

Item No. 12

APPLICATION NUMBER	CB/15/02172/FULL
LOCATION	145 Bedford Road, Marston Moretaine, Bedford, MK43 0LD
PROPOSAL	Erection of 6 detached dwellings and new access from Bedford Road
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Annabel Robinson
DATE REGISTERED	12 June 2015
EXPIRY DATE	07 August 2015
APPLICANT	Mr Steele
AGENT	DLA Town Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor R Morris: Access is too narrow for emergency services and poor visibility on exit.
RECOMMENDED DECISION	Full Application - Approval

Summary of Recommendation:

The planning application is recommended for approval, the design of the housing scheme would be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, DM4, DM13, CS15. It would not have a significant impact upon the residential amenity of any adjacent properties, and would result in a new sustainable form of development suitable for the location. It is considered that the design is in accordance with the Central Bedfordshire Design Guide and the submitted Development Strategy and National Planning Policy Framework.

Site Location:

The site is currently part of the garden area for 145 and 147 Bedford Road, Marston Mortaine.

The site is formed of two large residential gardens, with a total area of 0.3 hectares. Access is taken from Bedford Road, to the south west of the dwelling house known as 145 Bedford Road.

The site is largely cleared, shrub and grass, to the north is a ditch, amenity land and the old A412, to the east is the residential gardens of 147a and adjacent properties on Bedford Road, to the south is further garden areas for 145 and 147 Bedford Road, and to the west is a pavilion and park.

The Application:

This is a full application for the provision of 6 detached dwelling houses, and associated areas including gardens, parking and access.

RELEVANT POLICIES:

National Policy

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

DM3 High Quality Development

CS14 High Quality Development

CS1 Development Strategy

Submitted Development Strategy for Central Bedfordshire 2014 (Submitted October 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 this 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.

Policy 1 Sustainable Development

Policy 43 High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development

Planning History

Application:	Planning	Number:	CB/14/00790/FULL
Validated:	10/04/2014	Type:	Full Application
Status:	Withdrawn	Date:	29/05/2014
Summary:		Decision:	Application Withdrawn
Description:	Part demolition of side extension and erection of two detached dwellings		

**Representations:
(Consultations/Publicity/Neighbour responses)**

Marston Parish Council Parish Having considered the matter, Marston Moreteyne Parish Council objects to the above application for the following reasons:-

The proposed development is deemed to be back-land development and would create a new linear development where one does not exist at present. As such it is out of scale and character with the surrounding area. It is the Council's opinion that this development does not constitute infilling and is therefore an inappropriate form of development. To approve this application would be to set a precedent within the area which would be to the detriment of the neighbourhood and have an adverse impact upon residents.

The site is obtrusive to existing residents whose rear gardens are adjacent to the development and as such those residents would see a loss of privacy and be subject to an increase in noise disturbance and light pollution.

The Council does not believe that the access is suitably wide enough to adequately support emergency vehicular access should the need arise.

There are currently problems with a high number of vehicles parking on the public highway in this area which creates safety issues for both pedestrians and other motorists. Access into and out of private driveways are compromised through a lack of visibility splay and it is the Council's opinion that this development will compound these issues through the potential of up to an additional 20 vehicles being located within the development and as such would be to the detriment of both highway and pedestrian safety.

The Council has noted that clearance work has already started on the site and as such no tree or ecological surveys were carried out beforehand.

The Council requests that neighbours comments are taken into consideration in regard to this application.

Given the above objections, the Parish Council requests that the application is refused.

Tree and
Landscape
Officer

Having been to the site, it would appear that almost all trees on site have been removed with the few remaining appearing to be outside the boundary of the site. This includes the boundary hedge alongside the access road. We will require details of how this boundary hedge will be retained in good order and without

damage particularly with regards roots that are likely to be within the footprint of this access.

Details of additional landscape and boundary treatment will be required to include species, sizes and densities of planting.

BS 5837 2012 Tree survey showing remaining trees and hedges outside the site boundary with reference in particular to the mature trees to the rear of the site. Survey will show root protection area of these trees and arboricultural impact assessment will detail how they will be retained in good health throughout development. This may include detail of "no dig construction" methods for hard surfacing/foundations.

Contaminated
Land Officer
IDB

No objections, recommended informative.

Planning permission should not be granted without conditions requiring the applications storm water design and construction proposals.

Affordable
Housing Officer

On 28 November 2014 changes to the National Planning Practice Guidance were published setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). This is a material consideration to be taken into account in decision-making on planning applications. The weight given to this material consideration will need to be considered on a case-by-case basis and in relation to the weight of the existing Development Plan policies, which remain the starting point for consideration in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In light of this, we would not seek affordable housing on this site.

Highways
Development
Management

Like the pre-application scheme for 4 dwellings 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 vehicle access arrangement together with the on-site parking, garaging and vehicle turning area accord with the pre-application advice.

In these circumstances I am content with just the standard '..carried out in accordance with the approved plan' condition rather than requiring numerous highway conditions.

Neighbouring/
Local properties

14 letter of objections and concerns raised from: 126A, 126B, 128, 132,132A, 151,151A, 153, 153A, 155, 157 Bedford Road, 50 St Marys Close, 1 Lake View, and "The Retreat" Station Road - "Marston Mortaine Action Group" (MMAG).

1 petition against the development of 38 signatures

4 letters of support raised from: 134, 147, 147A and 149 Bedford Road.

Objections relating to:

- Flooding issues
- Loss of house values in Bedford Road
- Danger to the Children's Home from the access road
- Additional traffic generated/additional parking on Bedford Road
- The possibility of 4/5 additional houses to the rear of 147A
- Marston has had enough housing with Marston Park and Mortayne Farm
- Overlooking of the rear of properties on Bedford Road
- Inappropriate access arrangements for 6 dwellings (not wide enough)
- Noise/mud during construction
- Local school is over subscribed
- Emergency vehicles unable to access the site
- Potential for rubbish to be strewn in the road (bins in road)
- Backland development
- Design not in keeping with the existing housing
- Traffic monitoring on Bedford Road should be undertaken
- The site was cleared prior to the application being submitted
- Ecology concerns
- The access will be too close to the playing field access

Some residents provided photos showing parking and traffic along Bedford Road to illustrate their objections.

Support relating to:

- There is a housing shortage
- The need for family housing
- This site is not within Green Belt land and therefore desirable
- It will tidy up an untidy site
- Design of the dwellings is acceptable

Determining Issues

The main considerations of the application are:

- 1. Principle of Development**
- 2. Impact on the character and appearance of the surrounding area**
- 3. Impact on amenities of neighbouring properties**

- 4. Access and Parking**
- 5. Any Other Considerations**
- 6. Conclusions**

Considerations

1. Principle of Development

- 1.1** The site is completely within the defined settlement envelope of Marston Mortaine, where the principle of residential development is considered acceptable, subject to normal planning considerations.
- 1.2** The site is made up for part of two rear garden areas, and therefore is considered to be a greenfield site. Within the defined settlement there is no restriction with development on greenfield sites.
- 1.3** It is judged that the principle of development is acceptable in accordance with CS1 of the Core Strategy and Development Management Policy Document 2009.

2. Impact upon the character and appearance of the surrounding area

- 2.1** The layout would form six residential dwelling houses set in a close with an independent access road. The houses would be clustered at the top of the access and form an independent development behind the existing frontage of Bedford Road. Although it is generally considered desirable for new development to front the main road, it is judged that in this location, the road would form a new development where the houses would relate to each other, independent of the frontage development.
- 2.2** The proposed design is judged to be acceptable within this context. In character terms, this area of Marston Mortaine has been considerably altered since Bedford Road was the main road between Bedford and Milton Keynes. Properties on the opposite side of the road, have been subdivided up to allow for additional development. The development of Lake View has very similar plot density to that proposed, and the area of land between 130-134 Bedford Road, has been divided into four dwelling houses. It is considered that although this area of Marston is relatively linear, the character does include development behind the traditional road frontage, of plots similar in scale to that proposed. The garden areas of 145 and 147 Bedford Road are larger than those adjacent, due to the sloping nature of the drain to the rear of the site.

3. Impact upon amenities of neighbouring properties

- 3.1** The closest residential property would be 147A Bedford Road. It is considered that due to the scale of the development, and the distances between the properties that the existing and future residential amenity of all residents would be ensured. The development has been considered in terms

of impact upon light, outlook, privacy, and the causing of an overbearing impact. The closest residential properties to this development are 145 and 147 Bedford Road, the scheme has been designed to respect these properties residential amenity. The back to back distance between plot 3 and 147 would be 25 metres, the side to back relationship between plot 1 and 145 would be 15 metres, in order to protect the residential amenity of this property, it would be conditioned that the 1st floor window in the side elevation would be obscurely glazed. The garden areas retained for 145 and 147 would be approximately 250 sqm per dwelling, which is significantly in excess of the garden standard size recommended within the Central Bedfordshire Design Guide, it is considered that the level of amenity space retained for these properties would be appropriate.

3.2 14 letters of objection and concern have been received from residents within Marston Mortaine. The concerns are as follows:

3.2.1 • Flooding issues

The site is not within a defined area of flooding concern. The applicant has provided a drainage strategy which includes:

A: Permeable paving and shingle drainage channels

The access road will be constructed to be permeable so rainwater can drain through it and return to the ground aquifers in a near natural manner.

Driveways, footpaths and patio areas will be contoured to allow run off to permeate through shingle strips adjacent to the driveways

B: Rainwater storage

The properties will be built with rainwater storage vessels that will contain water recovered from the roofs of the properties for re- use in the garden etc. Surplus water will be returned to the ground via filtration soakaways in the gardens of the properties.

- Loss of house values in Bedford Road

This is not a material planning consideration.

- Danger to the Children's Home from the access road

It is considered that the access road would be located to the side of 145, the Childrens Home (same use class as residential dwelling house) is at 147 Bedford Road, the access should pose no greater hazard to the users of this facility than a standard residential cul-du-sac.

- Additional traffic generated/additional parking on Bedford Road

This matter is considered in Section 4.

- The possibility of 4/5 additional houses to the rear of 147A

The application sets out 6 dwellings to the rear of 145 and 147, no applications have been submitted for 147A, which would be subject to a

separate planning process/consultation. The rear garden of 147A is smaller than the proposed site, due to the topography of the land and the location of the drain to the rear.

- Marston has had enough housing with Marston Park and Mortayne Farm

Whilst Marston Mortaine has been afforded housing growth, this does not mean that additional residential development is unacceptable in principle.

- Overlooking of the rear of properties on Bedford Road

The closest plot to the residential properties on Bedford Road, is Plot 3, this plot has been designed to have a back to back relationship with number 147, and the distance back to back is some 25 metres. The side facing wall would face the additional properties (147A, 149, 151, 151A, 153 etc), the only windows at 1st floor level of this plot are obscure glazed bathroom and landing windows. It is considered that no significant overlooking would occur at these distances and with the window arrangement as proposed.

- Inappropriate access arrangements for 6 dwellings (not wide enough)

This matter is considered in Section 4.

- Noise/mud during construction

This issue would be temporary during construction, it is considered that should a statutory nuisance be caused by the development there is separate legislation to ensure residential amenity is retained.

- Local school is over subscribed

Marston Park has recently had a new lower school constructed on it, it is considered that the scale of this development would not have a significant impact upon the education provision for the village.

- Emergency vehicles unable to access the site

This matter is considered in Section 4.

- Potential for rubbish to be strewn in the road (bins in road)

It would be the responsibility of the owners of the bins to ensure they were suitably arranged for bin day collection, the layout includes an area to the side of the access road for bin day collections, and each plot has identified areas for bins to be stored.

- Backland development

This site is development behind the line of the existing road frontage, however it is judged that this is not out of character for this part of the village.

- Design not in keeping with the existing housing

The housing on Bedford Road is large and detached, it is acknowledged that the proposed properties are smaller than the site at the front, however it is considered it is more appropriate for them to be slightly smaller so they would have less impact upon the wider streetscene.

- Traffic monitoring on Bedford Road should be undertaken

This is considered in Section 4.

- The site was cleared prior to the application being submitted

The site was cleared, however it is within the applicants rights to undertake landscaping works to a residential garden. There were no Tree Preservation Orders and the site is not within a Conservation Area. Conditions requiring tree works and landscaping will be conditioned in accordance with the Landscape Officers recommendations.

- Ecology concerns

An Ecology Report has been undertaken, this matter will be updated on the late sheet.

- The access will be too close to the playing field access

It is considered that the location of the access is acceptable, and would not interfere with the playing field access.

3.3 Four residents sent in letters supporting the development:

- #### **3.3.1**
- There is a housing shortage
 - The need for family housing
 - This site is not within Green Belt land and therefore desirable
 - It will tidy up an untidy site
 - Design of the dwellings is acceptable

It is considered that all the above points have been considered in the recommendation to Development Management Committee.

4. Access and Parking

4.1 Access

- #### **4.1.1**
- The access will be taken from Bedford Road, it will be a completely independent access, adjacent to 145 Bedford Road, the road would form a cul-du-sac. The access would be 4.5 metres wide, which would allow for entrance and exit of two way traffic, this would narrow to 3.1 metres on a straight access, this would allow for clear visibility to allow vehicles to access the dwelling houses. The highways officer raises no objections to this access arrangement, and has confirmed that it would be suitable for an emergency

vehicle to gain access to the dwelling houses.

- 4.1.2** The access would be on Bedford Road, this road has been designed for relatively heavy traffic, as it was the original link road between Bedford and Milton Keynes, once it was bypassed by the A421 the traffic significantly decreased. The road is a 30mph residential road, and the Highway Officer did not consider the need for a traffic survey to ascertain that the road capacity could accommodate 6 additional dwelling houses.

4.2 Parking

- 4.2.1** The dwellings have been planned with four car parking spaces per dwelling, this is in excess of the Councils minimum standard of 3 per dwelling house. It is considered appropriate for there to be extra space for visitors in light of the concerns that many existing residents have made regarding parking on Bedford Road. It is considered unlikely that with this level of parking provided on plot per dwelling that many residents would choose to park on Bedford Road and walk to the dwellings within the cul-du-sac.

- 4.2.2** It is noted that the parking is tandem, however the Highways Officer has not objected to this arrangement. The garage length is compliant with the Design Guide standard and can be considered a parking space.

5. Any Other Considerations

5.1 Ecology

- 5.1.1** An Ecology report has been submitted, comment on it will be updated on the late sheet.

5.2 Planning Obligations

- 5.2.1** At the time the application was submitted to the Local Authority, the best practice advice for tariff style planning obligations and affordable housing was that it would not be sought for development of under 10 dwellings. This application being for 6 dwelling houses fell into this category. Since the time the application has been submitted, this piece of legislation was challenged and has been removed. It is considered that as the application was submitted at a time when these contributions were not sought that it would not be appropriate to seek the contributions at the end of the application process.

5.3 Human Rights issues:

- 5.3.1** It is the officers understanding that the proposal would raise no Human Rights issues.

5.4 Equalities Act 2010:

- 5.4.1** It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

6. Conclusions

- 6.1** The principle of residential development in this location is acceptable in principle. It is considered that sustainable forms of development should be approved in accordance with the National Planning Policy Framework paragraph 14. The application was called into Development Management Committee on highway grounds, the Highways Officer has confirmed that the development would be acceptable and safe in accordance with the plans as submitted. The site would be behind the existing frontage development, however the 6 dwellings would create a new street, and relate reasonably to each other. There would be a satisfactory level of amenity space for each dwelling, and provide additional housing in this location.

Recommendation

That Planning Permission is approved subject to the following:

- 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 above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality. (Policy 43, DSCB)

- 3 The first floor window(s) in the north east (side) facing elevation of plot 3 hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(s) which can be opened are more than 1.7m above the floor of the room(s) in which the window(s) is installed. No further windows or other openings shall be formed in the north east (side) facing elevation of plot 3 as described on plan number PL01C.

Reason: To safeguard the privacy of occupiers of adjoining properties. (Policy 43, DSCB)

- 4 The first floor windows in the south east (side) facing elevation of plot 1 of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(s) which can be opened are more than 1.7m above the floor of the room(s) in which the window(s) is installed. No further windows or other openings shall be formed in the south east (side) facing elevation of this plot.

Reason: To safeguard the privacy of occupiers of adjoining properties (Policy 43, DSCB)

- 5 No dwelling 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. (Policies 43 and 58, DSCB)

- 6 No foundations shall be dug until details of the proposed foundations have been submitted to and approved in writing by the Local Planning Authority to include the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site. The foundations shall be constructed in accordance with the approved details.

Reason: To ensure the protection of the root systems and rooting medium associated with the trees and hedgerows to be retained. (Policies 43 and 59, DSCB)

- 7 The development shall not be occupied or brought into use until the access and parking scheme shown on Drawing No. PL01C 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)

- 8 No development shall take place until details of the method of disposal of surface water drainage (which shall include details of soakaways) have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate surface water drainage is provided and that existing and future land drainage needs are protected. (Policies 43 and 44, DSCB) This condition is required to be pre-commencement as it may affect the levels of the site, which would need to be agreed before any construction took place.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL01 C, PL02, PL03, PL04, PL05A, PL06, PL07, PL08, PL09, PL10, PL11A, PL12A.

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. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

3. Highway Notes:

Advice Note 1/.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.

AN 2/. 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.

AN3/.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.

- 4. As the adjoining site to the rear is of long historic use (former brickworks) there may be unexpected materials or substances in, on or under the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so a watching brief is asdvised and 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.

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

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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