

Item No. 11

APPLICATION NUMBER	CB/17/05355/OUT
LOCATION	Land off The Sidings, Henlow
PROPOSAL	Outline planning application: Construction of 3 detached dwellings and all associated works with new private drive off The Sidings (all matters reserved except access and layout)
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Julia Ward
DATE REGISTERED	06 November 2017
EXPIRY DATE	01 January 2018
APPLICANT	C/O Agent
AGENT	BBR Architects
REASON FOR COMMITTEE TO DETERMINE	Councillor Dalgarno has called the application to committee for the following reasons: Loss of amenity to neighbouring properties, development will be overbearing to neighbouring properties, and the design is out of keeping with neighbouring properties.
RECOMMENDED DECISION	OUTLINE APPLICATION with all matters reserved except layout and access - Recommended for approval, subject to the completion of a legal agreement requiring the replacement off-street car parking space at no. 19 to be provided prior to the commencement of development

SUMMARY OF RECOMMENDATION

Having regard to the siting, layout and access of the development, it would not have an unacceptable impact on the character of the area, nor on the amenities of any nearby dwelling and would not have an unacceptable impact on highway safety. Overall the proposal is in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and National Planning Policy Framework (NPPF) (2012).

Site Location:

The application site is located on the eastern side of a residential cul-de-sac called The Sidings. It is bounded by an existing modern residential estate to the west and older semi-

detached housing along the eastern boundary, formerly belonging to the RAF estate. The applicant has submitted a Design and Access Statement in support of the application in which the applicant states that the application site was formerly in use as a railway track between Hitchin and Bedford.

The site is currently vacant and covered with mature vegetation, trees and hedgerows. Parts of the application site area currently let out to adjoining properties and are being used as residential garden areas.

The Application:

This application is seeking outline planning permission for the erection of 3 no. detached dwellinghouses on the site. All matters are reserved except access and layout. Vehicular and pedestrian access will be taken from the existing cul-de-sac with a garage belonging to 19 The Sidings being demolished to allow access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

6: Delivering a wide choice of high quality homes

7: Requiring good design

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS14 High Quality Development

CS5 Providing Homes

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

DM10 Housing Mix

Local Plan

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:

Central Bedfordshire Local Plan - Emerging

HQ1 - High Quality Development
SP7 - Development within Settlement Envelopes

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

There is no relevant planning history related to the application site itself.

No.19 The Sidings has the following relevant planning history:

Application Number	MB/08/01257
Description	Change of use from disused railway line on side of house to garden land
Decision	Granted
Decision Date	06/01/09

Consultees:

Parish/Town Council Henlow Parish Council - Objects to the proposal as the loss of 1 no. car parking space will result in inadequate car parking for no. 19 The Sidings.

Internal Drainage Board The Board have no comments to make on the application

Ecology Officer Having read the Preliminary Ecological Appraisal it appears that the proposed development could proceed with a minimal risk of harm or significant impact to protected, priority or rare species and habitats provided recommendations made in the report are followed as described.

As such the following condition should be applied;

All ecological measures and/or works shall be carried out in accordance with the details contained in the 'Preliminary Ecological Assessment Including a Protected Species Scoping Assessment at Land South of 'The Sidings', Henlow Camp, Bedfordshire' November 2017 as already submitted with the planning application and agreed in

principle with the local planning authority prior to determination.

Trees and Landscape officer

The site contains a number of trees and bushes/understorey much of which is self set and generally of juvenile or early maturity. Supplied with the application is an Arboricultural Impact Assessment which also incorporates a Tree Protection Plan (375-03) and a Tree and Shrub planting plan (375-04). The majority of the trees and understorey on site is identified as being of low quality with little value and in fact the majority of the tree cover is identified for removal. This would be acceptable provided that retained trees are retained and protected throughout clearance of the site and construction work as detailed in the Tree Protection Plan 375-03 and provided that detailed conditioned landscape scheme includes the level of new planting shown on the Tree and Shrub planting plan 375-04.

Pollution officer

The National Planning Policy Framework (NPPF) Paragraph 121 states that: "all development should ensure" (that) "adequate site investigation information, prepared by a competent person, is presented"; and that a "site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation".

The proposed development is located on former railway land. Railway Land may have previously been contaminated by this historic use more information is available in the D of E profile on Railway Land which can be downloaded from the CIAIRE website

<https://www.claire.co.uk/information-centre/water-and-land-library-wall/41-water-and-land-library-wall/198-doe-industry-profil>

I would therefore advise that a condition requiring a land contamination investigation is attached to any permission granted to ensure that the land is suitable for residential use and no action is required under the Contaminated Land regime.

Conditions Required: Without prejudice to any decision you shall make should you be mindful to grant permission I ask

that the following conditions are inserted on any permission granted:

Condition "1"

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 prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.

Condition "2"

No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS. Any such remediation/validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

Highways officer

The proposal is to construct 3 new homes from a private means of access from The Sidings. The private drive appears to be over land owned by the properties between number 11 and 19 The Sidings and it will need to be ensured that there is adequate control over this land to enable these works as the additional traffic and construction traffic is bound to cause premature failure of a drive that was not constructed for this type of traffic.

If permitted the only vehicle able to turn within the site would be a substandard ambulance type or delivery vehicle. However, plot number 1 would be 95m from the turning area of The Sidings. There should be a refuse collection point close to the public highway but I question how this could be provided without either obstructing the public highway or individual drives.

It is assumed that number 19 is now a 4 bedroom dwelling and for that reason there should be 3 parking spaces while only 2 are shown.

I would expect at least 1 visitor's space to be shown when this is not the case.

The access is shown to be 4.2m wide but the lateral clearance has not been identified.

While usually in an outline application with all matters reserved the above could be dealt with at the full application stage, however considering that the layout should be considered at this stage I question if the above matters can be conditioned.

REVISED DRAWINGS - The applicant has submitted a revised plan to address the previous highway comments, however there are still issues with the layout.

- No. 19: the applicant has shown 2 parking spaces for this 3 bedroom dwelling. It appears the previous permission for the additional bedroom (14/2258) has not been implemented. Please can this be clarified.
Note: the applicant has stated the parking area will be gravel which is likely to travel onto the access for the proposal where it will cause a slipping hazard to pedestrians and cyclists and a damage hazard to people and vehicles if the stones are flicked up by the momentum of vehicle wheels.
- Access: the previous pre-application information was agreeable to the access as it was shown as a shared access of 4.8m width, (the correct dimensions for a shared width access).
The access is annotated as 4.2m wide where it abuts the public highway, but measures 4.4m wide, which is a substandard width. Previously a shared access width was acceptable as 4.1m with lateral clearance of 0.3m either side of the access, a total width of 4.7m. This

would be acceptable ONLY in this case, (although 4.8m would be preferred as it is less tight) for at least 8.0m into the site measured from the public highway boundary to allow the two way flow of vehicles. However it appears unlikely this can be achieved as it will be outside of the red line plan, and as submitted the access is only suitable for single use (one dwelling).

- Refuse collection: The refuse collection point is hidden from view and is unlikely to be seen by the refuse collectors. The applicant is advised to contact waste management to find an agreeable place for refuse collection. Currently waste to be collected should not exceed a carry distance of 10.0m, measured from the furthest bin space to the waiting refuse vehicle in the carriageway. The refuse collection point indicated exceeds this
- The visitor parking space is located in plot 3's front garden which is impractical and would be better swapped with the parking space for plot 3 at the end of the turning head
- The applicant should contact the local fire service and building control to ascertain that a turning area for a fire engine is not required within the site as stated in Approved Document B.
It should also be noted that a fire engine requires a workable area around the engine of 3.7m between kerbs and boundaries. This area should be free of obstruction. If the engine stops on the 3.0m wide road there is no workable area due to the landscaping buffer. The applicant should ascertain with building control that the turning area at plot 1 is sufficient for a workable area or that the 4.2m wide access within the site is sufficient.
- There is limited manoeuvring area within the site for vehicles that may occasionally meet each other. It is suggested that the access between plot 1 and 2 be widened in one place to allow for vehicles to pass if they do meet.
- The shrub planting at the frontage of the garden for plot 2, at the bend, should be removed to allow for driver/driver intervisibility to vehicles entering/exiting the site due to the narrow single width of the access. This allows vehicle to wait in appropriate parking spaces or the turning head or 4.8m (required) entrance to the site while another is manoeuvring/entering/exiting.

Please advise the applicant. In principle the proposal is acceptable for one dwelling. For more than 1 dwelling, only

if the access can be widened to no less than 4.7m where it abuts the public highway for 8.0m into the site.

FOLLOWING RECEIPT OF FURTHER REVISED PLANS

- The applicant has submitted a revised plan to overcome the previous issues.

- The relocated parking for no. 19 should be within the red/blue line plan, so it can be conditioned to be provided prior to its loss, and to avoid any on street parking which will cause obstruction.
- The bin collection point is still hidden from view; waste management should be contacted to ascertain the location is acceptable.
- The visitor parking space should be demarcated as such, and a margin no less than 1.2m left at the rear of the bay to allow resident access to the gate for the garden of plot 3. This avoids conflict between residents and visitor parking.
- It is possible for a service/delivery vehicle to use the access and turning area for plot 1 without overrun of the carriageway, although the coachwork of the vehicle will overrun the landscaping strip at the rear of the site and the grass margin in front of the rear boundary fence of plot 2.

If the planning authority will accept the annotation for the replacement parking provision for no. 19 can be conditioned as a pre-commencement condition, please include the following in any permission issued:

1. Prior to development the replacement parking provision for no. 19 The Sidings shall be constructed in accordance with the approved drawing no. P03C

Reason

To provide on site replacement parking without obstruction to the public highway and the traffic which is likely to use it

2. Before the premises are occupied all on site vehicular areas and the replacement parking for no. 19 shall be surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site

so that it does not discharge into the highway or into the main drainage system.

Reason

To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason

To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

4. The visitor parking space shall be demarcated as such and located 1.2m from the boundary fence for plot 3

Reason

For the avoidance of doubt and to provide residential access for plot 3 clear of visitor parking

5. Prior to occupation, the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, turning area, and landscaping buffer illustrated on the approved drawing no. P03C 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. The landscaping buffer shall for the perpetuity of the development remain free of any obstruction to visibility.

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 and to provide adequate intervisibility between traffic within the site.

NOTES TO APPLICANT

- The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system.
- 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 by this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council Tel: 0300 300 8301.
- The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to follow this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council Tel: 0300 300 8301. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of demolition/construction of the development hereby approved.
- The contractor and / or client are to ensure that any mud or building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction/demolition vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway

Other Representations:

Neighbours

A total of 24 letters have been received in response to the planning application consultation from the following addresses, making the following comments:

36 Signal Close - Objects to the application as there is ambiguity around the definition of a single storey dwelling - the loft space can be used and dormer windows can be present. The proposal will result in overlooking and loss of privacy. There are no windows on the side elevation where the garage is to be located and that is of no benefit to properties in Signal Close.

Overshadowing and loss of natural light - there is already overshadowing at the front of my property.

Visual intrusion - inappropriate design with detached buildings being proposed out of keeping with the neighbouring properties which are terraced and semi-detached.

Storm drain running through the application site.

Loss of amenity and ecological value on application site and heritage value of historic railway line. Loss of existing wildlife corridor with bats, hedgehogs, deer, moths and huge range of birds.

38 Signal Close - Objects to the application due to the close proximity of proposed dwellings resulting in overlooking and loss of privacy.

Area of land too small to accommodate large properties. Overcrowding for the site and existing homes.

Wildlife/ enjoyment value of application site will be lost. Black squirrels, bats, hedgehogs, birds and small mammals, butterflies, moths live on the site.

A land contamination assessment has not been undertaken.

The proposed designs are out of keeping with the existing properties which are terraced and semi-detached.

Overshadowing of garden and home.

Flood risk.

Unacceptable increase in housing density on the estate.

16 The Sidings - Objects to the application as 3 no.houses will not add to government housing targets.

Loss of secure area to the rear of existing houses with security risk.

Proposed dwellings only 1 metre from my back fence resulting in a loss of privacy.

Disruption during the construction period and after the occupation of the dwellings.

Parking is already a problem in the area.

Loss of sunlight and loss of outlook.

The Sidings is not large enough to accommodate construction traffic.

The application site is land-locked and not to be built on with sewer pipes and electricity cables running through the site.

Loss of wildlife.

12 The Sidings - Objects to the application as there is an existing community of bats that live on the site.

Loss of outlook - the proposed houses are only 1 metre from my boundary fence.

The Sidings is not large enough for construction traffic.

My solicitor confirmed at the time of the purchase of my house that the site is landlocked and will never be built on.

Loss of wildlife including birds, hedgehogs, squirrels, and other small mammals.

Recently, households in the area were reminded that extending gardens onto the application site is unacceptable as the land is contaminated and there is a 1.0 metre surface water sewer on the land to prevent flooding on the Henlow Industrial Estate.

The applicant has not approached residents or the Parish Council directly.

My cats and neighbours' cats enjoy the application site at present.

12 The Railway - Objects to the application as it will be an over-development of the estate.

Removal of wildlife buffer between us and Western Avenue.

The proposal will set a precedent to continue building along the buffer zone which is a wildlife habitat.

Increase in traffic in The Sidings with existing parking problems made worse - double parking along The Sidings, Midland Way and The Railway.

Local amenities are already overwhelmed in the area.

Future developments are already planned for Henlow Camp and Stondon area.

15 The Sidings - Objects to the application as there will be noise disturbance from building works.

Young children play outside and the welfare of these children will be put at risk.

Parking around The Sidings is already a problem.

Impact on wildlife in the area, eg bats and birds.
We were advised by our solicitor when we bought our house that the land could not be built on.

7 The Railway - Objects to the application as the proposed development will not bring aesthetic beauty to the area. The area is already overrun with new housing developments in the village.

No benefit to local area apart from the landowner.

Over-stretched local services already in village.

Land ownership issues - the landowner was unaware that they owned the land until the local residents tried to extend their gardens.

Destruction of local wildlife including rare black squirrels and bats.

Unsuitable access road for construction traffic and the access will be dangerous.

The application site is land-locked and cannot be built on.

Loss of natural buffer between the estate and the RAF base.

Contaminated land on the site.

The proposal will set a precedent for other residential developments along this land.

5 The Railway - Objects to the application as this is a densely populated residential area with a lack of privacy between the existing buildings.

Parking and traffic flow is a significant issue in the area. 3 no. dwellings will attract 9 - 12 additional vehicles.

Inconvenience and danger to existing residents of construction traffic.

Debris on road during construction and damage to roads, footpaths, kerbs, front gardens and private vehicles.

Land-locked site is unsuitable for development

Storm drain runs across the site.

Abundance of wildlife on the site will be affected including a rare species of squirrel.

The developer has not had public discussions with the residents prior to submitting the planning application.

The site is visible and will cause significant disruption.

Why are these properties required when there are other developments planned in the area?

41 Signal Close - Objects to the application as my extension and summer house is not shown on the submitted plans.

The rear wall of plot 01 is only 11 metres from the side of my living room that currently overlooks the woodland. Overbearing and overshadowing impact of the proposal - great impact on privacy and current amenity in my garden. Overlooking directly into my garden, summerhouse and rear bedroom.

Loss of sunlight, especially into rooflights in my extension. Poor drainage in the garden due to higher level of the wooded area resulting in water remaining in areas shadowed by trees.

Reduced security in area.

Assured land would not be built on as there is a drainage pipe running along the length of the old railway line.

Over-development of area.

Loss of wildlife.

17 The Sidings - Objects to the application as the proposal will severely impact my drive.

Access will be hampered during the construction period.

Small cul-de-sac location and associated construction traffic will cause disruption.

Existing parking problems in area and vehicle damage may result from additional traffic.

Land-locked site - I was told during the purchase of my property that due to contamination and location of the sewer, the application site would never be built on.

Not consulted by developers prior to the planning application.

Loss of wildlife.

39 Signal Close - Objects to the application as the construction traffic will use the quiet no-through road.

Loss of wildlife.

Plethora of planning applications for new-builds in surrounding area resulting in a strain on current infrastructure.

10 Station Close - Objects to the application as there will be an increase in traffic in an existing small housing development.

Loss of countryside and wildlife habitat.

3 The Sidings - Objects to the application as there is existing congestion in the cul-de-sac.

Dangerous access during the construction period.

Land-locked site.

Adverse impact on quality of life.

10 The Sidings - Objects to the application as there will be a loss of outlook as the new house is only 1 metre away from my boundary.

The Sidings is not large enough to accommodate construction traffic.

Land-locked site that cannot be built on.

Developers have not discussed the proposal prior to submitting the planning application.

Construction traffic should be marshalled in and out of the site from the roundabout to the application site.

The application site should be made a green area for children to play.

15 The Railway - Objects to the application as the area of land is too small to accommodate 3 no. houses and the proposal is designed to maximise the developer's profits.

The access point is inadequate.

The existing storm drain on the site can flood.

Inadequate access for fire vehicles, construction traffic and danger to children.

Loss of wildlife.

21 The Railway - Objects to the application as there is a lack of privacy between existing and proposed dwellings.

Existing parking problems in The Sidings.

Inconvenience to local residents during the construction period with muddy roads and debris.

Roads, footpaths, kerbs and vehicles will be damaged.

Land-locked site unsuitable for development.

Storm drain makes the site unsuitable for development.

Loss of wildlife.

Developer did not discuss planning application prior to its submission.

The site is clearly visible.

7 The Sidings - Objects to the planning application as the access is not big enough.

The quiet cul-de-sac already has parking issues.

Risk to the safety of children.

Noise/disturbance from building work.

9 The Sidings - Objects to the planning application.

18 The Sidings - Supports the application subject to the garage party wall and roof being suitably reconstructed and

access roads being maintained in clean and fit-for-purpose state during construction.

19 The Sidings - Supports the application as the proposal is for high quality housing on an appropriate scale, the proposal will result in decontamination of the site and the proposal is an acceptable layout.

Determining Issues:

The main considerations of the application are;

1. Principle of development
2. Impact of the proposal on the Character and Appearance of the Area
3. Impact of the proposal on the residential amenities of neighbouring occupiers
4. Highways considerations
5. Other considerations

Considerations

1. Principle of development

Paragraph 49 of the National Planning Policy Framework (NPPF) (2012) states that "housing applications should be considered in the context of the presumption in favour of sustainable development". The NPPF also advises that planning law requires all applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

In the local context, the application site is located within the Settlement Envelope of Lower Stondon. Policy CS1 of the Core Strategy and Development Management Policies (2009) identifies Lower Stondon as a Large Village. Policy DM4 of the Core Strategy advises that within Large Villages, small-scale housing and employment uses will be permitted.

Having regard to the above policy framework and the location of the application site within an established residential area, it is considered that the principle of 3 no. dwellinghouses in this location would be sound, provided the proposal does not adversely affect the character and appearance of the area, residential amenity or have a detrimental impact on existing trees/ ecological value in the area, and would not have a detrimental impact on highway or pedestrian safety in the area.

2. Impact of the proposal on the character and appearance of the area

The proposal will be located to the rear of existing dwellinghouses along The Sidings and Borton Avenue. The planning application has been submitted in outline form with all matters reserved except layout and access. The application has, however, submitted revised plans during the course of the application

indicating that the two dwellinghouses to the south of the site will be two storey and the house to the north of the site (Plot 01) will be single storey. It is considered that the construction of houses in this location will not appear out of keeping with the character and appearance of the surrounding residential properties.

The application will involve the loss of an existing vacant area of land which has existing hedgerows and trees and is used in parts as a residential garden extension. The loss of this area of land is regrettable. However, this area of land is not statutorily protected and its loss is not considered to outweigh the benefits of the provision of 3 no. additional residential units within an established residential area.

It is considered necessary and relevant to attach a condition to any approval requiring full details of all proposed external materials to be submitted to, and approved in writing by, the Local Planning Authority to ensure that the development appears in keeping with the adjoining houses.

3. Impact of the proposal on the residential amenities of neighbouring occupiers

It is considered that the main properties to be affected by the proposals are those directly adjoining the application site.

No. 41 Signal Close is located at the northern end of the site and is positioned with the southern boundary of its rear garden along the northern boundary of the site. This property has a summerhouse in its rear garden and a single storey rear extension with habitable room windows facing the application site. During the course of the application, the applicant has submitted revised plans showing that Plot 01 reduced from two storey to single storey in height. It is considered that the relationship of a single storey dwellinghouse in this location would not result in a detrimental overbearing or overshadowing impact on the occupiers of no. 41 given its location. Plot 01 has a proposed detached single storey garage in the north-eastern corner of the site. It is considered that the relationship of the garage to the existing summerhouse will not result in a loss of light or overbearing impact to the summerhouse, given its siting adjacent to the very end of its rear garden.

Nos. 34 - 38 Signal Close are located on the western boundary of Plot 01. There will be a 9.4 metre gap between the rear elevations of these existing properties and the side elevation of Plot 01 which has been reduced from two storey to single storey during the course of the application. It is considered that the scale of the proposed dwelling will not result in an overbearing impact, overshadowing impact or loss of light to occupiers of these properties, given its siting. Provided there are no habitable room windows to this side elevation, it is considered that the proposal will not result in a loss of privacy to occupiers of these dwellings either.

No. 19 The Sidings is located on the western boundary of Plot 2. A single storey garage is proposed immediately adjacent to no. 19 with the existing side elevation

of no. 19 is located 0.6 metres from the side elevation of Plot 2 (3 metres from two storey level). The front elevation of Plot 02 will not project any further forward than the front elevation of no. 19. It is considered that the relationship of Plot 2 to no. 19 will not result in any undue overbearing impact, loss of privacy or loss of light to the occupiers of no. 19. The proposal will result in the loss of the garden extension to no. 19. However, it is considered that adequate amenity space will remain for the occupiers of no.19 in their rear garden area.

Nos. 12 - 18 The Sidings are located along the western boundary of Plot 3 which will be two storey. There will be a minimum 9.6 metre gap (12. 2 metre gap to two storey level) from the rear elevation of nos. 16 and 18 The Sidings, including a 2 metre gap between the boundary and the proposed dwellinghouse. It is considered that the proposed relationship of Plot 3 to the existing houses will not result in an undue loss of light, overshadowing impact or overbearing impact to occupiers of nos. 12 - 18 The Siding given the gap which would sit between the buildings.

It is considered that the 22 metre separation gap between the flank elevations of Plot 01 and Plot 02 and the existing houses in 1 - 7 Borton Avenue meets the guidance within the Central Bedfordshire Design Guide (2014) and will not result in a loss of privacy, overlooking or overbearing impact to the residents of these properties.

As design is a reserved matter, elevational details have not been submitted at this stage. It is therefore considered necessary and relevant to attach a condition preventing habitable room windows being inserted into the western elevations of the proposed houses to ensure that there will not be any undue loss of privacy to the adjoining occupiers.

It is considered necessary and relevant to attach a condition requiring full details of boundary treatment to be attached to any approval to ensure that the appearance of the boundary treatment is acceptable and to ensure there is no undue loss of privacy to the occupiers of surrounding properties.

Given the slight increase in levels from the existing houses to the application site, it is considered appropriate to attach a levels condition to any approval requiring details of ground and slab levels of the proposed units to be agreed by the Local Planning Authority to ensure that the finished levels of the proposed houses maintain an acceptable relationship with the surrounding dwellings.

4. Highways considerations

Access to the proposed dwellinghouses is via the existing cul-de-sac known as The Sidings. The existing garage belonging to 19 The Sidings will be demolished to enable the access to the proposed houses. Following receipt of revised plans indicating 2 no. spaces for no. 19 Signal Close, a 4.8 metre wide access and a revised location for bin storage, the highways officer has removed their objection

to the proposal, subject to conditions being attached to any planning permission. The requirement for a replacement car parking space at no. 19 is considered necessary to make the scheme acceptable given the siting of the access road in relation to the off-street parking for no. 19. However, a condition requiring the provision of a replacement parking space at no. 19 is not possible in this instance as no. 19 is not within the ownership of the applicant ("blue land"). It is therefore considered necessary to enter into a legal agreement with the applicant to ensure that the replacement off-street parking space for no. 19 is provided prior to the commencement of development on site. A condition requiring the surfacing of the highway is considered necessary to be attached to any approval to ensure that the proposal does not result in an inconvenience or danger to pedestrians or vehicles.

5. Other considerations

Ecology issues

The applicant has submitted an ecology survey in support of the application. Habitats on the application site were split into three sections including a landscaped garden with short improved grassland, scattered trees, garden furniture and an immature laurel hedgerow; an area of scrub with short mature hawthorn hedgerow on the northern boundary; and an area of scattered trees with negligible understorey and semi-mature hawthorn hedgerow on the northern boundary. The hedgerows on the site were considered to be the features of the highest ecological value. Other trees and scrub on the site create some limited foraging and sheltering resource for birds and possibly low numbers of bats and hedgehogs.

Signs or evidence of protected, priority or rare species were not observed. The risk of significant impact to such species was considered low. Further ecological surveys or mitigation was considered unnecessary. However, precautionary measures and habitat compensation for birds, bats and hedgehogs are recommended, for example Impact Avoidance Precautionary Measures minimal external lighting, construction zone to be hand cleared of vegetation with chainsaws rather than machinery, checking for birds nest before felling of trees and possible enhancements including the provision of bat boxes.

The Council's Ecology Officer has not raised any objection to the proposal. However, it is considered necessary and relevant to attach a condition requiring the recommendations of the Ecology Survey to be implemented as part of the development.

Neighbours' concerns

The neighbours' objections and concerns are noted. Responses to neighbours' comments are as follows:

1. Ambiguity of single storey height and design of dwelling - The application is in outline form at this stage. A condition is recommended to be attached to any approval restricting the scale of Plot 01 to single storey only.
2. Overshadowing/ loss of light - Issues covered in section 3 above.
3. Visual intrusion/ loss of outlook - The loss of outlook to the existing application site is acknowledged. However, a right to a view is not a material consideration in the determination of planning applications and it is considered that the scale and location of the proposed dwellinghouses will not have such a detrimental impact on the residential amenities of adjoining occupiers to warrant refusal of the application.
4. Loss of amenity value of the application site - Covered in section 2 above.
5. Loss of wildlife - Covered in section 5 above.
6. Loss of privacy - Covered in section 3 above.
7. Flood risk - The application site is not located in a high risk flood risk 2 or flood risk 3 area and therefore it is considered that the proposal will not present a material flood risk issue. The Internal Drainage Board has not raised any objections to the proposal. The movement of the existing storm drain will be subject to building regulations/ agreement with the relevant water authority.
8. Storm drain - The applicant has indicated on the submitted plans that the storm drain running across the site will be re-located. No objections have been received to the application from Anglian Water or the Internal Drainage Board.
9. Loss of secure area to the rear of properties - A condition requiring full details of boundary treatment is recommended to be attached to any approval.
10. Damage/ noise/ disturbance during the construction process - Residents' comments regarding possible disruption and disturbance during the construction period are noted. However, these issues, should they arise, would be dealt with under other legislation.
11. Land contamination issues - The Pollution officer has recommended a condition requiring the submission of a contamination report prior to the commencement of development on site.
12. Developer did not approach local residents/ Parish Council prior to the submission of the planning application - Whilst this procedure is good practice, there is no statutory requirement for an applicant to approach local residents on a scheme of this size prior to submitting a planning application.

13. Local amenities overstretched - It is considered that a proposal for 3 no. dwellinghouses will not have an adverse impact on existing services in the area.

14. Parking problems in the area - The residents' concerns about the existing parking problems in the area are noted. However, the proposed dwellinghouses will provide adequate parking spaces to comply with Central Bedfordshire Council's parking guidance contained in the Design Guide (2014).

Human Rights/ Equality issues

Based on the information submitted, there are no known issues raised in the context of Human Rights legislation/ The Equality Act 2010 and, as such, there would be no relevant implications.

Recommendation:

That Planning Permission be GRANTED, subject to the completion of a legal agreement requiring the replacement off-street car parking space at no. 19 to be provided prior to the commencement of development, and the following conditions:

RECOMMENDED CONDITIONS

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

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

- 2 Details of the scale, appearance (including materials) and landscaping, including boundary treatments (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 Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved 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)**

- 4 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 5 The visitor parking space shall be demarcated as such and located 1.2m from the boundary fence for plot 3

Reason: For the avoidance of doubt and to provide residential access for plot 3 clear of visitor parking.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-st

- 7 Prior to occupation, the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, turning area, and landscaping buffer illustrated on the approved drawing no. P03C and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, (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. The landscaping buffer shall for the perpetuity of the development remain free of any obstruction to visibility.

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 and to provide adequate intervisibility between traffic within the site.

- 8 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in

accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 9 Notwithstanding details shown on the approved plans, the dwellings hereby approved shall not be occupied until details of the bin storage/collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage/collection areas shall be retained thereafter.

Reason: In the interest of the amenity of the area.
(Section 7, NPPF)

- 10 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 prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 11 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS. Any such remediation/validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 12 Plot 01, as shown on drawing no. 16741/P03/ rev C hereby approved, shall be single storey in scale and shall not include any accommodation within the roofslope.

Reason: To ensure that the proposal does not result in any undue overlooking or loss of privacy to adjoining occupiers.

- 13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (including any Order amending, revoking or re-enacting that Order, with or without modification), no alterations or extensions to the roof of Plot 01 hereby approved shall be carried out without the grant of a further specific planning permission from the Local Planning Authority.

Reason: Exceptional circumstances are considered in this case requiring restriction of permitted development rights to protect the privacy of the occupiers of adjoining properties.
(Section 7, NPPF)

- 14 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), any applications for reserved matters for the proposal hereby approved shall not include any first floor windows in the western flank elevations of Plots 02 and 03 facing 14, 16 and 19 The Sidings.

Reason: To protect the privacy of neighbouring residents.
(Section 7, NPPF)

- 15 **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)**

- 16 The development hereby approved shall be carried out in accordance with all ecological measures and/or works as detailed in the "Preliminary Ecological Assessment including a Protected Species Scoping Assessment at Land South of 'The Sidings', Henlow Camp, Bedfordshire November 2017" as submitted with the planning application hereby approved.

Reason: In the interest of the protection of the existing wildlife habitats on the application site, in accordance with advice in Section 11 of the NPPF (2012) and policy CS18 of the Core Strategy and Development Management Policies (2009).

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16741/P01; 16741/P02; 16741/P03/rev C

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. The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system.
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 by this link on the Council website
<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>
or contact Central Bedfordshire Council Tel: 0300 300 8301.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to follow this link on the Council website
<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>
or contact Central Bedfordshire Council Tel: 0300 300 8301. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of demolition/construction of the development hereby approved.

6. The contractor and / or client are to ensure that any mud or building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction/demolition vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

.....

.....