

Item No. 17

APPLICATION NUMBER	CB/18/02240/OUT
LOCATION	The Limes, 85 High Street, Henlow, SG16 6AB
PROPOSAL	Application for Outline Planning for the erection of 3 dwellinghouses and associated works, all matters reserved except access.
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Benjamin Tracy
DATE REGISTERED	07 June 2018
EXPIRY DATE	02 August 2018
APPLICANT	Mrs Wilkinson
AGENT	JK Architecture
REASON FOR COMMITTEE TO DETERMINE	Cllr David Shelvey Call-in on the following grounds: <ul style="list-style-type: none">• no amenity left for care home;• over development of the site;• limited parking• gardens small;• lack of parking for staff and visitors of Care Home not as many spaces as shown on plan; request from Parish Council
RECOMMENDED DECISION	Outline Application - Recommended for Approval

Reason for Recommendation

The proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy H2 of the Emerging Local Plan. Notwithstanding the latter those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own.

The proposed development has been considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and the benefits would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

For the reasons outlined within this report, the development is considered to be sustainable and no significant harm has been identified. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy H2 of the Emerging Central Bedfordshire Local Plan.

Site Location:

The site is located to the west of High Street, Henlow.

The site consists of land within the grounds of The Limes Care Home.

To the north of the site is The Limes and the dwellinghouses known as Nos. 7, 8 and 9 Old Barn Close.

To the south of the site is Nos. 77 and 79 High Street. To the west of the site is open countryside.

The Application:

The application seeks outline planning permission with all matters reserved except access for the construction of up to 3 dwellings and associated development.

Access to the site would be taken from High Street.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

Core Strategy and Development Management Policies - North 2009

CS1 – Development Strategy
CS2 - Developer Contributions
CS3: Healthy and Sustainable Communities
CS4: Linking Communities – Accessibility and Transport
CS5: Providing Homes
CS7: Affordable Housing Provision
CS13: Climate Change
CS14: High Quality Design
CS16: Landscape & Woodland
CS17: Green Infrastructure
CS18: Biodiversity
DM1: Renewable Energy
DM2: Sustainable Construction of New Buildings
DM3: High Quality Design
DM4: Development Within and Beyond Settlement Envelopes
DM9: Providing a range of Transport
DM10: Housing Mix
DM14: Landscape and Woodland
DM15: Biodiversity
DM16: Green Infrastructure

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.

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, SP2, SP7, HA1 (HAS41), H1, H2, H4, T1, T2, T3, T4, T5, T6, EE1, EE2, EE3, EE4, EE5, EE6, EE13, CC1, CC3, CC5, CC6, HQ1, HQ2, HQ3, HQ4, HQ5, HE1, HE3 and DC5.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Consultees:

Henlow Parish Council Henlow Parish Council object to the application on the following grounds:

- this application is an overdevelopment of the site;
- loss of amenity space for residents of The Limes Care home.

Arboriculture The Council's Arboriculturalist has issued the following consultation response:

"Proposal will result in the loss of a number of early mature trees all located to the rear of the property, their loss could be compensated for by a detailed conditioned landscape scheme to include new tree planting".

Ecology The Council's Ecologist has issued the following consultation response:

"Following the submission of a Preliminary Ecological Appraisal for the site it is reassuring to see that the proposal is not anticipated to have a detrimental impact on protected species, the PEA details a number of mitigation measures to ensure this and additionally provides information on opportunities for enhancement in line with NPPF expectations. As such the objection is withdrawn and the following condition is advised;

No development shall take place (including ground works or site clearance) until a method statement for the creation of new wildlife features such as the erection of bird/bat/bee boxes in buildings/structures and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on

- appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;

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

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework".

Highway Authority

The Council's Highways Development Control Officer has issued the following consultation response:

"The proposal is outline with all matters reserved apart from access. The applicant has submitted a further revised plan to address the previous comments, showing additional parking for The Limes and a revised location for the access for the residential development. Although some of the previous issues have been addressed access to the two parking spaces opposite no 4 Lime Walk are not within the red/blue line plan, so have been discounted as parking provision. Also, the 7 parking spaces for The Limes, and opposite nos. 1 to 3 Lime Walk are unworkable if accessed from The Limes. Parking spaces require no less than 6.0m in front of the space to allow vehicles to manoeuvre into/from the space. This parking provision has been discounted. This leaves the proposal less of 9 parking spaces.

An indicative layout has been submitted for the dwellings, with house type 2 and 3 being 4 bedroom dwellings and house type 1 a 5 bedroom dwelling, each with a large single garage and parking in front. Two visitor parking spaces are shown, although only 1 is required. The access has been slightly realigned to provide the required visibility splay.

It is possible that the parking layout is workable, and this has been discussed and agreed with the planning officer as a pre-commencement condition. Please advise the applicant that the 2 bays not within the red/blue line plan can be relocated to the verge on the south side of the residential access and parallel to the access. These bays should measure 2.5m x 6.0m each so vehicles can manoeuvre to/from the bays. Two of the 7 unworkable bays can also be located here, parallel to the access and of the same dimensions.

The remaining 5 unworkable bays from west to east can measure 4 bays x 3.0m x 5.0m each, and 1 bay (nearest the access) x 2.5m x 5.0m. The widened bays will allow vehicles to 'swing' within the bay allow them to manoeuvre into/from the bays.

Please include the following in any permission issued:

1. Prior to development details of the revised parking for the 9 'unworkable' parking bays shall be submitted to and approved in writing by the local planning authority and shall comprise of 4 bays located parallel to the proposed access and measuring 2.5m x 6.0m each, and 4 bays at the north side of the site measuring 3.0m x 5.0m each and 1 bay measuring 2.5m x 5.0m. The approved details, along with the 5 parking bays fronting the High Street, shall be implemented prior to the construction of the residential development, and thereafter retained for the purpose of parking provision for the building known as 'The Limes' unless otherwise agreed in writing by the local planning authority.

Reason

To provide adequate and workable on site parking for the existing building known as The Limes, prior to the residential development, and thereby alleviating on street parking.

2. No dwelling approved under subsequent reserved matters application shall be brought into use until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, and the closure and re-instatement of the surplus lengths of the existing southern access

Reason To ensure the provision of appropriate access arrangements and associated off site highway works in the interest of highway safety

3. Any subsequent reserved matters application shall include the following:
 - Vehicle parking and 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 refuse collection point located at the site frontage outside of the public highway and any visibility splays
 - A vehicular turning area suitable for a service/delivery vehicle of 6.5m length
 - A plan showing the area for construction worker parking provision, deliveries, materials storage, clear of the public highway

Reason

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

NOTES TO APPLICANT

- The permission shall not extend to the indicative layout submitted in support of the application
- The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 2** Upon formal approval of details, the applicant is advised to follow this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

To fully discharge condition 1** the applicant should provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction in accordance with the approved plan, before the development is brought into use.

- 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".
- The applicant is advised that the closure of the surplus lengths of the existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 2**. Upon formal approval of details, the applicant is advised to contact this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council Tel: 0300 300 8301 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 2** the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the access".

Lead Flood Authority

The Lead Flood Authority has issued the following consultation response:

"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, if the following recommendations and planning conditions are secured.

1. The FRA states the use of existing soakaways, these are unlikely to be of sufficient capacity for the proposed roof and hardstanding since the area is currently greenfield. FRA states 4.2 "The site and surrounding land drains by soakaway drainage to discharge to the nearby Henlow Brook" So is this infiltration by positive drainage to soakaway, or surface water runoff directly to the watercourse? A better explanation of predevelopment and proposed systems is required.
2. We will require full drainage drawings showing all connections, control features, storage, inverts etc.
3. Permeable surfaces should be considered for parking areas. Contaminated surface water should not be directed to soakaway or watercourse without at least one further treatment. This could be for instance, through permeable paving, a retention swale/pond or an oil separator.
4. We will require a full set of calculations providing evidence of all surface water retained on site for the 1 in 100 (+40%CC) rainfall event. Any exceedance should be shown with pathways and maximum depths.
5. Any watercourses within or adjacent to the site should be included in the maintenance and management plan, even if there is no discharge to them. This would be a riparian ownership issue but leaving it as such is no longer acceptable. We also note that the red line boundary is adjacent to a watercourse, under local byelaws adopted by CBC and the Internal Drainage Board no structure may be erected within 9m of a watercourse without the authorities' consent. We require details be provided of any proposed works or structure within 9m of the top of the bank of any watercourse.
6. Detailed site investigation results (including any site specific soakage tests and ground water monitoring shown (in accordance with BRE 365) will need to be provided with the full application. This should be used to inform the final soakaway sizing/ Drainage Strategy.
7. Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA

RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement’.

8. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the ‘Non-statutory technical standards for sustainable drainage systems’ (March 2015, Ref: PB14308), ‘Central Bedfordshire Sustainable Drainage Guidance’ (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).
9. No landscaping or storage of materials should be allowed within any flood zone area (prior, whilst or post build).
10. To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage, including ditches; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property.
11. Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to an existing watercourse/ditch, and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
12. Agreement for the sewerage undertaker is required to discharge into a public system. The agreement and rate (l/s) must be included in relevant correspondence.

Recommended conditions;

Condition 1: No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards or sewage undertaker. The final detailed design shall be based on the agreed FRA (Ref:

GBC/JK January 2019) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.

The applicant should address points 1, 2, 3, 4, 5, 6, 9, 11 and 12 when submitting details to discharge the condition:

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 103 of the NPPF.

Condition 2: No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

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".

Pollution

Environmental Protection have issued the following consultation response:

"I have no objection to the proposed development but would ask that the following condition is attached to any permission granted to ensure that any contamination identified during the development phase is effectively remediated;

1. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990".

Environment Agency

The Environment Agency has issued the following consultation response:

"Thank you for your letter regarding the above mentioned site, which was received on 14 January 2019. We have reviewed the information as submitted and wish to make the following comments.

We have no objection to the proposed development.

National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

The submitted site layout plan indicates that two of the proposed dwellings may be partly located within Flood Zone 2. Your Authority should consider whether a sequential approach has been taken to the site layout, with the dwellings located as far as possible from the extent of Flood Zone 2.

As the main source of flood risk at this site is associated with an Internal Drainage Board (IDB) watercourse, we are unable to comment on whether the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are appropriate.

The IDB should therefore be consulted on the submitted FRA.

Please note that section 5.5 of the FRA indicates that detailed hydraulic modelling of Henlow Brook was undertaken as part of a development proposal at 21-23 High Street. If this modelling has been accepted by the IDB and is relevant to the site then we consider that it should be used to assess the flood risk at the site".

Bedfordshire and River Ivel Internal Drainage Board	<p>The Bedfordshire and River Ivel Internal Drainage Board's response to the submitted Flood Risk Assessment states:</p> <p>Please note the Board has no comments to make regarding this planning application.</p>
Bedfordshire Fire and Rescue Service	<p>No objection subject to compliance with Building Regulations.</p>
Strategic Housing	<p>The Council's Strategic Housing Team have issued the following consultation response:</p> <p>On 13th May 2016 the government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). This is a material consideration to be taken into account in decision-making on planning applications. The weight given to this material consideration will need to be considered on a case-by-case basis and in relation to the weight of the existing Development Plan policies, which remain the starting point for consideration in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.</p> <p>In light of this, we would not seek affordable housing on this site.</p>

Other Representations:

Neighbours	<p>6 representations received from 4 properties, objecting to the proposed development. The comments and objections have been summarised as:</p> <ul style="list-style-type: none"> • concern in relation to flood risk; • concern in relation to land stability; • the development would cause harm to the quality, character and amenity value of the area; • overdevelopment of the site; • the proposed development would lead to increased traffic and additional parking on the road; • air quality concerns in relation to increased vehicular movements; • concerns in relation to the impact on wildlife (Bats), trees and hedgerows within the site; • loss of green space; • loss of light and privacy to No. 7 Old Barn; • dominating impact on No. 7 Old Barn; • Human Rights Act Protocol 1, Article 1 "a person has
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the right to peaceful enjoyment of all their possessions which includes the home and other land" and Article 8 "a person has the substantive right to respect for their private and family life";

- Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8 of the human rights act.
- the development does not respect the local context and street pattern or, in particular, the scale and proportions of surrounding buildings;
- the proposed development would be out of character;
- impact of noise from vehicles on No. 7 Old Barn;
- loss of amenity land for the occupiers and workers of the Care Home;
- loss of view from the rear of 8 Old Barn Close;
- Concerns in relation to foul drainage;
- concerns in relation to surface water drainage;
- Impact of trees within a conservation area; and
- Concerns in relation to the design of the access.

Considerations

1. Principle

- 1.1 The Committee are advised that applications for planning permission are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory development plan for the area comprises the saved policies of the Mid Bedfordshire Local Plan, First Review (2005) (LP), the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CSDMP) and the Central Bedfordshire (North) Site Allocations Development Plan Document (2011) (SADPD).
- 1.2 The site is located beyond but adjacent to the settlement envelope of Henlow as defined by the Proposal Maps (2011). Policy CS1 of the Core Strategy and Development Management Policies (2009) defines Henlow as a Large Village for the purposes of the Development Plan. Policy DM4 permits development within settlement envelopes commensurate with the scale of a settlement taking into account the role of identified settlements within the Development Plan area. The accompanying text to the Policy makes clear that outside settlements where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted where it accords with the now deleted national guidance in PPS7 - Sustainable Development in the Countryside.
- 1.3 The development proposed would not comply with Policy DM4. Nonetheless, since Policy DM4 takes reference from superseded national advice and the National Planning Policy Framework ("the Framework") does not seek to protect the countryside for its own sake, then the policy does not have full weight. However Paragraph 170 of the Framework outlines that planning should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services".
- 1.4 Furthermore, there is no restriction on the use of settlement boundary policies in the Framework which sets out the Government's requirements for the

planning system only to the extent that it is relevant, proportionate and necessary to do so. The envelopes provide a check on unrestrained development in the countryside outside of villages which in turn contributes to compliance with the spatial distribution of housing identified in Policy CS1. The Council considers that the principle of settlement envelopes is not inconsistent with the Framework.

- 1.5 The Council through the Central Bedfordshire Submitted Local Plan is not seeking to resile itself from settlement envelopes, and the proposal maps have been reviewed. Following this review the site in question remains beyond settlement envelopes. The Settlement hierarchy within the Emerging Plan defines Clifton as a Minor Service Centre for the purposes of the Emerging Plan and Policy SP7 of that plan states: *"outside settlement envelopes the Council will work to maintain and enhance the intrinsic character and beauty of the countryside and only particular types of new development will be permitted. This includes the development of those sites allocated by this and previous development plans and residential development within exception schemes or dwellings for the essential needs of those in agriculture or forestry. Proposals which re-use existing buildings or replace an existing dwelling will be acceptable provided they conform to the specific criteria in this plan"*.
- 1.6 The Council considers that Policy SP7 of the emerging plan is consistent with the policies in the Framework, but when considering the stage of preparation of the emerging plan and the stage of examination, it is considered at this time this policy can only be afforded limited weight in decision making.
- 1.7 In addition to the above the site is located within an Important Countryside Gap for the purposes of saved policy CS21 of the Mid Bedfordshire Local Plan, First Review (2005) as defined by the Proposal Maps 2011.
- 1.8 Policy CS21 states: *"In the Important Countryside Gaps defined on the Proposals Map, the Council will not grant planning permission for development that would promote the visual or physical coalescence of nearby settlements"*.
- 1.9 The Council consider that Policy CS21 is consistent with the NPPF and is attributed full weight.
- 1.10 The Council through the Central Bedfordshire Submitted Local Plan is not seeking to resile itself from Important Countryside Gaps, and the proposal maps have been reviewed. Following this review the site in question remains within an Important Countryside Gap for the purposes of Policy SP5. However Policy SP5 is attributed limited weight at this stage.
- 1.11 The test under Policy CS21 is whether the proposed development would promote visual or physical coalescence of nearby settlements, this shall be discussed in detail later within the report.
- 1.12 As previously stated applications for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) forms a material consideration.
- 1.13 Paragraph 11 of the NPPF states: *"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*
 - c) *approving development proposals that accord with an up-to-date*

development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of date, grant planning permission unless:

- i. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

- 1.14 When determining whether policies are out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73 of the NPPF); or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.
- 1.15 At the date of this report the Council can demonstrate a five year housing supply of deliverable housing sites and the appropriate buffer, as well as demonstrate that the Councils delivery of housing is not substantially below the housing requirement over the previous three years.
- 1.16 Furthermore; for the reasons outlined within this report it is considered that the principle of settlement envelopes under Policy DM4 within the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan are not inconsistent with the Framework. Additionally it is considered that Policy DM4 is broadly consistent with the NPPF and as such is not considered to be out-of-date. In line with recent appeal decisions the policy is considered to have moderate weight.
- 1.17 Paragraph 12 of the NPPF states: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed"*.
- 1.18 It is considered that the principle of the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. Notwithstanding the latter those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own. Thereby, the proposed development will be considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and would outweigh the non compliance with these policies. It is noted that Paragraph 9 of the NPPF states: *"These objectives should be delivered though the preparation and implementation of plans and the application of the policies in this Framework"*. Therefore in considering the development in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF shall be considered, including important countryside gaps.

2. Coalescence and Important Countryside Gaps

- 2.1 The rear of the site is located within an Important Countryside Gap for the purposes of Policy CS21, however it is considered that this small scale residential development within this site would appear well related to the existing settlement of Henlow and appears is both physically and visually separate from the open landscape to the south and west.
- 2.2 When considering the above in addition to the scale of development, the character of the site, the separation between Clifton and Henlow and the existing pattern of development, it is considered that the proposed development would not promote the visual or physical coalescence of those settlements. Thereby it is considered that the proposed development would not be contrary to Policy CS21.

3. Impact upon the setting of Listed Buildings, the character and appearance of the Conservation Area and the character and appearance of the area more generally, including the intrinsic character and beauty of the countryside.

3.1 Built Heritage Assets

The site is located within the Henlow Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

- 3.2 The site access is located to the west of the Grade II Listed Building known as Westholt, 84 & 86 High Street. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the local planning authority, in determining applications for planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses.
- 3.3 Applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The adopted development plan is the Core Strategy and Development Management Policies (2009). The National Planning Policy Framework (NPPF) forms a material consideration in planning decisions.
- 3.4 Policy DM3 seeks to ensure that all new development is appropriate in design that respects and complements the context of the site including the setting of all heritage assets, particularly those that are designated. Policy CS15 seeks to protect, conserve and enhance the district's Heritage including Conservation Areas and their setting. Policy DM13 states: the Council will ensure that planning applications for development within Conservation Areas are assessed against the Conservation Area appraisals and inappropriate development will be refused.
- 3.5 Paragraph 192 of the NPPF states: In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local

character and distinctiveness.

- 3.6 Paragraph 193 and 194 of the NPPF continues that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In accordance with paragraph 193 great weight is given to the conservation of these heritage assets.

3.7 Conservation Area and non designated heritage asset

In accordance with the requirements above the development has been assessed against the Henlow Conservation Area Appraisal which identifies the The Limes as positive building within the Conservation Area and is considered to form a non designated heritage asset which can be glimpsed from a important view to the north of the site upon High Street.

- 3.8 It is considered that subject to a sensitively design scheme being secured at reserved matters stage, the development would cause less than substantial harm to the character and appearance of the Conservation Area and the setting of the non designated heritage asset. Subject to the latter the introduction 3 dwellings, of suitable and sensitive design, scale, layout, landscaping and appearance, that the proposed development would cause less than substantial harm. This harm shall be weighed against the public benefits of the development.

3.9 Setting of Listed Buildings

The Grade II Listed Building known as Westholt, 84 & 86 High Street can be viewed from the proposed site access. However it is considered that the proposed development would cause less than substantial harm to the significance of this heritage asset, which includes its setting. This harm shall be weighed against the public benefits of the development.

3.10 Harm to the significance of heritage assets weighed against public benefits

As outlined above it is considered that subject to the detail of the proposal to be assessed at reserved matters stage, the proposed development would cause less than substantial harm to the significance of Henlow Conservation Area, the setting of the Limes as a non designated heritage asset as well as the Grade II Listed Building known as Westholt, 84 & 86 High Street. However it is considered that public benefit of providing three dwellings positively contributing towards the identified Housing Need, as well as the benefit of new residents helping to support local services and facilities, would outweigh the degree of harm identified.

3.11 Impact on the character and appearance more generally including the intrinsic character and beauty of the countryside

It is considered that subject to the development of a development of 3 dwellings being of a suitable and sensitive design, scale, layout, landscaping and appearance, in this rural and edge of countryside location, it is considered that the proposed development would not cause harm to the character and appearance of the area, including landscape visual impacts.

- 3.12 Concern has been raised in relation to the detail of the indicative layout submitted, however the detail of layout, landscaping, scale and appearance have been reserved and are not subject to this outline planning application.
- 3.13 Concern has been raised in relation to the potential density of development however the committee are advised that 3 units within this site would form a low density scheme, reflecting the proposals rural and edge of settlement location.
- 3.14 For the reasons outlined above it is considered, subject to conditions, that the proposed development would be acceptable within the context of conserving and enhancing the built historic environment. Furthermore; it is considered that the development would be of a high quality and would not cause harm to the character and appearance of the area more generally. The proposal would conform with Policies DM3, DM13, DM14, CS14, CS15 and CS16 of the Core Strategy for the North of Central Bedfordshire; Policies HQ1 and HE3 of the Submission Central Bedfordshire Local Plan; the Central Bedfordshire Design Guide; and the NPPF.

4. Trees, Hedgerows, Biodiversity, Ecosystem Services and Natural Capital

- 4.1 The site does contain existing trees, which have the potential to be affected by development of the site, it is considered necessary, relevant and reasonable to impose a condition that would ensure that the layout agreed at reserved matters stage would replace any trees lost.
- 4.2 The application has been accompanied by an Ecological survey and the Council's Ecologist has raised no objection to the application on the grounds of insufficient information or protected species. The Council's Ecologist has advised that subject to a condition that would require a Ecological Enhancement Strategy to ensure the proposal can achieve net gains in biodiversity, there is no objection in that context.
- 4.3 Paragraph 170 of the NPPF outlines that planning should "contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".
- 4.4 The site consists of lawn, trees and a pond. The natural capital and ecosystem services that the site provides are acknowledged, however it is considered that the benefits of development, including the provision of three dwellings would positively contribute towards the Councils housing need whilst providing temporary jobs during construction. Furthermore the development would support local services/ facilities and would be required at reserved matters stage to provide an appropriate landscaping scheme as well as a biodiversity enhancement scheme to mitigate the identified impacts in the context of landscaping, ecology, natural capital and ecosystem services. Therefore it is considered that development could deliver a net gain for biodiversity and would be acceptable in this context.
- 4.5 For the reasons outlined above it is considered that the proposed development, subject to conditions that would secure an acceptable landscaping scheme and biodiversity enhancements that would ensure a net gain for biodiversity would be acceptable in the context of policies CS18, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies

(2009) and policies EE2, EE4 and EE5 of the Submission Central Bedfordshire Local Plan, as well as the policies within the NPPF, in this context.

5. Amenity for Existing and Future Occupiers

- 5.1 This application forms an outline planning application with all matters reserved, whereby the detail of the development would be subject to a reserved matters application.
- 5.2 It is considered from the information provided that three dwellings, could be constructed within the site, which would provide an acceptable standard of amenity for future occupiers, and would ensure that neighbouring dwellings would retain an acceptable standard of amenity, including an acceptable standard of privacy to neighbouring properties and immediate private amenity spaces.
- 5.3 Furthermore; the indicated plan has demonstrated that sufficient land could be retained as garden land to the Care Home.
- 5.4 For the reasons outlined above it is considered that the proposed development is acceptable within this context.

6. Car Parking, Highway Safety and Sustainable Modes of Transport

- 6.1 This application forms an outline planning application with all matters reserved, whereby the detail of on site car parking will be required to be approved at the reserved matters stage. A condition would ensure that any reserved matters application would feature a policy compliant car parking scheme which includes the retention or replacement car parking to serve The Limes.
- 6.2 Concern has been raised in relation to highway safety and capacity by neighbours, however no objection has been received from the Highway Authority. The Highway Authority have confirmed that access to the site can be achieved.
- 6.3 Subject to conditions it is considered that the proposed development would be acceptable in the context of Car Parking, Highway Safety and highway capacity, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Policies T2 and T3 of the Submission Central Bedfordshire Local Plan, as well as the policies within the NPPF, in that context.

7. Flood Risk and Surface Water Drainage

- 7.1 The western most edge of the site is located within Flood Zone 2, with the majority of the site within Flood Zone 1.
- 7.2 The site forms land associated with a Care Home, whereby the site is considered to fall within the definition of previously developed land and the application forms a Change of Use, whereby the National Planning Policy Guidance states that changes of use are exempt from the need to undertake a sequential test. The aim of this exemption is to allow the efficient and effective use of previously developed land and buildings.
- 7.3 In accordance with paragraph 163 of the NPPF a site specific flood risk assessment has been undertaken and provided. Paragraph 163 indicates that in such areas at risk of flood development should only be allowed if it can be

demonstrated that:

- a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless overriding reasons to prefer a different location;
- b. the development is appropriately flood resistant and resilient;
- c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d. any residual risk can be safely managed; and
- e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.4 It has been demonstrated through the Flood Risk Assessment and the indicated layout provided that three dwellings could be developed within the site in a way that would satisfy Paragraph 163 of the NPPF.

7.5 No objection from the Environment Agency of the Bedford and River Ivel Internal Drainage Board has been received within this context.

7.6 The Lead Flood Authority have indicated that development can be approved subject to the imposition of conditions.

7.7 For the reasons outlined above it is considered that the proposed development would be acceptable within this context.

8. Other Considerations

8.1 Foul Drainage

Concern has been raised in the context of the capacity of foul drainage infrastructure in the area. It has been considered necessary to impose a condition for the submission of a foul drainage strategy for the approval of the Local Planning Authority.

8.2 Construction

Concern has been raised in relation to potential impacts upon amenity during construction, however no concern has been raised by the Pollution Team and it is considered that such matters are controlled under separate legislation.

8.3 Human Rights and Equality

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.

9. Planning Balance

9.1 It is considered that the principle of the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009), and SP7 of the Emerging Central Bedfordshire Local Plan. Notwithstanding the latter those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own.

9.2 The proposed development has been considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and the benefits would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the

Policies within the NPPF have been considered.

- 9.3 For the reasons outlined within this report the Committee is advised that, subject to conditions the development, it is considered that the development would be sustainable and no significant harm has been identified, including in the context of heritage assets. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core Strategy and Development Management Policies (2009) and the Emerging Central Bedfordshire Local Plan.

Recommendation:

That Planning Permission be **APPROVED** subject to the following planning conditions:

RECOMMENDED CONDITIONS

- 1 Details of the access, 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 number of dwellings approved shall not exceed 3.

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.

- 5 Any subsequent reserved matters application for the approval of landscaping shall include details of hard and soft landscaping (including any replacement tree and hedgerow planting), together with a timetable for its implementation and maintenance for a period of 5 years following implementation. Any subsequent reserved matters application submitted under Condition 2 of this permission shall include details measures for the protection of retained trees/hedgerows within or neighbouring the site during the course of development. The approved measures shall be implemented in accordance with a timetable to be included as part of the landscaping scheme. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure the development would acceptably mitigate landscape visual impacts, provide a net gain for biodiversity, safeguard retained trees/hedgerows during construction, and ensure the development would provide a high quality landscaping scheme in the interest of the visual amenities of the locality, in accordance with Policies CS16, DM14, DM15 and DM3 of the Core Strategy and Development Management Policies (2009) and the NPPF.

- 6 Any application for the approval of reserved matters except any application that relates solely to access shall include details of the existing and final ground and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and the NPPF.

- 7 **No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC) for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards or sewage undertaker. The final detailed design shall be based on the agreed Flood Risk Assessment (Ref: GBC/JK January 2019), and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented as approved. Any variation to the connections and controls indicated on the approved details which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.**

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 103 of the NPPF.

- 8 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

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.

- 9 **No development shall take place until a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

Reason: Details are required prior to the commencement of development to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 10 No dwelling approved hereby approved shall be brought into use until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details, including the provision of 2.4m x 43.0m visibility splays, clear of all obstruction, and the closure and re-instatement of the surplus lengths of the existing southern access.

Reason: To ensure the provision of appropriate access arrangements and associated off site highway works in the interest of highway safety, in accordance with Policy DM3 and CS4 of the Core Strategy and Development Management Policies and the NPPF.

- 11 Any subsequent reserved matters application shall include the following:
- Vehicle parking and garaging to serve the proposed dwellings in accordance with the councils standards applicable at the time of submission;
 - Vehicle parking to serve The Limes 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 refuse collection point located at the site frontage outside of the public highway and any visibility splays;
 - A vehicular turning area suitable for a service/delivery vehicle of 6.5m length; and
 - A plan showing the area for construction worker parking provision, deliveries, materials storage, clear of the public highway

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

- 12 **No development shall take place until an ecological enhancement strategy (EES) for the creation of new wildlife features such as hibernacula, the erection of bird/bat and bee boxes in buildings/structures and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall be informed by an up to date Ecological Appraisal of the site and include the:**
- a) purpose and objectives for the proposed works;**
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);**
 - c) extent and location of proposed works shown on appropriate scale maps and plans;**
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
 - e) persons responsible for implementing the works;**

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

Reason: Details required prior to the commencement of development to ensure development is ecologically sensitive and secures biodiversity enhancements that are integrated into the development in accordance with the National Planning Policy Framework.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 200 Rev C; and Location Plan.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that all car parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Design Guide 2014.
3. 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".

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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