

## **Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/18/04183/OUT</b>
<b>LOCATION</b>	<b>Land East of No.13 Clophill Road, Maulden, Bedford, MK45 2AQ</b>
<b>PROPOSAL</b>	<b>Outline: Erection of 14 dwellings including access</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Ampthill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Terence Garner</b>
<b>DATE REGISTERED</b>	<b>12 November 2018</b>
<b>EXPIRY DATE</b>	<b>07 January 2019</b>
<b>APPLICANT</b>	<b>Aldbury Homes</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure to Development Plan. Parish Council Objection to major application.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

### **Summary and Background to the Recommendation:**

This is a second application pertaining to this site which is outside of the normal identified settlement boundary, as such it technically conflicts with the current settlement strategy contained within Council Policies CS1 & DM4. Consequently, the development would normally be resisted as being against the Development Plan.

It is also acknowledged that there would be a degree of harm to the open aspect of the area and its landscape character.

However, the development does represent a logical expansion to the settlement and would contribute significantly to the economic and social dimensions of sustainability.

The identified harm and conflict with the Development Plan would be significantly out-weighted by the benefits of this scheme, particularly when assessed against the National Planning Policy Framework. This was clearly an issue with Members at previous committees on 3rd January 2018 and 31st January 2018 when they considered an earlier application for this site; application reference: CB/17/01156/OUT.

Members may recall that the application was deferred in January 2018 and subsequent to that deferral the applicant appealed against non-determination and the decision-making process was given to the Planning Inspectorate to determine the application through the planning appeal process. Appendix 1, is a copy of the Inspectors decision letter.

The planning appeal; reference APP/P0204/W/18/3194555, was determined on 5th November 2018, a copy of which is attached as Appendix 1, at which point the appeal was dismissed, however, the Inspector accepted many of the issues pertaining to the application, including character and appearance of the area, development plan policy and considered that whilst the development would result in the development of land between two parts of Maulden, it would not lead to any significant harm due to its low density.

Consequently, the Inspector considered that the development would be broadly consistent with the aims and objectives of Policies CS1, CS14, DM3 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CSDMP).

However, the benefit of such housing was considered by the Inspector as severely diminished due to the lack of affordable housing, and it was on this principle and the lack of an agreed Section 106 that the appeal was dismissed.

The current application has been submitted to resolve the issue of lack of affordable housing highlighted in the Inspectors decision letter.

#### **Site Location:**

The application site is located east of Maulden, between No. 13 Clophill Road and Wheatlands Close and comprises a rectangular arable field accessed off Clophill Road to the south.

The site has agricultural land to the north, with residential development to the east and west.

#### **The Application:**

This is an outline application which proposes a residential development of 14 dwellings on a rectangular area of land of 0.94ha. The area of land concerned bridges a gap in the built area along Clophill Road, between Wheatlands Close to the south-east of the site and 13 Clophill Road to the north-west.

The site is bordered to the north by agricultural land, with built areas to the east and west and further agricultural land to the south.

Access to the site is from the southern boundary of the site directly from Clophill Road.

#### **RELEVANT POLICIES:**

##### **National Planning Policy Framework (NPPF) (July 2018)**

The determination of planning applications is made; mindful of Central Government advice and the Local Plan for the area.

National planning policies are set out in the National Planning Policy Framework (NPPF), this 65 page document was originally published in March 2012 and replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, consequently it includes a 'presumption in favour of sustainable

development'. This is taken to mean approving applications which are considered to be sustainable and accord with the development plan.

The latest National Planning Policy Framework (NPPF) was revised on 24 July 2018 and continues to be a significant and instrumental part of the Governments reforms to make the planning system less complex and more accessible, as well as promoting sustainable growth.

## **Core Strategy and Development Management Policies - North 2009**

The policies below form part of the overall consideration of the current application:

- **CS1 Development Strategy – Rural Areas – Large and Small Villages –** *Maulden is considered to be a large village within the meaning of the policy.*
- **CS2 Developer Contributions –** *The Council's Planning Obligations Strategy SPD seeks to improve the approach to negotiating and securing developer contributions with new development.*
- **CS3 Healthy and Sustainable Communities –** *Ensures that appropriate and sufficient infrastructure is provided for new and existing developments including safeguarding, supporting and identifying sites for community uses, education, recreation, sports, open space and play and health activities.*
- **CS4 Linking Communities - Accessibility and Transport –** *Seeks to deliver and encourage strategic transportation schemes for road, rail, cycle networks and public transport.*
- **CS5 Providing Homes –** *Makes provision for new housing sites for the period 2001 – 2026.*
- **CS6 Delivery and Timing of Housing Provision –** *Provides for a 5 year housing land supply.*
- **CS7 Affordable Housing –** *Identifies a strategy for housing developments to provide 35% affordable housing.*
- **CS13 Climate Change –** *Encourages the use of renewable energy, low carbon technologies, sustainable construction and design, conserving water resources and recycling water, waste minimisation, re-use and re-cycling, green travel plans with better access to walking, cycling and public transport.*
- **CS14 High Quality Development –** *Developments required to be of highest quality respecting character, local distinctiveness, buildings of collective or individual quality and the creation of attractive, accessible and mixed use public realm.*
- **CS16 Landscape and Woodland –** *Conserve and enhance the varied countryside character and local distinctiveness. Conserve and enhance woodlands including ancient and semi-natural woodland, hedgerows and veteran trees.*
- **CS17 Green Infrastructure –** *Seeks a net gain in green infrastructure through the protection and enhancement of assets and provision of new green spaces.*
- **CS18 Biodiversity and Geological Conservation –** *Supports the designation, management, protection of biodiversity, geological and wildlife sites as well as habitats and species identified in the Local Biodiversity Action Plan.*
- **DM1 Renewable Energy –** *Requires new proposals to favour renewable energy installations, respect to residential amenity and areas of high sensitivity such as the Chilterns AONB.*

- **DM2 Sustainable Construction of New Buildings** – *Proposals for new development should contribute towards sustainable building principals.*
- **DM3 High Quality Development** – *All proposals for new development, including extensions will need to show a high quality of design, respect to scale, local distinctiveness, sense of place and choice of construction materials, together with consideration for residential amenity, community safety, accessibility and hard and soft landscaping.*
- **DM4 Development Within and Beyond Settlement Envelopes** – *Within Settlement Envelopes schemes will be supported for community, education, health, sports and recreation uses. Within Large Villages, small scale housing and employment uses will be permitted.*
- **DM6 – Development within Green Belt Infill Boundaries** – *Infill development is considered acceptable in principle within Green Belt Infill Boundaries respecting quality of development proposed and impact on the settlement and its surroundings.*
- **DM10 Housing Mix** – *All new developments will provide a mix of housing types, tenures and sizes to meet the needs of all sections of the community and promote sustainable communities, social cohesion and to include life time homes.*
- **DM14 Landscape and Woodland** – *Trees, woodlands and hedgerows will be protected, tree planting or contributions towards planting will be sought to enhance and mitigate developments and the character of areas within the district.*
- **DM15 Biodiversity** – *Seeks to protect wildlife, species, habitats and designated sites, developers will be expected to secure the protection of wildlife and recognised habitats.*
- **DM16 Green Infrastructure** – *Will promote and protect green infrastructure by ensuring developments will contribute to the provision, extension and maintenance of green infrastructure having regard to the Spatial Strategy.*
- **DM17 Accessible Green Spaces** - *Requires for new developments to contribute to the provision and maintenance of accessible green space and children’s play space or in the case of small scale sites provide off site contributions.*

## **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 48) 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.

Furthermore, Paragraph 49 of the Framework states that an argument that an application is premature is unlikely to justify a refusal of planning permission.

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
- H2: Housing Standards
- EE2: Biodiversity
- DC5: Agricultural Land
- CG8: Important Countryside Gaps

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

Application Number	CB/17/01156/OUT
Description	Outline application – Proposed development of up to 23 dwellings including access.
Decision	Deferred by Committee on 3 <sup>rd</sup> January 2018- Appealed
Decision Date	Appeal Dismissed - 5 November 2018

### **Consultees:**

- Maulden Parish Council** Maulden Parish Council strongly object to this application on the following grounds:
1. Outside the Maulden Settlement Envelope
  2. Significant harm to the village character.
  3. The village school is at breaking point and no meaningful school provision has been or can be provided by the addition of this quantity of houses.
  4. Draft CBC Local Plan will be published at the end of June and this application
  5. Considering the emerging Maulden Neighbourhood Plan and an emerging desire in the village to be involved in the NP, to build a significant settlement in this part of the village, we feel this application is premature and insufficient.
  6. Loss of green space and visual amenity.

In addition and without prejudice to the above objection the application makes mention of that the applicants will enter into a S106 Agreement with appropriate contributions towards community facilities and consequently Maulden Parish Council would propose the following provisions to be made and agreed with the developer:

### Recreation and Open Strategy

- Provision of on-site facilities. None are identified in the proposed site plan.
- Increase and improvements to the facilities at the existing Brache Recreation Ground to benefit the whole village. New slides and additional facilities for the play area. New bench's to replace the old ones that have had to be removed due to wear and tear.

### Outdoor Sport

As no on-site outdoor sports facilities would be appropriate on this development a contribution towards improvements to the changing rooms at the recreation ground, new toilet block and sports facilities/equipment for outdoor sports

### School Places

As mentioned in our objection Maulden School is currently full so there is a need for more school places as a result of a development of this size. This needs to be addressed by the Local Education Authority.

### Traffic Calming

Concern over road safety within the village has been expressed for many years by both MPC and local organisations. Vehicles speeding are a problem along Clophill Road in the area of the proposed development and various traffic calming options are being discussed between MPC/CBC. The increased traffic will only add to the problem along Clophill Road and the rest of the village. Therefore a contribution to traffic calming measures in the village and a safe pedestrian crossing point adjacent to the village shop should be included.

### Community Benefit Fund

This has been proposed for other developments in the village so the setting up a Community Benefit Fund and a contribution that could be used by MPC to fund local causes such as the extension to the Village Hall.

### Subsequent Comments

With reference to the amendments to this application, whilst recognising that the number of dwellings has been reduced from 23 to 14, the revised plan does not overcome the previous objections and consequently Maulden Parish Council strongly object to the amended application on following basis:

- \* Outside Maulden Settlement Envelope. Settlement envelopes serve to prevent coalescence between settlements and to protect the separate character and identify physical identity of the village.
- \* Significant harm to the village character and an unacceptable impact on the settlement envelope.
- \* Loss of green space and visual amenity.
- \* No community benefit for Maulden

\* CBC "call for sites" assessment has excluded the site (ALP151) in the Draft Local Plan as not suitable for development.

CBC comments correspond with MPC view as follows: the site is mostly Grade 2 agricultural land and lies between two distinctly separate settlement envelopes. Development here would fill in a gap in the settlement pattern which is distinctive and unique to the historical pattern of Maulden, development could have an unacceptable impact on the character of the settlement.

**Archaeology  
Bedfordshire Fire and  
Rescue**

No comment received

Thank you for your notification of the proposed development described as above. Our comments are as in A. and B. below.

A. Although this should normally be dealt with at Building Regulations consultation stage, I would like to draw the developer's attention to the requirements of Building Regulations "Approved Document B (Fire Safety) Volume 1 - Dwellinghouses" or "Volume 2 - Buildings other than dwellinghouses" as appropriate, particularly 'B5 - Access and Facilities for the Fire Service', to ensure compliance is met and specifically as below with respect to dwelling houses:-  
□ Vehicle access for a pump appliance to within 45m of all points within a dwelling house;  
□ Turning facilities should be provided in any dead end access route that is more than 20 m long. This can be by a hammerhead or turning circle, designed on the following table. Vehicle Access Route Specification:-  
Table 2 : Typical Vehicle Access Route Specification (\*\*Based on Bedfordshire FRS vehicles)  
Appliance Type Minimum Width of Road between Kerbs (m) Minimum Width of Gateways (m) Minimum Turning Circle between Kerbs (m) Minimum Turning Circle between Walls (m) Minimum Clearance height (m) Minimum Carrying Capacity (tonne)  
\*\*Pump 3.73.116.819.23.718.0 High

Reach 3.73.126.029.04.026.0 If the criteria for fire appliance access to within 45 metres as set out above cannot be reached for residential premises, the Building Control and Fire Authority should be consulted at an early stage, as alternative arrangements may be acceptable. Typically, this is either because the new site is landlocked or because the new access is too narrow to get an appliance close enough. The following options are available if access is within:-  
45 - <60 metres - Domestic/residential sprinklers required;  
60 - 90 metres - Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway;  
Over 90 metres - Not acceptable

B. We would ask that fire hydrants are installed in number and location at the developer's cost as follows:-  
On a residential site we will need one hydrant at least every 180 metres - with no property further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association. The relevant section is copied below from Appendix 5:-1. Housing "Housing developments with units of

detached or semi-detached houses of not more than two floors, should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi-occupied housing developments with units of more than two floors, should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any single hydrant on the development." In addition to the formal guidance or requirements, I would add that where possible consideration is given to access for the hydrants, so they are positioned on pathways/pedestrian areas, close to but not within vehicle standing areas where they are likely to be obstructed by parked cars/lorries(e.g.in an area designated for parking or loading as part of the development)

**Bedfordshire Police  
Ecology Officer**

No comment received

The Ecological Survey submitted with the application did not find any habitats of great value on site and the proposed layout allows for opportunities for habitat enhancement, net gains for biodiversity should be sought. The Ecological report makes recommendations these, together with enhancements, should be conditioned via a Biodiversity Method Statement.

**Environment Agency  
Flood Risk Team  
Green Infrastructure  
Officer  
CPRE**

No comment received

No comment received

No comment received

CPRE believes that this application should be refused as it is premature and undermines the Local Plan Inspection process. At para14 of the DCLG Procedural Practice in the Examination of Local Plans it states -It must be remembered that the examination process starts on submission of the plan. The CBC Local Plan was submitted for Inspection on 30th April 2018.As evidenced below, the site has already been assessed and rejected for inclusion in the Local Plan and found to be environmentally unsustainable. The site has been allocated as part of an Important Countryside Gap in the New Local Plan which has been submitted to the Inspector. CBC can demonstrate a 5.84 year land supply and recent Appeal decisions support that position and the Policies currently relied upon by CBC. The presumption in favour and the 'planning balance' are not engaged. All of the land in this area to the north of Clophill Road was submitted in the call for sites in preparation of the Local Plan. Only one of these sites was taken forward for inclusion -at Hall End in Maulden HAS 36/37 for 25 homes. The proposed site failed at Stage 2. This site is not appropriate for development. This site is mostly Grade2 agricultural land and lies between two distinctly separate settlement envelopes. Development here would fill in a gap in the settlement pattern which is distinctive and unique to the historical pattern of Maulden, development could have an unacceptable impact on the character of the settlement. In addition potential issues with education capacity have been raised.

**Strategic Growth Team  
Highways Officer**

The application proposes the erection of up to 14 dwellings on land on the northern side of Clophill Road between No.13 and



Wheatlands Close. It is outline form with all matters except means of access reserved for subsequent approval.

The proposed access is shown to be laid out as a 5.5m wide priority junction with 6m kerb radii and 2.0m footways on each side of the access road. This is of sufficient standard to serve the scale of development proposed. However, this then reduces to a shared surface of 5.5m with 1.0m verges. This is not to the authority's standard which should be reconsidered and can be dealt with at reserved matters.

In the vicinity of the site, Clophill Road is subject to a 30mph speed limit. The proposed access is located on the inside of a slight bend and just below the crest in the road. The submitted plans show that 2.4 x 59m visibility splays are provided and that this is deemed acceptable.

There is an existing field access in the south-east corner of the site which will become redundant if this development is permitted. This will need to be formally stopped up and the kerb, footway and verge reinstated. This matter can be dealt with by condition.

There is an existing footway on the north side of Clophill Road that runs across the site frontage. As part of the development proposals this should be increased in width to a minimum of 2.0m via a condition to secure this.

The creation of the new junction with Clophill Road will necessitate some changes to the existing system of street lighting which should be dealt with as part of the S278 Highways works required to enable the access.

Regardless of the evidence in the Transport Statement and the trip rates presented, I consider that the proposed development could be satisfactorily accommodated on the local road network and that the impact of the development traffic will not be severe.

The internal road layout is indicative only and therefore any acceptance to the means of access should not be construed as an approval to the proposed layout. Similarly, the layout shows a parking provision which does not comply with the Council's parking standards.

These matters can however be addressed at the reserved matters stage if outline permission is granted.

**Strategic Housing  
Officer**

Strategic Housing support this application as it provides for 5 affordable homes which reflects the affordable housing policy requirement of 35%. The supporting documentation does not indicate the tenure split of the affordable units. The Strategic Housing Market

Assessment (SHMA 2017) has identified a tenure requirement from qualifying affordable housing sites as being 72% affordable rent and 28% intermediate tenure. This makes a requirement of 4 units of affordable rent and 1 unit of intermediate tenure (shared ownership) from the development.

Outlined below is a suggested mix for the affordable housing. Whilst a suggested mix has been provided by Strategic Housing, Strategic Housing would welcome discussions with the applicant on the eventual affordable housing mix to ensure the mix is reflective of current needs, in particular around the mix and type of affordable rented units.

Affordable rent: 4 dwellings (72%)

**Unit Type Percentage**

2 Bed House 50%

3 Bed House 50%

Shared Ownership: 1 dwelling (28%)

**Unit Type Percentage**

3 Bed House 100%

We would like to see the affordable units dispersed throughout the site and integrated with the

**IDB**  
**Landscape Officer**

No Comment received

There are strong landscape objections to this proposal. Although the Application contains landscaped green infrastructure which would contribute to the quality of the development, although the proposal contains a central greenspace which would provide a degree of openness, development around the perimeter of the site would still introduce built form which would impact on views from the north and from Clophill Road itself. Night time impact is also a concern as this would intrude into the countryside and further the sense of coalescence of built form along Clophill Road.

If the Application was minded for approval, it would be important to secure a much more substantial landscape scheme to buffer views from the north, to protect the amenity of the Greensand dip slope and limit views from the higher ground.

A Landscape Management Plan would also be required to ensure the management of the existing hedgerows and maintenance of the boundary hedge at it's current height and for the management of the proposed features.

**MANOP Team**

The requirement for new housing development to meet the needs of older people is set out in Policy H3 of the Local Plan 2015-2035.

If development on the site for residential purposes is acceptable in principle, then we consider that the development should include the following dwellings of a design and layout that makes them suitable for older people in accordance with the standards set out in the appendix to this response:

□ Not less than two (2) units of mainstream housing suitable for older people.

**Pollution Officer  
Senior Drainage  
Engineer**

No Comment received

Having reviewed the submitted documents, we support the approval of outline planning permission for the proposed development. The final surface water drainage design and maintenance arrangements for the system shall be agreed at the detailed design stage

**Planning & Projects  
Officer (Waste & Refuse)**

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site. Typically, until roads are adopted or if the RCV is unable to manoeuvre around the site, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard-standing area needs to be provided for at least 3 wheelie bins and a recycling caddy per property.

**SuDS**

We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage.

**Self Build Officer -  
Environmental Policy  
Team**

Paragraph 61 of the National Planning Policy Framework requires housing mix that reflects needs of different groups in the community, including people wishing to commission or build their own homes. Should the planning permission be granted, it is requested that delivery of minimum of one serviced plot for self and custom build dwelling is secured through a condition or Section 106.

**Sustainable Growth  
Officer**

The proposed development should comply with the requirements of the development management policies: DM1: Renewable Energy; DM2: Sustainable Construction of New Buildings; and Core Strategy policy CS13: Climate Change.

Policy DM1 requires all new development of more than 10 dwellings to meet 10% energy demand from renewable or low carbon sources. The proposed development is above the policy threshold and therefore all dwellings should have 10% of their energy demand sources from renewable or low carbon sources. The development therefore should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should minimise hard standing surfaces and increase green, natural areas to allow rainwater

**Travel Plan Officer**  
**Spending Officers**  
**Fire Safety - Area**  
**Command North (North**  
**& Eastern Corridor)**  
**The Greensand Trust**

infiltration and minimise heat island effect through evaporation and tree shading.

No Comment received

No Comment received

No Comment received

The Greensand Trust object to the application due to the detrimental effect it would have on the landscape character of the village. A very distinctive feature of Maulden is the fact that it is made up of a series of 'ends', separated by open agricultural land, in addition to the main village. This characteristic is of great importance to the residents of the village and surrounding area.

The 2018 Maulden Green Infrastructure plan, developed through two rounds of consultation with residents of the parish, contains a policy to ensure protection of the distinctiveness of the different 'ends of the village'. This policy will be fed through to the Maulden Neighbourhood Plan which is currently being developed.

The importance of this feature is supported by the fact that Central Bedfordshire

Council is proposing that the application area be included within a designated important Countryside Gap in its Pre-submission Local Plan, protected by policy. The proximity of the application area to the Conservation Area and the Church, and its visibility from these, also make it an inappropriate place for development. The distinctive nature of the local area, valued by local residents and Central Bedfordshire Council, is at great risk of being completely lost due to a number of recent planning decisions along Clophill Road filling in gaps, losing open areas and views. Serious weight now has to be given to protecting it.

No comment received

**Bedfordshire and River**  
**Ivel Internal Drainage**  
**Board**  
**Public Art Officer**

No requirement: The proposals in terms of numbers of units fall below the threshold requiring provision of public art.

**Environmental Health**  
**Bedfordshire and River**  
**Ivel Internal Drainage**  
**Board**

No objection subject to relevant conditions.

No Comment received.

#### **Other Representations:**

Neighbours

4 letters of objection summarised as follows:-

1. The entry and exit to the new houses is almost opposite the entry to what is now 10A Clophill Road, the new entrance and the proposed one are both on a gradient and a bend.

2. The new exit/entrance is close to the lower school the road is already busy this development would exacerbate the situation.
  3. The area on the application is an important Green Space in Maulden. This has been designated as such by the yet to be adopted Local Plan and Neighbourhood Plan.
  4. Maulden suffers with speeding vehicles, this proposed development would create potentially another 30 vehicles or more. The road surface, and the general lack of infrastructure could potentially be chaotic.
  5. The development will increase pollution due to additional vehicles and will effect safety on the roads.
  6. As this proposed development is so close to the lower school – this will increase the already high level of carbon monoxide in addition to the danger created by this excess traffic?
  7. There are flooding issues in the village at the junction of Clophill Road and Church Road.
  8. Public transport is not sufficient for more housing in the area.
  9. The character of the village we be lost
- Letter from Councillor Downing - Serious consideration should be given as to how this land is described in the draft CBC Local Plan. It was not designated for building on.

Cllr Downing

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Sustainable location for development
3. The quality of the design and the impact upon the character of the area
4. The impact upon living conditions
5. Highway Considerations
6. Other Material Considerations
  - i) Sustainability
  - ii) Economic
  - iii) Environmental
  - iv) Ecology
  - v) Flood Risk
  - vi) Affordable Housing and Contributions
  - vii) Contaminated Land
  - viii) Agricultural Land Value
7. Planning Appeal Decision

### **Considerations**

## **1. Principle of the Development**

- 1.1 The application site is located outside of the defined 'settlement envelopes' of Clophill and Maulden and the Council can currently demonstrate a five year supply of housing land.
- 1.2 It is acknowledged that the approach of Policy DM4 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the balanced, cost/benefit, approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach. However, this policy also seeks to ensure development is channelled to more sustainable settlements, away from isolated rural locations which have limited access to services and facilities.
- 1.3 In this respect, Policy DM4 is entirely consistent with the thrust of the Framework which seeks to promote sustainable social, economic and environmental development. Overall, it is considered that weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner.
- 1.4 The proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4). This weighs against the grant of permission, however this matter was referred to in the Planning Inspectors decision letter issued for the previous application, this is included in full at Appendix 1.

## **2. Sustainable location for development**

- 2.1 The Framework adopts a broad definition of sustainable development in that it states that the policies in paragraphs 18 – 219, taken as a whole, constitute the Government's view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions.
- 2.2 The quality of the design and the impact upon the character of the area Policies CS14, DM3 and DM4 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 12 of the Framework emphasises the importance of good design.
- 2.3 The application site comprises an area of open agricultural land, adjacent to built residential form to the east and west and is accessed off Clophill Road which bounds the site to the south. Though there is established vegetation to the front of the site, views would be available of the proposed development from certain vantage points along Clophill Road.
- 2.4 Under the adopted Development Plan, the site is not an identified 'gap' in policy terms and comprises no discernible landscape features. With the Pre-submission Local Plan the site is shown to be a recognised Countryside Gap (CG8), however the planning inspector reviewed this and considered that the Pre-submission Local Plan could have little weight in terms of its policies and considered that the development of this site would not cause any significant harm to the countryside and consequently did not use this for the reason to dismiss the appeal. Given the existence of built residential form immediately adjacent to the site and as a large section of open space would be left within the middle of the site, the Inspector considered that this development proposes a logical expansion to the village.
- 2.5 The Inspector further stated "*The units would not be more than two storeys in height and sufficient space would be left about them to ensure that they did not appear cramped upon their plots. Further, a Landscaping Plan could be secured to ensure that built form is appropriately softened and that there is no further fragmentation of existing hedgerows. Though the extent to which the development would be visible would depend upon details*

*reserved for future determination, and it is anticipated that views of the units would be screened by established and proposed vegetation, it is acknowledged that the final form of the proposal would result in residential development on land predominantly absent of built form. This would not result in the merging of settlements or harm to the wider landscape character, but would add to the erosion of the countryside.”*

- 2.6 Overall, there would be some visual and landscape harm arising from the loss of the site’s open and undeveloped character. However, this could be mitigated, through the appropriate management of elements reserved for future consideration and through conditions. As such, the proposal would not result in significant harm in this regard.

### **3. The impact upon living conditions**

- 3.1 Policy DM3 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 131 of the NPPF is to give great weight to outstanding innovation and high levels of sustainability, whilst always seeking to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.
- 3.2 Though the detailed layout and overall design of units is reserved for future consideration, it is considered that, given the size of the application site, units could be positioned and designed in such a way as to not result in significant and demonstrable harm to the living conditions of surrounding units. Furthermore, given the existence of surrounding residential units and the scale of the proposal, it is not considered that the access would result in significant harm in terms of increased noise and disturbance from vehicular movements associated with the development.
- 3.3 Furthermore, it is noted that specific concerns have been raised with regards to the impacts of the proposal in terms of noise and disturbance during construction. The construction of units must adhere to environmental health legislation (which, amongst other things, manages the hours of construction to appropriate times) and it is recommended that a Construction Management Plan is provided through condition. This would ensure that vehicular movements and methods of dust suppression are appropriately managed, in the interest of neighbouring living conditions. Overall, it is not considered that the proposal would result in significant harm in this regard.

### **4. Highway Considerations**

- 4.1 Guidance within the ‘Design for Central Bedfordshire: A Guide for Development’ states that, generally, one bedroom units will require one parking space, two and three bedroom units will require two parking spaces and four bedroom units will require three spaces.
- 4.2 Though plots seem large enough to accommodate sufficient off-road parking, the overall layout of units is reserved for future consideration. However, a condition requested by Highways Officers would ensure that parking provision is in accordance with the Council’s standards applicable at the time of submission.
- 4.3 Turning to highway safety, on discussion with Highways Officers it is considered that the access to the site would be acceptable and that the required visibility splays can be achieved. Subject to relevant conditions no objection has been raised in this regard.

### **5. Other Material Considerations**

- 5.1 **Sustainability** - The Framework adopts a broad definition of sustainable development in that it states that the policies in paragraphs 18 – 219, taken as a whole, constitute the Government’s view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the

achievement of sustainable development, which includes economic, social and environmental dimensions.

The proposal would make a small but valuable contribution to the existing housing stock. Given that one of the key aims of the Framework is to significantly boost the supply of housing, the proposal is considered sustainable in this regard and significant weight in favour of the proposal is attached to this factor. Further, it is noted that there has been concern raised with regard to there not being the services within Clophill and Maulden to support this development. However, both settlements are defined as Large Villages within Policy CS1 and have a number of services and facilities. Taking this into account, and given the statutory duty of relevant bodies to provide services (such as health and education) it is considered that there are sufficient services within the Large Village to accommodate the additional units.

- 5.2 **Economic** The proposal would also result in economic benefits, through the purchase of materials and services in connection with the construction of the dwellings and an increase in local household expenditure. The proposal is considered sustainable in this regard, which again weighs in favour of the grant of permission.
- 5.3 **Environmental** It is acknowledged that the proposal would result in some (moderate) harm to the character of the rural setting. However, the proposal is within close proximity to services and facilities and, overall, the development would not be environmentally unsustainable.
- 5.4 **Ecology** The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 170 -177), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS18 seeks to support the maintenance and enhancement of habitats and states that development that would fragment or prejudice the biodiversity network will not be supported. The site lies in the Greensand Ridge Nature Improvement Area (NIA) and as such development would be expected to deliver net gains for biodiversity. To ensure that this gain is secured, Ecology Officers have recommended the imposition of a condition requiring an Ecological Enhancement Strategy. Subject to the imposition of this condition, no objection has been raised by Ecology Officers and the proposal would be acceptable in this regard.
- 5.5 **Flood Risk** - Policy CS13 seeks to ensure that proposals incorporate suitable drainage infrastructure. It is acknowledged that concern has been raised with regards to the proposal being susceptible to and increasing the risk of flooding.

However, the site lies wholly within Flood Zone 1 – indicating a low probability of flooding. Further, on discussion with internal Drainage Engineers, it is considered that, subject to conditions requesting the submission of a detailed Surface Water Drainage Plan and an associated maintenance plan, the proposal would not increase the risk of flooding to the surrounding area and proposed units would not be susceptible to such risks. Subject to the imposition of this requested condition, the proposal would be acceptable in this regard.

- 5.6 **Affordable Housing and Contributions** - Policy CS7 states that development of four or more dwellings should provide an element of affordable housing and Policy CS2 seeks to secure appropriate contributions. The applicant has agreed to provide five affordable units (four affordable rent and one unit of intermediate tenure) in line with policy requirements. At present, there is a draft agreement to secure this. As such, this application is presented to the Committee for approval subject to securing this appropriate agreement in due course.



It is noted that the Parish Council has requested financial contributions for various local projects. Community Infrastructure Levy (CIL) Regulation 122 states that planning obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question. Further, CIL Regulation 123 prohibits the pooling of 5 or more contributions towards a single project. No other financial contributions have been requested from relevant consultees and no projects have been identified to which contributions may be 'pooled'. For these reasons, the request by the Parish Council would not comply with the CIL Regulations and it is not considered reasonable to request additional contributions from the applicant.

- 5.7 **Contaminated Land** Given the existing agricultural use of the site, on discussion with Public Protection it is considered that there may be some risk to human health through ground contamination. As such, it is recommended that a condition is imposed requiring the developer to keep a watching brief during constructions. Subject to the imposition of this condition, any unexpected contamination can be reported and appropriately remediated.
- 5.8 **Agricultural Land Value** It is noted that there are concerns with regards to the loss of agricultural land. The land at the site is identified as being Grade 2 in quality. In line with Annex 2 of the Framework, this is considered 'best and most versatile' land. The Framework, at paragraph 170, states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. However, the application has demonstrated that this land is not farmed intensively. As such, it is not considered reasonable to refuse the application on the loss of Grade 2 agricultural grounds alone.
- 5.9 **Planning Appeal Decision** As mentioned earlier in the report, following Committee deferral of the previous application in January 2018, a Section 78 appeal was submitted to the Planning Inspectorate against the Council failing to make a decision on the application within the prescribed period. The appeal was subsequently dismissed on 5th November 2018.

The main issues identified by the Inspector were those of the effect of the proposal on the character and appearance of the area and whether the development would provide affordable housing. In addition, there were matters referring to housing land supply and whether the Council could show a 5 year supply. The Inspector did not dwell on this issue as there were arguments from both sides but remained focussed on the issues of character, appearance and affordable housing.

The Inspector stated that *"on the assumption that the Council cannot demonstrate such a supply, the 2018 NPPF indicates that planning decisions should apply a presumption in favour of sustainable development for decision taking, where Development Plan policies which are the most important for determining the application are out of date, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the 2018 Framework"*.

The Inspector made reference to Policy DM4 stating that, *"it does not explicitly prevent development outside of the defined village envelope, which is largely drawn tightly around the existing built up area. It is also clear that the development would make best use of the available land and would lead to a more sustainable community through additional residents to support the local facilities in Maulden and surrounding villages. Furthermore,*

*the existing built form along Clophill Road is largely ribbon development, particularly within Maulden Green End. To my mind, the development of the appeal site would have a very similar character to the existing built form and would not result in any significant harm to the overall character and appearance of the area.”*

*It was further stated that, “taken as a whole, I have found that proposal would not make provision for the delivery of much needed affordable housing and this factor weighs heavily against allowing the proposed development. Notwithstanding that, the development would still give rise to some minor social benefits in that it would provide much needed additional housing. The development would also bring some minor economic benefits through the construction process and the potential to support local facilities. These matters are in favour of the proposed development. “*

*“The indicative plans submitted show that the development of the site would provide 14 new dwellings, although given the outline nature of the proposal that number may be higher.”*

*“The development of the site with new dwellings would clearly contribute towards housing land supply in Central Bedfordshire. However, the benefit of such housing is severely diminished by the lack of provision of affordable housing.”*

*“Against this background, the harm identified significantly and demonstrably outweighs the benefits when assessed against the policies in the 2018 Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.”*

Having regard to the Inspectors comments above it is clear that the development has aspects of concern in regard to the open character of the site and its appearance within the village. Referencing DM4, the Inspector did not consider that the development of the site would cause any demonstrable harm to the character of the area and as such supported the form of development on the site, however the lack of affordable housing detracted from the sustainability of the development.

The Inspector commented that *“Taking all of the above into account, the development would not give rise to any significant harm to the character and appearance of the area.... the development would be broadly consistent with aims and objectives of Policies CS1, CS14, DM3 and DM4 of the CSDMP which amongst other matters seek to ensure that new development is of a high quality, conserves and enhances the local character of the area. It would also accord with the overarching aims of the 2018 Framework.”*

The importance of this was however weighed against the need for a sustainable development and without any affordable housing provision the development could not be supported by the Inspector and the appeal was dismissed principally for the lack of affordable housing.

## **6. Conclusion**

- 6.1 The previous consideration of the application CB/17/01156/OUT, considered at the January 2018 committee, had particular regard for the impact and effects on the character of the area. It was considered that the proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted

by Policies CS1 and DM4) and the Council considered this to weigh against the grant of permission.

- 6.2 Whilst it is acknowledged that there would be some harm to the landscape character, it is clear that the Inspector, when assessing the proposal considered that the development represents a logical expansion to the settlement and could contribute significantly to the economic and social dimensions of sustainability. However without any affordable housing provision it was clear that the scheme did not provide for that extra element to allow for the acceptance of the scheme with the appeal.
- 6.3 In the light of the comments made by the Inspector in regard to the limited harm that the development would have on the character of the area, and the fact that the application now has 35% affordable housing, it is considered that the scheme of development would now provide a sustainable and beneficial development particularly when assessed against the Framework as a whole.

## **7. Other Considerations**

### **7.1 Human Rights and Equality Act issues:**

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

### **Recommendation:**

That Planning Permission be APPROVED subject to the following: the signing of a S106 agreement to require 35% affordable housing and relevant planning conditions.

## **RECOMMENDED CONDITIONS**

- 1 Details of the appearance, landscaping, layout, and scale, (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 Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; 16216 (D) 001 & 16216 (D) 002 Rev. C

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

- 5 The development shall not commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:
- i) waste management measures;
  - ii) details of site compounds, offices and areas to be used for the storage of materials;
  - iii) methods and details of dust suppression during construction;
  - iv) proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic.
  - v) construction traffic routes

The development shall be carried out in accordance with the details so approved.

Reason: In the interest of highway safety and the living conditions of surrounding properties.

- 6 The dwellings hereby approved shall not be occupied until details of the bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with details approved in this regard.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 7 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 and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping. (Section 12, NPPF)

- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (March 2017) and assessment of the hydrological and hydrogeological context of the

development and the expected outfall extent, has been submitted to and approved in writing by the Local Planning Authority. The schemes all include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change). Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 163 NPPF.

- 9 Prior to the first occupation of the dwellinghouses hereby approved, a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, shall be submitted to and approved in writing by the local planning authority. The development shall be in accordance with this approved plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 10 During any ground works on the site a Watching Brief shall be kept to monitor any potentially contaminated material. Should any such material be encountered, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed.

Reason: To minimise the risk to human health through ground contamination.

- 11 No development shall take place until an Ecological Enhancement Strategy (EES) has been submitted to and approved in writing by the local planning authority. The EES shall include the following:
- a) Purpose and conservation objectives for the proposed works informed by a review of the ecological assessment.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale plans.

- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.

The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 12 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include plans and sections of the proposed access road(s), footways, cycleways, turning areas, street lighting, etc. to accord with the Council's published standards.

Reason: To ensure a satisfactory means of access between the proposed dwellings and the public highway and to ensure that the proposed dwellings can be properly serviced.

- 13 No dwelling shall be occupied until a 2.0m wide footway has been constructed on the northern side of Clophill Road across the whole of the site frontage in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Such details shall include new street lighting. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

- 14 No dwelling shall be occupied until visibility splays have been provided on each side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 59m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 15 Before the new road access junction is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby

approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 16 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of off-street parking and cycle parking in accordance with the Council's published standards.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising conditions of danger, obstruction, and inconvenience to users of the highway and of the premises.

- 17 The supporting documentation to be submitted for approval of reserved matters in connection with this development shall include a construction management statement which incorporates details of:

- Parking of vehicles for site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Construction traffic routes and hours of operation; and
- Details of the responsible person who can be contacted in the event of a complaint.

All works shall be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the surrounding road network during the construction period.

- 18 The number of dwellinghouses approved shall not exceed 14.

Reason: To appropriately manage the scale of the development at the site, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

## **INFORMATIVE NOTES TO APPLICANT**

1. 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 Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049.

2. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Agreements Officer, Highways Contract Team, Community Services,, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
  
3. The applicant is advised that in order to comply with the Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. Tel., 0300 300 5268 \*May need to be amended to suit decision notice.
  
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**

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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