

## **Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/17/04447/FULL</b>
<b>LOCATION</b>	<b>4 Cotswold Farm Business Park, Millfield Lane, Caddington, Luton, LU1 4AJ</b>
<b>PROPOSAL</b>	<b>The proposal seeks the redevelopment of this previously developed land, comprising the demolition of the existing buildings, removal of hard surfaces, and for the construction of seven dwellings, private access road, parking and landscaping. The proposed development would consist of seven new dwellings with internal access road, parking and landscaping.</b>
<b>PARISH</b>	<b>Caddington</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>18 September 2017</b>
<b>EXPIRY DATE</b>	<b>13 November 2017</b>
<b>APPLICANT</b>	<b>Raybridge Corporation</b>
<b>AGENT</b>	<b>Briffa Phillips Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Major application with an objection from the Parish Council.  Full Application - Recommended for Approval</b>

### **Reason for recommendation:**

In principle, the loss of the office building and replacement residential development is acceptable. Subject to the imposition of suitable conditions, the impact of the proposal on the character and appearance of the area, and the impact on neighbouring amenity would be acceptable. The proposal is also acceptable in highway terms.

### **Site Location:**

The application site of 7,820 square metres is part of the Cotswold Farm Business Park, an area which contains several office buildings (use class B1), stables, access road, surface car parking and a large landscape water feature. The office buildings contain eight business units.

The site is located east of Millfield Lane and west of the village of Caddington. There is sporadic residential development on Millfield Lane, and solar farms in close proximity to the site (see details of planning permissions below).

The site lies within a rural landscape in the South Bedfordshire Green Belt.

### **The Application:**

Full planning permission is sought for seven 4-bedroom detached dwellings, broadly in a horseshoe shape, facing the water feature.

The dwellings would have the same design, elevations and floorplans, albeit materials would vary and units 1, 3, 4 and 6 would be left 'handed' and units 2, 5 and 7 would be right 'handed'. They would measure up to 9.5m wide, up to 14.4m deep, 3.4m high to eaves level and 8.0m high to the ridgeline.

The proposal would require the demolition of an office building containing five business units. A second office building containing three business units would be retained.

Access would be as existing, i.e. a private road from Millfield Lane. 23 residential parking spaces, equating to three allocated per dwelling and two spaces for visitors, would be provided. 30 spaces would be retained for the retained office building.

### **Relevant Policies:**

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

Achieving sustainable development  
Section 1: Building a strong, competitive economy  
Section 3: Supporting a prosperous rural economy  
Section 4: Promoting sustainable transport  
Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 9. Protecting Green Belt land  
Section 11: Conserving and enhancing the natural environment

#### **South Bedfordshire Local Plan Review, January 2004**

Policy SD1: Sustainability Keynote Policy  
Policy E2: Control of Development on Employment Land outside Main Employment Areas (Category 2)  
Policy BE8: Design Considerations  
Policy T10: Controlling Parking in New Developments

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework.

It is considered that Policies SD1, E2 and BE8 are broadly consistent with the Framework and carry significant weight. Policy T10 carries less weight but is considered relevant to the proposal.

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP4: Development in the Green Belt  
Policy H1: Housing Mix  
Policy H4: Affordable Housing  
Policy T2: Highway Safety and Design  
Policy T3: Parking  
Policy EE4: Trees, Woodlands and Hedgerows  
Policy EE12: Public Rights of Way  
Policy HQ1: High Quality Development

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide, March 2014

### **Relevant Planning History:**

Application Number	CB/14/04064/FULL
Location	Land at Millfield Farm (Phase 2)
Description	Proposed solar park, incorporating installation of solar PV panels, associated infrastructure and access
Decision	Conditional planning permission
Decision Date	3 February 2015

Application Number      CB/13/02954/VOC  
Location                    Cotswold Farm Business Park  
Description                Variation of Conditions: 2, 4, and 9 of planning permission  
                                    CB/11/00455/FULL - Construction of a solar energy farm, to  
                                    include the installation of solar panels, transformer housings,  
                                    access track, security fencing, and other associated works.  
Decision                    Conditional planning permission  
Decision Date              16 January 2014

Application Number      CB/11/00455/FULL  
Location                    Cotswold Farm Business Park  
Description                Construction of a solar energy farm, to include the  
                                    installation of solar panels transformer housings, access  
                                    track, security fencing, and other associated works  
Decision                    Conditional planning permission  
Decision Date              24 May 2011

**Consultees:**

Caddington Parish      We are opposed to this application on the grounds laid out  
Council                    below:

Caddington's parish Neighbourhood Plan is on deposit at CBC and it is as far forward as the Local Plan so we feel that we have the right to comment from the Neighbourhood Plan the same as the applicants using sections from the Local plan. Section 31 of the Neighbourhood Plan clearly earmarks this site as business use so the proposal for change of use would be contrary to the Neighbourhood Plan by way of removing business and employment opportunities from the parish of Caddington and the surrounding areas. When the final draft of the Neighbourhood plan was agreed Cotswold Business Park was a thriving business unit and must still be, because the application package so the businesses must still be viable.

The Local Plan also supports business areas so to remove a viable business would also be contrary to the Local Plan.

The proposed site is contrary to both emerging plans, also the 2004/2011 plan because the land is not earmarked for development but for business use. Therefore for change of use it would have to prove that the businesses are not viable but this is not the case because it is not a derelict brown land site because of the relocation offer to existing businesses.

It is also contrary to Green Belt policy, for change of use in the Green belt it must be seen not to have a harmful effect. This proposal has a harmful effect in two ways:

Firstly it will affect the parish of Caddington and the surrounding area by way of removing employment and business opportunities to all new and existing residents.

Secondly the environmental impact means that it would be unsustainable on one major front, it would be car orientated because of its location. At the moment business park users make roughly two journeys a day and seven new dwellings could have up to 28 vehicles making numerous journeys each day raising pollution levels. Millfield Lane is a country lane the new number of vehicles would have a significant impact on surrounding neighbours in use of the lane.

Housing survey for the Neighbourhood plan stated that we have enough of the proposed 4 bedroom houses existing in the village and now being built.

There is a major need for 1 bedroom and elderly accommodation so is there any need for the proposed size houses?

Highways  
(Development  
Management) -  
Response following  
submission of  
amended plans

I have the following additional comments to offer, based on revised drawing number 1564.213 rev 2.

The applicant has indicated the additional parking space as requested and is compliant with the current parking standards. I also note the route which has been identified for access to the solar farm.

I recommend the following conditions are imposed if planning permission is to be granted.

1. Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The dimensions to maximise visibility shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m in a northerly direction and 39m in a southerly direction measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To maximise visibility between the existing highway and the proposed access and to make the access as safe and convenient as possible for the traffic which is likely to use it.

2. The turning space for service vehicles illustrated on the approved Plan 1564.213 Rev2 shall be constructed before the development is first brought into use and retained thereafter for that purpose.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

3. The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. 1564.213 Rev2 and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason

To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

4. Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason

To ensure adequate off street parking during construction in the interests of road safety.

5. Before the development is first occupied or brought into use, the parking scheme shown on plan no 1564.213 Rev2 shall be completed and thereafter retained for this purpose.

Reason

To ensure the provision of car parking clear of the highway.

6. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions on the public highway and other public rights of way, details of escorts for any abnormal loads, temporary removal and replacement of highway infrastructure and street furniture, the reinstatement of any signs, verges or other items displaced by construction traffic, banksman and escort details. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

#### Reason

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

Furthermore, I should be grateful if you would arrange for the following Highway Notes to the applicant to be appended to any consent issued by the council.

i. 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.

ii. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed development for adoption as highway maintainable at public expense.

Trees and Landscape  
- Response following  
submission of  
amended plans

Further to my previous comments, I have noted the following revisions from the applicant in respect of landscaping:-

The revised Site Layout Plan 1564.201 shows trees in the garden of Plots 2 and 3 to be removed. These were Poplar trees identified from my earlier site visit, which were not really suited to be retained in gardens, and there is no objection to this removal subject to replacement planting with more appropriate tree species.

There is also now a proposal to reduce the long line of Hybrid Black Poplars, situated along the boundary with the Solar

Farm, to 8m in height. I cannot condone this form of management as this is poor, arboricultural practice, that would create much weakened regrowth and cause crown disfigurement and future decay of the trees concerned.

Whilst the shortcomings of these Hybrid Black Poplars, and their unsuitability for garden areas, has already been raised in my previous consultation response, I would be unwilling to support this form of management. However, I do accept that the severe crown reduction of the Poplar trees may be just an interim measure to allow the native tree planting a chance to establish, and then to allow easier subsequent removal of the Poplars once this has been achieved.

Nevertheless, the effects of this severe crown reduction would be very stark in the short term, and there is no guarantee that the trees would eventually be removed once the properties are occupied. This would leave weakened, disfigured trees, vulnerable to future decay and failure, which presents a risk to the new owners. In this respect, may I enquire if the tree belt and Poplar trees would be subject to a future management plan?

I accept that this is a hypothetical concern that would probably be an insufficient reason to raise objection to the application, and therefore subsequently recommend that if you are minded to grant consent to this application, then a standard landscaping condition should be imposed to secure the proposed planting.

Landscape -  
Response following  
submission of  
amended plans

- A landscape mitigation / enhancement strategy is required supported by a tree survey and taking on board advice provided by the CBC Trees & Landscape Officer.
- More information is required on integration of SuDS within the site landscaping

Detail on landscape planting and lighting will be required if the application were to be progressed.

Ecology - Response  
following submission  
of Preliminary  
Ecological Appraisal

Having read the Cotswold Business Park Preliminary Ecological Appraisal, *CIEEM (2017) Guidelines for Preliminary Ecological Appraisal comes to mind which states;* ‘..it is not appropriate to submit a PEA in support of a planning application because the scope of a PEA is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species.’. PEAs are

meant only for an applicant and unless they find no likely species interest in a site should not be submitted without the additional supporting survey data.

The report makes recommendation for further Dormouse and GCN surveys, however as CBC now has the capacity to issue a District GCN licence the need for GCN surveys could be overcome. Equally the report suggests the option of a finger tip search for Dormice 'at risk to project schedule.'

I would ask that you contact the applicant to determine their chosen approach for dealing with the potential protected species interest on site and for them to provide a method statement detailing the timetable for actions should they chose not to undertake surveys in accordance with the recommendations in the PEA. This method statement should also provide details for other species on site which will potentially be impacted by the works, including bats, birds and reptiles.

Housing  
Development

Whilst the proposed application for 7 units falls within the remit of exemption from small sites (10 or less units) being required to provide affordable housing provision, the gross internal floor space is proposed to be in excess of 1,000 square metres. On this basis, the application will be expected to provide a policy compliant level of affordable housing provision. We would be seeking an affordable housing requirement of 30% which equates to the requirement of 2 affordable housing units from the proposed development. Considering the nature of the application, it is unlikely a Registered Provider would be willing to take on any of the units for affordable housing provision. On this basis, the route of a commuted sum towards offsite provision of affordable housing is the preferred option. Council policy requirement for commuted sums is for 50% of the open market value for each unit in question. On the basis of the affordable requirement from the application, this equates to the sum being sought on two dwellings. Without any details of proposed values I am unable currently to quote a figure we would expect to see in lieu of the onsite provision. I would request details of valuations are submitted to the Council. If a policy compliant level of financial contribution is not achieved, a full financial assessment will need to be submitted to the Council.

Public Protection

Topics considered:

Air Quality  
Contaminated Land  
Noise  
Light  
Odour

Having considered the submitted information, recent planning applications on adjacent sites and other information, I have no objections to the proposals subject to the following condition being attached to any permission.

No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation).

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy . Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

Flood Risk  
Management

We have no objection to the proposed development and consider that planning permission could be granted subject to condition(s) outlined below.

We recommend the following condition be attached to any permission.

Condition : No development shall take place until a detailed surface water drainage scheme for the site including a

management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details 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.

#### Waste Services

The Council's waste collection pattern for Caddington is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 45l glass box
- Week 2 – 1 x 240 litre recycling wheelie bin, 1 x 240 litre garden waste wheelie bin

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at least 2 wheelie bins per property. However, householders should not be expected to transport waste bins over a distance greater than 25m. Bins must not encroach on or cause a hazard or obstruction to the public highway. The crew are not expected to move the bins over any undulating, non paved, uneven surface, or where the gradient is deemed excessive. Waste vehicles will reverse a maximum of 15m to the point of collection.

#### CBC Business Investment

Whilst we are reluctant to lose commercial sites to residential without good reason, we can see that this site is fairly remote and would appear outdated when compared with the new nearby development at Eden Brae. As long as the existing businesses on the site are able to be re-housed within the

current site, we would not raise any objections to this application.

Bedfordshire Fire and Rescue Service Provides advice in respect of vehicle access for a pump appliance, and hydrants.

### **Other Representations:**

Neighbours Representations in support in the proposal were received from Emsrayne Ltd, Lateral Design Studio Ltd, First Senior Group, and Millfield Farm, Millfield Lane:

- If existing units remain they will become an eyesore.
- Dwellings will improve overall look of area.
- Proposal will make area safer.
- Prefer to see attractive new houses than the conversion of offices to dwellings under permitted development rights.
- Houses would enhance the area.
- All businesses currently occupying the units to be demolished to make way for the proposed dwellings are remaining on site, unless leaving by their own choice.
- Units 6 and 8 have been unoccupied for approximately 12 months and tenants not found despite agent and online advertising.
- NPPF encourages use of previously developed land.
- Site contributes towards the provision of new housing.
- Sufficient parking provided and retained.

A representation objecting to the proposal was received from Symology Ltd:

- Unjustified loss of employment space.
- Unnecessary burden on economic development.
- Proposal harmful to character and appearance of area.
- Proposal prejudicial to highway safety.
- Proposal not sustainable in this location.
- Unacceptable adverse effect on amenity and privacy.
- Design incongruous and inappropriate within the context of this site.
- Harmful visual impact.
- Lack of parking.
- Noise and disturbance impact.

### **Determining Issues:**

The main considerations of the application are:

1. Principle of Development Within the Green Belt

2. Design and Layout, and Impact on Character and Appearance
3. Impact on Amenity of Neighbouring and Future Occupants
4. Highway Considerations
5. Rights of Way
6. Ecological Considerations
7. Affordable Housing and Section 106 Requirements
8. Other Considerations

## **Considerations:**

### **1. Principle of Development Within the Green Belt**

The proposal would require the demolition of an office building (use class B1) containing five business units. A second office building containing three business units would be retained.

The five businesses in the office building are either remaining on site, i.e. relocating to the second office building, or leaving by their own choice. Tenants have not been found for two units (6 and 8) which have been unoccupied for over a year, despite agent and online advertising. Details of this marketing have been provided with the application.

The site is existing employment land outside the main employment areas, as defined by SBLPR policy E2. This allows uses other than B1, B2 and B8 in certain circumstances. In this instance, as the proposal would contribute towards the supply of land for housing, would not unacceptably prejudice, or be prejudiced by, existing or proposed uses or adjoining land, particularly through disturbance (see Impact on Amenity of Neighbouring and Future Occupants section below), and traffic generated would not cause unacceptable disturbance in residential or other sensitive areas (see Highway Considerations section below), the loss of B1 use is acceptable.

Furthermore, there is no objection to the loss of the offices from Central Bedfordshire Council's Business Investment section. Their comments, as above, are: *'Whilst we are reluctant to lose commercial sites to residential without good reason, we can see that this site is fairly remote and would appear outdated when compared with the new nearby development at Eden Brae. As long as the existing businesses on the site are able to be re-housed within the current site, we would not raise any objections to this application.'*

The site is in the South Bedfordshire Green Belt.

Paragraph 80 in Section 9 (Protecting Green Belt land) of the NPPF states that *'Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*

- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

Paragraph 87 of the NPPF states that '*... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.

Paragraph 88 states that '*... local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.

Paragraph 89 states '*A local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. However, several exceptions to this are listed, one of which is:

- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Previously developed land (PDL) is defined in Annex 2 of the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure'.

The existing established lawful B1 office development meets this definition of PDL.

The proposal of seven dwellings would not conflict with the aforementioned five purposes of the Green Belt.

In respect of whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development, a number of factors need to be taken into account. Firstly, footprint: the office building containing five business units to be demolished has a footprint of 899.6 square metres and the proposed dwellings have a footprint of 707.7 square metres. The office has a volume of 3,000 cubic metres and that for the dwellings would be 4,270 cubic metres. Being single storey, the office has a height of 5.4m and being two storey, the dwellings would have a height of 8.0m.

Therefore the proposed dwellings would have a greater volume and height than the existing office buildings. However, the essentially chalet bungalow form of the dwellings would restrict their mass. Also, whereas the office is a single building with an expansive form, the proposed dwellings, being detached and

in a spacious layout with varying setbacks, would have space for landscaping between each other.

Taking all of the above into account, the proposal, on balance, would not have a greater impact on the openness of the Green Belt than the existing office building.

The proposed residential development is therefore not inappropriate in the Green Belt, and would not be detrimental to openness and visual amenity.

In view of all of the above, the principle of residential development is acceptable.

## **2. Design and Layout, and Impact on Character and Appearance**

The proposed dwellings would be set in large plots, broadly in a horseshoe shape, facing a large landscape water feature. They would be setback different distances from a centrally located access road. The informal layout and varying orientations of the houses would create interest.

As referred to in the Principle of Development Within the Green Belt section above, the dwellings would be higher than the single storey office buildings they would replace. However, their essentially chalet bungalow form would restrict their mass, and height to 8.0m. The dwellings would have gable pitched roofs with projecting front and rear two storey gable features and dormer windows. Whilst they would all have the same design, units 1, 3, 4 and 6 would be left 'handed' and units 2, 5 and 7 would be right 'handed'. Together with the varying setbacks, orientations and materials - brick, render and natural clay peg tile roofs - interest and an attractive environment would be created.

Poplar trees in the gardens of the proposed dwellings in plots 2 and 3 have been removed. A long line of Hybrid Black Poplars on the boundary with the solar farm have been reduced to 8.0m in height. To ensure adequate and appropriate mitigating replacement landscaping and native tree planting, a condition will be attached to any planning permission granted for a landscaping scheme and including a management plan in the event of retention of the Hybrid Black Poplars.

Overall, the proposal accords with SBLPR policy BE8 which requires development to take full account of opportunities to enhance or reinforce the character and local distinctiveness of the area and to ensure that the size, scale, materials and appearance of development complements with the local surroundings, and Section 5 (Residential Development) of the Central Bedfordshire Design Guide.

## **3. Impact on Amenity of Neighbouring and Future Occupants**

The proposed dwellings would be centrally positioned within the application site and a substantial distance from the nearest existing residential properties on

Millfield Lane, i.e. approximately 40m. As such, there would be no harm to the visual or residential amenity of their occupiers.

The proposed dwellings would be positioned and sufficiently separated from each other to ensure there would not be potential overbearing, dominating or loss of light impacts to neighbouring future occupants. To ensure an acceptable level of privacy, a condition will be attached to any planning permission granted requiring the first floor side windows serving en suite bathrooms to be obscure glazed and non-opening below 1.7m. To protect privacy, a further condition will be attached removing permitted development rights for any further first floor side windows.

The dwellings would benefit from generous sized rear gardens which would exceed the amenity space and garden depth standards in the Design Guide.

An objection has been received from Symology Ltd, the occupiers of Unit 1 of the Business Park, partly on the grounds of noise and disturbance. Part of the concern relates to potential complaints from the new residential neighbours in terms of the hours of operation of their business. However, their response also states that none of the businesses which currently operate from the site create any significant noise or disturbance. It is not considered that there is any justification for refusing the application on the basis on noise and disturbance impact to future occupants from the business units.

The Symology response also raises a concern with noise and disturbance during the construction phase. Some impact on neighbours during construction is almost inevitable with any construction scheme; conditions will be imposed on any planning permission granted to ensure construction workers parking and a Construction Traffic Management Plan (CTMP).

Overall, the proposal accords with SBLPR policy BE8 which requires development to not have an unacceptable adverse effect upon general or residential amenity, and Section 5 (Residential Development) of the Central Bedfordshire Design Guide.

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

Initial consultation responses of Highways (Development Management) raise a number of concerns in respect of a lack of visitor parking, the vehicular access to Millfield Lane, supporting evidence to substantiate the claimed reduction in traffic generation, maneuverability and turning areas, the widening of footpaths serving the properties, and an alternative route for access to the solar farm.

Following discussion, these concerns have been addressed through the submission of further information, including revised plan 1564.213 rev 2.

23 residential parking spaces, equating to three allocated per dwelling and two spaces for visitors, would be provided. 30 spaces would be retained for the

retained office building. This complies with current parking standards and is acceptable.

Visibility splays of 43m to the north and 39.1m to the south at the junction of Millfield Lane would be provided.

Based on the number of residential units proposed, TRICS data suggests that there would be an overall reduction in the number of vehicular trips generated by the proposal. Therefore the proposed development would not result in an intensification of use of a substandard access.

Sufficient space has been indicated within the site to allow a refuse size vehicle to enter and leave the site in forward gear. The footpaths have been widened.

An alternative route for access to the solar farm, to the north of the landscape water feature, has been indicated.

Subject to conditions imposed on any planning permission granted relating to the provision of visibility splays, a turning space for service vehicles, a scheme for on site parking for construction workers, and a Construction Workers Management Plan, the scheme is acceptable in highway terms. Whilst the Highways (Development Management) response above requests other conditions, these will not be imposed as they are covered by an approved plans condition requiring the development to be carried out in accordance with revised plan 1564.213 rev 2.

## **5. Rights of Way**

The initial consultation response of Highways (Development Management) questions the sustainability of the location for a residential development. In response, the agent for the applicant states that a new public footpath can link the development to the village of Caddington, and that this is on land within the ownership of the applicant. This footpath is shown on plan 1564.200 rev 1. In reality, the proposed footpath would link to existing footpath FP A16 which runs from the east of the solar farm to the village. A condition will be attached to any planning permission granted requiring a scheme for the provision of this footpath.

## **6. Ecological Considerations**

A Preliminary Ecological Appraisal (PEA) (Prime Environment, October 2017) has been submitted. However, PEAs are meant only for an applicant and unless they find no likely species interest in a site should not be submitted without the additional supporting survey data. Therefore a condition will be attached to any planning permission granted requiring details of potential protected species interest on site and a method statement detailing the timetable for actions.

## 7. Affordable Housing and Section 106 Requirements

An Affordable Housing: Guidance Note for Central Bedfordshire (South Area) was endorsed by Central Bedfordshire Council's Executive on 5 April 2016 as interim guidance whilst the Central Bedfordshire Local Plan is being prepared. This states a proposed target of 30% affordable housing on sites of four dwellings and above.

However, on 11 May 2016 the Government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance (NPPG) setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space).

The gross floor space of the seven proposed dwellings is 1,225 square metres, and therefore in accordance with the NPPG there is a requirement for affordable housing. 30% of seven dwellings equates to two affordable units. As stated in the Housing Development consultation response, a commuted sum towards off site provision of affordable housing is the preferred option.

The Design and Access Statement / Planning Statement (Briffa Phillips Architects) cites at paragraph 6.56, *'The redevelopment of this brownfield site will require considerable expenditure ....'* Also, an Affordable Housing Viability Report (DLP Planning, January 2018) has been submitted on behalf of the applicant. This concludes, *'It has been demonstrated that only when no affordable housing contribution is included within the appraisal does the scheme become viable, although the appraisal remains sensitive to even small changes in cost and value inputs at this level. Based on the levels of vacancy within the existing commercial building and the associated liabilities placed on the landowner, as well as the potential uplift in value from the site if residential planning permission is secured, it is considered that the residual land value of the scheme with no affordable housing contribution is sufficient to provide a market-risk adjusted return for the developer and a competitive return/site value for the landowner, thereby ensuring that the development comes forward'*.

As stated in the Principle of Development Within the Green Belt section above, units 6 and 8 in the office building to be demolished have been vacant for over a year. Vacant Building Credit (VBC) provides an incentive to bring back into use brownfield sites that are currently vacant. As the total floor space of the vacant units is 251 square metres and that of the proposed dwellings is 1,225 square metres, it is considered that limited weight can be given to the argument of this justifying that off site provision of affordable housing is not required. However, in combination with the conclusion of the Viability Report, it is considered, on balance, that an affordable housing contribution is not required.

The proposal does not attract any other Section 106 contributions.

## **8. Other Considerations**

### **Response to Parish Council objections:**

Some of the matters raised are considered in the discussion above. These include the loss of the office building. Whilst the comments on the Caddington and Slip End Neighbourhood Plan are noted, this has not been adopted. The comment that the Neighbourhood Plan is '*as far forward as the (Pre-Submission) Local Plan*' is also noted; however, as stated above only limited weight can be applied to the Local Plan. The application has been primarily assessed against the NPPF and policies in the SBLPR.

### **Response to neighbour objections:**

The matters raised are considered in the discussion above.

### **Human Rights issues:**

The proposal raises no Human Rights issues.

### **Equality Act 2010:**

The proposal raises no issues under the Equality Act.

### **Recommendation:**

That Planning Permission be GRANTED 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 The development hereby approved shall be carried out in full accordance with the external materials listed on the planning application form and illustrated on plans 1564.208 and 1564.209.

Reason: To control the appearance of the dwellings in the interests of the visual amenities of the locality.  
(Policy BE8, SBLPR and Section 7, NPPF)

- 3 Prior to the completion of development, a landscaping scheme to include all hard and soft landscaping, and featuring native tree planting and a

management plan in the event of retention of the Hybrid Black Poplar trees, and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme shall be 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.  
(Policy BE8, SBLPR and Sections 7, 9 & 11, NPPF)

- 4 Prior to the first occupation of any residential unit of the development hereby approved, visibility splays shall be provided at the junction of the access with the public highway. The dimensions to maximise visibility shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m in a northerly direction and 39m in a southerly direction measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To maximise visibility between the existing highway and the proposed access and to make the access as safe and convenient as possible for the traffic which is likely to use it.  
(Section 4, NPPF)

- 5 Prior to the first occupation of any residential unit of the development hereby approved, the turning space for service vehicles illustrated on plan 1564.213 rev 2 shall be constructed and retained thereafter for that purpose.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.  
(Section 4, NPPF)

- 6 The development hereby approved shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.  
(Section 4, NPPF)**

- 7 The development hereby approved shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to**

and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions on the public highway and other public rights of way, details of escorts for any abnormal loads, temporary removal and replacement of highway infrastructure and street furniture, the reinstatement of any signs, verges or other items displaced by construction traffic, banksman and escort details. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

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

(Section 4, NPPF)

- 8 The development hereby approved shall not commence until a method statement detailing a timetable for undertaking surveys of protected species has been submitted to and approved in writing by the Local Planning Authority. The surveys shall be carried out and any identified measures to protect species shall be implemented in accordance with the approved details.

Reason: To protect species interest on site.

(Section 11, NPPF)

- 9 The development hereby approved shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study); and
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation).

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

**Reason: To protect human health and the environment.  
(Section 11, NPPF)**

- 10 **The development hereby approved shall not commence until a detailed surface water drainage scheme for the site including a management and maintenance plan, and reference to how it links to the landscaping scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details 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.  
(Section 11, NPPF)**

- 11 The windows in the first floor side elevations of the dwellings hereby approved shall be permanently fitted with obscured glass of a type to substantially restrict vision through them at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed.

Reason: To safeguard the privacy of occupiers of adjoining properties.  
(Policy BE8, SBLPR and Section 7, NPPF)

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further windows shall be inserted into the first floor side elevations of the dwellings hereby approved without the grant of further specific planning permission from the Local Planning Authority, or if such windows are inserted they shall be permanently fitted with obscured glass of a type to substantially restrict vision through them at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed.

Reason: To safeguard the privacy of occupiers of adjoining properties.  
(Policy BE8, SBLPR and Section 7, NPPF)

- 13 Notwithstanding the provisions of Part 1, Classes A, B and C of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, or alterations to the roofs of the dwellings hereby permitted, apart from those granted as part of this planning permission, shall be carried

out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development, to protect the openness of the Green Belt, to protect the character and appearance of the development, and to protect neighbouring amenity.

(Policy BE8, SBLPR and Sections 7 and 9, NPPF)

- 14 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the dwellings hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development, to protect the openness of the Green Belt, to protect the character and appearance of the development, and to protect neighbouring amenity.

(Policy BE8, SBLPR and Sections 7 and 9, NPPF)

- 15 **The development hereby approved shall not commence until a scheme for the provision of the proposed footpath shown on plan 1564.200 rev 1, linking to existing footpath FP A16, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the approved Rights of Way Standards and Guidance and include:**

- **Its design to include landscaping, width and surfacing;**
- **Proposals for diversion of public rights of way (where necessary); and**
- **The temporary closure and alternative route provision (where necessary) of an existing right of way.**

**The footpath shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.**

**Reasons: In the interests of sustainability and the amenity of pedestrians and other non motorised users.**

**(Sections 4 & 8, NPPF)**

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1564.200 rev 1, 1564.201 rev 1, 1564.202 rev 1, 1564.203 rev 1, 1564.204 rev 1, 1564.205 rev 1, 1564.206 rev 1, 1564.207 rev 1, 1564.208, 1564.209, 1564.210 rev 1, 1564.211, 1564.212, 1564.213 rev 2, 9010.103 and CBC/001.

Reason: To identify the approved plans and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.
3. 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).
4. 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
5. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed development for adoption as highway maintainable at public expense.

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

The applicant and the Council engaged in discussion and negotiation at pre-application and application stage which led to improvements to the scheme. The applicant and the Council have 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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