

Item No. 7

APPLICATION NUMBER	CB/14/04634/FULL
LOCATION	Land to the rear of The Wrestlers, 126 Church Street, Langford, Biggleswade, SG18 9NX
PROPOSAL	Erection of 10 no. dwellings with access, parking, associated landscaping and public open space
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	26 November 2014
EXPIRY DATE	25 February 2015
APPLICANT	Rowan Homes (NHH) Limited
AGENT	Beacon Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development and Departure from Policy HA22
RECOMMENDED DECISION	That Planning Permission be granted subject to the expiry of the advertisement in the local press and the completion of the S106 Agreement securing a financial contribution to the Parish Council for the provision of a MUGA and the transfer of the public open space land to the Parish Council

Reason for Recommendation

The proposal would not fully comply with the terms of Policy HA22, however it is felt that there would be community benefits from the proposal in terms of the MUGA contribution and the area of land to be transferred as public open space in perpetuity and the off site provision for Affordable Housing at the Cambridge Road site. The applicant has demonstrated that the site cannot meet the terms of the policy in full and remain a viable scheme. Given the benefits to the community, it is considered that the proposal is acceptable despite the departure from Policy HA22.

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: (Revised 2014)

Site Location:

The application site is located to the west of Church Street in Langford on an area of overgrown land to the rear of The Wrestlers Public House and the existing properties in Pound Close. The site adjoins the King George V Playing Field to the

north, the rear gardens of the dwellings in Pound Close to the east and the River Ivel to the west. To the south the site partly adjoins the Wrestlers and its gardens along with an area of overgrown scrub land to the south.

There is no existing vehicular access into the site, there is however an informal footpath running through the site from Church Street to the King George V Playing Field. The site itself is overgrown with hedgerows and mature trees along the boundaries.

The surrounding area is generally residential comprising a mixture of detached, semi-detached and older style terraced housing. Pound Close immediately adjacent to the site comprises a small cul de sac of six large detached modern dwellings.

The site is located partly outside the settlement envelope however Policy HA22 of the Site Allocations DPD allocates part of the site for housing.

The Application:

Planning permission is sought for the erection of 10 dwellings to be located on the eastern section of the 1.4ha site and within the 0.59ha of the housing allocation designated by Policy HA22.

The western section of the application will comprise an area of public open space which will be secured as part of this planning application. Of the 10 dwellings six would be located on the area of land immediately to the rear of the Wrestlers Public House and the remaining four located to the rear of the existing dwellings in Pound Close all falling within the red line of the housing allocation. A new access road off Church Street is to be formed that would serve the development and provide turning areas. The proposal would also include the upgrading of the informal footpath to the King George V Playing Field.

The application also proposes the addition of a mini roundabout in Church Street close to the existing mini roundabout at the junction with Garfield forming a double mini roundabout layout. This approach was recommended by the Highways Officer. The application also proposes a financial contribution towards the provision of a Multi Use Games Area in a location and to a specification preferred by Langford Parish Council. This would be subject to a separate planning application at a later date. The area of land to the west of the site, which lies outside of the site allocation boundary, is to remain undeveloped and retained as public open space following transfer of the land to the Parish Council.

The application will be subject to a Section 106 Agreement ensuring that the public open space and the contribution towards the MUGA is delivered.

Also relevant in the consideration of this application is planning application CB/14/04276/Full at the Former Goods Yard in Cambridge Road Langford for the erection of 22 Affordable Housing Units. The applications are submitted jointly by the applicants so that the Wrestlers site can provide off site contributions to affordable housing and subsidise the construction of the 22 affordable units.

RELEVANT POLICIES:

National Planning Policy Framework

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
CS2 Developer Contributions
CS3 Healthy and Sustainable Communities
CS4 Linking Communities - Accessibility and Transport
CS5 Providing Homes
CS7 Affordable Housing
CS14 and DM3 High Quality Development
DM4 Development within and Beyond Settlement Envelopes
DM10 Housing Mix
CS18 and DM15 Biodiversity

Central Bedfordshire Site Allocations Development Plan Document

Policy HA22 Land to the rear of the Wrestlers Public House Langford

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 38 Within and beyond settlement boundaries
Policy 43 High quality development
Policy 30 Housing Mix
Policy 34 Affordable homes
Policy 58 Landscape

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

Design in Central Bedfordshire: A Guide for Development (Revised 2014)
Planning Obligations Strategy (2008)
Local Transport Plan: Parking Strategy

Planning History

CB/13/00441/Full Erection of 12 dwellings with access, parking, associated landscaping and public open space. Refused 6 November 2013

Representations: (Parish & Neighbours)

Langford Parish Council Langford Parish Council are supportive of this application in conjunction with application CB/14/04276. We acknowledge the difficult funding arrangements but as the Parish Council has been instrumental in bringing this to

conclusion would request formally that we are involved in the resulting S106 discussions and confirmation of this requested would be appreciated.

Neighbours No comments have been received.

Site notice displayed - 02/02/15

Application advertised in local press - 05/12/14 - re advertised on 27/02/15 (expires 21/3)

Consultations/Publicity responses

Archaeology

The proposed development is located within the core of the medieval village of Church End, Langford (HER 17135 and 19481), this is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*.

On the advice of the Archaeology Team an archaeological field evaluation comprising a programme of trial trenching was undertaken in 2012 in order to provide information on the impact of an earlier planning application (CB/13/00441/FULL) on archaeological remains. A copy of the report (Foundation Archaeology May 2012) on the field evaluation forms part of the planning application. It should be noted, though, that the evaluation was restricted to the eastern part of the site defined by the red line in the Location Plan in the application. This is the part of the site allocated for housing under Policy HA22 of the *Site Allocations* document. It did not include the western part of the site which the application proposes as open or amenity space for community benefit destined to be handed over to the Parish Council. Although the report on the field evaluation is more than two years old it still provides sufficient and relevant on the archaeology of the application site to be able to assess the impact of the proposal on the heritage asset with archaeological interest.

Archaeological features and deposits were found in all the trial trenches opened up across the site. They represent a substantial settlement dating from the late Saxon and early medieval periods (10th to late 12th - early 13th century). The quality of the pottery found in the evaluation indicates that the archaeological remains are well preserved and one of the pits contained a waterlogged deposit suggesting high potential for the preservation of organic remains. A burnt deposit that produced metal slag suggests that industrial activity was taking place within the settlement. A small quantity of Roman material was found in the evaluation but this

probably does not represent evidence of occupation, rather the presence of Roman settlement somewhere in the vicinity of the application site. A number of Mesolithic flint artefacts were recovered from the evaluation. Although no contemporary features were identified, their fresh condition indicates that they were found close to their original place of deposition. The site is located close to a river, a characteristic location for Mesolithic sites, therefore, it is likely that the flint artefacts represent a Mesolithic occupation or activity site.

The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25; Oake 2007, 14 and Medlycott 2011, 70). Mesolithic sites are very rare in Bedfordshire, regionally and nationally, developing a basic understanding of the character and context of Mesolithic occupation has been identified as an important local and regional research topic (Austin 2000, 6; Oake 2007, 9 and Medlycott, 2011, 7-8). Therefore, the archaeological remains at the proposed development site contain heritage assets with archaeological interest. They represent local and regional significance.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (pre-submission version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

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 the heritage assets. This will be achieved by the investigation and recording of any

archaeological deposits that may be affected by the development; and will take the form of an open area excavation. The scheme of works will also include the post-excavation analysis of any archive material generated and the publication of a report on the works.

The trial trenching was done in order to provide information on archaeology in order to assess the impact of the proposed development on archaeological remains in accordance with paragraph 128 of the NPPF. The trenching does not represent the investigation to mitigate the impact of the development on archaeological remains by recording heritage assets that will be lost in order to advance understanding of the significance of the heritage asset with archaeological interest (NPPF paragraph 141). This can only be achieved by open area excavation

It would be possible to restrict the open area excavation to exclude that part of the site that will be dedicated to public open space and concentrate on the area that will be developed for housing. Normally we would do this through defining the area for investigation in the submitted Written Scheme of Investigation. However, it would be possible to reword the condition to be more specific

This request is in line with the requirements of Chapter 12 of the *NPPF* and policy 45 of the Development Strategy for Central Bedfordshire (pre-submission version, June 2014).

Tree and Landscape

Existing land is primarily rough grassland and scrub with an area of land on the west of the site and alongside the River Ivel providing the majority of interest regarding existing treescape along with a mature Lime and Horse Chestnut located on the north edge of the site.

Supplied with the application is a Tree Survey and Arboricultural Impact Assessment which would seem to be accurate with regards to the condition of trees and impact on them.

Of prime interest will be the retention of the area of trees alongside the River Ivel which would appear on indicative layout plans to be away from any development and should with the erection of suitable fencing detail be unaffected by the proposed development. It seems that this area is proposed for an amenity grass area and as such bearing in mind its potential for ecological enhancement all additional landscape detail or requirements should bear this in mind and be in consultation with Ecological Officers comments.

T19 Horse Chestnut and T20 Lime both trees of good quality and located just outside the site should be unaffected by the proposals, not being close enough to development site to be influenced.

Additional landscaping and boundary treatment details will be required to include species, sizes and densities of new planting.

Public Protection
(contamination)

Thank you for this consultation. I have no objection or condition to impose but please attach the following informative to any permission:

As the site is of long historic use there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so any indications of potential contamination problems should be forwarded to the Contaminated Land Officer, Andre Douglas, for advice, on 0300 300 4004 or via andre.douglas@centralbedfordshire.gov.uk.

Strategic Officer Landscape

The land to be developed contains a significant belt of riverside trees which are an important feature within the Ivel Valley character area. I have no objection to the development but I was surprised that the Application did not contain an outline landscape plan for the whole of the site. It is not sufficient to just to state that the "rest of the site will be left as grassland and scrubland".

As a Condition, we need to secure a detailed landscape planting and management plan.

I would like the planting to strengthen landscape character - even the "low level planting " proposed for the entrance should aim for a rural quality rather than suburban shrubbery .

Tree planting should also reinforce the riverside setting, with lime , alder and birch being appropriate species. Informal groups of trees are required to the west of the access to mitigate views of the development.

The undeveloped area needs to be zoned to create amenity space for the development but also ensure that a substantial part is managed as a riverside nature reserve. A management plan needs to be prepared which includes proposals for the long term management of the riverside trees , to include coppicing and pollarding and some

underplanting with native shrubs. The grassland needs to be mown to increase variation within the sward. This work would need to be costed and funded by the development.

Safety may require fencing and this would preferably be a rural style post and rail - although it would be preferable to have the landscaped area without physical or visual division.

Access - the provision of 2m wide pathways seems excessive for housing at this scale, even though it leads to the playing fields. The right angled corner bend is a poor detail which should be revised. A gateway feature needs to be designed to access the playing fields - the path must not just "stop" at the boundary !

Although currently undermanaged, this site makes an important contribution to the Ivel valley landscape and GI corridor and so it is very important that sufficient resources are allocated to new planting and management of the existing features.

I would be happy to discuss landscape detail with the Applicant.

Environment Agency

The Flood Risk Assessment (FRA) has identified that the site is located within the fluvial Flood Zone 1 (lowest probability of flooding) for the river Ivel. Therefore, we consider that the development is appropriate in this location.

We do have some concerns with the proposed layout. It appears (the submitted documents are not very clear) from the layout that a section of Ordinary watercourse will be run through the back gardens of plots 3-6. Ownership and future maintenance of that watercourse would be uncertain and should be determined prior to approval.

Although the watercourse is generally dry under normal circumstances, it is likely it provides an important flood conveyance function during storm events.

We do not support the culverting of any watercourse unless absolutely necessary due to the ecological and flood risk impacts. As this is a Ordinary watercourse we would recommend that either the local Internal Drainage Board (IDB) or Local Lead Flood Authority (LLFA) are consulted on this matter.

We are also concerned over the use of soakaways at this location. The assumed geology would support the use of infiltration techniques. However, due to its proximity to the River Ivel, ground water levels may be close to the surface. This would reduce the capacity of any soakaways constructed onsite. This should be investigated further. There should be sufficient space onsite to attenuate the surface water prior to infiltration/discharge. Therefore, we recommend the following condition:

CONDITION

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, both on and off site.

Anglian Water -
comments from previous
application.

No assets owned by Anglian Water within the development site boundary.

Wastewater Treatment - foul drainage is within the catchment of Poppyhill Sewage Treatment Works which at present has capacity for these flows.

Foul Sewerage Network - the sewerage system at present has available capacity for these flows.

Surface Water Disposal - the surface water/flood risk assessment submitted with the application is not relevant to Anglian Water and therefore out of jurisdiction for comment.

Beds and River Ivel
Drainage Board

The Board notes the proposed method of storm water disposal is by way of soakaways. Also as this land is in the vicinity of the Main River the Environment Agency must be consulted.

Green Infrastructure

The area is in a priority GI corridor (the Ivel Valley) identified in the district GI plan. This area has a deficit of strategic accessible greenspace, and there are opportunities for habitat improvements and linkages throughout the floodplain, including wet grassland, wet woodland and management for specific species.

The parish GI plan for Langford identifies an aspiration to extend the playing field, and create a footpath south of the playing field. It also identifies the aspiration to install more benches along the riverside path.

In the light of the above GI plans, the inclusion of open space is welcomed, and this has the potential to deliver improvements identified in the parish GI plan. However, the open space needs to be designed carefully to complement the existing formal recreation area by providing more informal, semi-natural space that is designed in reference to the landscape character assessment, and delivers biodiversity opportunities (incorporating a range of habitats, including wet grassland, wet woodland and habitats for specific species such as otters, water voles and native crayfish). The site should be designed to promote access, including the provision of benches. Currently there is insufficient information to evaluate whether the open space will deliver multifunctional green infrastructure benefits.

The retained footpath between Church Street and the playing fields needs to be designed positively to relate to the development. It is not clear from the site layout how the path is designed. The CBC design guide (GI section) sets out information about designing paths into development areas. More information should be sought to ensure that the path design is in line with the design guide.

The flood risk strategy looks at SuDS in terms of rainwater harvesting, pervious pavements and soakaways. The consideration of SuDS is welcomed, but given the importance of surface water management, and the requirements in the site allocations policy, the level of consideration is insufficient. The applicant needs to show how surface water will be managed across the whole of the management train, and will deliver multiple benefits,

in line with the Sustainable Drainage SPD.

Ecology Officer

I note that this application is supported by an out of date ecological survey from January 2012, it is generally accepted that surveys remain valid for 2 yrs. As this survey is approaching 3 yrs. I would require an updated Phase 1 report to be submitted. Looking at the proposed layout I am satisfied that, should a protected species interest be identified on site, adequate mitigation measures can be put in place hence I am able to recommend that this survey is a planning condition. The applicant should note however that previously the site contained habitat suitable for reptiles and the updated survey may require additional assessment for reptiles which would also need to be undertaken **prior** to commencement.

The site lies adjacent to a CWS and contains semi-natural habitat, as the NPPF calls for development to deliver a net gain for biodiversity the applicant will need to demonstrate how this can be achieved. The proposed public open space to the west of the site should be managed for nature conservation and not be overly manicured but ensure a wide natural buffer to the River and CWS of at least 25m. The provision of a management plan should be conditioned, this would to show how the wildlife area will be cared for and if necessary detail associated costs which will be required to undertake these works. Additional enhancements such as the provision of an otter holt and reptile/ amphibian hibernacula in the wildlife area and integral bird / bat bricks at a ratio of 1 per dwelling should be secured through condition.

Public Protection (noise)

I am concerned that noise from the wrestlers public house may be detrimental to future occupiers of the proposed development. However, I note from the proposed layout that plot 1 will have only a staircase/landing window directly facing the public house and that a close boarded 1.8m timber fence is proposed along the boundary with the pub. I would advise that this fence is an acoustic fence to provide a noise barrier along this boundary. The wrestlers pub is also in close proximity to an existing house on Church Street and there is no history of noise complaints being made to the council.

I visited the site and noted that the pubs beer garden and car park area to the front of the premises and to the rear is what appears to be a private garden for the landlord which would be adjacent to the proposed residential

gardens.

I also note that plot 10 overlooks an existing play area. Public protection can receive complaints about noise from use of play areas. I have looked at the proposed layout and note that the elevation directly facing the play area has windows to the family room on the ground floor and two bathrooms on the second floor, again an acoustic barrier along the shared boundary would give additional protection to future occupants of the proposed plot 10.

Therefore I have no objection to the proposed development subject to the following condition being attached to any permission;

1. Before the development commences the applicant shall submit full details of the boundary fences between the proposed development and the Wrestlers Public House and the existing play area for approval in writing by the Local Planning Authority. The approved fences shall be completed before any of the dwellings are occupied and thereafter maintained in accordance with the approved details.

Reason: To protect the amenity of future occupiers of the development.

Highways

In a highway context consideration of this latest application does not differ from that submitted under reference CB/13/00441 and I can confirm that there is no fundamental highway objection to the proposed residential development.

The level of traffic generation from the development will not be significant and the junction arrangement onto Church Street is appropriate. Construction of the junction will be the subject of a Highways Act S278 agreement which will also consider and resolve the points raised in the Road Safety Audit submitted with the application.

The internal highways layout is compliant with latest guidance as is parking provision.

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact on the character and appearance of the area

3. The impact on neighbouring amenity
4. Highway considerations
5. Any other relevant issues

Considerations

1. The principle of the development

The application site is partly outside the Settlement Envelope for Langford. The Settlement Envelope boundary line crosses the site from the north west corner of the rear garden of No. 128 Church Road to the south west corner of the rear garden of 4 Pound Close. Only Plots 1 and 2 are sited within the Settlement Envelope however the site has been allocated for housing under Policy HA22 of the Site Allocations DPD. Policy HA22 reads as follows:

Site Area: 0.59 ha

Land to the rear of The Wrestlers Public House, Langford, as identified on the Proposals Map, is allocated for residential development providing a minimum of 9 dwellings, of which 4 units are affordable, amenity open space and a Multi Use Games Area (MUGA).

In addition to the general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following:

- Control of surface water drainage to ensure that there is no increase in run-off into surrounding water courses;
- Provision of adequate access from the King George V Memorial Playing Fields to the proposed Multi Use Games Area; and
- Retention of the informal footpath from Church Street to the King George V Memorial Playing Fields.

The principle of residential development is considered acceptable provided that the requirements of Policy HA22 are met.

History

In February 2013, an application was submitted for 12 dwellings, with associated access, parking and public open space. The application included the submission of a financial appraisal which was considered by a consultant acting on behalf of the Council. The appraisal identified that the allocation cannot be delivered when providing the MUGA, the public open space, affordable housing requirements and financial contributions towards local infrastructure given the predicted build costs, the highway works and the cost of evaluating on site archaeology. The appraisal was assessed on the basis that no affordable housing would be provided, the area of land to the east would be transferred as public open space and there would be a contribution of £60,000 to the Parish and concluded that the developer would receive a small profit from the development, however the profit margin would be well below the expected norm. At the Development Management Committee in November 2013, Members felt

the lack of Affordable Housing provision and contributions to be unacceptable and therefore the application was refused.

The current application similarly offers no Affordable Housing Units on the site or contributions towards local infrastructure due to the viability issues at the site.

On 28th November the government announced that due to the disproportionate burden on small scale developers, for sites of 10 units or less, tariff style contributions should not be sought. This announcement also advised that affordable housing units should not be sought on developments of 10 or less. Nevertheless the application is submitted in conjunction with a separate application for 22 Affordable Housing Units at the Former Goods Yard in Cambridge Road, Langford therefore providing an off site contribution towards affordable housing provision which would meet the requirements of Policy HA22.

In terms of the requirement for the provision of a Multi Use Games Area, previous discussions with the Parish Council have concluded that the application site is not an ideal location for the siting of a MUGA. This has resulted in the applicant's proposition of a financial contribution to the Parish Council towards the facility elsewhere.

A MUGA would be expected to conform to Sport England's standards of 37m by 18.5m with markings for tennis, netball and basket ball. In the discussions with the Parish Council it was revealed that the predicted siting of the MUGA, in the north west corner of the site, is not an appropriate location for the facility. Sport England advise that MUGA's are best located close to car parks, adjacent to roads for maintenance and emergency access, close to places of supervision but away from noise sensitive areas, and where there is good access for people with disabilities. Consequently the Parish Council are reviewing an alternative location for the MUGA within the village. However the Parish will need to secure relevant funding for the MUGA (some funding has already been made available through contributions from existing residential developments), therefore a financial contribution of £60,000 is proposed as part of this application to meet the existing shortfall. Once the future location of the MUGA has been decided by the Parish, it will be subject to separate planning permission and the suitability of the proposed site assessed during the application process.

Policy HA22 also requires the provision of amenity open space to the western section of the site covering 0.71 ha of land. This area of land will be transferred to the Parish Council for use by the community as part of the development proposals and the Parish shall take on responsibility for its future maintenance. The land should be transferred to the Parish in an acceptable state, i.e.: levelled and seeded following occupation of the first dwelling.

Turning to planning contributions towards local infrastructure, the applicant has submitted a viability assessment which has concluded that the requirements of the allocation policy cannot be delivered when providing the affordable housing requirements and the full contributions towards infrastructure provision in accordance with the Planning Obligation Strategy, when taking into account the contributions towards the MUGA, and the transfer of the land for public open space. Furthermore, the scheme is submitted jointly with the application for 22

affordable housing units in Langford by North Herts Homes and the viability statement explains how the sale of market housing on the Wrestlers site is necessary to subsidise the delivery of the affordable homes on the Cambridge Road site.

Paragraph 173 of the NPPF states that "the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened". The viability of a scheme is a material planning consideration where it has been proven in a financial appraisal that there would be a significant impact on the viability of the development.

Despite being unable to fully meet the terms of Policy HA22, when considering the overall the wider benefits available to the community, together with the off site provision of the 22 Affordable Units on the Cambridge Road site and bearing in mind the recent changes to government guidance on tariff based contributions, the benefits of the scheme are considered to outweigh the departure from Policy HA22 and therefore the proposal is considered acceptable.

2. The impact on the character and appearance of the area

The proposed dwellings are located in fairly close proximity to the existing dwellings in Pound Close and Church Street. Plots 1 -6 form the street scene when entering the development and Plots 7 -10 run along the rear garden boundaries of the properties in Pound Close. The properties are of a mixed design with varying roof heights and frontages garaging and on pot parking.

There is no dominant character to the surrounding area or within Langford in general. Pound Close comprises modern red brick detached dwellings and opposite there are smaller cottages of buff brick and render. Further north the new development at Garfield comprises modern red and yellow brick dwellings. The Wrestlers is a double fronted rendered building set back from Church Street by the parking area and further afield properties are mixed in scale and character. In this respect the general layout and design of the dwellings is considered to be acceptable and not out of character with the surroundings.

In terms of parking, the proposal complies with the Council's Design Guide in that there are three spaces for each property, although the suggested level is 4. The double garages are not to the 7m length requirements within the Design Guide and therefore cannot be counted as two car parking spaces, however half the garage can be used and half for storage therefore, in floor area terms, the garages are acceptable. Nevertheless in order to comply with the Design Guide, the garages should be extended to 7m in length and this can be secured by a condition.

Only Plots 1 and 2 do not have three parking spaces outside of their garages, therefore an additional space will need to be provided on the frontage of these plots or the garages extended. There is adequate space within the plot to make these amendments which can be secured by a condition.

The access road includes the provision of a footpath link to the King George V Playing Fields.

The provision of the amenity open space to the west of the site would retain the appearance of the openness in this part of the site which forms the edge of the built environment. The proposal is therefore considered to be acceptable and would not result in significant harm to the character of the area in accordance with Policy DM3 of the Core Strategy and Development Management Policies.

3. The impact on neighbouring amenity

The properties most affected by the development are No's 3 and 4 Pound Close and The Wrestlers Public House.

The side elevation of Plot 1 is sited approximately 24m from the rear elevation of The Wrestlers therefore given this distance no adverse impact is considered to occur. There is to be a first floor window in the side elevation of Plot 1 however the window serves a bathroom and is likely to be obscurely glazed reducing any potential overlooking. Furthermore the garden area to the rear of The Wrestlers is well covered by mature trees and is used for the public house as such there would be no impact on the residential amenities the occupants of the Wrestlers. In any case, a distance of 24m between properties is considered to be acceptable spacing.

Plots 7, 8, 9 and 10 are large detached dwellings located to the rear of No's 3 and 4 Pound Close. Due to the layout of Pound Close most of the rear garden space for these properties is located to the side of the dwellings and the rear elevations located close to the rear boundary facing towards the application site.

Given the design and siting of Plots 7, 8, 9 and 10 there will be some impact upon the amenities of 3 and 4 Pound Close. Rear windows will face one and other and first floor windows will overlook the gardens. However the spacing between the dwellings is considered to be acceptable, in that there would be between 19 and 20m back to back distances. While this falls short of the recommended 21m back to back distance, it is not by a significant amount and therefore is not considered to be unacceptable. Plots 7 and 8 are offset from the rear elevation of No 4 Pound Close. And plot 10 offset from the rear of No 3. Plot 9 however would be directly to the rear of No 3 with a separation distance of 20m. The boundary between the existing properties and the application site is well screened by existing trees and these are to be retained as part of the proposed development. This will retain an element of privacy for both the existing and new properties. It is noted that no objections to the development have been received from the occupants of 3 and 4 Pound Close.

In terms of the amenity of future occupiers of the dwellings, the dwellings are designed and positioned so that they would not result in adverse overlooking upon each other or result in a detrimental impact on light or outlook. The occupants of Plot 1 and 2 would be closest to the public house garden area where noise and disturbance may arise particularly given the live music events held at the pub. It has been recommended that details of the proposed fencing between the public house and Plot 1 be submitted as a condition so that an

acoustic barrier can be secured along this boundary to reduce any noise impact. The Public House is located in a residential area and shares its southern boundary with a dwellinghouse therefore noise from the pub does not appear to be an issue for the existing residents.

The proposal is considered acceptable in terms of the impact of the proposal on the existing neighbouring properties and the future occupants of the dwellings. The proposal therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document.

4. Highway considerations

The proposal requires the construction of a new access to serve the properties. A mini roundabout is proposed at the point of access onto Church Street immediately adjacent to the existing mini-roundabout serving as access to the residential estate known as Garfield. The access arrangements have been discussed with Highways Officers and the only safe option was to effectively mirror the junction at Garfield and combine the two into a double mini-roundabout configuration. That arrangement is now shown on the revised plans therefore no objection has been raised by Highways.

The Highways Officer has commented that the required level of parking has been provided, and while the garages are not 7m in depth as set out in the Design Guide, there is sufficient parking without counting the garages as parking spaces. Plot 1 and 2 will require either one additional space each or the garage will need to be extended to 7m in length for it to be counted as a space. Given the space within the plots, the additional parking spaces can be secured by a condition together with a condition requiring the garages to be extended to 7m in length, should planning permission be granted.

5. Other issues

Archaeology

An archaeological field evaluation comprising a programme of trial trenching was undertaken in 2012 in order to provide information on the impact of the proposal on archaeological remains. However it is noted that the evaluation was restricted to the eastern part of the site defined by the red line in the Location Plan in the application.

Archaeological features and deposits were found in all the trial trenches opened up across the site therefore the proposed housing development will have a negative and irreversible impact upon the archaeological remains found. However this does not present an over-riding constraint on the development providing that the applicant takes appropriate measures by the investigation and recording of any archaeological deposits which can be secured by a condition.

Drainage

There are no objections from the relevant drainage/flooding consultees however a condition should be attached relating to the methods of surface water run-off.

Contamination

The site is within 250m of a historic landfill site. There are no objections to the proposed subject to a condition requiring investigation into potential land contamination prior to any works commencing.

Ecology

The Phase 1 Habitat survey submitted with the application established that the site was a suitable habitat for reptiles. Therefore as the site is only to be partially developed, to prevent harm to the protected species the area to be developed should be made unsuitable prior to construction works taking place. This can be secured by a condition.

The ecology officer's recommendation to include a condition for the preparation of a management plan for future ecological enhancements to the area of open space are noted, however given that the land will be used by the general public and the exact nature of any future development is unknown, it is not considered necessary to expect a management plan for ecology at this stage. However a condition has been included to ensure that there is provision for future wildlife habitats including the provision of new hedgerows and other enhancement features.

Planning Obligation Strategy

The proposal would fall within the remit of the Planning Obligation Strategy which requires developer contributions towards new community facilities and infrastructure however the circumstances of this site have identified viability issues as outlined above therefore in this case no planning contributions will be sought.

A Section 106 agreement is currently in negotiations and will include a payment of £60,000 to the Parish Council for the provision of a MUGA upon commencement of the development and the transfer of the public open space. There will also be a clause within the agreement which ties the proposal to the application at the Former Goods Yard in Cambridge Road to ensure the Affordable Housing is delivered in conjunction with the Wrestlers development.

Human Rights issues/ Equality Act 2010

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Acts, and as such there would be no relevant implications.

6. Conclusion

The proposal would not fully comply with the terms of Policy HA22, however it is felt that there would be community benefits from the proposal in terms of the MUGA contribution and the area of land to be transferred as public open space in perpetuity and the off site provision for Affordable Housing at the Cambridge Road site. The applicant has demonstrated that the site cannot meet the terms of the policy in full and remain a viable scheme. Given the benefits to the

community, it is considered that the proposal is acceptable despite the departure from Policy HA22.

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: (Revised 2014)

Recommendation

That Planning Permission be granted subject to the expiry of the advertisement in the local press and the completion of the S106 Agreement securing a financial contribution to the Parish Council for the provision of a MUGA and the transfer of the public open space land to the Parish Council.

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall commence until details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance therewith.**

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 **No development shall commence until details of surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 100 years critical storm will not exceed the run off from the undeveloped site following corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before the development is completed.**

Reason: To ensure that adequate surface water drainage is provided to prevent increased risk of flooding both on and off site.

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

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 5 **No development shall take place until a written scheme of archaeological investigation for an open area excavation of the area identified on Plan CBC/01/Archaeology followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development 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.

- 6 **No development shall commence on site until the following has been submitted to and approved in writing by the Local Planning Authority:**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any **permitted building** is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water

resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

7 Development shall not commence until full details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- all proposed boundary treatments, to include materials and dimensions;
- materials to be used for any hard surfacing across the site including access and roads;
- minor structures (e.g. furniture, play equipment, signs, etc);
- 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;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

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.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

9 **No development shall commence until full details of mitigation, conservation and/or enhancement measures for (protected/locally important) species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These measures shall include:**

- **surveys at agreed periods during (season) by an agreed expert to determine the possible presence of particular protected species previously specified by the Local Planning Authority.**
- **details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing for breeding, (ii) in the process of breeding or (iii) rearing young;**
- **mechanisms to enhance identified existing wildlife habitats through the development process.**

- new hedgerows along the boundary of the public open space to encourage wildlife habitats.

The works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure all impacts from development are taken into account and mitigated.

- 10 No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: In the interest of sustainability.

- 11 No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 12 No development shall commence until detailed plans showing one additional parking space each for both Plots 1 and 2 has been submitted to and agreed in writing by the Local Planning Authority. The additional space can be either on extended hardstanding to the plots frontage or by increasing the length of the garage to 7m. The development shall accord with the approved details and be implemented prior to the occupation of Plots 1 and 2.

Reason: To ensure adequate parking provision is provided in accordance with the Councils Design Guide (2014).

- 13 No development shall commence until revised plans showing the garages for Plots 7, 8, 9 and 10 extended to 7m in depth have been submitted to and agreed in writing by the Local Planning Authority. The development shall accord with the approved details and be implemented prior to the occupation of Plots 7, 8, 9 and 10.

Reason: To ensure adequate parking provision is provided in accordance with the Councils Design Guide (2014).

- 14 No development shall commence until specifications of the works to be undertaken on the area of land to the west of the site, prior to its use as public open space land, has been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be agreed in writing with the Local

Planning Authority and in complete accordance with the approved specifications.

Reason: To safeguard the future use of the public open space and ensure that it is transferred to the Parish Council in an appropriate condition.

- 15 **No development shall commence until the detailed plans and sections of the proposed estate road and the mini roundabout, including method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

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

- 16 Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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.

- 17 Before first occupation of the approved development, the double mini-roundabout junction arrangement serving the development shall be completed in accordance with the approved in principle plan and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience

- 18 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.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

numbers Location Plan, SC-01 rev C, SC-02, SC-03 rev B, SC-06 rev B, SC-04 rev A, SC-05 rev B, SC-07 rev B, SC-08 rev A, SC-09 rev B, SC-10, WRSTRP-SEPT14, Stage 1 Road Safety Audit J-D0950.00RSA1.0, Transport Statement J-D1736.00_R2, Flood Risk Assessment ENV/0104/12FRA, Archaeological Evaluation Report No. 800 May 2012, Construction Waste and Material Recycling Statement, Phase 1 Habitat Survey, BS5837 Tree Survey.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The surface water drainage scheme should also include details of a site specific ground investigation report to determine the infiltration capacity of the underlying geology and the ground water level as well as details of how the scheme shall be maintained and managed after completion.
2. 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.
3. As the site is of long historic use there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so any indications of potential contamination problems should be forwarded to the Contaminated Land Officer, Andre Douglas, for advice, on 0300 300 4004 or via andre.douglas@centralbedfordshire.gov.uk.
4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements at the junction onto Church Street. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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, Technology House, 239 Amphill Road, Bedford MK42 9BD.

The applicant is advised that if it is the intention to request the 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 Highways Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford Bedfordshire 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.

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"

5. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

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

The application is recommended for approval. 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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