

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/17/00981/OUT</b>
<b>LOCATION</b>	<b>Land North of Clophill Road, Maulden, MK45 2AE</b>
<b>PROPOSAL</b>	<b>Outline: Erection of 21 dwellings with estate road</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Matthew Heron</b>
<b>DATE REGISTERED</b>	<b>24 February 2017</b>
<b>EXPIRY DATE</b>	<b>30 May 2017</b>
<b>APPLICANT</b>	<b>Mrs Cowell and Mrs Donnelly</b>
<b>AGENT</b>	<b>Mr M Doodes</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Objection from Maulden Parish Council to a major development</b>
<b>RECOMMENDED DECISION</b>	<b>Outline application – Recommended for approval subject to completion of legal agreement</b>

### **Summary of Recommendation**

The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

It is acknowledged that there would be some harm to the landscape character. However, when considered in the round, the development represents a logical expansion to the settlement and would contribute significantly to the economic and social dimensions of sustainability.

In the overall balancing exercise required, the identified harm and conflict with the Development Plan would be significantly out-weighed by the benefits of this scheme, particularly when assessed against the National Planning Policy Framework as a whole.

### **Site Location:**

The application site is located towards the western side of Clophill and is approximately 2km to the west of Maulden. The site itself is rectangular piece of predominately open agricultural land.

To the north of the site is Maulden Wood, a Site of Special Scientific Interest (SSSI) for acidic grassland and heathland interest and as a large part remains ancient woodland. To the east, the site adjoins a modern housing development, which comprises residential units constructed in a range of architectural styles. To the west, the site adjoins a piece of agricultural land

## **The Application:**

This application seeks outline planning permission, with all matters except access reserved, for the construction of 21 residential units.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (March 2012)**

### **Core Strategy and Development Management Policies - North 2009**

**Policy CS1 – Development Strategy**

**Policy CS2 – Developer Contributions**

**Policy CS7 – Affordable Housing**

**Policy CS13 – Climate Change**

**Policy CS14 – High Quality Development**

**Policy CS16 – Landscape and Woodland**

**Policy CS18 – Biodiversity and Geological Conservation**

**Policy DM2 – Sustainable Construction of New Buildings**

**Policy DM3 – High Quality development**

**Policy DM4 – Development Within and Beyond Settlement Envelopes**

**Policy DM10 – Housing Mix**

**Policy DM14 – Landscape and Woodland**

**Policy DM15 – Biodiversity**

## **Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 19). 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)

## **Relevant Planning History:**

None relevant.

## **Consultees:**

Maulden Parish Council

*“Maulden Parish Council strongly object to this application on the following grounds:*

- *Outside the Maulden Settlement Envelope*
- *Significant harm to the village character.*

- *The village school is at breaking point and no meaningful school provision has been or can be provided by the addition of this quantity of houses.*
- *Draft CBC Local Plan will be published at the end of June and this application is untimely and improper prior to this publication.*
- *Considering the emerging Maulden Neighbourhood Plan and an emerging desire in the village to be involved in the NP, to build a significant settlement in this part of the village, we feel this application is premature and insufficient.*
- *Loss of green space and visual amenity.*

*In addition and without prejudice to the above objection the application makes mention of Development Infrastructure Contributions under Proposed Planning Obligations. Under section S106 Maulden Parish Council would propose the following provisions to be made and agreed with the developer:*

#### *Recreation and Open Strategy*

- *Improvements to existing facilities at Trilley Fields as well as on-site facilities identified in the proposed site plan.*
- *Increase and improvements to the facilities at the existing Brache Recreation Ground to benefit the whole village. New slides and additional facilities for the play area. New bench's to replace the old ones that have had to be removed due to wear and tear.*

#### *Outdoor Sport*

*As no on-site outdoor sports facilities would be appropriate on this development a contribution towards improvements to the changing rooms at the recreation ground, new toilet block and sports facilities/equipment for outdoor sports*

#### *School Places*

*As mentioned in our objection Maulden School is currently full so there is a need for more school places as a result of a development of this size. This needs to be addressed by the Local Education Authority.*

#### *Traffic Calming*

*Concern over road safety within the village has been expressed for many years by both MPC and local organisations. Vehicles speeding are a problem and various traffic calming options are being discussed between MPC/CBC. The increased traffic will only add to the problem in the rest of the village. Therefore a contribution to traffic calming measures in the village and a safe pedestrian crossing point adjacent to the village shop should be included.*

#### *Community Benefit Fund*

*This has been proposed for other developments in the village so the setting up a Community Benefit Fund and a contribution that could be used by MPC to fund local causes such as the extension to the Village Hall."*

## Consultees

**Highways Team** – No objection subject to relevant conditions.

*The application proposes the erection of 21 dwellings on land on the northern side of Clophill Road. It is outline form with all matters except means of access reserved for subsequent approval.*

*The application is supported by a Masterplan which indicates how the 21 dwellings could be accommodated on the site together with a Transport Statement prepared by the Russell Giles Partnership.*

*A previous application on the site – CB/15/03434/OUT – was withdrawn following a number of concerns raised and this latest proposal has also been subject to pre-application consultation.*

*The proposed access is shown to be laid out as a 5.5m wide priority junction with 6m kerb radii. This is of sufficient standard to serve the scale of development proposed.*

*In the vicinity of the site, Clophill Road is subject to a 30mph speed limit. The proposed access is located in such a position that visibility at the point of access complies with and indeed exceeds the standards set out in Manual for Streets for a 30mph speed limit.*

*Thus the proposed means of access can be considered acceptable in highway design terms.*

*A 2m pedestrian link is shown to be provided across the site frontage linking the development site to the existing footway network and a second link is shown to be provided along the eastern boundary to provide a more direct link from the interior of the site to the bus stop.*

*Such provision addresses the highway concerns raised in respect of the previously withdrawn application.*

*Although the internal road layout is indicative, the applicant should be advised that the proposed private driveway service road serving the dwellings fronting Clophill Road does not appear to provide sufficient manoeuvring space independent of the parking areas. However as the application is in outline form, this matter can be subject to condition and dealt with at the reserved matters stage.*

*The Transport Statement accompanying the application suggests that the proposed development will give rise to some 12 to 15 two-way vehicle movements in the traditional peak periods and some 111 two-way movements over the 12 hour day (07:00-19:00). The conclusions reached in the Transport Statement advise that the development can be accommodated on the local road network and that the impact of the development traffic will not be severe. I would not disagree with the overall conclusions.*

*In a highway context I recommend that the following conditions be included if planning approval is to be issued:*

1. Prior to the commencement of the development full engineering details of the proposed 5.5m wide access road junction with Clophill Road as shown indicatively on the submitted plans shall be submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the junction has been constructed in accordance with the approved details.

*Reason: In order to minimise conditions of danger, obstruction and inconvenience to users of the highway and of the proposed internal access road.*

2. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include plans and sections of the proposed access road(s), footways, cycleways, turning areas, etc. to accord with the Council's published standards.

*Reason: To ensure a satisfactory means of access between the proposed dwellings and the public highway and to ensure that the proposed dwellings can be properly serviced.*

3. No dwelling shall be occupied until a 2.0m wide footway has been constructed on the northern side of Clophill Road between the proposed site access and the bus stop at the eastern end of the site frontage in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

*Reason: In the interests of road safety and pedestrian movement.*

4. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of off-street parking in accordance with the Council's published standards.

*Reason: To enable vehicles to draw off and park clear of the highway, thus minimising conditions of danger, obstruction, and inconvenience to users of the highway and of the premises.*

5. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of secure and covered parking of cycles in accordance with the Council's published standards.

*Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.*

6. The supporting documentation to be submitted for approval of reserved matters in connection with this development shall include a construction method statement which incorporates details of:

*The hours of construction work and deliveries;  
Parking of vehicles for site operatives and visitors;  
Loading and unloading of plant and materials;  
Storage of plant and materials used in constructing the development;  
Wheel washing facilities;  
Construction traffic routes; and*

*Details of the responsible person who can be contacted in the event of a complaint. and all works shall be undertaken in accordance with the approved details.*

*Reason: To ensure the safe operation of the surrounding road network during the construction period.*

**Trees and Landscape – No objection subject to relevant conditions.**

Tree Officer

*Currently the site has little in the manner of redeeming features with some boundary hedgelines and a backdrop to the north on rising ground of Maulden Woods.*

*Looking at the extensive information provided it would appear that the importance of ensuring a buffer zone by providing an area between the development and the woods that will be outside the property boundaries and will have limited access is an important feature. The proposed closeboard fence although not ideal will be backed on the northern side by native hedge and tree planting. It should be added that this planting will have limited light being located on the north and may take time to establish. I would prefer to see a post and rail fence in combination with the hedging used here, this will also discourage the practice of using the area behind the fence as a dumping ground for garden rubbish etc which in my experience often occurs when areas are fenced off in this manner.*

*With this full application we would expect details of tree and existing hedgeline protection to be included. To the north this would simply need an indicated plan showing Heras type fencing or similar to ensure that plant and materials are not within the root protection areas of trees on the woodland edge.*

*Overall I would suggest that the proposals outlined would improve the extent of planting and trees for the site which should be beneficial but the importance of the woodland to the north must be recognised.*

*Landscape and boundary treatment details would be conditioned.*

Landscape Officer

*CB/17/00981 - Landscape and Visual - although this is an application which has been sensitive to the location adjacent to Maulden Woods , with the proposal for the ecological buffer area and linkage with the small pocket park and boundary planting, there are major concerns in terms of loss of landscape character which would arise if this site was to be developed.*

*The site is one of two remaining small fields to the north of Clophill Road which provide open views up to Maulden Woods, within the hamlet of Hall End. The view over rising ground to the woodland edge is highly characteristic and helps to retain the sense of place and connection between the settlement and this major landscape feature. Development of this land would block views of the wood to the detriment of local amenity - not only for local residents but for the many people who use the road and local paths for recreational use. Development would also set a precedent for additional development on the land to the west, which would result in the total loss of direct views up to the wood at this location.*

*The Indicative Masterplan shows that the development will result in a very hard urban edge - the shared driveway and pavement proposed is not screened or softened in any way as only a post and rail fence will mark the boundary. In the previous submission, some hedging and small trees were proposed. The current design would urbanise the frontage, with large properties and extensive surfacing dominating the rural setting, which would detract from the village scale of Hall End.*

*Elsewhere, the development does propose details such as the use of "feature brick walls" - which is to be welcomed, particularly if the design could incorporate tiling or stone rubble, which is locally distinctive in Clophill.*

*Clophill lies within the Greensand Country Landscape Partnership - a HLF funded programme to enhance the landscape of the Greensand Ridge and Flitt Valley. Inappropriate development has been a key cause of the decline in landscape character.*

*The LCA Guidelines for Development for the "Mid Greensand Ridge" include - 6B1.32 - Monitor linear development, infill of villages in order to prevent coalescence and loss of individual village identity - this is particularly the case for the dispersed, loose settlements and "Ends".*

*6B1.35 - Conserve the ridge in providing a strong wooded horizon, skyline and backdrop to the adjacent clay vales. This statement applies to the visual impact to the Flitt Valley and the dip slope to the south as much as to the Marston Vale and the north facing escarpment.*

*6B1.37 - Conserve the character of rural roads, limiting urban influences. Although aimed at engineering - the extent of additional surfacing proposed would significantly change the visual appearance of Clophill Road.*

*In conclusion, the loss of the open views to Maulden Wood together with the loss of agricultural land which forms part of the characteristic sequence of open spaces and settlement within Clophill and more particularly Maulden, mean that this proposal would detract from landscape character and be contrary to Policy 16. The Greensand landscape, of which this field forms a parcel, is considered to be "valued" in terms of the NPPF.*

*It is recommended that the Application is refused.*

*If it is minded for approval, then it would be important to secure a revision of the frontage to provide frontage screening, preferably a native hedgerow and appropriate native trees.*

**Ecology – No objection subject to relevant conditions.**

*I have reviewed the updated survey report and indicative masterplan. I am pleased to see the mitigation measures proposed in the report shown on the plan and welcome consideration to lighting, provision of habitat opportunities, buffers and enhanced connectivity. The masterplan indicates some trees on the western edge and I would support the retention and addition of fruit trees here.*

*As the site lies in the Greensand Ridge Nature Improvement Area, and in accordance with the NPPF, a net gain for biodiversity would be expected from a development. The existing land use is agricultural, with the inclusion of the buffer to the SSSI and the other enhancements I would be satisfied that the proposal could achieve a net gain.*

*To ensure construction working practices are undertaken in an appropriately sensitive manner and ongoing management of the site supports the protection and benefit of wildlife I would ask that the following condition be applied.*

*All ecological measures and/or works shall be carried out in accordance with the details contained in the October 2016 Ecological Appraisal and revision F of the Indicative Masterplan drawing 3206\_DR\_001 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

### **SuDS – No objection subject to relevant conditions**

*We are pleased to see that a Flood Risk Assessment and Surface Water Drainage Strategy for the proposed development have been provided. Based on the information in these documents we have the following comments. These must be addressed with the detailed design. We therefore require that the conditions below be applied.*

#### ***Infiltration***

*The indicative maps produced by BGS show very significant restraints for infiltration on the site. Whereas the FRA states that: The underlying sand geology will likely be suitable for infiltration systems to work , given that sand has typical infiltration coefficients varying from 10-2 to 10-5 m/s, whilst a coefficient of 10-6 m/s is generally taken as the cut-off point at which infiltration systems will provide a viable means of surface water drainage.*

*We expect all infiltration design to be based on actual rates of infiltration. At the detailed design stage sufficient information, based on site specific testing carried out under BRE 365, must be provided regarding the actual rate of infiltration, ground conditions and water table to demonstrate whether or not infiltration is a viable method of discharging surface water for the lifetime of the development. This information should be provided with the detailed design prior to any development taking place. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted.*

*Soakaways or other infiltration systems shall only be used in areas on site where they will not present a risk to groundwater and shall not be constructed in land affected by contamination where they may promote the mobilisation of contaminants and give rise to contamination of groundwater. Only clean water from roofs shall be directly discharged to soakaway systems, for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures. The depth of soakaways must be kept to a minimum to ensure the maximum possible depth of unsaturated material remains between the base of the soakaway and the top of the water table, this ensures that a direct discharge of surface water into groundwater is prevented. Percolation tests should be made to ensure that soakaways will work adequately in adverse conditions.*



### **Discharging to a watercourse**

*Full consent from the IDB will be required under the Land Drainage Act 1991 before any connection may be made to the watercourses on the site's southern boundary, this includes the permissible rate and volume of surface water run off. The site is undeveloped, the rate and volume of discharge must not exceed greenfield run off for the site. A 40% allowance for climate change shall be applied. This is in accordance with CBC policy and the National SuDS standards (DEFRA, 2015).*

*No development should take place within 9m of the watercourse to ensure the future development will be safe from fluvial flooding and to ensure the water corridor is adequately protected from the impact of development. Future maintenance of the watercourse shall be considered and details of this provided with the final design, any responsibilities inherited for the watercourse by future home owners bordering this shall be made explicit. Adequate access to the watercourse shall be provided at all times for maintenance.*

*Culverting of the watercourse may be required to provide access to this site, in this case there should be no detriment to the flow of water and subsequent flood risk from the watercourse, or to the ecology, biodiversity or aesthetics. The design, construction and management shall follow the guidance in the CIRIA document 'Culvert design and operation guidance C689'. Maintenance responsibilities for the culvert shall be made explicit. The remainder of the watercourse shall be retained in its current open state.*

### **Storage and conveyance of surface water**

*The storage and conveyance of surface water must comply with CBC adopted policy, set out in the SuDS Supplementary Planning Guidance document (2015). We therefore do not encourage below ground solutions before surface water features have been considered in detail.*

*The final detailed design shall demonstrate the use of surface water attenuation and conveyance on the surface of the development site wherever possible, and shall be supported by appropriate plans and calculations.*

*We do not consider permeable paving to be an appropriate strategic solution, and while this may be provided on private driveways and parking areas, we encourage that this is integrated into a wider SuDS management train. This is to ensure any blockage or failure of permeable paving will not result in a site wide flood risk.*

*We are pleased to see a swale network has been proposed, the detailed design of swales and other drainage components should comply with the Ciria guidance document 'The SuDS manual C753'.*

### **Maintenance**

*We expect that any components that require replacement and/or maintenance will be designed to be accessible without undue impact on the drainage system and adjacent structures or infrastructure.*

*The FRA and drainage strategy both reference the Sustainable Drainage Approval Body (the SAB), please note that the legislation to enact this role has not been commenced and as such the SAB does not exist. The Council does not, and is not required to, adopt any SuDS feature. It is the responsibility of the applicant to ensure that the surface water drainage system, in its entirety, will be effectively maintained in*

*the long-term. We therefore expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).*

*We recommend, to ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage, that further measures be proposed by the applicant that may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.*

### **Summary and recommended conditions**

*We recommend that condition be applied to secure the final detailed design of the surface water drainage system, please see the following:*

**Condition 1:** *No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Rev B Jan 2015) and Drainage Strategy Report (Rev A – Dec 2015) has been submitted to and approved in writing by the Local Planning Authority.*

*The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and restriction in run-off rates and volumes to at or below greenfield, using suitable drainage principles. The scheme shall include details of a site specific ground investigation report (in accordance with BRE 365 standards) to determine the infiltration capacity of the underlying geology and the ground water level, as well as details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance shall be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).*

*The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.*

**Reason:** *To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.*

**Condition 2:** *No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.*

**Reason:** *To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.*

**The Greensand Trust – No objection**

*Further to your call this morning, I can confirm that the Greensand Trust did not submit any comments on application number CB/17/00981/OUT when it was being consulted upon earlier this year. We had objected strongly to the previous application on this site as it would have been damaging to the adjacent Maulden Wood and Pennyfather's Hills Site of Special Scientific Interest, however, as CB/17/00981/OUT did include a buffer between the houses and the SSSI, and we have very limited time and resources to spend on planning issues, we didn't comment further.*

*At that time there was no hint of an application on the adjacent land to the west and, although I appreciate it may be difficult in terms of the planning process, in an ideal world the two sites should be considered together in terms of the impact to the SSSI and the landscape and character of this part of Maulden in order to prevent a damaging outcome.*

**Environmental Health – No objection subject to relevant conditions.**

*Thank you for consulting Public Protection. I have no objection or condition to impose but please attach the following informative to any permission:*

*As a result of past use of the site and neighbouring land there may be unexpected materials or structures in the ground. It is the responsibility of the applicant to ensure safe and secure conditions, so a watching brief for signs of contamination should be considered and any indications of potential contamination problems should be forwarded to the Local Planning Authority.*

**Bedfordshire and River Ivel Internal Drainage Board – No objection.**

**Waste Services – No objection.**

**Environment Agency – No objection.**

**Fire and Rescue – No objection.**

**Affordable Housing Officer – No objection.**

**Education Spending Officers – No contributions requested.**

**Local Residents**

11 letters of objection have been received from surrounding addresses. Comments are summarised as:

- Harm to biodiversity.
- Harm to the character of the area.
- Increased traffic and congestion.

- Harm in terms of vehicular and pedestrian safety.
- Insufficient services (including school provision and healthcare).
- Limited need for additional housing.
- Noise and disturbance to living conditions during construction.
- Harm in terms of flooding.

The loss of views has also been referenced in above mentioned objections. The loss of views are not material planning considerations. Further, concern has been raised with regards to the possible precedent that this application would set for future development and also attention has been drawn to developments refused within the surrounding area. Each application is determined on its own individual merits with regards to its own particular circumstances. As such, limited weight is afforded to these concerns.

## **Determining Issues:**

### Background

This application was deferred from a Committee meeting dated 03/01/2018 to allow for full consideration of the emerging Local Plan. A further pre-submission version of this Local Plan was published on 11/01/2018.

The main considerations of the application are;

- The principle of the development
- The quality of the design and the impact upon the character of the area
- The impact upon living conditions
- Highway safety and parking provision
- Other material considerations
  - Sustainability
  - Ecology
  - Flooding and Drainage
  - Affordable Housing and Contributions
  - Contaminated Land

## **Considerations**

### **1. The principle of the development**

- 1.1 The application site is located outside of the defined 'settlement envelopes' of Clophill and Maulden and the Council can currently demonstrate a five year supply of housing land.
- 1.2 It is acknowledged that the approach of Policy DM4 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the balanced, cost/benefit, approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall

approach. However, this policy also seeks to ensure development is channelled to more sustainable settlements, away from isolated rural locations which have limited access to services and facilities. In this respect, Policy DM4 is entirely consistent with the thrust of the Framework which seeks to promote sustainable social, economic and environmental development. Overall, it is considered that weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner.

- 1.3 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.

## **2. The quality of the design and the impact upon the character of the area**

- 2.1 Policies CS14, DM3 and DM4 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 2.2 The application site comprises an area of open agricultural land, adjacent to built residential form to the east, and is accessed off Clophill Road which bounds the site to the south. Though there is vegetation to the front of the site, views would be available of the proposed development from the public domain.
- 2.3 It is noted that concern has been raised from Landscape Officers regarding the loss of views of the woodland to the rear of the site and the loss of an open field which is considered to contribute positively to settlement character. However, the woodland to the rear is at an elevated position compared to vantage points along the access road and so views of vegetation to the north of the site would still be available. In any event, the loss of a particular view is afforded no weight in this balancing exercise.
- 2.4 The applicant has submitted a landscape and visual impact assessment which indicates that the proposal would not result in significant and demonstrable harm to the character of the area. Under the current adopted Development Plan, the site is not an identified 'gap' in policy terms and comprises no discernible landscape features. Given the existence of built residential form immediately adjacent to the site to the east and opposite the site to the south, it is considered that this development proposes a logical expansion to the village.
- 2.5 The units would not be more than two storeys in height and sufficient space would be left about units to ensure that they did not appear cramped upon their plots. It is recommended that permitted development rights for extensions and roof alterations (including dormer windows) are withdrawn to ensure the development remains acceptable in terms of spacing and design. Furthermore, a Landscaping Plan could be secured to ensure that built form is appropriately softened.
- 2.6 Though the extent to which the development would be visible would depend upon details reserved for future determination, and it is anticipated that views of the

units would be screened by established and proposed vegetation, it is acknowledged that the final form of the proposal would result in residential development on land predominantly absent of built form. This would not result in the merging of settlements or harm to the wider landscape character, but would add to the erosion of the countryside.

- 2.7 Overall, there would be some visual and landscape harm arising from the loss of the site's open and undeveloped character. However, this could be mitigated, through the appropriate management of elements reserved for future consideration and through conditions. As such, the proposal would not result in significant harm in this regard.

### **3. The impact upon living conditions**

- 3.1 Policy DM3 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 3.2 Though the detailed layout and overall design of units is reserved for future consideration, it is considered that, given the size of the application site, units could be positioned and designed in such a way as to not result in significant and demonstrable harm to the living conditions of surrounding units. Furthermore, given the existence of surrounding residential units and the scale of the proposal, it is not considered that the access would result in significant harm in terms of increased noise and disturbance from vehicular movements associated with the development.
- 3.3 Furthermore, it is noted that specific concerns have been raised with regards to the impacts of the proposal in terms of noise and disturbance during construction. The construction of units must adhere to environmental health legislation (which, amongst other things, manages the hours of construction to appropriate times) and it is recommended that a Construction Management Plan is requested through condition. This would ensure that vehicular movements and methods of dust suppression are appropriately managed, in the interest of neighbouring living conditions. Overall, it is not considered that the proposal would result in significant harm in this regard.

### **4. Highway safety and parking provision**

- 4.1 Guidance within the 'Design for Central Bedfordshire: A Guide for Development' states that, generally, one bedroom units will require one parking space, two and three bedroom units will require two parking spaces and four bedroom units will require three spaces.
- 4.2 Though plots seem large enough to accommodate sufficient off-road parking, the overall layout of units is reserved for future consideration. However, a condition requested by Highways Officers would ensure that parking provision is in accordance with the Council's standards applicable at the time of submission.
- 4.3 Turning to highway safety, on discussion with Highways Officers it is considered that the access to the site would be suitable and that vehicular movements

associated with this development could be accommodated on the existing highway network.

- 4.4 As such, subject to the imposition of conditions requesting; a Construction Management Plan, details of off-street parking and cycle provision, details of the access road, footways, cycle ways and turning areas and ensuring the provision of a footway along the northern side of Clophill Road, the proposal is considered acceptable in this regard.

## **5. Other material considerations**

### *(i) Sustainability*

- 5.1 The Framework adopts a broad definition of sustainable development in that it states that the policies in paragraphs 18 – 219, taken as a whole, constitute the Government's view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions.

#### *Social*

- 5.2 The proposal would make a small but valuable contribution to the existing housing stock. Given that one of the key aims of the Framework is to significantly boost the supply of housing, the proposal is considered sustainable in this regard and significant weight in favour of the proposal is attached to this factor. Further, it is noted that there has been concern raised with regards to there not being the services within Clophill and Maulden to support this development. However, both settlements are defined as a Large Villages within Policy CS1 and have a number of services and facilities. Taking this into account, and given the statutory duty of relevant bodies to provide services (such as health and education) it is considered that there are sufficient services with the Large Village to accommodate the additional units.

#### *Economic*

- 5.3 The proposal would also result in economic benefits, through the purchase of materials and services in connection with the construction of the dwellings and an increase in local household expenditure. The proposal is considered sustainable in this regard, which again weighs in favour of the grant of permission.

#### *Environmental*

- 5.4 It is acknowledged that the proposal would result in some (moderate) harm to the character of the rural setting. However, the proposal is within close proximity to services and facilities and, overall, the development would not be environmentally unsustainable.

### *(ii) Ecology*

- 5.5 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural

Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS18 seeks to support the maintenance and enhancement of habitats and states that development that would fragment or prejudice the biodiversity network will not be supported.

- 5.6 The site lies in the Greensand Ridge Nature Improvement Area (NIA) and as such development would be expected to deliver net gains for biodiversity. The proposals include a considerable 'buffer' to the adjacent SSSI and, on discussion with Ecology Officers, it is considered that the development could achieve a net gain in this regard.
- 5.7 To ensure that this gain is secured, it is recommended that a conditions is imposed ensuring that the development is in accordance with the details contained in the submitted October 2016 Ecological Appraisal and revision F of the indicative masterplan for the site.
- 5.8 Furthermore, it is noted that the proposed 'buffer' (minimum 20m) to the SSSI is smaller than that shown on illustrative plans associated with the emerging Local Plan (minimum 50m). Firstly, it should be noted that plans accompanying the emerging Local Plan are indicative only and, given the stage of this Plan, limited weight is afforded to them in any event.
- 5.9 Further, the guidance from Natural England which informed the increased 'buffer' has now been removed to allow for discussions with the Home Builders Federation. As such, guidance in this regard has reverted back to that issued in October 2015 which only recommends a 15m buffer. This development therefore exceeds the minimum buffer required under this guidance.
- 5.10 Taking all of the above into account, and as the proposal would preserve the key features that resulted in this SSSI designation (fragments of semi-natural woodland), the proposal is acceptable in this regard.

*(iii) Flooding and Drainage*

- 5.11 Policy CS13 seeks to ensure that proposals incorporate suitable drainage infrastructure. It is acknowledged that concern has been raised with regards to the proposal being susceptible to and increasing the risk of flooding.
- 5.12 However, the site lies wholly within Flood Zone 1 – indicating a low probability of flooding. Further, on discussion with internal Drainage Engineers, it is considered that, subject conditions requesting the submission of a detailed Surface Water Drainage Plan and an associated maintenance plan, the proposal would not increase the risk of flooding to the surrounding area and proposed units would not be susceptible to such risks. Subject to the imposition of this requested condition, and as there is no objection from the Environment Agency, the proposal would be acceptable in this regard.



*(iv) Affordable Housing and Contributions*

- 5.13 Policy CS7 states that development of four or more dwellings should provide an element of affordable housing and Policy CS2 seeks to secure appropriate contributions.
- 5.14 The applicant has agreed to provide 35% affordable housing (7 affordable units) through a unilateral undertaking. Further to this, the Strategic Housing Market Assessment (SHMA) has a tenure split requirement from sites meeting the affordable housing threshold as being 73% affordable rent and 27% intermediate tenure. The applicant has also agreed to provide 5 units of affordable rent and 2 units of intermediate tenure in line with the SHMA. As such, subject to an appropriate legal agreement, the development is acceptable in this regard.
- 5.15 It is noted that the Parish Council has requested financial contributions for various local projects.
- 5.16 Community Infrastructure Levy (CIL) Regulation 122 states that planning obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question. Further, CIL Regulation 123 prohibits the pooling of 5 or more contributions towards a single project.
- 5.17 No other financial contributions have been requested from relevant consultees and no projects have been identified to which contributions may be 'pooled'. For these reasons, the request by the Parish Council would not comply with the CIL Regulations and it is not considered reasonable to request additional contributions from the applicant.

*(v) Contaminated Land*

- 5.18 Given the existing agricultural use of the site, on discussion with Public Protection it is considered that there may be some risk to human health through ground contamination. As such, it is recommended that a condition is imposed requiring the developer to keep a watching brief during constructions. Subject to the imposition of this condition, any unexpected contamination can be reported and appropriately remediated.

Other Matters

- 5.19 It should also be noted that this application site has progressed to the next round of consultations under the emerging Local Plan. Though the Council cannot comment on how likely it is that this site would form an allocated site under this emerging Plan, the chance of this occurring has increased.
- 5.20 Notwithstanding the above, given the early stage of this emerging Local Plan, limited weight is afforded to this document in the determination of this application. Further, each site is to be assessed upon its own individual merits.

## **6. Overall Planning Balance**

- 6.15 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission.
- 6.16 It is acknowledged that there would be some harm to the landscape character. However, when considered in the round, the development represents a logical expansion to the settlement and would contribute significantly to the economic and social dimensions of sustainability.
- 6.17 In the overall balancing exercise required, the identified harm and conflict with the Development Plan, would be significantly out-weighed by the benefits of this scheme, particularly when assessed against the Framework as a whole.

### **Recommendation:**

That Outline Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as 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 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.  
  
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.
- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.
- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; Site Location Plan (scale of 1:1250 & 3206\_DR\_001 Rev. F).  
  
Reason: To identify the approved plans and to avoid doubt.
- 5 The development shall not commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning

Authority. The statement shall include:

- i) waste management measures;
- ii) details of site compounds, offices and areas to be used for the storage of materials;
- iii) methods and details of dust suppression during construction;
- iv) proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic.
- v) construction traffic routes

The development shall be carried out in accordance with the details so approved.

Reason: In the interest of highway safety and the living conditions of surrounding properties.

- 6 The dwellings hereby approved shall not be occupied until details of the bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with details approved in this regard.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 7 No development shall take place 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.  
(Sections 7 & 11, NPPF)

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 9 Prior to the commencement of the development hereby approved full engineering details of the proposed 5.5m wide access road junction with Clophill Road as shown indicatively on the submitted plans shall be

submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the junction has been constructed in accordance with the approved details.

Reason: In order to minimise conditions of danger, obstruction and inconvenience to users of the highway and of the proposed internal access road.

- 10 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include plans and sections of the proposed access road(s), footways, cycleways, turning areas, etc. to accord with the Council's published standards.

Reason: To ensure a satisfactory means of access between the proposed dwellings and the public highway and to ensure that the proposed dwellings can be properly serviced.

- 11 No dwelling shall be occupied until a 2.0m wide footway has been constructed on the northern side of Clophill Road between the proposed site access and the bus stop at the eastern end of the site frontage in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

- 12 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of off-street parking and cycle storage in accordance with the Council's published standards.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising conditions of danger, obstruction, and inconvenience to users of the highway and of the premises and to ensure cycle parking is appropriate.

- 13 All ecological measures and/or works shall not be carried out other than in accordance with the details contained in the October 2016 Ecological Appraisal and drawing no. 3206\_DR\_001 Rev. F.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 14 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Rev B Jan 2015) and Drainage Strategy Report (Rev A – Dec 2015) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and restriction in run-off rates and volumes to at or below greenfield, using suitable drainage principles. The scheme shall include details of a site specific ground investigation report (in accordance with BRE 365 standards) to determine the infiltration capacity of the underlying geology and the ground water level, as well as details of how

the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance shall be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 15 Prior to the first occupation of the dwellinghouses hereby approved, a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, shall be submitted to and approved in writing by the local planning authority. The development shall be in accordance with this approved plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 16 During any ground works on the site a Watching Brief shall be kept to monitor any potentially contaminated material. Should any such material be encountered, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed.

Reason: To minimise the risk to human health through ground contamination.

- 17 The number of dwellinghouses approved shall not exceed 21.

Reason: To appropriately manage the scale of the development at the site, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

## **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.

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

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) Order 2015.

**DECISION**

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