

Item No. 8

APPLICATION NUMBER	CB/18/00464/FULL
LOCATION	The White Hart Hotel, Northbridge Street, Shefford, SG17 5DH
PROPOSAL	The development of 3 x detached new dwelling houses
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllrs Liddiard & Brown
CASE OFFICER	Stuart Robinson
DATE REGISTERED	13 February 2018
EXPIRY DATE	10 April 2018
APPLICANT	REL Group Ltd
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Brown if the application was recommended to be approved for the following reasons:
	- The land is within the flood plain
	- The development is cramped and within close proximity to the Conservation Area
	- The land is used for community events
	- Access and deliveries to the public house will be restricted
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reason for Recommendation:

In principle, the proposed development is considered to be acceptable. Subject to the imposition of suitable conditions, the impact to the character and appearance of the area, and the impact in terms of neighbouring amenity, are acceptable. The proposal is not considered to present an unacceptable impact in terms of highways safety, flood risk, ecology and trees or residential amenity.

Site Location:

The application site comprises a parcel of land to the rear of The White Hart Hotel public house, near the centre of Shefford. The land in question forms a grassed area of land, used as an informal car parking area associated with the public house.

The site is located within the Settlement Envelope of Shefford. To the west of the proposed development lies the Shefford Conservation Area and to the north, the River Flit County Wildlife Site. Part of the site (the northern third of the site) falls within Flood Zone 2, whilst a small area of land along the eastern boundary falls within Flood Zone 3.

The Application:

The application seeks full planning permission for 3 two storey, detached dwellings.

The application was originally submitted for 4 dwellings however, following concerns regarding the design and layout, the agent has reduced the proposal to 3 dwellings.

RELEVANT POLICIES:

National Planning Policy

National Planning Policy Framework (NPPF) (March 2012) - Section 6

Core Strategy and Development Management Policies - North 2009

Policy CS1: Development Strategy

Policy CS13: Climate Change

Policy CS15: Heritage

Policy DM2: Sustainable Construction of New Buildings

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM13: Heritage in Development

Central Bedfordshire Submission Local Plan

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:

SP1: National Planning Policy Framework - Presumption in Favour of Sustainable Development

SP7: Development within Settlement Envelopes

T2: Highways Safety and Design

T3: Parking

HQ1: High Quality Development

HQ8: Back-land Development

H2: Housing Standards

CC3: Flood Risk Management

HE3: Built Heritage

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	MB/76/00580
Description	Outline application for residential development
Decision	Refused
Decision Date	18/01/1979

Consultees:

Shefford Town Council	Objection - The garden of Plot 1 is too small and does not comply with the Design Guide.
CBC Ecology	No objection, subject to conditions
CBC Highways	No objection, subject to conditions
CBC Archaeology	No objection, subject to a condition.
CBC Trees	No objection, subject to a condition
CBC Pollution	No objection, subject to a condition.
Internal Drainage Board	No objection, subject to a condition
Environment Agency	No objection, provided the FRA is adhered to.
Beds Fire and Rescue	No objection

Other Representations:

Neighbours	9 objections have been received in response to this application. These have been summarised below: <ul style="list-style-type: none">- Lack of infrastructure- Flooding and drainage issues- Concern regarding the impact to ecology- Impact to privacy- Insufficient access for vehicles- Concern regarding loss of trees- The proposal would stop Town Council firework displays- Insufficient car parking within the area
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Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle

1.1 The application site is located to the east of the centre of Shefford, positioned

within the Settlement Envelope.

- 1.2 Policy CS1, within the adopted Local Plan, classifies settlements by virtue of their scale, services and facilities. This Policy identifies Shefford as a Minor Service Centre.
- 1.3 Policy DM4, within the adopted Local Plan, applies weight in favour of development within Settlement Envelopes and restricts development divorced from the settlements identified within Policy CS1. Policy DM4 states that:

"Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre."

This Policy provides support to the principle of development, subject to all other relevant considerations.

- 1.4 As such, due the location and scale of the development, it is considered that the principle of development is acceptable, subject to all other relevant considerations

2. Affect on the Character and Appearance of the Area

- 2.1 The site currently comprises of an informal car parking area, which connects to the neighbouring residential estate. The site is not located within the Conservation Area, however the Conservation Area adjoins the western boundary of the site.
- 2.2 The application site is not prominent within the street scene, and can only be viewed via Kingsmede Road. Kingsmede has a mix of two storey residential development, which is typical of the surrounding area.
- 2.3 The application proposes three detached two storey properties, facing an access road. Whilst it is considered that this form of development would form a back-land development, such a layout is not considered to be uncommon within the surrounding area. Therefore, this layout is considered to be acceptable.
- 2.4 Each property would have a duo-pitched roof design, with a two storey gable roof element on the front elevation. Each property would have a single garage. The proposed development would be constructed with render and brickwork external walls, with slate roof tiles. This design is considered to be in keeping with the design and character of the surrounding area.
- 2.5 The development would not be located within the Conservation Area and appears separate from the Conservation Area, as there are limited public views. The proposed development is considered to preserve the character of the Conservation Area. The development would lead to less than substantial harm to the Conservation Area and it is considered that the public benefits of the proposal, in terms of provision of dwellings, would outweigh any limited harm.
- 2.6 As such, the proposed development is considered to be in keeping with Policies DM15, CS14 and DM3 of the Core Strategy and Development Management

Policies (North) Local Plan, Policies HQ1 and HE3 of the Central Bedfordshire Submission Local Plan, the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Neighbouring Amenity

- 3.1 The proposed development would adjoin residential development to the south, east and west. Due to the proposed layout, the rear windows of the proposed units would face the rear windows of the dwellings to the west.
- 3.2 It is noted that neighbouring residents have raised concerns regarding the impact of the proposal to neighbouring amenity and, specifically, in relation to loss of privacy. The adopted Design Guide states that:

"In conventional suburban environments, a 'rule of thumb' of approximately 21 metres distance between the rear of one 2 storey property and the rear of another facing it (at first floor level in both instances), is an acceptable norm, but there may be circumstances where lower distances are acceptable."

The windows on the rear elevation of Plot 1 would face the rear elevation of 4a Northbridge Street, approximately 18.0 metres away. It must be noted that No.4a has a rear single storey conservatory, so the distance between first floor rear elevations is 22.5 metres. As such, the privacy distance between Plot 1 and No.4a Northbridge Street would comply with the privacy standard within the adopted Design Guide.

- 3.3 The windows on the front elevation of Plot 1 would face the side elevation of 22 Kingsmede, approximately 18.0 metres away. As these windows are already visible within the informal parking area, it is considered that the window arrangement of Plot 1 would not present an unacceptable adverse impact to the neighbouring property. The proposed development would include first floor side windows, serving bathrooms. As these would look into Plots 1 and 2, it is considered that the adverse impact in terms of privacy can be mitigated by obscure glazing. In conclusion, the proposed development is not considered to present an unacceptable adverse impact in terms of loss of privacy.
- 3.4 Due to the layout and scale of the proposed dwellings, the development would not present an unacceptable adverse impact in terms of being unduly overbearing or in terms of loss of light.
- 3.5 The size of the dwellings would comply with the dwelling size standards within the Nationally Described Space Standard and the adopted Design Guide. The external amenity space for Plots 2 and 3 would meet the size and depth standard within the adopted Design Guide. Plot 1 would not comply with the depth standard (12.0 metres) as it would measure between 3.0 to 8.3 metres in depth, due to the angled nature of the site. The garden would comply with the size standard (60 sqm in area). The Town Council have objected to the size of this garden space, as it does not meet the depth standard. However, it must be noted that the Design Guide offers some discretion, stating:

"Ideally both the minimum area and minimum depth should be met. It is however recognised that in certain circumstances, such as infill sites, this may not be possible. In these cases one of the standards should be met as a minimum."

As the proposed development does form an infill site, the proposed amenity space would comply with the adopted Design Guide. However, as the depth of Plot 1 is small, it is considered appropriate to require that permitted development rights for extensions (Class A of the General Permitted Development Order 2015) via constitution, if the application is approved.

- 3.6 Therefore, the proposed development is not considered to present an unacceptable adverse impact in terms of residential amenity to future occupants or neighbouring residents. Therefore, the proposal is considered to comply with Policies CS14 and DM3 of the Core Strategy and Development Management Policies (North) Local Plan and Policies HQ1 and H2 of the Central Bedfordshire Submission Local Plan.

4. Highways Considerations

- 4.1 The proposed development would be accessed via Kingsmede, a road which runs through an existing residential estate. This access already serves the informal parking area and provides access for deliveries for the public house. Neighbouring residents have raised concerns regarding the access arrangements for the development. The access road would measure approximately 6.0 metres in width, which is similar to that of Kingsmede. A Highways Officer has considered this access and has not raised any objections, subject to conditions.

- 4.2 The proposed development would include 3 car parking spaces per dwelling, which would comply with the standard with the adopted Design Guide. The proposal would also include 5 visitor car parking spaces, to the southern end of the site, adjoining the rear access's to the public house. Whilst it is noted that the informal car parking area would be removed, it must be noted that this area does not have planning permission as a car parking area and has simply been used as such to aid the public house and parking within the wider area. The informal car parking area is also in a poor condition, limiting its use. With these points in mind, it is considered that the parking provision is acceptable. A Highways Officer has not raised an objection in terms of the car parking provision.

- 4.3 Therefore, the proposed development is considered to be in accordance with Policies CS14 and DM3 of the Core Strategy and Development Management Policies (North) Local Plan and Policy HQ1 of the Central Bedfordshire Submission Local Plan.

5. Flood Risk

- 5.1 Several residents have raised concerns in relation to the impact the proposal would have on flooding and drainage in the surrounding area.
- 5.2 The northern end of the proposed development would be located within Flood Zone 2 and a small section of land, along the eastern boundary of the site would be within Flood Zone 3. No dwellings would be located within Flood Zone 3. The National Planning Policy Framework identifies that proposals within Flood Zones 2 and 3 should be accompanied by a site-specific Flood Risk Assessment and that development should not increase flood risk elsewhere.

5.3 The applicant has submitted a site specific Flood Risk Assessment, which sets out a range of methods to control flood risk. These include:

- Setting the ground floor levels 300mm above the 1,000-year flood level, and
- Provision of 13m³ attenuation facility
- No development within Flood Zone 3

The Environment Agency have considered these details and have concluded that the development is acceptable, subject to the mitigation measures within the Flood Risk Assessment. These mitigation measures can be controlled via a planning condition, if the application is approved.

5.4 In conclusion, the proposed development is not considered to present an unacceptable adverse impact in terms of flooding or drainage and is therefore considered to comply with Policies CS13, CS14, DM2 and DM3 of the Core Strategy and Development Management Policies (North) Local Plan and Policies CC3 and HQ1 of the Central Bedfordshire Submission Local Plan.

6. Other Considerations

6.1 Ecology and Trees

Neighbouring residents have raised concerns regarding the impact to biodiversity and loss of trees resulting from the proposed development. The proposed development would be located to the south of a County Wildlife Site. A Biodiversity Method Statement has been submitted and considered acceptable by the Council's Ecologist. This report recommends mitigation, including provision of space for bats within the new development. Such mitigation measures can be controlled via a planning condition if the application is approved.

The proposed development would remove several trees within the site, which are not protected. If the application is approved, then a condition would be included, requiring the provision of landscaping for the proposed development.

6.2 Fireworks Display

Neighbouring residents and the Town Council have questioned whether the proposal would stop the Town Council's annual fireworks display, on land to the north of the site. The land has no specific designation for community uses. The right of access and use of the site is a private matter between the applicant and the Town Council. It is noted that the agent has stated to the Town Council that the proposed development would not stop the Town Council using the land to the north.

6.3 Human Rights issues:

In deciding this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity, further action is not required. This planning application does not present any human rights issues.

6.4 Equality Act 2010:

In deciding this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Recommendation:

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No works above ground level, notwithstanding the details submitted with the application, shall be undertaken until details of the materials to be used for the external walls and roofs of the development, hereby approved, shall be submitted to the Local Planning Authority for approval in writing. 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, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 3 **Prior to the commencement of development, a method statement for activities relating to construction shall be submitted to the Local Planning Authority for approval in writing. The content of the method statement shall include the:**

a) purpose and objectives for the proposed works in accordance with recommendations from the May 2018 Preliminary Ecological Appraisal
b) detailed design(s) and/or working method(s) necessary to achieve stated objectives.

c) extent and location of proposed works shown on appropriate scale maps and plans;

d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

e) persons responsible for implementing the works;

f) initial aftercare and long-term maintenance (where relevant);

g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to deliver net gains in biodiversity, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF. These details are required prior to

commencement, as the works may be limited and impaired by the constructed process.

- 4 Notwithstanding the provisions of Part 1, Class A 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 to Plot 1 shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To maintain adequate amenity space, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 5 Notwithstanding the details shown, the footway within the site shall measure no less than 1.8m wide

Reason: For the avoidance of doubt and to provide a footway of adequate width for pedestrian traffic, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 6 No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details and the public highway boundary demarcated.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 7 Before any of the dwelling accesses are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 8 The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 8.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 9 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-street parking which could adversely affect the convenience of road users, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 10 Prior to occupation of the proposed development, hereby approved, the development shall be carried out and completed in all respects in accordance with the access siting and layout, parking provision on the approved drawing no. 17/168/100 Revision P3 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 cycle parking scheme shall thereafter be retained for this purpose.

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, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 11 Prior to the occupation of the development, hereby approved, details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 12 **No development shall take place until a written scheme of archaeological investigation; that includes provision for post excavation analysis and publication, has been submitted to the Local Planning Authority for approval in writing. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: This condition is pre-commencement as a failure to secure

appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part).

- 13 No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion (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, in accordance with Policy DM3 and CS14 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF. These details are required prior to commencement, as they landscaping may influence the location of other elements of the development, such as bin storage and collection.

- 14 The development, hereby permitted, shall be constructed in accordance with the mitigation measures proposed in the Flood Risk Assessment (FRA), Ref FCL/260/01, prepared by Floodline Consulting Ltd, dated January 2018.

Reason: To ensure that the development does not increase the risk of flooding to neighbouring residents and so that the development does not present a flood risk to future occupants, in accordance with Policies CS13, CS14, DM2 and DM3 of the adopted Local Plan, Policies CC3 and HQ1 of the emerging Local Plan and the NPPF.

- 15 The first floor windows in the side elevation of the proposed dwellings, hereby permitted, shall be permanently fitted with obscured glass of a type to substantially restrict vision through it 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 is installed. No further windows or other openings shall be formed in the side elevation.

Reason: To safeguard the privacy of occupiers of adjoining properties, in accordance with Policies CS14 and DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17.168/101 Rev.P3, 17.168/104 Rev.P2 and 17.168/100 Rev.P3.

Reason: To identify the approved plans 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. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, 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 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
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 from the Highway Engineer, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire. SG17 5TQ.
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

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line

with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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