

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/18/02867/VOC</b>
<b>LOCATION</b>	<b>Land South of Barford Road Blunham MK44 3NE</b>
<b>PROPOSAL</b>	<b>Variation of Condition 4 of planning permission reference CB/16/04369/OUT Dated 13/04/2017 - Amendment to remove the occupational restriction. Condition 4 to require the provision of bungalows only.</b>
<b>PARISH</b>	<b>Blunham</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Maudlin, Smith &amp; Stock</b>
<b>CASE OFFICER</b>	<b>Benjamin Tracy</b>
<b>DATE REGISTERED</b>	<b>17 July 2018</b>
<b>EXPIRY DATE</b>	<b>16 October 2018</b>
<b>APPLICANT</b>	<b>Abbey Developments Ltd</b>
<b>AGENT</b>	<b>Les West Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application - Blunham Parish Council Objection.</b>
<b>RECOMMENDED DECISION</b>	<b>Recommended for Approval</b>

### **Summary of Recommendation:**

The proposed Variation to Condition 4 of planning permission reference CB/16/04369/OUT would retain the requirement for the provision of three bungalows whilst removing the current restriction to the occupation of those bungalows to persons aged 55 or older; or a widow or widower of such a person or persons, or any resident dependant or dependant's of such a person or persons, or a resident carer of such a person or persons.

Since planning permission was granted under CB/16/04369/OUT dated 11/12/2016 the Council's position in relation to the provision of dwellings designed to meet the needs of older people as they progress through their life changes, as well as dwellings to meet the needs of those with moderate and sever physical disabilities has been outlined with the Submission Central Bedfordshire Local Plan 2018, as informed by the Strategic Housing Market Assessment (2017). This need includes the provision of bungalows, however there is no existing policy requiring the occupancy of such dwellings to be restricted through conditions and the Submission Local Plan Policy seeks to provide a more mixed open market and affordable housing stock in respect of dwelling type.

It is considered that a benefit of this variation is that it would allow access to this accommodation by persons who may require single level living due to physical disability, who may have been prevented from doing so by this condition.

It is recommended; that the development including this variation would provide a positive contribution towards the identified housing needs which includes the

provision of bungalows within Central Bedfordshire. It is considered that the benefits of development as outlined under CB/16/04369/OUT and subject to this variation would still outweigh the harm identified.

For the reasons outlined within this report, the development is considered to be sustainable.

### **Site Location:**

The site formerly consisted of arable farmland to the South of Barford Road, Blunham. The site is located wholly beyond the settlement envelope of Blunham.

To the east of the site, adjoining the boundary of the site are Nos. 31 - 36 Jubilee Close, in addition Nos. 1 - 3 Jubilee Close directly overlook the site although separated by the Highway known as Jubilee Close. To the north of the site, separated by the highway known as Blunham Road are the neighbouring dwellings known as Nos. 36 - 56 Blunham Road.

To the southeast of the site are bungalows upon The Avenue with No. 40 being within close proximity to the southwestern corner of the site.

To the south and west of the site is land which benefits from the approval of planning permission under reference CB/16/04323/OUT for the construction of 77 dwellings, which are currently under construction.

Further to the South of the site is a cemetery with mature landscaping.

### **The Application:**

The site benefits from an extant Outline planning permission for 44 dwellings, all matters accept access under reference CB/16/04369/OUT and approval of reserved matters under reference CB/17/04733/RM. The site is currently under construction.

This application forms an application under section 73 the Town and Country Planning Act 1990 (as amended) for variation of condition 4 of planning permission CB/16/04369/OUT which requires the provision of three bungalows and the restriction of their occupation to persons:

- a) aged 55 or older; or
- b) a widow or widower of such a person or persons, or
- c) any resident dependant or dependant's of such a person or persons, or
- d) a resident carer of such a person or persons.

The amendments seek to remove the restriction of occupation.

When determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which permission should be granted, and

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

## **RELEVANT POLICIES:**

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

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

CS1 Development Strategy

CS5 Providing Homes

CS7 Affordable Housing

CS14 High Quality Development

CS16 Landscape and Woodland

DM3 High Quality Development

DM4 Development Within and Beyond the Settlement Envelopes

DM10 Housing Mix

DM14 Landscape and Woodland

DM15 Biodiversity

### **Central Bedfordshire Local Plan - Submission**

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:

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

<b>Case Reference</b>	<b>CB/17/04733/RM</b>
Location	Land South of Barford Road Blunham, Bedford MK44 3NE
Proposal	Reserved Matters: following planning application CB/16/04369/OUT to seek approval for appearance, landscaping, layout and scale.
Decision	Reserved Matters- Granted
Decision Date	13/02/2018

<b>Case Reference</b>	<b>CB/16/04369/OUT</b>
Location	Land South of Barford Road Blunham, Bedford MK44 3NE
Proposal	Outline Application: Residential development for up to 44 dwellings including specific accommodation for over 55's and open space, with all matters reserved except for access
Decision	Outline - Granted
Decision Date	13/04/2017

### Consultees:

Blunham Parish Council      Blunham Parish Council have issued the following consultation response:

Blunham Parish Council objects to this planning application. There is a proven need for this type of housing for older people in Blunham. This need has been identified in repeated Housing Needs Surveys over the years. We urge Central Beds Council to refuse permission to vary this condition.

MANOP

MANOP have issued the following consultation response: The scheme permitted under CB/16/04369/OUT is described as "Residential development for up to 44 dwellings including specific accommodation for over 55's and open space, with all matters reserved except for access" and the proposed accommodation for over-55's consists of three bungalows of the total of 44 dwellings for which consent was sought. Condition 4 reasonably seeks to limit occupancy of those bungalows to people over 55 but the applicant wishes to see the condition largely removed.

I see no attempt to challenge the need for accommodation suitable for older people and I would add that, based on evidenced need, if a similar application was submitted now the expectation would be that a larger proportion of the dwellings would be suitable for older people.

In our view any condition needs to strike a reasonable balance between achieving the intent of the issued permission and the placing of undue burdens on the applicant and occupants of the dwellings in question. There is also the issue of the enforceability of a condition of this type, especially in the longer term.

Our view is that a reasonable balance would be achieved by a revised condition (or conditions) which require:

1. That the dwellings are marketed as being reserved for people over 55
2. That the initial ownership and/or occupancy of the dwellings is by at least one person over 55

3. That any change of ownership and/or occupancy of the dwellings in the five years following initial occupation is to at least one person over 55 years.

## Strategic Housing

The Council's Strategic Housing Team have issued the following consultation response:

Variation of condition 4 to remove reference to the restriction to occupation of the three bungalows to those aged over 55. Bungalows in question are open market, on the basis of no link to affordable housing, there is no objection to the variation of condition 4 to remove reference to restriction to occupation to over 55's.

## Other Representations:

### Neighbours

Six representations have been received raising the following comments:

- noise concerns in relation to the amenity of occupiers of properties on the Avenue due to the removal of the occupation restriction;
- this housing type is desperately needed and the clause should be retained; and
- the provision of policy compliant affordable housing and the provision of three over 55s bungalows should be retained and the developers wish to replace the planned housing with more profitable detached homes should not be granted.

## Determining Issues:

The main considerations of the application are;

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

## Considerations

### 1. Principle

- 1.1 Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued. In this case, the most significant changes have been the Council's Submission of a Local Plan for examination, with its up to date evidence base as well as the publication of the revised National Planning Policy Framework.

1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.

1.3 Having regard to the established principle of built development, consideration of the application therefore turns to examine whether the Council considers that the condition is necessary to make the development on balance acceptable in the context of the development plan and material considerations.

1.4 The Condition as currently worded required the restriction of three bungalows to be occupied by persons:

- a) aged 55 or older; or
- b) a widow or widower of such a person or persons, or
- c) any resident dependant or dependant's of such a person or persons, or
- d) a resident carer of such a person or persons.

## **2. Housing need**

2.1 Since the determination of the Outline Planning Application under reference CB/16/04369/OUT the Council has submitted the Central Bedfordshire Local Plan (2018) for examination and the Revised NPPF has been published.

2.2 The Council's current adopted development plan policies make no requirement for the provision of over 55s accommodation with occupational restrictions. Therefore it is considered that the adopted Development Plan is silent in this respect. However the provision of bungalow accommodation for persons aged over 55 was considered as a benefit of development which weighed in the schemes favour when the original application was determined.

2.3 The Revised NPPF outlines the Governments objective of significantly boosting the supply of homes and that it is important that the needs of groups with specific housing requirements are addressed. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

2.4 The Council's approach in the Submission Local Plan, which is informed by the Strategic Housing Market Assessment (2017), is to seek a proportion of dwellings to be designed to meet the needs of older people as they progress through their life changes and to seek a proportion of bungalows and level access

accommodation on developments of 100 dwellings or more. This approach is outlined under Policy H3 of the Submission Central Bedfordshire Local Plan, which can be given limited weight at this stage.

- 2.5 This policy seeks for the provision of bungalows as part of the housing stock, however it does not seek to impose conditions on such dwellings to restrict their occupation to those aged over 55. Indeed single storey accommodation is required to also meet needs of the population that have moderate and severe physical disabilities, which this condition as currently worded would restrict such persons who are aged under 55 to accessing this property.
- 2.6 It is advised that the bungalows as currently designed would not meet all of the requirements of the Category Requirement MA(2) adaptable homes or MA(3) wheelchair accessible homes of the Building Regulations, however it is considered that a bungalow would meet many of the requirements of MA(2)/(3) and may only require relatively minor modifications to meet the needs of persons with physical disabilities.
- 2.7 As such the provision of the bungalows is still considered to be a benefit of the development, as a home that is suitable for older persons and could be modified to meet the needs of those with physical disabilities. It is considered that the occupational restriction is overly restrictive and is not necessary to meet the housing objectives of the Council as identified by the Strategic Housing Market Assessment (2017) and as currently drafted in the Submission Central Bedfordshire Local Plan (2018), nor is it required to meet the objective of the Government as outlined in the NPPF to deliver homes to meet the needs of older people.
- 2.8 For the reasons outlined above it is advised to amend the condition by removing the occupational restriction but retain the requirement for the provision of three bungalows.

### **3. Other Considerations**

#### **3.1 Noise**

- 3.2 Concern has been raised in relation to noise and disturbance to residents on properties on The Avenue, as a result of the removal of the occupational restriction, however it is not considered that a direct correlation between age and noise can be drawn. Nevertheless; the proposal would not result in an unacceptable degree of noise and disturbance that would warrant the refusal of planning permission.

#### **3.3 Other conditions**

- 3.4 It is necessary to amend conditions on the outline planning permission to reflect the details already approved and the approved reserved matters application.

#### **3.5 Planning Obligations**

- 3.6 This application requires a deed of variation to ensure all planning obligations under the original approval would apply to any approval under this application.

**3.7 Human Rights issues:**

The proposal raises no Human Rights issues.

**3.8 Equality Act 2010:**

3.9 The proposal raises no issues under the Equality Act 2010.

**Recommendation:**

That Outline Planning Permission be **GRANTED** subject to a Deed of Variation to the S106 agreement attached to CB/16/04369/OUT and subject to the following Conditions:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority by no later than 11 December 2019.

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 Details of the layout, scale, appearance and landscaping, including boundary treatments (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 Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)

- 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 Any subsequent reserved matters application shall include the provision of three bungalows.

Reason: In view of the need for this type of accommodation in the area and in accordance with the Revised NPPF and Policy H3 of the Submission Central Bedfordshire Local Plan (2018).

- 5 Any subsequent reserved matters application shall not include any dwellings that are more than 2 storeys in height.

Reason: In order to provide an appropriate form of development in the interests of visual and residential amenity in accordance with policies CS14 and DM4 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.



- 6 Any subsequent reserved matters application shall include strategic landscaping buffers beyond the curtilages of dwelling houses along the southern and western edge of the site.

Reason: To safeguard the character and appearance of the area including the intrinsic character and beauty of the countryside on this prominent gateway and edge of settlement site, in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), thereby ensuring the harm caused by the development does not significantly and demonstrably outweigh the benefits of development in accordance with the NPPF.

- 7 The landscaping scheme approved under Condition 2 shall be implemented and thereafter managed and maintained for a period of 10 years, in full accordance with details and timescales outlined within: ABBEY21394 11 E Sheet 1of2 and 2of2, ABBEY21394 Mon (Soft Landscape Management and Maintenance Plan) and ABBEY 21394 Spe (Soft Landscape Specification), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the harm of the development would not outweigh the benefits in accordance with the NPPF.

- 8 The access shall be constructed and completed in full accordance with the approved drawing reference E3680/710 prior to the first occupation of any dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 No dwelling hereby approved shall be first occupied until a 2 metre wide footway to form a continuous link to the junction of Jubilee Close has been constructed in accordance with the approved details under Condition 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The details are required prior to commencement to safeguard the character and appearance of the area and in the interests of road safety and pedestrian movement, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 The slab levels of the buildings hereby approved site shall be in full accordance with the drawings: E3680/400/A, E3680/401/A, P1416.10 Rev A, P1416.11 Rev A and P1416.SS.03 Rev A, unless otherwise approved in writing by the Local Planning Authority.

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).

- 11 Foul water drainage for the site shall be carried out in full accordance with the drawing E3680-505b before the development is completed, unless otherwise approved in writing by the Local Planning Authority.

Reason: 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.

- 12 The surface water drainage scheme for the site shall be implemented in accordance with E3680-505b and E3680-Drainage Strategy - 0817-Rev2 before the development is completed, unless otherwise approved in writing by the Local Planning Authority.

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 the NPPF.

- 13 The surface water drainage scheme shall be maintained in accordance with the agreed management and maintenance plan: E3680-505b and E3680-Drainage Strategy - 0817-Rev2, unless otherwise approved in writing by the Local Planning Authority.

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.

- 14 The details within Ecological Maintenance Statement Abbey21394\_EMS Rev F detailing the creation of new wildlife features shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter, unless otherwise approved in writing by the Local Planning Authority.

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

- 15 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 16 Prior to the first occupation of any building the fire hydrants to serve that building shall be installed in accordance with drawing 10504922(1of2) Rev 0. Thereafter the fire hydrants shall be retained as approved in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and the NPPF.

- 17 Development works as approved by this planning permission shall be undertaken in accordance with the approved Construction Management/Method Statement/Plan titled Construction Method Statement 27 April 2018 plan reference P1416.08RevC, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of safeguarding the local residential amenity and highway safety, in accordance with Policy DM3 of the Core Strategy and the NPPF.

- 18 The development hereby approved shall be carried out in accordance with the recommendation within the Breglobal Water Efficiency Calculator, Environmental Economics - Energy Reduction Study (28/07/2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability, in accordance with Policy DM2 of the Core Strategy and Development Management Policies and the NPPF.

- 19 The details required by Condition 2 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Core Strategy for the North & Section 7 of the NPPF.

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BLU1608\_L001, IR.BGVABLUNHAM.21\_02 Rev: B (insofar as it proposes the development access arrangements only).

Reason: To identify the approved plan/s 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.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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