

## Item No. 8

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| <b>APPLICATION NUMBER</b>                | <b>CB/16/05797/OUT</b>  |
| <b>LOCATION</b>                          | <b>Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP</b>   |
| <b>PROPOSAL</b>                          | <b>Outline: Residential development consisting of 2 x two bedroom dwelling bungalows, 4 x three bedroom dwellings, 4 x four bedroom dwellings and 1 x five bedroom dwelling including 3 x custom (self) build dwellings, associated infrastructure and landscaping.</b>   |
| <b>PARISH</b>                            | <b>Marston Moretaine</b>  |
| <b>WARD</b>                              | <b>Cranfield &amp; Marston Moretaine</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Morris, Matthews &amp; Mrs Clark</b>   |
| <b>CASE OFFICER</b>                      | <b>Judy Self</b>  |
| <b>DATE REGISTERED</b>                   | <b>10 January 2017</b>  |
| <b>EXPIRY DATE</b>                       | <b>11 April 2017</b>  |
| <b>APPLICANT</b>                         | <b>Shelton Farm Estates Ltd</b>   |
| <b>AGENT</b>                             | <b>NextPhase Development Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Not in line with existing local plan; loss of open countryside; unsustainable addition to small village with limited services; not in keeping with small village; dangerous entrance near blind bend on Lower Shelton Road; insufficient parking for number of properties/bedrooms causing potential blocking of roads to emergency services and overspill onto Lower Shelton Road; the development would decrease the narrow green barrier between Lower Shelton and the planned expansion of Wooton.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - Approval</b>   |

### Summary of Recommendation

The principle of residential development has been established on the site. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be harmful. The proposal is also considered to be acceptable in terms of highway safety and residential amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide an affordable housing contribution through a commuted sum. The proposal would deliver 3 serviced plots towards meeting the need identified in the Council's Self Build Register. The scheme would also contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to outweigh the harm arising from the development and the proposal is, therefore, considered to be acceptable.

### Site Location:

The application site is known as Shelton Farm. Shelton Farm itself is an area of land

on the eastern side of Lower Shelton Road, at the northern end of Lower Shelton. The site is bounded on three sides by open countryside. It has previously been in use as a scrapyards, and so at least some of it is brownfield land. The site is generally flat and the former concrete yard has been cleared from the site. A public footpath crosses the rear of the site and enters the site via the access to the site which is formed between nos. 110 and 110a Lower Shelton Road. The site is within the Marston Vale Community Forest area.

Lower Shelton is a small village separated from Marston Moretaine by the busy A421. The village follows a linear pattern and has very limited facilities beyond an hourly bus service. Its character is generally of detached houses facing the road although there are some semi-detached houses, a few terraces towards the south near the A421, and some backland development.

Under the most recently adopted policy, the Core Strategy and Development Management Policies for Central Bedfordshire (North) 2009 (CS), the village has no settlement boundary.

### **The Application:**

A revised plan has been received during the determination of the application with all neighbours /PC being consulted over the revised site layout plan.

Outline planning permission is sought for the construction of 11 dwellings on the site. All matters are reserved except for access and layout. The proposed layout indicates the following house types:

- 2 x 2 bed bungalows (plots A & B)
- 1 x 3 bed, part 1.5 / part single storey self build dwelling (plot C)
- 1 x 3 bed, part two storey / part single storey self build dwelling (Plot D)
- 1 x 4 bed two storey self build dwelling (plot E)
- 3 x 4 bed, 2 storey dwellings (plots G, H & K)
- 1 x 3 bed, part 2 storey / part single storey dwelling (plot I)
- 1 x 5 bed, part 2 storey / part single storey (plot J)
- 1 x 3 bed 2 storey dwelling (plot L)

Discussions have taken place between the applicant and the Highway Development Management team. With regards to the northern access confirmation has been received from the applicant that the site is used by Shelton Farmhouse and the application site and there is a limited right of way (2m wide) for the owners of 122 Lower Shelton Road. This access is for maintenance only and not a general right of access. They clarify with regards to car parking for Shelton Farmhouse that this application utilises only the area that the applicants have a right to use and there is no interference with any parking areas in relation to the farmhouse.

Following the approval of reserved matters application CB/15/00797/RM (erection of 5 dwellings) a significant number of applications have been refused (for the reasons as set out in the 'Planning History' section below) with a number of Appeals dismissed. Whilst the applications and reasons for refusal vary the Inspector's findings are considered to primarily relate to the effect on the character and appearance of the area and the impact upon the living conditions of the future occupiers of the 'milking parlour'.

## RELEVANT POLICIES:

### National Planning Policy Framework (NPPF) (March 2012)

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

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| Policy CS1  | Sets out the strategy for major settlements        |
| Policy CS14 | High Quality Development                           |
| Policy DM3  | High Quality Development                           |
| Policy DM4  | Development Within and Beyond Settlement Envelopes |
| Policy DM15 | Biodiversity                                       |

#### Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

#### Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)

#### Relevant Planning History:

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| <b>Case Reference</b> | <b>CB/16/00914/OUT</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP  |
| Proposal              | Outline planning application for the erection of two dwellings. All matters are reserved except for access and siting.  |
| Decision              | Outline Application – Refused for the following reason:<br><br>1. The site is outside any Settlement Envelope, is within the open countryside and within part of a scrapyard. The application site forms part of a larger site where there would be a requirement of infrastructure provision in the form of affordable housing if all the sections of land were developed as a whole. As a consequence approval of the application would result in piecemeal development failing to secure the removal of the scrapyard use or provide affordable housing provision. The development would have a poor relationship with the existing scrapyard and the harm caused by the erection of the two dwellings in respect of the character and appearance of the area would not be outweighed by the benefits of the scheme. The proposal is therefore contrary to policy DM3 and CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development. |
| Decision Date         | 27/04/2016  |

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| <b>Case Reference</b> | <b>CB/15/04916/FULL</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Discontinuance of existing scrap yard use and Erection of three detached houses.   |
| Decision              | <p>Refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development of this site, which is located within part of a scrapyard, by virtue of the location, excessive size, close proximity and density will result in a cramped form of development which would have a harmful impact upon the character and appearance of the open countryside and the rural character of the setting of the village. As such the proposal is contrary to policy DM3 of the Core Strategy &amp; Development Management Policies (2009); policy 43 of the emerging Development Strategy for Central Bedfordshire; the National Planning Policy Framework (NPPF) and the Council's Design guidance 2014 (Placemaking in Central Bedfordshire).</li> <li>2. The application site forms part of a larger site where there would be a requirement of infrastructure provision in the form of affordable housing if all the sections of land were developed as a whole. As a consequence approval of the application would result in piecemeal development failing to secure and provide affordable housing provision. The proposal is therefore contrary to policy CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development.</li> <li>3. The application is not accompanied by a complete and agreed Unilateral Undertaking which is required to provide a Management Plan for the area of open space and secures the area to be used as a wildlife area only, and is therefore contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development.</li> <li>4. The site is outside any Settlement Envelope and is within the open countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved. The development would cause harm to the character and appearance of the area by extending the built development into the countryside and would be inappropriate, unacceptable and unsustainable in principle. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November</li> </ol> |

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|               | <p>2009 and the National Planning Policy Framework (NPPF)</p> <p>5. The proposal does not meet the standards as set out in the Council's Design Guide and insufficient information has been submitted to properly and accurately assess the proposal in terms of highway safety. As such the proposal is contrary to Policy DM3 of the Core Strategy &amp; Development Management Policies and the Design Guide for Central Bedfordshire (2014).</p> |
| Decision Date | 16/2/2016  |

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| <b>Case Reference</b> | <b>CB/15/03045/FULL</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Erection 5 No bedroom dwelling   |
| Decision              | <p>Full Application – Refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal, which is located within part of a scrap yard, by virtue of the excessive bulk, size, design, siting and edge of small village location would result in a cramped and confined form of development at odds with the existing plot size and surrounding properties; as such the proposal is contrary to the NPPF (in particular paragraphs 58 and 64); Policy DM3 of the Core Strategy and Development Management; Policy 43 of the Emerging Development Strategy for Central Bedfordshire and the revised Central Bedfordshire Design Guide 2014.</li> <li>1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved and would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 38, and 57 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework (NPPF).</li> <li>2. The application contains insufficient information to enable an accurate assessment of the application in terms of access, turning area and layout. As such the proposal is contrary to Policy DM3 of the Core Strategy &amp; Development Management Policies and the Design Guide for Central Bedfordshire (2014)</li> <li>3. The proposal by reason of its size, design and siting would result in an undesirable and unacceptable form of development</li> </ol> |

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|                      | such that it would have an adverse impact on the amenity and privacy of the future occupiers of plot 4; as such the proposal is contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009). |
| Decision Date        | 28/09/2015  |
| Appeal Decision Date | 30/08/2016  |
| Appeal Decision      | Planning Appeal Dismissed   |

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| <b>Case Reference</b> | <b>CB/15/02413/VOC</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP  |
| Proposal              | Variation of condition: Vary condition 3 of planning permission CB/15/00797/RM dated 27 May 2015. Introduction of drawing no. WEL/15/0011/012 Showing revised site layout (plots 2 and 3 only); minor realignment of drive; re siting of visitor parking; reduction in visitor parking.   |
| Decision              | Variation of Condition – Refused for the following reason: <ol style="list-style-type: none"> <li>1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved and would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 38, and 57 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework (NPPF).</li> </ol> |
| Decision Date         | 25/09/2015  |

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| <b>Case Reference</b> | <b>CB/15/02752/OUT</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP  |
| Proposal              | Outline application to erect five dwellings. A terrace of three units and a pair of semi detached houses  |
| Decision              | Outline Application – Refused for the following reasons: <ol style="list-style-type: none"> <li>1. The proposed development of this site, which is located within part of a scrapyard, by virtue of the location, scale and density will have a harmful impact upon the character and appearance of the open countryside and the rural character of the setting of the village. As such the proposal is contrary to policy DM3 of the Core Strategy &amp; Development Management Policies (2009); policy 43 of the emerging Development Strategy for Central Bedfordshire; the National Planning Policy Framework (NPPF)</li> </ol> |

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|                      | <p>and the Council's Design guidance 2014 (Placemaking in Central Bedfordshire).</p> <ol style="list-style-type: none"> <li>2. The application contains insufficient information to enable an accurate assessment of the application in terms of highway access and layout to adoptable standards, inclusive of a sufficient turning area to show that the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the highway. As such the proposal is contrary to Policy DM3 of the CS&amp;DMP and Design Guide for Central Bedfordshire (2014).</li> <li>3. The application contains no information in the form of a legal agreement requiring the provision of, or contributions towards the off-site provision, of affordable housing; as such the proposal is contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009); policy 19 of the emerging Development Strategy for Central Bedfordshire; the Planning Obligations Strategy Supplementary Planning Document (adopted February 2008) and the National Planning Policy Framework 2012 in order to deliver sustainable development.</li> <li>4. The siting of plot 1 would result in excessive building bulk abutting the boundary with No. 112 Shelton Road to the detriment of the amenities of the occupiers of this property by way of overbearing impact and loss of light; as such the proposal is contrary to the National Planning Policy Framework (NPPF), Policy DM3 of the Core Strategy and Development Management Policies (2009) and the adopted Central Bedfordshire Design Guide (2014).</li> </ol> |
| Decision Date        | 17/09/2015  |
| Appeal Decision Date | 18/03/2016  |
| Appeal Decision      | Planning Appeal Dismissed   |

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| <b>Case Reference</b> | <b>CB/15/02406/VOC</b>   |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Variation of Condition: Vary conditions 23,25,26 & 27 from outline planning permission CB/12/03121/OUT Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land. Resiting of barn to area shown on drawing no. JML-012-06-15 and redefinition of open use land boundary to that shown edged in red on drawing no. JML-012-06-15   |
| Decision              | <p>Variation of Condition – Refused for the following reason:</p> <ol style="list-style-type: none"> <li>1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary condition 27 would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural</li> </ol> |

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|               | <p>character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. Because of this change in the character of the use of the land the proposed development would fail to enhance the local rural distinctiveness of the area and would be harmful to the character and appearance of the open countryside. No circumstances have been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM3, DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 19, 38,43 and 57 of the emerging Development Strategy for Central Bedfordshire.</p> <p>2. The application is not accompanied by a complete and agreed Deed of Variation which is required to provide contributions towards off-site affordable housing, education and a Management Plan for the area of open space and secures the area to be used as a wildlife area only, and is therefore contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire(November 2009); policy 19 of the emerging Development Strategy for Central Bedfordshire; the Planning Obligations Strategy Supplementary Planning Document (adopted February 2008) and the National Planning Policy Framework 2012 in order to deliver sustainable development.</p> |
| Decision Date | 19/08/2015   |

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| <b>Case Reference</b> | <b>CB/15/02424/OUT</b>   |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Outline: Erection of live/work unit. Reserved Matters on Access and Layout.  |
| Decision              | <p>Outline Application – Refused for the following reason:</p> <p>1. The site is outside any Settlement Envelope and is within the open countryside. The development would cause harm to the character and appearance of the area by extending the built development into the countryside and would be inappropriate, unacceptable and unsustainable in principle. No evidence of need for such accommodation has been put forward or identified that would overcome this conflict with the objectives of the National Planning Policy Framework (2012) and policies DM3 (High Quality Development) and DM4 (Development Within and Outside of Settlement Envelopes) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).</p> |
| Decision Date         | 19/08/2015   |
| Appeal Decision Date  | 30/08/2016   |
| Appeal Decision       | Planning Appeal Dismissed  |



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| <b>Case Reference</b> | <b>CB/15/00797/RM</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Reserved Matters : Condition 1 "Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the Appearance Landscaping and scale. Following Outline CB/12/3121/OUT Dated 15th May 2013 Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land. |
| Decision              | Reserved Matters- Granted  |
| Decision Date         | 27/05/2015   |

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| <b>Case Reference</b> | <b>CB/12/03121/OUT</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP  |
| Proposal              | Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land. |
| Decision              | Outline Application - Granted   |
| Decision Date         | 15/05/2013  |

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| <b>Case Reference</b> | <b>CB/12/03121/OUT</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP  |
| Proposal              | Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land. |
| Decision              | Outline Application - Granted   |
| Decision Date         | 15/05/2013  |

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| <b>Case Reference</b> | <b>CB/10/03681/OUT</b>   |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP   |
| Proposal              | Outline: Redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre. |
| Decision              | Full Application - Refused   |
| Decision Date         | 06/01/2011   |
| Appeal Decision Date  | 09/11/2011   |
| Appeal Decision       | Planning Appeal Dismissed  |

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| <b>Case Reference</b> | <b>MB/02/02154/FULL</b>   |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP   |
| Proposal              | Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use, parking area, landscaping and resurfacing of public footpath. |
| Decision              | Full Application - Granted  |
| Decision Date         | 14/07/2005  |

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| <b>Case Reference</b> | <b>MB/02/01542/FULL</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP  |
| Proposal              | Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use , parking area, landscaping and alterations to public footpath and Marston Vale Cycleway. |
| Decision              | Application Withdrawn  |
| Decision Date         | 03/12/2002   |

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| <b>Case Reference</b> | <b>MB/01/00506/OA</b>  |
| Location              | Land At Shelton Farm, Lower Shelton Road, Marston Moretaine                                    |
| Proposal              | OUTLINE: RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS) |
| Decision              | Outline Application - Refused  |
| Decision Date         | 29/05/2001   |

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| <b>Case Reference</b> | <b>MB/01/00506/OA</b>  |
| Location              | Land At Shelton Farm, Lower Shelton Road, Marston Moretaine                                    |
| Proposal              | OUTLINE: RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS) |
| Decision              | Outline Application - Refused  |
| Decision Date         | 29/05/2001   |

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| <b>Case Reference</b> | <b>MB/00/01177/OA</b>  |
| Location              | Land At Shelton Farm, Lower Shelton Road, Marston Moretaine                                    |
| Proposal              | OUTLINE: RESIDENTIAL DEVELOPMENT OF 21 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS) |
| Decision              | Outline Application - Refused  |
| Decision Date         | 10/10/2000   |

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| <b>Case Reference</b> | <b>MB/92/01554/LDC</b>  |
| Location              | Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP   |
| Proposal              | LAWFUL DEVELOPMENT CERTIFICATE: STORAGE, DISMANTLING, BREAKING, REPAIR, RENOVATION AND SALE OF MACHINERY FOR DITCHING, DRAINAGE, HEDGE CUTTING, LIFTING, LIVESTOCK TRANSPORT AND TRAILERS TOGETHER WITH THE SALE OF PARTS AND EQUIPMENT INCLUDING TYRES AND OILS ARISING FROM AGRICULTURAL MACHINERY. |
| Decision              | Lawful Dev - Existing - Granted   |
| Decision Date         | 01/03/1993  |

**Consultees:**

Parish

Having considered the revised plan, Marston Moreteyne Parish Council objects to this application.

The proposed development would constitute overdevelopment of the site. The proposed dwellings are both out of scale and character with the surrounding area and properties. The site has outline permission for five dwellings which was considered by the Planning Authority to be appropriate to the size of the development area and in keeping with surrounding properties.

It is the opinion of the parish council that the proposed scheme would also bring an unacceptable level of increased traffic to the detriment of the surrounding area. There are safety concerns for both accesses, but in particular the access proposed to the north of the development site. This access is located on the corner of a sharp bend and there are concerns regarding the safety of both motorists and pedestrians if the access is allowed at this location.

Currently motorists experience regular confrontations with other road users on this bend and near miss accidents have been all too frequent. Members feel that by allowing an access at this spot it would compound the problem due to the increase in traffic manoeuvres. The additional issue of the safety of school children and other pedestrians who use the adjacent footpath can also be called into question.

The application does not include any information relating to waste storage/collection or how foul sewage will be dealt with. The latter being advised as “unknown” on the completed form. Item 2.10 of the applicant’s Supporting Statement document notes “the retention and re-siting of an existing barn as per the Section 106 Agreement agreed with permission CB/12/03121/OUT has been incorporated into the scheme ...”. In its response to planning application number: CB/15/02406/VOC on 5<sup>th</sup> August 2015, the parish council sought to draw the planning authority’s attention to the matter that the barn had been demolished and as such requested that the matter was fully investigated. Given this fact the parish council does not therefore give any credibility to the applicants Supporting Statement.

The Council requests that neighbour’s comments are taken into consideration regarding this application.

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| Trees & Landscape Officer       | The site has few redeeming features with the most important being the existing boundary hedgelines. The application indicates that these are to be retained and incorporated into the proposed development. These boundary features are to be protected throughout development by using tree protection fencing at a distance and detail prescribed in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.<br><br>Should approval be recommended landscape and boundary treatment detail will be conditioned. |
| Rights of Way Officer           | No objection   |
| SuDS Management Team            | No objection subject to the specified conditions   |
| Highways Development Management | No objection subject to the specified conditions   |
| Environment Agency              | No comments received   |
| IDB                             | No comments to make  |
| Housing Officer                 | No objection subject to a commuted sum   |
| Ecology Officer                 | Whilst I do not object to the principle of development on the site I feel that increasing housing numbers and the built area will not achieve biodiversity gains and so does not accord with   |

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| Adult Social Care (MANOP)     | the NPPF hence I object.<br>Our view is that the needs of older people should be considered as part of this proposal and we would support a proportion of dwellings in the scheme being suitable for older people, by incorporating some or all of the design features mentioned in our response |
| Marston Vale Community Forest | Would seek a contribution towards the achievement of the 30% woodland cover by maximising woodland to tree cover across the development site. The trees and woodland should ideally be located within the public realm.  |

**Other Representations:**

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| 18 The Rickyard (Sup)   | A welcome addition and the lower school would benefit from new pupils   |
| <u>Lower Shelton Road</u><br>Nos. 92A;<br>106 (Obj);<br>108 (Obj)<br>112 (Obj)<br>129 (Obj)<br>177 (Obj)<br>193 (Obj)<br>Shelton View (obj) x 2 | <ul style="list-style-type: none"> <li>• The application is contrary to policy and not in line with any existing local plan;</li> <li>• Detrimental to highway safety;</li> <li>• It would lead to a loss of amenity by developing a lot of open countryside;</li> <li>• Unnecessary;</li> <li>• Overdevelopment;</li> <li>• Unsustainable form of development;</li> <li>• Cramped form of development;</li> <li>• Not in-keeping with the small village;</li> <li>• Insufficient parking ;</li> <li>• Poor behaviour by the developer;</li> <li>• Noise and light pollution;</li> <li>• Loss of privacy;</li> <li>• The northern access is not within their control;</li> <li>• It would be detrimental to the residential amenity of the occupants of the Milking Shed conversion;</li> <li>• In breach of restrictive covenants;</li> <li>• There are discrepancies / differences / errors / inadequacies within the information / documents;</li> <li>• Detrimental to wildlife and ecology;</li> </ul> |

**Other Representations:** re consultation 7/4/17

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| 159 Lower Shelton Road (sup)   | A vast improvement on the many previous applications with the exception of the original 5 dwellings. However it will be a challenge to construct a pond with the water table being so low and to replace the old barn which has long been demolished.  |
| <u>Lower Shelton Road</u><br>Shelton View (obj) x 2<br>106 (obj)<br>108 (obj)<br>110 (obj) | There are no details available on the Council's website relating to the legal agreement and this should be available to allow the general public and local community a good understanding relating to this planning application. All the previous comments made in response to the original consultation are still valid |

## Determining Issues:

The main considerations of the application are;

1. Principle
2. The Appearance of the Site
3. The impact upon neighbours and future living conditions
4. Highway Considerations
5. Other Considerations

## Considerations

### 1. Principle

- 1.1 The site lies outside the settlement envelope and is therefore located in land regarded as open countryside. However the principle of residential development on this site has been established as the site was granted outline permission for 5 detached dwellings on part of the site with an area of managed open space and a biodiversity pond area on the remaining part. Approval was granted as a departure from policy because of the removal of an unrestricted agricultural scrap use on a brown field site.
- 1.2 Lower Shelton is not recognised as a settlement that is suitable for additional growth. The current scheme proposes 11 dwellings which are spread over a larger area thereby extending the built development further into the area previously identified as open space and biodiversity although it would primarily be the rear gardens of plots H, I and J which extend beyond the established brownfield area. The pond area would remain unaltered. It is considered that the main issue, in determining the current application, is whether this harm is so significant as to warrant a refusal.

Paragraph 14 of the NPPF states:

*Where the development is absent, silent or relevant policies are out of date, granting permission unless;*

- *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”*

At 1st April 2017 this council can demonstrate 5.88 years supply of deliverable housing sites.

The current application proposed 6 additional dwellings to that previously consented under CB/12/03121/OUT. The current proposal includes 2 x bungalows; 3 x self build dwellings and an offsite contribution towards affordable housing. On balance is considered to outweigh the degree of encroachment upon the open countryside

### 1.3 Relevant Applications/Decisions

The site has a significant planning history and more recently a number of Appeals were dismissed by the Planning Inspectorate.

- 1.4 Whilst the applications and reasons for refusal vary the Inspector's finding are

considered to primarily relate to the effect on the character and appearance of the area and the impact upon neighbouring residential amenity.

- 1.5 In a previous appeal decision APP/PO240/W/16/314374 (erection of live work unit) the Inspector found that the whole red line site should not be treated as brownfield land but only that section which lies within the obvious limits of the previously developed land.
- 1.6 However, the Inspector also found that the site was considered to be in a sustainable location that could provide a higher density development than that which had been previously permitted.
- 1.7 The applicant states (para 2.11 of the supporting statement) that the proposal increases the density of the site to a level more acceptable than that provided within the previously approved scheme for 5 dwellings (CB/12/03121/OUT) and as such contributes more sustainably with the Development Plan.
- 1.8 Whilst it is accepted that the current application would extend beyond that area previously approved for residential development into the area available for open space and biodiversity it would primarily be the rear gardens of plots H, I and J which extend beyond the established brownfield area.
- 1.9 Self-build and Custom Housebuilding Act  
The Self-build and Custom Housebuilding Act 2015 places a number of duties on Local Planning Authorities which include keeping a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. Councils are required to publicise their registers and have regard to their register when carrying out their functions such as planning, housing, disposal of land and regeneration. The register is a material consideration in planning decisions.
- 1.10 Currently there are 17 people looking for a plot located in the Marston Moretaine, Lidlington, Wootton, Houghton Conquest and Ampthill area; and 116 people on the register would consider a plot anywhere within Central Bedfordshire. To date there have been 16 plots permitted in Houghton Conquest and 7 in Pottton, but there is still unmet demand in Central Bedfordshire area.
- 1.11 In conclusion:  
This development would extend beyond the obvious limits of the previously developed land which weighs against the approval of the development. The benefits of the scheme include 2 x bungalows; 3 x self build dwellings and an offsite contribution towards affordable housing. On balance, given that there are no materially harmful impacts associated with the development that individually or collectively would significantly and demonstrably outweigh the benefits of the development approval is recommended.

## **2. The appearance of the site**

- 2.1 The application is submitted in Outline with all matters reserved except for access and layout.
- 2.2 The proposal is for the 3 self build dwellings taking access from an existing north access and 8 dwellings taking access from an existing south access.

The proposed layout does not appear cramped or hemmed in and the dwellings benefit from fairly large plots with the gardens backing onto the open countryside on the three sides. The proposed layout, density and garden sizes are in accordance with the Council's Design Guide.

- 2.3 The proposed layout shows a mix of bungalows and one-and-a-half storey dwellings on the edge of the site closest to the existing properties on Lower Shelton Road with the build height being raised to two storey height further into the site.
- 2.4 Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place. The application is submitted in Outline with all matters reserved except for access and layout and any subsequent reserved matters application would need to take careful account of the rural nature of the site.

### **3. The impact upon neighbours and future living conditions**

- 3.1 Policy DM3 requires that new development to respect the amenity of neighbouring properties. As previously established a residential scheme can be delivered at this site that properly addressed the relationships between existing and the proposed dwellings.
- 3.2 Policies CS14 and DM3 seek design that is of a high quality. The Council's Design Guide reinforces the objectives that new residential development is of a high quality that provides an acceptable standard of living accommodation for future occupiers.
- 3.3 The site abuts the boundary of No 112 on its western side. This property is a substantial chalet bungalow with a garage on its eastern side closest to the site. There is also a long building, referred to as a former milking parlour which borders the site and has been granted consent to be converted to a 2 bedroom dwelling, The neighbour comments received have been noted.
- 3.4 From the proposed plan a distance of some 15m separate the rear of plot C to the side/rear elevation of no. 112 lower Shelton Road and some 7m separate the rear of plot C to the shared boundary with the former milking parlour conversion. Plot C is detailed as a part 1.5 / part single storey self build dwelling and this relationship might be acceptable but given that consent is being sought for 'access' and 'layout' these issues will be fully assessed in any subsequent Reserved Matters application.
- 3.5 From the proposed plan plots A and B are single storey and this relationship to properties on Lower Shelton Road might be acceptable. Given that consent is being sought for 'access' and 'layout' these issues will be fully assessed in any subsequent Reserved Matters application.

Detailed matters, such as appearance would be assessed at reserved matters stage but it appears as though a good standard of accommodation for 11 units at the site could be achieved.

- 3.6 It is considered that the submitted layout demonstrates that a scheme of 11 dwellings on the site can be accommodated without causing serious harm through loss of outlook, light or privacy or by causing shadowing. The outlook

for existing residents on Lower Shelton Road would clearly change but not harmfully. However any subsequent reserved matters application would need to take careful account of those relationships and an appropriate condition will be attached to any grant of permission.

#### **4. Highways Considerations**

- 4.1 The applicant has submitted a revised layout to that previously assessed. The proposal is for 3 dwellings taking access from an existing north access and 8 dwellings taking access from an existing south access. Visibility from the accesses is acceptable. The proposal is outline with all matters reserved apart from access and layout.

The layout includes tracking diagrams which are tight but workable. The layout still does not include any visitor parking provision (1 space required for the north access dwellings and 2 spaces required for the south access dwellings). Some of the parking spaces are below standards, especially plot G which only has 3.0m length parking space when you discount the service margin (which should not be included as length of parking provision), there should be 6.0m in front of garages, and 5.0m clear of the highway. These issues can be dealt with by conditions, although this will affect the plot layouts.

Whilst the highway related concerns have been duly noted no objection is raised by the Highways Officer subject to the specified conditions. As such the proposal would not contribute to highway safety concerns and therefore would be in accordance with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF.

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

##### **5.1 Infrastructure**

The proposed development would involve the erection of more than 10 dwellings and as such contributions would normally be sought towards additional infrastructure. The regulations relating to Self and Custom Build development provide an exemption from payments made under the Community Infrastructure Levy (CIL) towards infrastructure. Whilst CBC does not have a CIL it is considered that the exemption set out in the regulations is intended to apply to all forms of contribution to off site infrastructure as the reason for the exemption is to avoid placing an additional financial burden on the individuals building the plots. It is, therefore, considered that it is not appropriate to seek infrastructure contributions for the proposed development.

##### **5.2 Affordable Housing**

Based on viability the Housing Officer has confirmed acceptance of an off site contribution of £75,000 towards affordable housing. However it is recommended that a review mechanism to review the viability again towards the end of the development is outlined within the S106. This can then incorporate all actual costs incurred, all sales values achieved etc. If the viability review indicates the scheme has generated a greater return than anticipated, the Council can request a further financial contribution towards off site affordable housing provision.

##### **5.3 Other Section 106 issues**

It is considered that an agreement will need to be entered into with regards to



the management of the Open Space and the erection of the barn.

It is considered that an agreement will be needed to ensure that the plots C, D and E are delivered as serviced plots to individuals and occupied by the self builder for a reasonable time period. Priority should be given to those on the Council's register living in (or connected to) the area with a cascade mechanism should there not be sufficient demand. These matters should also be addressed in a section 106 agreement.

#### 5.4 **Ecology**

Limited information has been submitted with the application but it is understood from the planning statement that the site has been cleared of vegetation. There is an opportunity to secure a net gain for biodiversity and the previous planning permission (CB/12/03121/OUT) depicted this through the relocation of a timber barn and provision of natural meadow and wetland habitat for the benefit of wildlife. This proposal still includes the barn and pond (as per paragraph 2.10 of the supporting statement) but the meadow area has been reduced to accommodate additional units resulting in the loss of approximately 0.1Ha of grassland.

Whilst the comments of the Ecology Officer are noted as are the concerns raised through the consultation process, a refusal on insufficient biodiversity gains would be difficult to justify.

#### 5.5 **SuDS Management**

As this is a major development it would have been expected to have at least a brief Surface Water Drainage Strategy to be submitted with the application outlining the drainage design and some drainage parameters.

However, the SuDS Management Team accepts that there could be a viable drainage scheme utilising the pond for surface water attenuation with a limited discharge to the adjacent watercourse.

On this basis no objection is raised by the SuDS Officer subject to the specified pre commencement conditions.

#### 5.6 **Rights of Way**

The Rights of Way Officer is pleased to see that the applicant is both aware of the Public Footpath running through the development and has made accommodations for it within the site layout.

As the Public Right of Way will not be directly affected by the construction of the new properties, it is expected that the footpath remains open and accessible to the public throughout the development should approval be recommended. However, there will need to be a period when the footpath will need to be closed to the public to allow landscaping works to take place and the new pond to be constructed. At this time, the developer will need to apply to the Council for a temporary closure of the footpath to allow them to undertake those works without presenting any risk to users of the footpath.

#### 5.7 **Human Rights issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights Act and as such there would be no relevant

implications with this proposal.

**5.8 Equality Act 2010:**

Based on the information submitted there are no known issues raised in the context of Equalities Act and as such there would be no relevant implications with this proposal.

**Recommendation:**

That the outline planning application be APPROVED subject to the prior completion of a Section 106 Agreement and the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 No development shall commence at the site before details of the scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") relating to the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.**

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

- 2 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.

- 3 An 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.

- 4 No development shall take place until a detailed surface water drainage scheme for the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details 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.**

**This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.**

- 5 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.

- 6 Any application for reserved matters shall be for the following:

- 2 x 2 bed single storey bungalows (plots A & B)
- 1 x 3 bed, part 1.5 / part single storey self build dwelling (plot C)
- 1 x 3 bed, part two storey / part single storey self build dwelling (Plot D) with no accommodation in the roof space
- 1 x 4 bed two storey self build dwelling (plot E) with no accommodation in the roof space
- 3 x 4 bed, 2 storey dwellings (plots G, H & K) with no accommodation in the roof space
- 1 x 3 bed, part 2 storey / part single storey dwelling (plot I) with no accommodation in the roof space
- 1 x 5 bed, part 2 storey / part single storey (plot J) with no accommodation in the roof space
- 1 x 3 bed 2 storey dwelling (plot L) with no accommodation in the roof space

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 No development above ground shall take place until full details of the access/junction arrangements shown on the approved drawing no. 0280-01/02 Revision C have been submitted to and approved in writing by the local planning authority and no dwelling approved under any subsequent reserved matters application shall be occupied until such time as the agreed works have been implemented

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

8 Notwithstanding the details shown, any subsequent reserved matters application shall include the following:

- The south access road designed and constructed to a standard appropriate for adoption as public highway
- Vehicle parking inclusive of visitor 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
- Driver/driver intervisibility and pedestrian visibility from the residential accesses within the site
- A construction traffic management plan detailing access arrangements for construction vehicles, on site parking and loading and unloading areas

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

9 No dwelling shall be occupied until the pedestrian link between the two sites as indicated on the approved plan 0280-01/02 Revision C has been implemented and thereafter retained for the purpose of pedestrian link between the two sites

Reason: For the avoidance of doubt and pedestrian movement

10 The modified north vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) for a distance of 5.0m into the site, measured from the highway boundary, before the premises are occupied, and any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety and to enable vehicles to draw off the highway before the gates are opened.

11 The detailed plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area suitable for a service/delivery sized vehicle taken from the north access and a turning area suitable for an 11.5m length refuse vehicle taken from the south access, within the curtilage of the site .

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

12 Notwithstanding the details shown the driveway length in front of the garage(s) shall be at least 6.0m as measured from the garage doors to the highway boundary, other on plot parking spaces shall measure 2.5m x 5.0m each clear of the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

- 13 Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0280-01/01 (A) site location plan; 0280-1/02 (C) proposed layout plan.

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

## **INFORMATIVE NOTES TO APPLICANT**

1. The applicant is advised that in order to comply with Condition 7 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

To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority that the highway authority have permitted the construction in accordance with the approved plan, before the development is brought into use.

2. The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system.
3. 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
4. The applicant is advised that 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

5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**