

Item No. 13

APPLICATION NUMBER	CB/15/00992/FULL
LOCATION	Land at Chapel Close, Clifton, Shefford, SG17 5YG
PROPOSAL	Retention of existing low level emergency lighting column and hard surfacing associated with existing pumping station (in addition to the provision of a new permitted development 1 m high close boarded fence, gate and bollard and the planting of a new hornbeam hedge to screen enclosure) (Resubmission of planning application CB/14/02134/FULL)
PARISH	Clifton
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Amy Lack
DATE REGISTERED	17 March 2015
EXPIRY DATE	12 May 2015
APPLICANT	JVD Developments Limited
AGENT	Phillips Planning Services Limited
REASON FOR COMMITTEE TO DETERMINE	The application has been called in by Councillor Wenham for the following reasons: A loss of amenity - has a big impact on residents; Overbearing - proposes a much larger than original single cabinet pump; Highway safety grounds - gate as implemented swings across carriageway; Design - clearly not designed; Impact on landscape - Huge impact on Streetscene, new design no improvement on previous application; and Other - Impact on street scene.
RECOMMENDED DECISION	Full Application - Approval

Summary of Recommendation

The application for retrospective planning permission for the hardstanding and lighting column has been recommended for approval. Whilst the development does have an impact in the streetscene, it is considered that with a replacement close boarded fence, additional landscaping and highway conditions the proposal will have an acceptable impact on the street scene, neighbouring amenities and highway safety, in accordance with the requirements of policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

Site Location:

The site is located on the northwestern side of Chapel Close, on a piece of land located to the front of No. 5 and No. 6 Chapel Close. The site was previously occupied by a small foul water pumping station.

The Application:

The application seeks retrospective planning permission for the retention of a foul water pumping station that is to be adopted by Anglian Water.

The development proposes the replacement of an existing 1.2m high post and rail timber fence (as retrospectively proposed by planning application reference CB/14/02134/FULL and refused by the Development Management Committee on 30.09.14) with a 1 metre high close boarded fence erected around the pumping station within Chapel Close. The laying of hardstanding (concrete) within the enclosure and the retention of a 3 metre high emergency lighting column (with aerial attached) erected on the north western boundary of the enclosure. In addition to the above work a control kiosk and a junction box have also been provided.

The three existing 1 metre high bollards within the fenced area will be removed and a single 1 metre high bollard erected at the edge of the site adjacent to the footway.

The applicant is proposing to plant a hornbeam hedge around the perimeter of the site, and provide a gate within the application site.

The underground works that accommodate the pumping station were installed in 2002 as permitted by planning permission MB/00/00738/FULL in order to serve the three dwellings permitted by the consent (No.s 6, 7 and 22 Chapel Close).

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Design

DM3 - High Quality Design

Supplementary Planning Guidance

The Central Bedfordshire Design Guide (adopted March 2014)

Planning History

CB/14/02134/FULL	Retrospective: Retention of post and rail fence and gate, hardstanding and low level emergency lighting column associated with existing pumping station. Refused 30.09.14. Pending appeal.
MB/00/00738/FA	Erection of 3 no. dwellings with garages and associated vehicular access and landscaping. (revision to scheme previously approved under ref: 10/99/1527 dated 18.1.00) Approved 02.10.00

Representations: (Parish & Neighbours)

Clifton Parish
Council

Object.

The Clifton Parish Council supports the residents of Chapel Close in their **Objection**

Neighbours

Third party representations have been received from the owners/occupiers of the following addresses in objection to the proposal:

- 2 Chapel Close
- 3 Chapel Close
- 5 Chapel Close
- 21 Chapel Close
- 30 Knolls Way
- 9 Shefford Road

The comments received can be summarised as follows:

- The development is not in keeping with the surrounding area, the concrete hardstanding, floodlights and aerial having an adverse impact upon the character of the street scene and nearby main road from which it is visible;
- The visual impact upon this quiet residential close is profound;
- The previous pumping station was hardly noticeable compared to the new installation.
- the parking area should be block paved which is hard standing in keeping with existing surfaces;
- Laurel hedging would be more appropriate than slow growing hornbeam which is unattractive in the winter months; and
- There is no proposed reduction to the substantial concrete hardstanding which is one of the most unattractive aspects of the pumping station.

Notwithstanding the above concerns the hedging, close boarded fence and the reduction in size of the fenced area is welcomed.

The above is summary of the comments received. A full copy of each of the representations can be viewed on the application file.

Consultations/Publicity responses

Highway Officer No objection, subject to conditions

Tree Officer No objection, the proposal is considered acceptable.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on visual amenity
3. Highway and access
4. Third party representations

Considerations

1. Principle of development

The work that has been carried out has been done so to upgrade an existing pumping station, so that it can be formally adopted by Anglian Water (AW). The previous pumping station served three dwellings, and was operated at the expense of a private management company (as opposed to the adoption authority).

With the development of Chapel Lea (the erection of 11 dwellings) the pumping station required upgrading and as a result could be capable of adoption by Anglian Water, subject to meeting the adoption requirements of Anglian Water.

Under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015 as amended, there are a number of works that can be carried out by or on behalf of a sewerage undertaker, without requiring planning permission. In this case and that considered previously by planning application reference CB/14/02134/FULL this includes the junction box, control kiosk and bollard. In addition to this the 1 metre high closed boarded fence and gate and the planting of the hornbeam hedgerow all benefit from permitted development rights and therefore do not require planning permission.

Therefore, the application specifically requires retrospective consent for the existing concrete hardstanding and the external lighting column (3 metres in height) with an aerial.

As reported to the Development Management Committee at the meeting on 24 September 2014 the applicant has indicated that the size of the area, fencing, hard surfacing and lighting column were required to meet the minimum standards of the adopting agency (Anglian Water). Confirmation of the following was sought;

i) The enclosure to the pumping station is the minimum size Anglian Water would accept to maintain and service the installation and comply with Health and Safety requirements;

Response from AW - A typical minimum pumping station compound is 8m x 11m, sometimes larger, to accommodate additional apparatus, in this case a bespoke design has been accepted.

(The compound at its largest dimensions measures 7.5m x 12m)

ii) Parking is required on site to avoid parking on the highway;

Response from AW - Our operational staff need to park on site and close the gates behind them, they could have the wet well covers open or be working on pumps/electrical panels, vehicles need to be left open for access to a variety of tools and equipment whilst working, we need safe working environment for our staff and members of the public;.

The existing dwellings in Chapel Close (6,7 and 22) and the newer dwellings in Chapel Lea will require foul water drainage. Anglian Water have confirmed that they will adopt the pumping station, subject to meeting certain standards. Whilst the acceptability of the location and the nature of the specific works are discussed further below, in principle the siting of a pumping station to provide foul water drainage for residential properties is acceptable.

2. Impact on visual amenity

It is acknowledged that the location of the pumping station is not ideal, being sited closer to the existing dwellings within Chapel Close, rather than closer to the newer dwellings in Chapel Lea, however given that the previous station was located on this site and served No.s 6, 7 and 22 Chapel Close, the location to some extent was pre-determined.

The nature of the pumping station and the requirements of Anglian Water mean that such developments often have an obtrusive impact within the streetscene, and the dominance of this structure is certainly so. However, this would be true of a pumping station wherever it is located within Chapel Close.

Previous planning application reference CB/14/02134/FULL was refused by the Development Management Committee at the meeting held on 24 September 2014 for reasons of visual amenity:

The fencing, hard surfacing and lighting pole with aerial, by reason of their size, design, layout, appearance and materials, are considered to have a harmful impact on the character of the street scene. The development is therefore contrary to policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

The following changes have been made from the previously refused scheme:

- The 1.1 to 1.2 metre high post rail fence is to be removed and replaced with a 1 metre high close boarded fence, which is considered permitted development and does not require planning permission. In order to better screen the pumping station and hard surface;
- The fence enclosure is to be reduced in size to exclude the parking space;
- Gates would now be provided from the parking area directly into the enclosure;
- A bollard would prevent access to the parking space and remove the need for any gate to open onto the highway and/or the amount of fencing/gate fronting the footpath; and
- A hornbeam hedge is to be planted around the fenced enclosure and also the parking area.

The applicant has attempted to address the impact of the scheme by replacing the existing post and rail fencing currently between 1.1m high and 1.2m high, with a closed boarded timber fence, which installed at 1m high falls within the allowances of permitted development and does not require planning permission. Further to this the applicant proposes to reduce the impact of the fencing and the enclosure as a whole, by providing a hornbeam hedgerow along the north south and west boundaries of the site (save for the part of the site that shares a common boundary demarcated with a 2 metre high closed boarded fence) around the edges of the enclosure. Whilst it is accepted that the landscaping will not be provided along the frontage, once grown, it will offset the appearance of the enclosure and reduce the impact of the fencing and hard surfacing. It is recommended that the provision of the Hornbeam hedge as proposed on the

submitted plans, which is native and fast growing be ensured by the imposition of a condition.

The emergency lighting column is 3 metres high with lighting and an aerial attached to it. The column has been sited to the rear of the enclosure and through the summer months is largely screened by the existing vegetation to the rear of the enclosure. It is likely that the column will be more obvious through the winter months when the vegetation cover is reduced. The lighting is for emergency use only, when work is required to be carried out during the cover of darkness, and as such will not be regularly turned on. The aerial allows the equipment on site to communicate directly with Anglian Water.

The development is required to provide the necessary infrastructure for the residential dwellings in the area, the design and scale of the proposal has been largely dictated by the requirements of Anglian Water and their Workplace Health and Safety requirements. Whilst the enclosure is currently obtrusive within the streetscene, with the establishment of vegetation over time the visual impact of the surfacing and fencing will be reduced and the surfacing and fencing themselves are likely to dull in colour and blend more with the surroundings. Therefore, whilst the proposal does have an impact on the streetscene, given the need for the development and the proposed vegetation screening, it is not considered that a refusal of the application could be substantiated. The proposal is therefore considered acceptable, in accordance with policy DM3 and the recommendation to the Development Management Committee is one of approval.

3. Highway and access

The highway officer is satisfied that providing conditions are attached requiring: the widening of the junction of the vehicular access with the highway and for the proposed gates to open away from the highway (condition 1); and the shielding of the means of the illumination to prevent glare to road users (condition 3) will not result in any adverse impact upon highway safety.

In terms of the loss of the off-street parking space, this was within the red line area of this application and as such was likely provided for the maintenance of the previous pumping station. This has essentially been replaced with the on-site parking space provided within the now fenced area. The re-instatement of the kerb (and its subsequent relocation to line up with the gate) will ensure that there will be no net loss of street parking.

In addition to the conditions recommended above the highway officer also requested a condition requiring details of the surfacing of the enclosure. Consistent with the recommendation of approval to CB/14/02134/FULL this condition is not considered necessary given the retrospective nature of this application. A condition was also recommended requiring the provision of visibility splays, however given the width of the footpath this is not considered necessary as previously confirmed with the highway officer.

Therefore, in terms of highways, access and parking there are no concerns that would justify a refusal of the application and subject to the conditions rehearsed above, with respect to highway safety the proposal complies with policy DM3 of Core Strategy and Development Management Policies 2009).

4. Third Party Representations

The third party representations received are predominantly raising concern at the impact of the pumping station upon the visual amenity of the street. Consideration has been given to this at Section 2 of the report above, under the heading *Impact on visual amenity*.

Previously several comments had been raised by the local residents in relation to the ongoing future maintenance of the area. The landscaping of the site will be controlled by conditions, ensuring planting and replacement should the hedge not survive. The maintenance of the equipment, fencing and enclosure will become the responsibility of the Anglian Water once it has been adopted.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Within three months of the date of this planning permission being issued the widened junction of the vehicular access with the highway shall be constructed in accordance with the approved details and any surplus lengths of the existing access within the frontage of the enclosure shall be closed and reinstated and any gates shall open away from the highway.**

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

- 2 Within three months of the date of this planning permission, the Hornbeam hedge shown on approved plan 14-02 shall be planted on site. The Hornbeam hedge shall be planted as bare root plants in suitable cultivated soil, in a single row spaced at three plants per metre. The plants shall subsequently be maintained for a period of at least 5 years from the date of this permission and any which die or are destroyed during this period shall be replaced during the next planting season (period from October to March).**

Reason: To ensure an acceptable standard of landscaping, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 The means of illumination shall be shielded and/or positioned so that no glare or dazzle occurs to drivers of vehicles using the public highway.**

Reason: In the interest of road safety, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 14-01;14-02; and 14-03.**

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

Notes to Applicant

1. **Any conditions in bold must be complied with within the timeframes specified. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. The applicant is advised that no works associated with the widening of the vehicular access and reinstatement of the surplus lengths of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk - 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 widening of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration. The applicant is also advised that the closure of surplus lengths of the existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent. To fully discharge condition 1 the application should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken construction works in accordance with the approved plan. The applicant will be expected to bear all costs involved in closing the access.
3. The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including boundary foundations and planting shall be erected or installed in, under or overhanging the public highway and no door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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