

## Item No. 8

<b>APPLICATION NUMBER</b>	<b>CB/17/04022/OUT</b>
<b>LOCATION</b>	<b>12 North Lane, Haynes, Bedford, MK45 3PW</b>
<b>PROPOSAL</b>	<b>Outline Application: erection of up to two dwellings</b>
<b>PARISH</b>	<b>Haynes</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Dee Walker</b>
<b>DATE REGISTERED</b>	<b>29 September 2017</b>
<b>EXPIRY DATE</b>	<b>24 November 2017</b>
<b>APPLICANT</b>	<b>Mrs Roberts</b>
<b>AGENT</b>	<b>Mr R Murdock</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Cllr call in on grounds of site being outside the settlement envelope, change of use of an orchard, highway safety and visual impact</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approval</b>

### Site Location:

The application site is land to the south east of 12 North Lane in Haynes. The site is currently defined as a traditional orchard and has a number of trees scattered over the plot. The site is located abutting the defined settlement envelope for Henlow, lies within the Greensand Ridge Nature Improvement Area and contains a Habitat of Principal Importance as being an orchard.

### The Application:

The application seeks outline permission for the erection of up to 2no dwellings with all matters reserved. An indicative layout has been supplied demonstrating the proposed accesses, a potential siting of the 2no dwellings and an indicative height and associated parking.

### RELEVANT POLICIES:

#### National Planning Policy Framework (2012)

- 1 Delivering Sustainable Development
- 4 Promoting Sustainable Transport
- 7 Requiring good design
- 8 Promoting Healthy Communities
- 11 Conserving the Natural Environment

#### Central Bedfordshire Council's Core Strategy and Development Management Policies 2009

- CS5 Providing Homes
- CS14 High Quality Development
- CS16 Landscape & Woodland

CS18 Biodiversity & Geological Conservation  
 DM3 High quality development  
 DM4 Development Within & Beyond Settlement Envelopes  
 DM14 Landscape & Woodland  
 DM15 Biodiversity

## Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

- 1 Placemaking in Central Bedfordshire
- 5 Residential development

## Relevant Planning History:

<b>Case Reference</b>	<b>MB/01/01003/FULL</b>
Location	Land To The Rear Of 12, North Lane, Haynes Silver End
Proposal	FULL: CONVERSION OF BARN TO DWELLING AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL
Decision	Full Application - Refused
Decision Date	28/08/2001

<b>Case Reference</b>	<b>MB/00/01089/FULL</b>
Location	Land To The Rear Of 12, North Lane, Haynes Silver End
Proposal	FULL: CONVERSION OF BARN TO DWELLING.
Decision	Full Application - Refused
Decision Date	05/10/2000

<b>Case Reference</b>	<b>MB/88/00040/OA</b>
Location	12 North Lane, Haynes Silver End, MK45 3PW
Proposal	OUTLINE: CONSTRUCTION OF ONE DWELLING
Decision	Outline Application - Refused
Decision Date	15/03/1988

<b>Case Reference</b>	<b>MB/87/00752/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	23/06/1987

<b>Case Reference</b>	<b>MB/78/00079/FULL</b>
Location	12 North Lane, Haynes Silver End, MK45 3PW

Proposal	FULL: EXTENSION AND DOUBLE GARAGE
Decision	Full Application - Granted
Decision Date	21/03/1978

<b>Case Reference</b>	<b>MB/76/0336A/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	22/03/1977

<b>Case Reference</b>	<b>MB/76/00336/OA</b>
Location	Land Adjacent To 12, North Lane, Haynes Silver End
Proposal	OUTLINE: DETACHED HOUSE
Decision	Outline Application - Refused
Decision Date	03/06/1976

### Consultees:

Haynes Parish Council	Cllrs understand it is an outline application only 7 therefore all the details will be addressed during a future Reserved Matters application should the outline application be consented. The site lies outside the recognised settlement area. In a particular rural part of our Parish. As such we consider that you should treat it with caution & apply the appropriate policies accordingly. We understand several local residents have raised their concerns with you & we ask that you give these concerns careful consideration. We are pleased to hear that it will be considered by the Development Management Committee if the officer is minded to approve, & residents will have an opportunity to address the committee. We urge the committee to visit the site as part of their deliberations
CBC Archaeology	No objection
CBC Ecology	No objection subject to an Ecological Enhancement Strategy condition being attached to any consent granted to provide compensatory orchard habitat on adjacent land
CBC Highways	No objection subject to relevant conditions being attached to any consent granted
CBC Pollution	No comment
CBC SuDS	No objection with the recommendation for infiltration as a surface water disposal solution
CBC Tree & Landscape Officer	No objection subject to a landscaping scheme being part of the application for reserved matters
I.D.B	No comments

### Other Representations:

Neighbours Four objection representations received from:  
North Lane: 4B, 10, 14, Northwood End Farm

The summary of objections are:

- Outside settlement envelope;
- Busy working lane which is already damaged and in need of repair;
- Drainage concerns – flooding, foul drainage;
- Visual impact of development within the character of the lane;
- Increase density of the Lane by 25%;
- Highway safety – no pavements, currently dangerous exiting onto Silver End Road;
- General impact on close proximity to no. 10, noise, quality of life, loss of valued green space;
- Trees currently being cut down to minimise any impact on the ancient orchard;
- Overdevelopment of site.

### **Determining Issues:**

The main considerations of the application are;

1. Principle of Development
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
  - Ancient Orchard & Biodiversity
  - Drainage
  - Human Rights issues
  - Equality Act 2010

### **Considerations**

#### **1. Principle of Development**

- 1.1 The site lies outside of the settlement envelope of Haynes and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Haynes is designated as a large village where Policy DM4 limits new housing development to small scale infill development only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 The site is adjacent to the Haynes Settlement Envelope and is adjoined on both sides by existing residential development. The proposal will see development within the open countryside however its relationship with the existing settlement noted and it is not regarded as an isolated site.

1.3 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.

1.4 Economic

The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, and therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 2no dwellings would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year.

1.4.1 Haynes provides some employment opportunities including a public house, village stores and a school. However Haynes is in close proximity to Shefford and Houghton Conquest which constitute Minor Service Areas which have access to a range of facilities and services which would provide local employment opportunities. On the basis of this the village is considered to be a sustainable location.

1.5 Social

The provision of housing is a benefit of the scheme which should be given significant weight. Furthermore Haynes is regarded as a large village which has access to a number of services identified in the previous paragraph. The village is served by a bus service which stops on Bedford Road directly opposite the site. Therefore the village can be regarded as a sustainable location and it is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents. The development will have no adverse impact on the local infrastructure which would require any offset by way of a S106 agreement and financial contributions. On the basis of this the village is considered to be a sustainable location.

1.6 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologist is satisfied that the proposal could secure additional biodiversity gain through effective detailed design and a compensatory orchard habitat. Although there would be the loss of a designated Habitat of Principal Importance, it is considered to be of a declining condition and could be lost without any formal permission. As such, the Councils Ecologist has recommended a condition to ensure the development delivers a net gain for biodiversity.

- 1.6.1 The site is located within a gap of the built form along North Lane and as such would not encroach further into the open countryside. The flat topography of the site and adjacent residential properties would reduce any visual dominance from North Lane and surrounding residential properties. As such, the proposal is considered to be sustainable from the environmental aspect and would enhance the existing orchard habitat.
- 1.6.2 Paragraph 55 allows housing development in rural areas where it would enhance or maintain the vitality of rural communities, it would represent the optimal viable use of a heritage asset or where it would re-use redundant or disused buildings. The proposal herein makes no such contribution.
- 1.6.3 The 2no dwellings would provide positive social benefits in contributing to the supply of housing and economic benefits through their construction and servicing, and by generally helping to maintain and enhance the vitality of this village. There are positive environmental benefits as a result of this proposal through the delivery of an orchard habitat and its on-going maintenance. Although the proposal would conflict with Policy DM4, in respect of the development being beyond the settlement envelope, in this case no adverse impacts would arise as a consequence which would significantly and demonstrably outweigh the benefits identified above.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 The site is bound on both sides by residential development and therefore is considered as a form of infill development. As the application is for outline only with all matters reserved no detail on the appearance of the dwellings has been submitted. However, the site can comfortably accommodate up to 2no dwellings with associated gardens and therefore not considered to be out of keeping with the siting of dwellings within this locality.
- 2.2 Overall it is considered that the resultant development would not adversely affect the character and appearance of the area.

## **3. Neighbouring Amenity**

### **3.1 Existing Occupiers**

Both plots are sited so that their associated garages are nearest to the neighbouring properties so as to reduce any loss of light or overbearing impact. Careful consideration needs to be given to the final siting of the buildings and placement of windows and doors at the detailed design stage to avoid any loss of privacy.

### **3.2 Future Occupiers**

The indicative layout demonstrates that the dwellings could be sited such that there would be no resultant impact on future occupiers in terms of loss of light or privacy.

- 3.2.1 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter that would be addressed at the Reserved Matters stage. However on the

basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.

- 3.2.2 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, there is sufficient space within the site to accommodate such facilities and as such this could be secured by condition. Therefore the proposal in this regard, would conform with Policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highway Considerations**

- 4.1 Concerns have been raised by local residents with regards to the adequacy of North Lane to accommodate additional traffic as a result of this development, particularly the lack of footpath.

- 4.2 The Councils Highways Officer has raised no objection to the proposal with regards to any negative impact on the local road network or the lack of footpath. Their recommended conditions relate to appropriate access width and compliance with the Councils design guides in respect of garage sizes, cycle parking, refuse collection points, turning areas and on site construction workers parking.

#### **5. Other Considerations**

##### **5.1 Ancient Orchard & Biodiversity**

The site is designated on the People's Trust for Endangered Species as a 'Traditional Orchard' with apple trees but with the habitat condition as declining. The Councils Ecologist advises that many traditional orchards are declining predominantly through lack of management. The ecological value of a traditional orchard goes beyond the fruit trees themselves but the associated flora and fauna with them like fungi, lichen and invertebrate communities. The older the trees the better established these communities are.

- 5.2 Following discussion with the agent, it is apparent that the applicant has additional land available on which compensatory orchard habitat could be created. Existing trees on the site should be retained where possible with the new dwellings being positioned in a sensitive manner. The site sits in the Greensand Ridge Nature Improvement Area and in accordance with the NPPF a net gain for biodiversity would be expected. As such, the Councils Ecologist has recommended a condition be attached to any consent granted for the submission of an Ecological Enhancement Strategy to ensure the delivery and management of the biodiversity gain.

##### **5.3 Drainage**

Whilst concerns have been expressed by local residents about the impact of two additional dwellinghouses on the existing drainage, the Internal Drainage Board has not raised any objections or concerns in this regard.

5.4 Human Rights issues

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

5.5 Equality Act 2010

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

**Recommendation:**

That Planning Permission be APPROVED subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until approval of the details of the access, appearance, landscaping, layout and scale of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 3 Any subsequent reserved matters application shall include the following:
- vehicle parking and garaging in accordance with the Councils standards at the time of submission;
  - cycle parking and storage in accordance with the Councils standards at the time of submission;
  - a refuse collection point located at the site frontage outside of the public highway and any visibility splays;
  - a vehicular turning area within the curtilage of all premises taking access directly from the public highway;
  - a plan showing the area for construction worker parking provision, deliveries, materials storage clear of the public highway.

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times. (Section 4 & 7, NPPF)

- 4 **No development shall take place until details of the junction of the access/junction arrangements, shown for indicative purposes on drawing no. 2, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling approved under any subsequent reserved matters application shall be occupied until such time as the agreed works, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, have been implemented.**

**Reason: This is a pre-commencement condition to ensure the access/junction is acceptable in order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Section 4, NPPF)**

- 5 **No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the local planning authority. The EES shall include the following:**

- **Purpose and conservation objectives for the proposed works;**
- **Review of site potential and constraints informed by an up to date tree survey;**
- **Detailed design showing retained trees and compensatory planting;**
- **Extent and location/area of proposed works on appropriate scale plans;**
- **Type and source of fruit tree species of local provenance;**
- **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;**
- **Persons responsible for implementing the works;**
- **Details of initial aftercare and long-term maintenance.**

**The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: This is a pre-commencement condition to ensure the development is designed at the detailed stage to deliver a net gain for biodiversity within this area of the Greensand Ridge Nature Improvement Area. (Section 11, NPPF)**

- 6 **No development shall take place until details of the surface water drainage system 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: This is a pre-commencement condition so that the drainage details can be finalised so that adequate surface water drainage is provided and that existing and future land drainage needs are protected. (Section 10, NPPF)**

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 02, CBC/001, Supporting Letter.

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

## **INFORMATIVE 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. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
3. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
4. The permission shall not extend to the indicative layout submitted in support of the application.
5. 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 4 Upon formal approval of details, the applicant is advised to follow this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the 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.

To fully discharge condition 4 the applicant should provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction in accordance with the approved plan, before the development is brought into use.

- 6. 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 Highways Help Desk tel: 0300 300 8049
- 7. 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 0300 300 8049. 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.
- 8. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site.
- 9. 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".

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

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) Order 2015.

**DECISION**

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