

Item No. 12

APPLICATION NUMBER	CB/17/05425/FULL
LOCATION	The Pigling, Woodview Nurseries, Shefford Road, Meppershall, Shefford, SG17 5LL
PROPOSAL	Replace existing mobile home with a single storey two bedroom permanent dwelling
PARISH	Meppershall
WARD	Shefford
WARD COUNCILLORS	Cllrs Liddiard & Brown
CASE OFFICER	Dee Walker
DATE REGISTERED	09 November 2017
EXPIRY DATE	04 January 2018
APPLICANT	Mrs D Hinton
AGENT	Planning Initiatives Limited
REASON FOR COMMITTEE TO DETERMINE	Ward Cllr call in on grounds of the impact on the landscape as the site is outside the settlement envelope
RECOMMENDED DECISION	Full Application – Recommended for Approval

Reason for Recommendation:

The proposal for residential development is outside but nearby to the settlement envelope for Meppershall, which is considered to be a sustainable location for planning purposes. The proposal would have some impact on the character and appearance of the area however this impact is not considered to be harmful given the recent appeal decision on the adjacent land. The proposal is also considered to be acceptable in terms of highway safety and residential amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014).

Site Location:

The application site is located within Woodside Nurseries and currently accommodates a mobile home and conservatory with an expired temporary permission. The site is accessed via a private driveway serving neighbouring properties as well as The Pigling.

The Application:

The application seeks permission for the replacement of the existing mobile home with a single storey two bedroom permanent dwelling.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

7 Requiring good design

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

CS1 Development Strategy
DM3 High quality development
DM4 Development Within and Beyond Settlement Envelopes

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)

- 1 Placemaking in Central Bedfordshire
- 5 Residential development

Relevant Planning History:

Application Number	MB/09/00545
Description	Change of use of land to residential use, retention of mobile home and conservatory (Retrospective)
Decision	Decline to Determine
Decision Date	03/07/2009

Application Number	MB/06/00526
Description	Occupation of dwelling without compliance with agricultural occupancy condition
Decision	Lawful Dev – Existing – Granted
Decision Date	20/07/2006

Application Number	MB/99/00257
Description	Retention of mobile home
Decision	Full Application – Refused
Decision Date	17/05/1999
Appeal Decision	Dismissed

Application Number	MB/95/00897
Description	Retention of mobile home
Decision	Full Application – Refused
Decision Date	15/08/1995
Appeal Decision	Dismissed

Application Number MB/87/01241
Description Agricultural workers bungalow
Decision Full Application – Granted
Decision Date 22/10/1987

Application Number MB/86/00843
Description One agricultural workers bungalow
Decision Outline Application – Granted
Decision Date 28/05/1987

Consultees:

Parish/Town Council No comments received to date, any response will be included within the late sheet or reported verbally to Committee

CBC Ecology No objections
CBC Flood Risk Team No objections
CBC Pollution Team No objection subject to relevant condition being attached to any permission granted

CBC Tree Officer No objections
I.D.B No comment
RSPB No comments received to date, any response will be included within the late sheet or reported verbally to Committee

Butterfly Conservation No comments received to date, any response will be included within the late sheet or reported verbally to Committee

Beds Fire Service No objections, notes for applicant to be included with any permission granted

Other Representations:

Neighbours Two representations received one objection and one with comments.
One objection on grounds of:

- Unwelcome over development of the area adjacent to Nunswood;
- Unsustainable as infrequent and unsuitable public transport from Meppershall;
- The granting of the lease to The Pigling by CBC represents no precedent, this was a very specific one-off case

Comments regarding:

- Polehanger Farms Ltd have right of access to Nunswood, it is not adequate for the applicant to maintain that vehicles and other things could be moved 'on request' is access was needed;
- Applicant has erected a gate into the fence at the field in order to access Polehanger Farms Ltd permissive path;

- The site is adjacent to a private ancient woodland known as 'Nunswood', which is owned and managed by Polehanger Farms Ltd, statements made in Section 13 of the application are incorrect;
- Should permission be granted a condition is requested that appropriate fencing be required to create a solid boundary treatment without any gates or stiles in order to protect the ancient woodland.

Determining Issues:

The main considerations of the application are;

1. Background
2. Principle of Development
3. Affect on the Character and Appearance of the Area
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

Considerations

1. Background

1.1 The site has a significant planning history dating back to 1994 when the Council first became aware of the mobile home on the site. Subsequent planning applications were refused; subsequent enforcement notices and planning appeals were all upheld that the mobile home should not be on site. A planning application was submitted in 2009 (MB/09/00545/FULL) for the change of use of land to residential use, retention of mobile home and conservatory (Retrospective) but the Council declined to determine on the grounds that *'the application was viewed by the Local Planning Authority as an attempt to exert pressure by submitting repeated similar applications and considers that this is not a genuine attempt to take into account objections to the recent enforcement appeal.'* As such, the mobile home and conservatory has been remained on site with no formal regularised planning permission.

1.2 Notwithstanding the site history, the application under consideration now is for the permanent single storey residential dwelling on this site that is 134m², some 18m² larger than the existing mobile home.

2. Principle of Development

2.1 The site lies outside of the settlement envelope of Meppershall and is therefore located on land regarded as open countryside. It is acknowledged that there are other dwellings in the area however they are all regarded as being in the open countryside. Notwithstanding this, the location of the site would not appear as an isolated from existing villages or towns.

2.2 Policy DM4 of the Core Strategy and Development Management Policies limits the extent of development allowed within and outside of settlement envelopes. The policy does not allow for new residential development in the open countryside and therefore the proposal would be contrary to this policy.

- 2.3 A recent appeal decision at Land adjacent to Sandy View, Meppershall, which is directly next to the application site, saw the Inspector allow a new dwelling with associated works as the Council could not demonstrate a robust 5 year housing land supply. However, the Inspector found the development to be sustainable as it was sited within an accessible location, with a bus stop a short distance away and services and facilities required for daily living including a public house, village hall, convenience store, post office, school, church and bakery all within walking distance from the site. It is considered that this appeal decision and the dwelling allowed by the Inspector will have the effect of shaping the character of the area to the extent that a modest property at The Pigling is no longer unacceptable.
- 2.4 At the time of writing this Committee report, the Council is able to demonstrate a 5 year supply of deliverable housing, and the Inspector appointed for the recent appeal decision at 64 Biggleswade Road, Potton concluded that Council can demonstrate a five year supply of deliverable housing sites. As such it is reasonable to afford a proportionate level of weight to Policy DM4 when considering the planning balance.
- 2.5 As previously identified and concluded by the Planning Inspector, The Pigling is not considered to be an isolated development within the countryside, as the site is adjoined by existing residential dwellings and a substantial care home to the south. Furthermore, the site is accessible in relation to local services and facilities required for daily living. It would also be accessible by sustainable modes of transport to the higher order services and facilities in larger towns nearby.
- 2.6 Although the proposal is contrary to Policy DM4 in relation to development in the countryside, it would not undermine the purposes of this policy which aims to maintain and sustain rural communities, ensure that development takes place in locations served by services, facilities and public transport and to protect the character and appearance of the countryside.

3. Affect on the Character and Appearance of the Area

- 3.1 The supporting text to Policy CS16 (Landscape and Woodland) sets out that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development. Policy DM3 (High Quality Development) sets out that the development should be designed as a sensitive response to the site and its setting with consideration to longer views.
- 3.2 The site is located at the end of a private drive and has built development to the south and following the new dwelling allowed on appeal on the adjoining plot of land directly to the east, the replacement single storey dwelling of modest proportions would not have a significant detrimental affect on the character and appearance of the area.

4. Neighbouring Amenity

- 4.1 The proposed dwelling is some 4.5m from the shared boundary with Sandy View and be of a single storey nature of the building; as such there would be no adverse impact on the residential amenity of neighbouring properties (including

the dwelling allowed on the adjoining site) by reason of loss of light, privacy or overbearing impact.

5. Highways Considerations

- 5.1 This is an existing private road serving three dwellings and a nursery, with a wide junction taking access from a 30mph road. Visibility from the junction with Shefford Road is adequate given the existing use of the site, although some vegetative growth to the north may need to be trimmed back.
- 5.2 The proposal is to demolish the existing buildings/parking area on the site and construct a four bedroom dwelling with 2 parking spaces; however the current guidance requires no less than 3 parking spaces for a 4 bedroom dwelling. A revised plan was received during the life of the application which addresses this matter.
- 5.3 The proposal will not adversely affect the public highway and therefore the Highways Officer has raised no objection to the granting of this permission. As such it is considered that the proposal would not be prejudicial to highway safety and would conform to policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

6. Other Considerations

- 6.1 There are no further considerations to this application.
- 6.2 Human Rights issues
It is the officers understanding that the proposal would raise no Human Rights issues.
- 6.3 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

- 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 development 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. (Section 7, NPPF)

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Section 7, NPPF)

- 4 **No development shall take place until a hard and soft landscaping scheme, including all boundary treatments, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping. All planting within the approved scheme shall be carried out before the end of the first planting and seeding season, following occupation of any part of the buildings or completion of the development, whichever is sooner. The development shall be implemented in accordance with the approved details and retained as such thereafter.**

If, within a period of 5 years from the date of planting, the trees (or any trees planted in replacement) or shrubs to be planted as part of the approved landscaping scheme is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

Reason: To ensure an acceptable standard of landscaping. (Sections 7 & 11, NPPF)

- 5 **In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.**

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. (Section 7, NPPF)

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2017/01, 2017/02, 2017/03, 2017/04.

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. 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.

3. Comments from the Council's SuDS Management Team:
We expect all drainage to be compliant with the Central Bedfordshire Sustainable Drainage Guidance (CBC, Adopted April 2014 Updated May 2015), the Non-statutory technical standards for sustainable drainage systems (Defra, 2015), and industry best practise such as the SuDS Manual C753 (CIRIA, 2016).

We strongly recommend that areas proposed for block paving, principally patio areas or driveways utilise permeable or porous surfacing to provide surface water drainage. Water re-use or harvesting should also be considered as part of the design to maximise efficiency. Where permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.

The on going management and maintenance responsibilities for the drainage should be made clear through the approval process and any subsequent responsible parties made aware of the required maintenance and management.

4. You are advised to note the comments of the Bedfordshire Fire and Rescue Service as set out in the enclosed letter.

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

.....
.....