

Item No. 8

APPLICATION NUMBER	CB/15/02304/FULL
LOCATION	52 Clifton Road, Henlow, SG16 6BL
PROPOSAL	Demolition of existing storage building & erection of 8 No. 3 bed houses with carport and associated parking
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Alex Harrison
DATE REGISTERED	25 June 2015
EXPIRY DATE	20 August 2015
APPLICANT	Skillmaster Limited
AGENT	Pentangle Design Group
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Wenham <ul style="list-style-type: none">• Gardens not compliant with design guide• Front dwellings forward of building line, disrupting streetscene• Not clear if exit onto Clifton Rd is compliant with highways requirements for width, visibility etc• Henlow PC have objected
RECOMMENDED DECISION	Full Application - Approval

Reason for Recommendation:

The proposed development is noted as being prominent in the streetscene however is not considered to be so prominent as to result in harmful impact on the character of the area. The proposal has been amended to reduce the scale of development where it abuts the limits of the village and to improve the amenity space provision. The parking provision is compliant with the recommendations of the Design Guide and the access proposal is considered to be safe. The development is therefore considered to be acceptable in light of development plan policy and is recommended for approval.

Site Location:

The application site is located on the north side of Clifton Road, in the south west part of Henlow, within the village settlement envelope. It comprises an area of 0.159 hectares. It is enclosed by a public footpath and a two storey house/garden to the west, open fields to the north and north east, and a car repair workshop to the east. On the south side of Clifton Road are higher density two storey residential properties.

The site was previously occupied by a two storey office building with a mansard roof and dormer windows on its south and east elevations but this has recently been removed. The site previously had associated car parking at the front. There is an existing access to the south side of the site onto Clifton Road

The Application:

Planning permission is sought of the demolition of the remaining building on the site and the erection of 8 dwellings with associated parking and amenity areas. The layout proposes three dwellings fronting Clifton Road with a central access leading to a rear courtyard parking area which is fronted by the remaining 5 units.

The proposal provides two parking spaces per dwelling either in car ports or uncovered as well as providing two visitor spaces within the site.

The plans have been amended since their original submission resulting in a reduction in scale and height of Plots 4 – 8 at the rear of the site.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS14 High Quality Development

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes.

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	MB/07/00515/FULL
Description	Full: Erection of 10 flats in 2 blocks and formation of new access road
Decision	Approve
Decision Date	17/07/2007

Application Number CB/13/03868/FULL
Description Renewal of Planning Permission: CB/10/02347/REN decision dated 22/12/10 for the erection of 10 flats in 2 blocks and formation of new access road (replacement of planning permission MB/07/00515/FULL dated 17 July 2007)
Decision Withdrawn before determination.

Consultees:

Henlow Parish Council Henlow Parish Council object to the above planning application for the following reasons:

Highways This latest scheme has taken into account the issues raised during the pre-application scheme considered under reference CB/13/02270/PAPC. As such I am happy to confirm that there is no fundamental highway objection to the proposal. The site is located within the village, accessed from a public highway subject to a 30mph limit at a point where all visibility splays are achievable within the confines of the highway land. The site has been previously used for commercial purposes and the traffic generation is not significantly different. The vehicle access arrangements together with the on-site parking, garaging/car ports and vehicle turning areas are shown to be constructed in hard surfacing and are laid out to accord with the pre-application advice.

Cycling and Walking Officer Had no comments to make

Rights of Way Public Footpath No.1, Henlow parish runs parallel to the northern boundary of the application site. The centre of the legal width of the footpath is 0.9metres from the rear boundary. A previous application for a similar development was made aware of this point, however it is never mentioned in this contemporary application.

I have no material opposition to this application but wish to make an application under CIL with regard to the increased use of the Rights of Way network by the future residents (25.6 persons @ 3.2 residents per unit housing) of this development.

Ecology I have no objection to the proposals but advise that the NPPF calls for development to deliver a net gain for biodiversity and opportunities for enhancement should be considered. A considerable leylandii hedge is evident on Google Streetview but this is not shown on the existing site plans hence the inclusion of integrated bird bricks and flower/ nectar rich planting would achieve biodiversity gains. I would hope that the proposal could deliver 5 integral bird / bat bricks on the 5 properties to the rear of the site.

LDF Team	We support the reuse of the application site for housing and have no further comments to make.
Contaminated Land	Raised no objections subject to conditions
Public Protection	No comments received.

Other Representations:

Neighbours	<p>1 letter received raising the following objections:</p> <ul style="list-style-type: none"> • Overdevelopment creating cramped conditions • Houses on street frontage are forward of the Clifton Road building line. • All dwellings have 3 bedrooms • Parking does not comply with Central Beds' parking standards • Plots 1, 2 and 3 could cause on street parking. • Internal layout conflict with door openings around the staircase ad ground and first floor.
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Determining Issues:

1. Principle of Development
2. Impact on the character of the area
3. Impact on residential amenity.
4. Highways and parking issues
5. Other considerations.

Considerations

1. Principle of Development

- 1.1 The National Planning Policy Framework (NPPF) paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In the local context, the site falls within the Settlement Envelope of Henlow. Henlow is designated as a Large Village under Policy CS1 of the Core Strategy, wherein the principle of new development is considered acceptable.
- 1.2 Policy DM4 (Development within Settlement Envelopes) of the Core Strategy and Development Management Policies (CSDMP) states that the Council will approve small scale housing within Large Villages subject to compliance with any other relevant policies. Most relevant is Policy DM3 (High Quality Development) which seeks to ensure new development is well designed and complements the character of the area in which it is located, respects the amenity of neighbouring properties and provides adequate access and parking arrangements.
- 1.3 The development of this site with housing is therefore generally supported in principle by both the NPPF and Policy DM4 of the CSDMP. However any proposal submitted will need to complement the surrounding pattern of

development, particularly in terms of scale, massing and plot coverage, and design. These issues will be an important consideration in the determination of any planning application in accordance with Policy DM3 and are discussed below.

2. Impact on the character of the area

- 2.1 The proposal creates a frontage on the southern boundary close to the highway but set back to provide areas of defensible space adjacent the existing footway. This is a character that is common on the southern side of Clifton Road. The side in which the site lies is more characterised by notable set backs in residential plots. A number of concerns have been raised in this respect. The Council has previously permitted (MB/07/00515/FULL) a larger scaled and bulkier building in the frontage area of this site that provided a number of flats. The bulk of this proposal is less than the previously approved scheme. The frontage created by this proposal would not be a continuation of any established building line but at the same time the predominant character in the wider area is one of dwellings that front the highway and this is inkeeping with this character and is therefore considered to be acceptable.
- 2.2 The scale of dwellings fronting the highway also contributes to what would be a prominent feature in the streetscene. The prominence is not, however, considered to amount to a detrimental impact to the character of the area. The scheme is considered to add to the variety of dwelling scales in this area and is considered acceptable as a result. The scale of dwellings at the northern extent of the site have been amended since their original submission to reduce their height from 2.5 storey dwellings to 2 storey dwellings. This element of the scheme now provides a more appropriate scale bearing in mind it is located at the edge of the village and backs onto open countryside. Plot 6 has been designed to have a prominent front gable which would act as a termination feature when viewed through the site from Clifton Road, picking up on the recommendations of the Design Guide.
- 2.3 The proposed materials pallet as indicated in the application is considered to add variety to the scheme and add to the quality of design and visual interest that would be created. These materials would require approval prior to constructions of the dwellings commencing but they are considered to be appropriate in principle.

3. Impact on residential amenity.

- 3.1 There are neighbouring dwellings either side of the application site and there will be a visual impact from the development. This impact is however considered to be acceptable as the scale and density of development is considered to be appropriate in this area.
- 3.2 The dwellings are proposed without any windows serving habitable rooms in the gable ends that face the adjacent sites. Where windows are proposed they serve the stairwell for the dwelling in question and do not create a direct outlook. Plots 7 and 8 have a frontage that overlooks land outside of the site remit but this adjoining land is non-residential comprising of a workshop and curtilage and therefore this raises no amenity concerns. Dwellings on the other side of Clifton Road are considered to retain a suitable distance to mitigate any impact. It is therefore considered that there would be no harm to existing amenity though overlooking.

- 3.3 The relationship between the proposal and existing dwellings is such that there is not considered to be any overbearing impact from the development or any risk to loss of light or shadowing. On the basis of the above, the proposal is not considered to have any detrimental impact to neighbouring residential amenity.
- 3.4 In terms of the provision of amenity for new occupiers the amended scheme, in addressing the scale of development, has a knock-on effect of addressing initial concern with garden spaces. The Parish Council raised objection that the amenity space proposed could not meet the design guide requirements. This was the case with the initial submission as all dwellings had 3 bedrooms which meant half of the gardens is not provide a garden area in accordance with the design guide. The amended scheme has reduced a number of units to 2 bedrooms which also lowers the standard for garden space. The revised layout shows that two of the units have garden areas that are below the recommended standard by no more that 7 square metres. The concerns of the Parish are acknowledged and it is unfortunate that the Design Guide recommendations have not ben met however the shortfall is not considered to result in the provision of amenity space that it would result in demonstrable harm to the amenity of the occupiers of the property.
- 3.5 Within the development the layout ensures suitable distances are achieved between the dwellings and even though all dwellings have a south facing frontage the layout does not result in direct overlooking to garden area or other dwellings. As a result it is considered that the scheme provides acceptable levels of amenity for the future occupiers of the development.

4. Parking and Highway Considerations.

- 4.1 The revised scheme has resulted in a reduction in the size of dwellings resulting in a make up of 4no 3-bed dwellings and 4no 2 bed dwellings. The layout continues to provide two spaces per dwelling which is acceptable in accordance with the recommendations of the Design Guide. The proposal also meets the standard in terms of providing visitor parking spaces. The layout allows for each dwelling to access their parking spaces without compromising the access ability of any neighbouring unit. The scheme is therefore considered to provide acceptable parking to accommodate the development.
- 4.2 Access will be provided somewhat centrally on the southern boundary direct onto Clifton Road. Objection has been received on the grounds of poor visibility when leaving the site however no such objections have been raised by the Highways Officer. The existing footpath and provision of front garden areas means that suitable visibility splays can be provided and therefore no objection is raised in this respect.
- 4.3 Within the site the access provides suitable width to allow two vehicles to pass and provide turning space for all residents. The nature of the layout means that this results in a large area of hardstanding in the site but its impact from the public realm is limited due to the screening provided by the frontage dwellings.
- 4.4 The proposal is considered to provide appropriate levels of parking in light of the recommendations of the Design Guide and has been designed to ensure that the access and manoeuvring space are safe and as a result there are no concerns regarding highway safety.

5. Other Considerations

5.1 Human Rights and Equality Issues

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

5.2 Planning obligations

The Rights of Way Officer has asked for an indeterminate amount due to increased usage of the right of way running to the north of the site. On 31 July 2015 the High Court quashed previously announced policy changes which directed Local Planning Authorities not to impose affordable housing contributions and other infrastructure contributions on housing proposals for ten dwellings or fewer. Therefore the Council is now able to consider such contributions on all housing developments. In this instance, the application was submitted prior to the decision of the court with the understanding that no such contributions would be required or sought. In the interests of adopting a reasonable and flexible approach it is considered that it would not be reasonable for the Council to require affordable housing or infrastructure contributions to a development of this scale.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No works on the construction of the dwellings hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings 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. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 4 Notwithstanding the details in the approved plans, none of the dwellings hereby approved shall be occupied until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 5 None of the dwellings hereby approved shall be occupied until a scheme has been submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected which shall include acoustic fencing on the western boundary of the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the amenities of the neighbouring occupants and the future occupiers of the buildings.

- 6 None of the dwellings hereby approved shall be occupied until all access and junction arrangements serving the development have been completed in accordance with the approved plans and all other existing access points within the highway frontage of the site have been stopped-up by raising the existing dropped kerb and reinstating the footway to the same line, level and detail as the adjoining footway.

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

- 7 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a Construction Traffic Management Plan which details access arrangements for construction vehicles, on-site parking and loading and unloading areas, materials storage areas and wheel cleaning facilities. The construction of the development hereby approved shall then be carried out in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

- 8 The development shall not be occupied or brought into use until the parking scheme shown on Drawing No. 3176 3 Rev A has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.
(Policy 27, DSCB)

- 9 **No development shall take place unless and until the following have 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: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3176 01 Rev A, 3176 02, 3176 03 Rev A, 3176 07 Rev B, 3176 08 Rev A, 3176 09 Rev D, 3176 10 Rev C, 3176 11 Rev B, 3176 16 and 3176 17

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

Notes to Applicant

1. 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.
2. In respect of conditions 8 and 9, applicants are reminded that:
 - Should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.
 - The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.
 - The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
5. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
6. The applicant is advised that no highway surface water drainage system

designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

Discussion with the applicant to seek an acceptable solution regarding the scale of dwellings took place and amended plans were submitted. 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) Order 2015.

DECISION

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