development of The Mixes and Hallworth Drive beyond.

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

The Application:

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

Vehicular access to the site will remain from Brook Street on the southern boundary

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

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

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

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)
Circular 11/95 - The use of Conditions in Planning Permissions
Circular 05/2005 – Planning Obligations

Core Strategy and Development Management Policies (November 2009)

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| CS1 | Development Strategy |
| CS2 | Developer Contributions |
| CS3 | Healthy and Sustainable Communities |
| CS5 | Providing Homes |
| CS6 | Delivery and Timing of Housing Provision |
| CS7 | Affordable Housing |
| CS14 | High Quality Development |
| CS16 | Landscape and Woodland |
| CS17 | Green Infrastructure |
| DM1 | Renewable Energy |
| DM2 | Sustainable Construction of New Buildings |
| DM3 | High Quality Development |
| DM4 | Development Within and Beyond Settlement Envelopes |
| DM10 | Housing Mix |
| DM14 | Landscape and Woodland |

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

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

Representations: (Parish & Neighbours)

Stotfold Town Council No objection.

Neighbours No third party representations have been received with respect to the revised plans. The following and the comments received to the application as originally submitted from the owner/occupiers of the following addresses in objection to the development:

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

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

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

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

- 38 Brook Street

Their comments can be summarised as follows:

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

The above is a summary of concerns and comments raised by the representations received. Full copies of the third party representations and consultation responses can be viewed on the application file.

Consultations/Publicity responses

Highways No objection subject to conditions.

This is a revision to the layout to the previous plans. Please be aware that the cycle parking provision is incorrect with parking for only two cycles per dwelling, instead on one space per bedroom and two short stay spaces, but this can be dealt with by a condition.

The proposal is for five, three bedroom dwellings and two, four bedroom dwellings and associated parking and turning provision. Access is taken from the modified access to the car park for the Pig and Whistle pub. Access is via Brook Street, which is now a 20mph at the point of access and has one way traffic coming from the east.

The indicated rumble strip is not required as the ramp to the shared space would slow any vehicles down. Be aware that the rumble strip could cause a noise issue to the dwellings adjacent to it.

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

The amendments do no change the comments I have already made on this application. The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The parameters for the evaluation will be set by the archaeological advisors for the Local Planning Authority and the approved archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach a condition.

Environment Agency No objection.

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

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

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

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

Landscaping No objection subject to the imposition of a condition to require the implementation of landscaping and its maintenance. This response was further to the applicant providing an amended scheme following the initial comments below to the reconsultation of the amended scheme:

The layout plan shows a 1.8 high timber 'hit n miss' fence running along the western site boundary immediately adjacent to th Pix river. The enclosure of the Pix with fencing but without landscape buffer is not acceptable in terms of design and environment along this length of the river.

The existing tree planting along this edge should re retained in the public realm and not within private control, therefore;

- The proposed 1.8m high timber 'hit n miss' fencing should be relocated back from the Pix river with a minimum 2m offset and avoiding damage to tree roots.

Also:

- The location of the refuse and cycle store at Plot 1 on the site boundary fronting Brook Street is not acceptable - the proposed field hedge mix should be continued along this boundary.
- A planting schedule describing planting - trees and shrubs - is required.

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

The report notes 'The most significant feature is the Pix Brook... which requires protection' Hence the brook corridor should be a focus for enhancement. The use of 1.8m high fencing of any sort will not enhance the corridor. I concur with the Landscape officers' recommendation that the proposed 1.8m high timber 'hit n miss' fencing should be relocated back from the Pix river with a minimum 2m offset and avoiding damage to tree roots. This will preserve the brook corridor and also serve to address another concern regarding plot 3 where the canopy of the sycamore (as shown on the landscape plan) takes up 50% of the outside space of the property and it is likely that the owner would wish to remove this. Moving the fence will allow this tree to remain in the public realm.

The report states in 8 that 'Mitigation and enhancement suggestions are made and so long as these are carried out, no significant or major impacts from this development are expected Therefore I advise that mitigation and enhancements recommended in 7.2.1

and 8.2.2 of the Ecological Appraisal are conditioned.

The soft landscape plan supplied shows 5 bat boxes positioned on dwellings and I approve of this proposal but would ask that the boxes on plots 6 and 7 are moved to the western elevation as a northerly aspect is not appropriate as it will not allow the boxes sufficient opportunity to warm up.

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

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

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

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

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

It is still proposed that a *Metasequoia Glyptostrobooides* is to be planted 4 metres from the south corner of Plot 1. My previous comments regarding this choice of species and its proximity to Plot 1 along with its location on the south of the building were not well received, but it is my personal opinion only that planting this potentially very large tree so close to the building will inevitably bring it into conflict at some point in the future with the property owner, not with regards to foundation design etc but simply because of its proximity. Although a tree with an upright growth habit it will have a

canopy spread that exceeds the 4 metres between the tree and building within a short time and as such will require pruning back. As the tree matures and grows in height this problem will continue, conflicting with gutters/fascias etc. As this problem becomes harder for the owner to deal with themselves then so the consideration to remove it will increase. I believe that there is only a requirement for an owner to retain landscaping and planting for five years and after that point it could be removed, as such then the development will have lost a principal part of its landscaping.

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

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

Public protection

No objection

I have no objection to the proposed development but would ask that an informative is attached to any permission to make developers aware of the controls under The Control of Pollution Act 1974 with respect to hours of construction and demolition.

Contaminated land

No objection. Standard informative should land contamination be identified.

Waste services

No objection. However, The applicant will need to provide a communal bin collection point for all 7 plots at the highway boundary of Brook street as the collection vehicle will not be accessing this site.

I would propose a collection point on the corner of Plot 1, it will need to be a hard standing and sufficient in size to accommodate the following from each plot, 1 bin, 2 garden bags and 1 food caddy.

Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received, third party representations and from

an inspection of the application site and surrounding area the main considerations of the application are:

1. Principle of development
2. Character, context and design of external spaces
3. Residential amenity of prospective and neighbouring occupiers
4. Highway safety
5. Car Parking and Cycle Parking
6. Refuse and Recycling
7. Sustainable drainage
8. Archaeology
9. Trees and landscaping
10. Third Party representations
11. Planning obligation strategy

1. Principle of development

Paragraph 49 of the National Planning Policy Framework (2012) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and in the local context, the proposal site is located within the settlement envelope of Stotfold. Stotfold is classified a Minor Service Centre by Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) (2009) wherein accordance with Policy DM4 (Development Within and Beyond Settlement Envelopes) the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre. This is subject to the proposal according with the other relevant planning policies which shall be discussed within the main body of the report to follow.

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

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

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

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

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

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

Notwithstanding the principle of the development having been accepted, careful consideration of criteria set out in Policy DM3, in particular, the proposal needs to successfully respond to the constraints of the site by making the necessary provisions for car parking, cycle parking and refuse storage. The design of the proposed dwellings must also be sympathetic their surroundings and there must not be any undue adverse impact upon the amenities of neighbouring and prospective occupiers. These material considerations will be considered within the main body of the report below.

2. Character, context and design of external spaces

During pre-application discussions and throughout the course of the application as originally submitted there had been concern raised by the Council's Ecological and Landscaping officers with regard to the design response of the scheme to the site in the context of Pix Brook and Brook Street. Since the application was last before the DMC for consideration further discussions between consultees and the agent have resulted in amendments which have the Council's Ecological and Landscaping officers approval, most notably the hit and miss fencing has been moved and dropped in height and that the bat boxes have been relocated as requested.

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

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

Subject to the careful selection of materials, and detailing the design and styling of the proposed dwellings is considered acceptable. The proposed development will form a cluster of housing with a common theme that will not have any adverse impact upon the character, appearance, or local distinctiveness of the surrounding area. The layout has been improved upon earlier iterations considered at the pre-application stage and as originally submitted.

Subject to conditions to control the material detailing (condition 2) and secure the delivery of landscaping (conditions 13 and 14) the development is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity of prospective and neighbouring occupiers

Neighbouring occupiers

The relationship between the proposed buildings and the existing neighbouring properties is considered acceptable.

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

To the north is the relatively new single storey sheltered housing development. This building has low, sloped roof profile, the only element of the building which rises above the closed boarded fencing that currently defines the common boundary between the application site and this neighbouring development. The single storey car port structure is proposed to this north edge of the site, which, by virtue of the good screening provided by the boundary treatment, its low level height and that it will not be a habitable space, its unlikely to have any adverse impact upon the residential occupiers of this neighbouring building. The closest proposed dwelling to the sheltered accommodation is Plot 5 to the northwest of the application site. A separation distance of 13 metres is afforded between the two buildings at their closest point. Only two secondary windows are proposed on the north flank of this building above ground floor level, serving an en suite

bathroom at first floor level and a stairwell at second floor level. Given the relatively short distance of the neighbouring building to the common boundary with the application site and the height closed boarded fencing that demarcated this boundary it is unlikely that occupiers will experience any significant loss of privacy from overlooking. However, the presence of a high two and a half storey building introducing windows in closer proximity to the boundary than the existing relationship with the residential accommodation on the upper floor of the public house will have the potential for a heightened perception of being overlooked. Accordingly a condition is recommended to ensure that the window openings at first and second floor level on the north facing flank wall of plot 5 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 16).

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

To ensure a satisfactory relationship between the development and the existing dwellings to the east a condition is recommended to ensure that the window opening at first floor level on the east facing flank wall of plot 7 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 17).

Prospective occupiers

The relationship between the proposed dwellings to one another is considered acceptable. Orientated and internally laid out so that where openings face one another at a closer proximity, mutual overlooking is between secondary windows serving bathrooms or stairwells and as such there is unlikely to be any significant adverse impact upon the privacy of prospective neighbouring occupiers. The internal space and private amenity space afforded to the curtilage of each dwelling accords with the guidance provided in the Central Bedfordshire Council Design Guide (2014).

For the above reasons the proposed development is considered to have successfully recognised and addressed the constraints of the site by providing an adequate level of residential amenity for the existing neighbouring and prospective occupiers of the development thereby according with policy DM3 which seeks to provide high quality developments. Further to which the proposal is considered to bring forward the residential development of this site contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety

A single access from Brook Street is proposed into the application site to serve all of the proposed units. This is positioned slightly west of the location of the existing access. The proposed residential scheme is unlikely to generate a greater number of movements to and from the site than the existing public house use. Since the submission of the planning application Brook Street now has only one way traffic coming from the east which is restricted to 20 mph. The Council's Highway Officer consulted on the proposals has raised no objection with respect to highway safety subject to conditions to ensure that the surface finish, visibility and provision of car parking spaces are acceptable and with respect to highway safety is considered to comply with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Cycle Parking

Car parking provision across the site complies with the Council's current car parking standards. Parking provision for the semi-detached dwellings is made within their curtilage, with provision for the detached house made within the proposed car port structure immediately adjacent to its plot along with visitor car parking, two of these three spaces disabled accessible.

All units have the benefit of secure and covered cycle parking, details of which are to be secured by condition (condition 11). Accordingly the proposal makes adequate parking provision across the site which complies with the Council's current standards and will not give rise to any adverse impact upon highway safety, thereby according with policy DM3 of the Core Strategy and Development Management Policies (2009).

6. Refuse and Recycling

There is sufficient space within the curtilage of each of the dwellings to accommodate the storage of refuse and recycling bins in accordance with the Council's current waste strategy to the rear garden area of each dwelling, ensuring that there is not any adverse impact upon the character and appearance of the street scene. A wheelie bin collection point is required and has not been demonstrated on the submitted plans. It is considered there is space to make such provision in an acceptable manner and as such it is recommended a condition be imposed to require this (condition 10).

7. Sustainable drainage

The Council's Landscape Officer consulted on the proposal raises concern at the

applicant's intention for surface water from the site to discharge directly into Pix Brook. Pix Brook falls within the jurisdiction of the internal drainage board who have raised no objection to the development, satisfied that the development will actually result in a reduction of surface water discharging directly into the brook and therefore represents an improvement on the existing use of the site.

The Environment Agency identify that the application site as being located partly within Flood Zone 2/3 on the western side but does not consider the development will pose any significant flood risk to prospective occupiers or neighbours to that extent that the development proposals for the site would be unacceptable in this regard.

8. Archeology

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

The Archaeological officer consulted on the proposal is in agreement with the conclusions of archaeological desk-based assessment and heritage report submitted with the application (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*) *Heritage Asset Assessment* (Heritage Network, September 2012) which concludes that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved. As such, the proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. However it is not considered that this should present an over-riding constraint on the development subject to the imposition of a condition (condition).

Accordingly, subject to a condition being imposed to ensure that archaeological investigative works take place prior to the development of the site in accordance with policy DM13 of the Core Strategy and Development Management Policies 2009 and Central Government guidance provided within the NPPF (2012).

9. Trees, landscaping and ecology

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

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

be secured which will enhance the scheme (conditions 13 and 14).

With respect to Ecology the Council's Ecology Officer is satisfied that the submitted Ecological Appraisal identifies no bat interest at the site and as such the proposal to demolish the existing building will not impact on a protected species. An informative is recommended to ensure the applicant is aware that should bats be found to be present all works must cease and Natural England contacted. In addition this it is considered necessary to impose a condition to protect the brook during the demolition and construction phases of the development from pollution (condition 18).

10. Third Party representations

The third party representations received raised concerns that cover a significant range of issues. The material planning considerations have been addressed within the main body of the report above.

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

11. Planning obligation strategy

Since this proposal was last before the Development Management Committee on the 24 September 2014, The Minister of State for Housing and Planning produced a written statement on 28 November 2014 which reads;

“Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.”

Following this the Department for Communities and Local Government (DCLG) published revised planning guidance relating to Section 106 obligations imposed on small scale developers.

The updated National Planning Policy Guidance (NPPG) now outlines that infrastructure contributions through planning obligations should not be sought from developers. Accordingly, contributions for affordable housing and tariff-style planning obligations (section 106 obligations) are not to be sought from small-scale and self-build developments.

Paragraph 12 of the NPPG states that contributions should not be sought:

- in all areas – from developments of 10 units or less and which have a maximum combined gross floorspace of up to 1000sqm;

The 10 unit threshold has been introduced purely in relation to s106 planning obligations so it does not impact on the definition of 'major development' in other

planning legislation. Correspondingly, where development takes place under the 10 unit threshold it has been acknowledged that some planning obligations may still be needed for the development to be acceptable in planning terms. So while obligations should not be sought to contribute to affordable housing or pooled funding 'pots', local planning authorities can still require:

- obligations for site-specific infrastructure to make the site acceptable; and
- contributions to fund measures facilitating development that could otherwise not go ahead due to regulatory or EU requirements (Paragraph 20, NPPG).

Neither of the above two statements are considered to be relevant to this proposal.

Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states that in relation to plan-making the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. As such, given the changes to Central Government Guidance outlined above there is now no planning policy requirement for the applicant to make infrastructure contributions or provide affordable housing. However, notwithstanding this the applicant has confirmed that they are still prepared to make the financial contributions as offered previously. This amounts to £78,990 and it is recommended that it is split in the following way:

Education facilities - £32,407.00

Affordable Housing - £15,645

Sustainable transport - £3,153.00

Leisure, Open Space and Green Infrastructure - £27,068

Community facilities - £441.00

Waste management - £276.00

Members are advised that this offer can carry little or no weight in planning terms given the above change to planning policy at a national level. However, given that the monies would be used on local infrastructure, the offer from the applicant would have the effect of making the development sustainable in the context of the impact it will have on local schools and on other community facilities. As such, it is recommended that the offer from the applicant be accepted.

Recommendation

That Planning Permission be granted subject to 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 **No development shall commence until such time as details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

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

- 3 Prior to the first occupation of any of the dwellings hereby approved the modified junction of the proposed vehicular access with the highway shall be fully constructed in accordance with the approved details. Thereafter it shall be retained and maintained as first constructed in perpetuity.

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

- 4 Prior to the first use of the access hereby approved a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2 metres measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the 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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 5 Prior to the first occupation of the residential development hereby approved the proposed vehicular access shall be surfaced in bituminous or other similar durable material and arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety (Policy DM3 of the Core Strategy and Development Management Policies 2009).

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

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

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

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

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port accommodation on the site shall not be used for any purpose, other than as car port accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 9 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, turning area, width of the public footpath and its location/layout, vehicle parking provision and bay dimensions illustrated on the approved drawing no. 825.001P Revision E and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times (Policy DM3 of the Core Strategy and Development Management Policies 2009).

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

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

- 11 Prior to the first occupation of the residential units hereby approved full details of the design of the structures proposed for the secure and covered cycle storage and storage of refuse and recycling bins shall be submitted to

and approved in writing by the local planning authority. Thereafter the approved storage provision shall be fully implemented prior to the first occupation of the residential units hereby approved and thereafter retained for this purpose.

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

- 12 **No development shall commence until such time as full details of the final ground and slab levels of the dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas (Policy DM3 of the Core Strategy and Development Management Policies 2009).

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

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

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

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

- 14 **All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The**

maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that are part of the approved landscaping works, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 **No development shall take place until a written scheme of archaeological investigation that adopts a staged approach and includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

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

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

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

- 17 The window opening at first floor level on the east facing flank wall of Plot 7 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows shall be fixed shut. Thereafter this window shall remain as first installed in perpetuity.

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

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

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

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

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

Notes to Applicant

1. Please note that the unnumbered drawing submitted in connection with this application has been given a unique number by the Local Planning Authority. The number can be sourced by examining the plans on the 'View a Planning Application' pages of the Council's website www.centralbedfordshire.gov.uk.
2. The applicant is advised that the watercourse on the boundary of/passing through this site is under the statutory control of the Bedfordshire and River Ivel Internal Drainage Board. In accordance with the Board's byelaws, no development shall take place within 7 metres of bank top, without the Board's prior consent. This includes any planting, fencing or other landscaping.
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, they should notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Andre Douglas on Tel. 0300 300 4404.
5. The applicant is advised that all bat roosts are protected by law whether they are in occupation or not. If bat roosts are found in the building before or during demolition, work must stop immediately and contractors should contact a licensed bat ecologist. If bats are found, then all works must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted and it may then be necessary to obtain a European Protected Species (EPS) Licence.
6. The applicant is advised that no works associated with the construction of the modified vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central

Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the modified vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

7. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
9. The applicant is advised that if it is their 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.
10. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
11. The applicant is advised that no construction or demolition activities which are audible at the site boundary shall be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 Saturdays and at no time on Sundays, Bank or Public Holidays. For further information contact Pollution@centralbedfordshire.gov.uk.

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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