

Item No. 9

APPLICATION NUMBER	CB/17/02350/OUT
LOCATION	Land off Kerrison Close, Lidlington, Beds
PROPOSAL	Outline: Residential development comprising 3 dwellings, with garages and on plot parking.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Stuart Kemp
DATE REGISTERED	12 May 2017
EXPIRY DATE	07 July 2017
APPLICANT	Mr & Mrs O'Connell
AGENT	Bletsoes
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Morris: - Loss of designated open space.
RECOMMENDED DECISION	Outline Application – Recommended for Approval

Reason for Recommendation:

The proposal is considered to constitute a sustainable development within the existing settlement envelope of Lidlington and forms part of a site allocated for residential development within the North Core Strategy and Development Management Policies. The proposal is considered to be of an acceptable scale with an acceptable access. Whilst the proposal would result in the loss of accessible green space this is currently under utilised and the site has become overgrown, the proposal would allow for visual amenity improvements along the adjacent footpath and would open up access to a larger expanse of accessible green space to the north east. As such the proposal is considered to be in general conformity with the sustainable development principles of the NPPF and Policies DM4 and DM3 of the North Core Strategy and Development Management Policies 2009.

Site Location:

The application site comprises of a triangular parcel of land approximately 0.31 ha in area, located to the north west of Kerrison Close in Lidlington. The land is currently overgrown and does appear to benefit from public access.

The site is located on the edge of an existing residential development with residential properties to the south and south west, it is sited adjacent to the railway line to the north and a public footpath also runs through the site.

The site is located within the Lidlington Settlement Envelope and forms part of the allocated site known as HO8(1) in the North Core Strategy and Development Management Policies 2009.

The Application:

The application seeks outline planning permission for a residential development of 3 dwellings. All matters are reserved apart from access.

The application was originally submitted for a development of up to 4 dwellings however, following concerns in regarding the design and size of the site the applicant has reduced the proposal by one dwelling.

RELEVANT POLICIES:**National Planning Policy Framework (NPPF) (March 2012)****Core Strategy and Development Management Policies - North 2009**

Policy CS1: Development Strategy

Policy CS2: Developer Contributions

Policy CS7: Affordable Housing

Policy CS14: High Quality Development

Policy CS16: Landscape and Woodland

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM10: Housing Mix

Policy DM14: Landscape and Woodland

Policy DM15: Biodiversity

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:

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
EE2: Biodiversity

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None

Consultees:

Lidlington Parish Council Objection:

The Parish Council have considered this application and wish to object to this application on a number of grounds.

Firstly, the Parish Council would like to point out that the correct location reference for this application is off The Grove not off Kerrison Close.

The Parish Council must strongly object to this application on the basis that this land is an allocated recreational open space that must remain in the village. The landowner has intentionally downgraded this amenity land, enclosed in and made it inaccessible to local residents who cannot enjoy the use of this area as it was originally intended.

This land has never been maintained or kept in good order for the local residents to enjoy. By changing the use of the land from amenity land to residential development it will set an unacceptable precedent in the village.

There is also a right of way which is not clearly stated in the supporting documentation and it needs to be dedicated so there is no risk of losing this important feature. This proposal will also mean that vehicles will be crossing a bridleway, which is dangerous.

Parking in the local area is problematic and the refuse vehicle cannot access the road. By having more dwellings this will increase the issue which is not acceptable, as refuse and emergency vehicles must be able to have access.

There is also a significant worry that there is no footway on Kerrison Close so pedestrians have to walk in the road, given the number of parked cars this means they have to walk in the middle of the road. Children with scooters/bikes and residents with mobility issues then are all vulnerable as they have to walk in the road, with the proposal of increased vehicle movements this will result in an accident.

It also needs to be considered that the nearby road is not adopted and the road is privately owned by the nearby houses who own up to the middle point of the road.

The Parish Council understand that there is legislation that prevents new dwellings being built in close proximity to a railway, given the planned railway upgrade to the adjacent line is within 30 metres of the site, this is also a reason that this application must be refused.

Also in support of the Parish Council objections as set out above the Council would like to draw your attention to the recent Planning Inspectorate decision notice dated June 2017 relating to the planning application Appeal Ref APP/P0240/W/17/3169863 Land adjacent to Hurst Grove and south of Thomas Johnson Lower School, Lidlington.

If you have any questions about the Council's above comments then please feel free to contact me.

Ecologist

Comment (14th June 17)

The site lies in the Greensand Ridge Nature Improvement Area and is currently semi-improved grassland with scrub. It borders a railway line and forms part of a wildlife corridor connecting the site to the wider countryside in the east. The Phase 1 Habitat survey identified the potential for the site to provide suitable habitat for reptiles and recommended further survey work. The proposal allows for some of this corridor to remain but the grassland will be lost. House sparrows were recorded using the site but there is a barn owl nest box nearby and undoubtedly they too would use the site for foraging as would bats from the local area. Potential enhancement opportunities have been identified but as the site is in the NIA development would be expected to deliver clear gains for biodiversity.

Should the officer be minded to grant outline permission I would want to ensure any reserved matters application

was informed by a condition requiring a reptile survey which in turn would inform an ecological enhancement strategy to be implemented during construction.

Updated Comment (24th August 17)

I have read the letter from the applicant regarding further surveys but I remain concerned over the degree of loss of rough grassland and the potential cumulative effect this will have on the foraging area potential for barn owls so I am unconvinced over the applicants' ability to demonstrate a net gain in respect of the NIA.

Rights of Way Officer	No objection subject to condition.
Pollution Officer	No objection subject to condition.
Internal Drainage Board	No comment.
Trees and Landscape Officer	No objection subject to condition.
Network Rail	No objection subject to informatives.
Housing Development Officer	Comment (Summary) - Proposal does not meet the threshold for affordable housing, as such we would not seek affordable housing on this site.

Other Representations:

Neighbours

33 comments received from local residents with 32 of those being objections.

Summary of Objections

- Increase traffic along Kerrison Close.
- Loss of quiet village feel.
- Loss of public amenity and green space.
- No provision for access other than across the public footpath which would be unsafe.
- Parking on adjacent streets is at capacity.
- Over development of the immediate area.
- Insufficient parking on Kerrison Close causing access issues for waste vehicles and emergency services.
- No pedestrian footpath in Kerrison Close.
- No access to the site for construction of delivery vehicles.
- Closeness and possible height of the garage to the side of 32 and 34 Lombard Street resulting in loss of privacy and light.
- Land is not big enough to support 4 dwellings.
- Restricted access to the site should be left in place.

- Increase on school places and doctors.
- British Rail have access to the railway through The Grove.
- Dangerous junction from village to A507.
- Impact on wildlife, including Barn Owls and Deer.
- 4 houses won't make much difference to the housing shortage.
- Last piece of land left in the village.
- Visibility along Kerrison Close and the new access is poor.

Considerations

1. Principle

The application site is within the Settlement Envelope of Lidlington and forms part of the allocated housing site known as HO8(1) as defined by the Proposal Maps of the North Core Strategy and Development Management Policies 2009.

Lidlington is defined as a Small Village under Policy CS1 of the Core Strategy and Development Management Policies (2009), whereby Policy DM4 states: "Within Settlement Envelopes in Small Villages, development will be limited to infill residential development and small-scale employment uses". The proposed dwelling houses would be sited within the defined settlement envelope and would be considered to form an infill development.

Part of the application site is defined as an "Accessible Greenspace" in the North Core Strategy and Development Management Policies 2009. Policy DM17 states that planning applications which would adversely affect existing accessible green space will not be permitted. The application site is currently overgrown and appears to be under utilised as an accessible greenspace other than the existing footpath which provides access to the larger and more open accessible greenspace to the north east of the site. The reduction in the number of proposed dwellings will allow for additional soft landscaping to be planted along the existing footpath and as such is considered to result in an enhancement of this route. A green buffer would also be retained between the railway line to the north west and the residential properties along Kerrison Close.

Whilst the proposal would result in the loss of an existing, designated, accessible greenspace, given that this appears to be under utilised and poorly maintained and given improvements to the access and approach to the more expansive greenspace to the north east of the site and its sustainable location within the settlement envelope the application is considered to be acceptable in this regard.

The proposal also includes improvements to the accessibility of the greenspace to the north west through the provision of a number of visitor spaces for users of the greenspace to the eastern side of the site.

The proposed development is considered to be acceptable in principle within the context of Policy DM4 of the Core Strategy and Development Management Policies (2009), subject to consideration of all other material matters.

2. Impact on the Character and Appearance of the Area

The proposed dwellings are described as two storey, detached houses. The surrounding residential developments to the south, east and west of the site comprises of a varied mix of two storey houses, both detached and semi detached along Kerrison Close, Lombard Street and Butler Drive.

Although the layout, scale and appearance of the any subsequent development would be reserved for further consideration it is considered that the indicative layout demonstrates that three dwellings could be sited within the site without causing harm to the general layout of the character and appearance of the surrounding area. The indicative plans show the dwelling set back from the existing residential properties along Lombard Street.

The proposed layout appears to reflect the existing residential development along Kerrison Close in terms of plot size and as such the site is considered large enough to be able to accommodate 3 detached dwellings with associated garaging and amenity space.

Whilst the proposal would result in the partial loss of existing accessible greenspace and the redirection of an existing footpath, the landscape buffer between the residential development and the railway line to the north would be retained.

For the reasons outlined above, subject to conditions, it is considered that the proposed development subject to detailed consideration at the reserved matters stage would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Neighbouring Amenity

It is considered that the closest affected dwellings to the proposal would be No.32 Lombard Street, Nos.8 - 15 The Grove and Nos.16, 18 and 20 Kerrison Close.

The separation distance between these neighbouring properties and the application site is considered acceptable based on the indicative layout provided.

Whilst concerns regarding the potential impact on light, amenity and privacy of neighbours have been raised, these would be a consideration that would form part of an assessment as part of any reserved matters application whereby the exact layout and siting of any proposed dwelling would be considered.

However, based on the indicative layout, it is considered that the siting of three dwellings could be achieved on the site which would maintain adequate

relationships with the existing dwellings, in so far as they would not result in a detrimental impact on the residential amenities of the existing dwellings.

With regards to the access, it is not considered that utilising the existing turning head and access which is used for Nos.16, 18 and 20 Kerrison Close would result in any undue loss of privacy or amenity to neighbouring occupants.

For the reasons outlined above it is considered that the principle of the proposed development and the detail of the access are acceptable within the context of ensuring the residential privacy and amenity of the neighbouring occupiers, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Amenity and Living Conditions of future occupiers of the proposed dwelling

The indicative site layout plans indicate rear gardens which appear to be in excess of the external garden space standards of the Central Bedfordshire Design Guide.

Based on the above, and the size of the dwellings proposed, it is considered that a development comprising 3 No. two storey dwellings could provide an acceptable standard of amenity for future occupiers, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Highway Safety and Parking

The Highways Officer has been consulted on this application a number of times and following a number of amendments to the proposal, including the widening of the proposed access, and the inclusion of a relevant tracking diagram for a refuse vehicle the Highways Officer has raised no objection to the revised plans. As such the proposed access and internal road width, and the existing road width of Kerrison Close are considered to be acceptable to support any additional traffic movements as a result of 3 additional dwellings.

The proposal includes associated garaging to serve each of the 3 dwellings and each dwelling would benefit from allocated parking, the indicative layout shows this to be in excess of the parking standards as set out in the Central Bedfordshire Design Guide. As such adequate parking could be provided on site in accordance with the Central Bedfordshire Design Guide.

A number of visitor spaces are also to be provided to serve both the 3 dwellings proposed and to allow for parking in association with the accessible open space to the north east of the application site.

Considering the above, and the comments of the Highways Officer, the proposal is considered to have an acceptable impact on Highways Safety subject to condition.

6. Other Considerations

Trees and Landscape:

Whilst the proposal would result in the loss of some existing soft landscaping this would primarily consist of grass. As such the Trees and Landscape Officer has raised no objection to the proposal subject to conditions securing details of proposed landscaping within the reserved matters application.

Ecology:

Some concern has been raised by the Ecologist in regards to the impact of the loss of grassland on species which are known to existing within the locality of the site. Whilst no objection has been raised further detail is requested in this regard through any subsequent reserved matters application to ensure that the proposal is acceptable in this regard.

Pollution:

The Pollution Officer has been consulted on the proposal and has made no objection to the proposal subject to a condition requesting a scheme for the protection of proposed dwellings from noise. This would be provided and assessed in detail at reserved matters stage.

Human Rights issues:

The development has been assessed in the context of human rights and would have no relevant implications.

Equality Act 2010:

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

Recommendation:

That Outline Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 **No development shall take place within each area approved as identified on drawing no.16176 (B) 097 Revision C until approval of the details of the appearance, landscaping, layout and scale of the development within that area (herein called "the reserved matters") has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 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.

- 3 No development shall take place above ground level until a scheme for protecting the proposed dwellings from noise from the adjacent railway line has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Sound Acoustics report (Ref: Land at Lidlington) dated 3rd March 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To prevent nuisance from noise and vibration and to safeguard the residential amenity of future occupiers.
(Section 7, NPPF)

- 4 **Prior to the commencement of development, a scheme for the provision of public footpath no.1 and permissive bridleway no.1 shall be submitted to and approved in writing by Central Bedfordshire Council to include:**

- **the design of access and public footpath no. 1 and permissive bridleway no. 1 (to include landscaping, width and surfacing)**
- **proposals for diversion of these public rights of way (if necessary)**
- **the temporary closure and alternative route provision (if necessary) of these existing right of way**

The public right of way scheme submitted should be in accordance with the approved ROW Standards and Guidance.

Reasons: In the interests of the amenity of pedestrians and other non motorised users and to ensure safety of users is not compromised by the traffic associated with the development.

- 5 No dwelling approved under any subsequent reserved matters application shall be occupied until an access no less than 4.8m wide with no less than 6.2m in front of the existing garages (11.0m in total), with a triangular vision splay provided on each side of the new access drive, at the site boundary/Kerrison Close boundary and shall measure 2.0m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the new access drive, has been provided. The vision splays 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: For the avoidance of doubt, and to provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it

6 Any subsequent reserved matters application shall include the following:

- A road designed to geometric standard and not less than 4.8m wide
- Vehicle parking and/or garaging in accordance with the councils standards applicable at the time of submission
- Cycle parking and storage in accordance with the councils standards applicable at the time of submission
- A vehicle turning area within the curtilage of the site suitable for a service/delivery sized vehicle (6.5m length)
- Driver/driver intervisibility and pedestrian visibility from the residential accesses within the site and at the bridleway/footpath
- Construction vehicle parking and loading and unloading areas
- Materials storage area
- Wheel cleaning arrangements

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times.

7 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 use hereby permitted is commenced / before the building(s) is/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)

8 **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)**

9 **No development shall take place until details of a scheme of environmental mitigation have been submitted to and approved in**

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation.
(Section 11, NPPF)**

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16176(B) 097 Revision C, 16176(B)099 Revision A, 16176(B)101, 16176(B)111, 16176(B)200 Revision A, 16176(B)205 Revision A, 8896M-TA06, 8896-TA11A.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1.
 - This permission shall not extend to the indicative layout and associated details submitted in support of the application.
 - The applicant is advised that no private surface water drainage system designed as part of the 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 from the Highways Help Desk tel: 0300 300 8049.
 - 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 contact Central Bedfordshire Council's Highway Help Desk on 03003008049. 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 construction of the development hereby approved.
 - Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site.

- The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
2. The applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:
- i. An order made, confirmed and certified under the provisions of Section 247 of the Town and Country Planning Act 1990.
 - ii. An order made, confirmed and certified under the provisions of the Highways Act 1980.
 - iii. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

I have suggested to the agent that discussions take place with us now about the proposed footpath and permissive path "realignment" as diversions can take 6 months to a year to process, there are costs involved and the current legal line of the public footpath cannot be altered on the ground until the full legal process is complete. I would suggest a site meeting would be useful. I have also suggested that it might be useful for the applicant or agent to carry out their own pre-consultations on any realignment proposals with the British Horse Society, Sustrans and the Ramblers.

I note that the permissive bridleway agreement was entered into by the Council with the landowners in 2010 and referred to a 5 metre wide route comprising of a 2 metre wide sealed surface for use by pedestrians and cyclists and a 2.5 metre wide unbound surface for horse-riders. The remaining 0.5 metre grass strip to provide a buffer between the 2 surfaced sections. It will be possible to amend the permissive bridleway agreement but we would ideally wish to retain the same widths and surfaces as currently exist. The route has been a well used route by local residents.

3. 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.
4. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

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

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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