

APPLICATION NUMBER	CB/19/04315/FULL
LOCATION	Land off Ailwyns Acre, Cranfield, Bedford, MK43 0GA
PROPOSAL	Residential development of 5 no. detached dwellings.
PARISH	Cranfield
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Stuart Kemp
DATE REGISTERED	27 December 2019
EXPIRY DATE	21 February 2020
APPLICANT	Mr Parrish
AGENT	Project Design Studio Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Morris for the following reasons: <ul style="list-style-type: none"> • Loss of essential Green Space • Overdevelopment of site • Development in sensitive open location
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation:

The application site is located outside of the defined settlement envelope of Cranfield and is therefore in conflict with policy DM4 of the CSDMP. Whilst policy DM4 is not attributed full weight the development should nonetheless be considered against the three objectives of sustainable development.

It is considered that the proposed development would constitute an efficient use of land and, having regard to adjacent residential development, would not result in any harmful impact on the character or appearance of the area, historic environment, amenity, highways, nor ecology.

The proposal is considered to constitute sustainable development and no significant harm has been identified. It is considered that the proposed development has addressed the reasons for refusal of the previous application on site for the erection of 10 dwellings. The benefits of the development would outweigh the conflict with Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the emerging Local Plan.

Site Location:

The application site comprises a parcel of land which is located to the south of Lodge Road and west of Ailwyns Acre, Cranfield.

The site has the appearance of an overgrown scrubland and contains a number of protected trees and a historic garden wall associated with Cranfield Court, the wall is not listed.

The application site is bound by residential development to the north, south, east and west with open countryside also located to the west.

The Application:

Full planning permission is sought for the erection of 5 detached, two storey dwellings with access proposed from Ailwyns Acre.

An outline planning application was refused by the Development Management Committee on CB/17/02694/OUT on this site for the erection of 10 dwellings. Details of this refused application are set out below. This refused outline application reserved landscaping and appearance.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

Core Strategy and Development Management Policies - North 2009

Policy CS1 – Development Strategy
Policy CS2 – Developer Contributions
Policy CS7 – Affordable Housing
Policy CS13 – Climate Change
Policy CS14 – High Quality Development
Policy CS16 – Landscape and Woodland
Policy CS18 – Biodiversity and Geological Conservation
Policy DM2 – Sustainable Construction of New Buildings
Policy DM3 – High Quality development
Policy DM4 – Development Within and Beyond Settlement Envelopes
Policy DM10 – Housing Mix
Policy DM14 – Landscape and Woodland
Policy DM15 – Biodiversity

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 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:

SP2: Sustainable Development
SP5: Preventing Coalescence/Important Countryside Gaps
H1: Housing Mix
H2: Housing Standards
T2: Highway Safety & Design
T3: Parking
EE2: Biodiversity

CC5: Sustainable Drainage
HQ1: High Quality Development

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Highway Construction Standards and Specifications Guide (2019)

Relevant Planning History:

Application:	Planning	Number:	CB/17/02694/OUT
Validated:	29/11/2017	Type:	Outline Application
Status:	Decided	Date:	19/06/2019 16:31:37
Summary:		Decision:	Outline Application - Refused
Description:	Outline: Erection of 10 dwellingshouses.		

Refused for the following reasons:

1) The proposed layout, access arrangements and scale of development would result in a harmful urbanising impact to the detriment of the rural character and appearance of the site, wider landscape and local amenity. The development would also result in the removal of a non-designated heritage asset which is considered to be an important feature in the landscape and of historical significance in the wider setting. As such the proposed development is contrary to policies CS14, CS15, CS16, DM3, DM13 and DM14 of the North Core Strategy and Development Management Policies 2009 and chapters 12, 15 and 16 of the NPPF.

2) Having regard to the characteristics of the existing site, the proposed development will result in the loss or deterioration of existing habitats and harm to existing biodiversity with inadequate provision for mitigation. The development is not therefore considered to deliver a net gain for biodiversity and as such is considered to result in ecological harm contrary to policy DM15 of the North Core Strategy and Development Management Policies 2009 and chapter 15 of the NPPF.

Application:	Planning	Number:	MB/06/01059/FULL
Validated:	27/06/2006	Type:	Full Application
Status:	Withdrawn	Date:	15/08/2006
Summary:		Decision:	Application Withdrawn
Description:	Full: Rebuilding and restoration of former Victorian glasshouses to form 2 no. residential dwellings and Outline: Erection of 2 no. detached dwellings (all matters reserved except siting and means of access)		

Consultees:

Cranfield Parish Council *Initial Response - 16/01/2020*

Whilst the scheme is an improvement on the previous scheme, with a reduction to 5 dwellings and access from Ailwyns Acre rather than Lodge Road, the Cranfield Parish Council continue to object as the reasons for refusal of the previous scheme have not been addressed.

The site is outside of the settlement envelope and, being for less than 10 dwellings, falls outside of the Local Plan. The reasons given for the refusal of the previous application (CB/17/02694/OUT) have not been addressed and the proposed scheme will still result in a harmful urban influence on the rural character and appearance of Lodge Road, wider landscape and local amenity. The proposed fence along the boundary with Lodge Road is inappropriate, adding to the harmful urbanisation of the area and is not in keeping with the rural setting. The proposed fence is in contradiction to

the Design and Access statement which states that the hedgerow along Lodge Road will be retained, although there is no hedge.

Having regard to the characteristic of the existing site, the proposed development will still result in the loss or deterioration of existing habitats and harm to the existing biodiversity with inadequate provision for mitigation. The development cannot therefore be considered to deliver a net gain for biodiversity and as such will result in ecological harm contrary to policy DM15 of the North Core Strategy and Development Management Policies 2009.

The proposed development will still result in the removal of a non-designated heritage asset which is considered to be an important feature in the landscape and of historical significance in the wider setting as, although the proposal retains the wall in the gardens, it will not be visible from the road and there is a high chance that the occupants will demolish the wall.

The development will place additional pressure on Lodge Road, which is currently the subject of a Quiet Lanes application and Court Road. Both roads are narrow in places and unsuitable for additional traffic.

Response to Revised Proposal - 11/03/2020

The Council did not feel that the revised plan addressed their concerns and they re-iterate the previous comments. The Council believe that the wall should be protected, the position of the wall in the gardens is not sensible and whilst the change to a post and rail fence was an improvement, as the wall could be seen, the application offers no protection to the wall. The Council would like to see a covenant on the wall including a restriction in fixing anything to the wall.

The Council will object to the application and in addition make a comment that, if the planning authority is minded to approve the application, a condition be attached that planning permission must be sought to create any vehicle access to the site from Lodge Road."

The previous comments to be re-iterated are:

Whilst the scheme is an improvement on the previous scheme, with a reduction to 5 dwellings and access from Ailwyns Acre rather than Lodge Road, the Cranfield Parish Council continue to object as the reasons for refusal of the previous scheme have not been addressed.

The site is outside of the settlement envelope and, being for less than 10 dwellings, falls outside of the Local Plan. The reasons given for the refusal of the previous

application (CB/17/02694/OUT) have not been addressed and the proposed scheme will still result in a harmful urban influence on the rural character and appearance of Lodge Road, wider landscape and local amenity. The proposed fence along the boundary with Lodge Road is inappropriate, adding to the harmful urbanisation of the area and is not in keeping with the rural setting. The proposed fence is in contradiction to the Design and Access statement which states that the hedgerow along Lodge Road will be retained, although there is no hedge.

Having regard to the characteristic of the existing site, the proposed development will still result in the loss or deterioration of existing habitats and harm to the existing biodiversity with inadequate provision for mitigation. The development cannot therefore be considered to deliver a net gain for biodiversity and as such will result in ecological harm contrary to policy DM15 of the North Core Strategy and Development Management Policies 2009. The proposed development will still result in the removal of a non-designated heritage asset which is considered to be an important feature in the landscape and of historical significance in the wider setting as, although the proposal retains the wall in the gardens, it will not be visible from the road and there is a high chance that the occupants will demolish the wall.

The development will place additional pressure on Lodge Road, which is currently the subject of a Quiet Lanes application and Court Road. Both roads are narrow in places and unsuitable for additional traffic.

Highways Officer

No objection subject to conditions

The layout is now acceptable in highway terms with regards to parking and an independent turning area for a fire tender/service vehicle has been provided. Visibility splays of 2m x 25m can be provided within the public highway for existing resident to see on coming traffic when existing the existing private drive and do not require conditioning in this instance.

The requirement for passing places along Lodge Road should be retained and in this respect a condition is provided for this provision.

Archaeologist
Conservation Officer
Trees and Landscape
Officer

No objection

No objection

No objection subject to condition

Site includes a number of trees that are protected by a 1998 Tree Preservation Order.

Included with the application is an Arboricultural Impact Assessment supplied by Prime Environment Ecology/Arboriculture dated November 2018 which

identifies all trees on site and indicates trees to be retained. To facilitate the proposal will require the removal of one tree Ash that is include within G2 of the TPO. Tree is in poor condition and its removal would be acceptable.

Flood Risk Officer
Landscape Officer

Minor addition required to the Arboricultural impact assessment to ensure that trees to be removed are clearly marked prior and that all tree protection measures be put in place following the treeworks.

No objection subject to conditions

No objection subject to conditions

The development has secured the retention of the wall and the trees and hedges which contribute to the parkland character.

A new hedge to strengthen the Lodge Road boundary is proposed, which is welcomed. A native species hedge is required - the use of non thorny species such as field maple or hornbeam would be suitable for making up most of the mix.

The site is within the Forest of Marston Vale - the policy of 30% tree cover applies. It is essential that there is a mechanism to protect trees and shrubs which are not covered by the TPO eg through a Covenant or Management Plan.

Ecology

No objection subject to conditions

Retention of the existing mature trees and on plot enhancements are welcomed but the woodland is to be retained in private ownership and as such there is concern over future maintenance.

Great Crested Newts
Officer

No objection subject to informative

Given distance from any identified pond it is considered unlikely that Great Crested Newts would be impacted as a result of the proposal.

Beds Fire and Rescue

The nearest existing fire hydrant is opposite 20 Wood End Road, approximately 85 metres from the entrance to the proposed site. A fire hydrant fitted to the existing 90mm main in Ailwyns Acre at the site entrance should be sufficient.

Other Representations:

38 Neighbour objections and 1 Petition against the development with 33 Neighbour signatures.

Objections (Summary)

- Harm to biodiversity and existing wildlife.
- Harm to the character of the area and landscape through increased urbanisation.
- Increased traffic and congestion.

- Noise, disturbance and damage during construction.
- Lack of services and facilities (including doctors and healthcare services).
- Harm in terms of vehicular and pedestrian safety.
- Harm to living conditions, in terms of loss of privacy, overlooking and overbearing.
- Harm to protected vegetation.
- Outside of settlement envelope.
- Harm to an architecturally important wall.
- No affordable housing provision.
- Harm to a 'Quiet Lane'.
- Light pollution.
- Harm in terms of flooding and drainage.
- Harm to heritage assets.
- No proven need for additional housing.
- Increased flood risk.
- Previous applications for residential development at this site have been refused.
- Should not be allocated in the local plan as could only accommodate under 10 dwellings.
- Coalescence between Cranfield Main Village and Wood End.
- Inadequate housing mix.
- Harm to private road on Ailwyns Acre.
- Proposal is unsustainable development.
- Likely future occupiers would wish to remove the wall and erect large garden fencing to boundaries.
- Arboricultural statement suggests felling for virtually everything on site.
- Proposal would conflict with Policies EE4, SP7, H1 and EE2 of the Emerging Local Plan.

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Impact on the Historic Environment
4. Amenity
5. Highway
6. Other Considerations
 - i) Flood Risk,
 - ii) Pollution
 - iii) Ecology
 - iv) Reasons for Call-In
 - v) Parish and Neighbour Objections
 - vi) Permitted Development Rights
 - vii) Human Rights and Equality Act
 - viii) Construction Code of Practice
7. Sustainability
8. Conclusion

Considerations

1. Principle of Development

- 1.1 The application site is located to the south of Cranfield, to the south of Lodge Road, to the west of the residential dwellings of Ailwyns Acre, east of the residential dwelling of Pipers Lodge and to the north / rear of residential dwellings at Harter Avenue. The site is located outside of the identified

settlement envelope of Cranfield which directly adjoins the boundaries of the site to the south and east and is located on the opposing side of Lodge Road to the north. The site is bordered by residential development on all sides and presents as an unused and overgrown scrubland.

- 1.2 Policy CS1 classifies settlements by virtue of their scale, services and facilities. Further, the thrust of Policy DM4 is to apply weight in favour of development within Settlement Envelopes and restrict development divorced from the settlements identified within Policy CS1. This policy position is largely echoed by Policy SP7 within the emerging Local Plan. Cranfield is identified as a minor service centre in Policy CS1 and as such is considered to support a reasonable level of services and amenities.
- 1.3 Recent appeal inspectors have consistently confirmed that Policy DM4 is not considered to be out of date and can be attributed moderate weight, the proposal is nonetheless considered to be contrary to Policy DM4. There is a clear settlement strategy directing residential developments to larger, more sustainable, urban areas. Additionally, the National Planning Policy Framework seeks to encourage residential developments in sustainable locations only.
- 1.4 Paragraph 59 of the NPPF states "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient variety of land can come forward where it is needed".
- 1.5 At the time of writing, the Council have identified and demonstrated in the latest Annual Monitoring Report (undertaken quarterly - January 2020) a five year supply of housing (5.75). Five year supply matters have been considered in a number of recent appeal decisions and, the view reached by Planning Inspectors in appeals at Langford Road Langford, Sunderland Road Sandy and Langford Road Henlow confirm that the Councils method of calculating housing need is sound and reasonable and that the Council can currently demonstrate a 5 year supply of housing. Therefore, the relevant policies for the supply of housing should be considered up to date and what is often referred to as the 'tilted balance' in paragraph 11 of the NPPF does not apply.
- 1.6 The emerging Local Plan proposes to allocate the site for residential development under Policy HA1: Small and Medium Allocations (Site Ref: NLP 139). The site assessment states that the number of houses the site could accommodate is 14 dwellings. Given the current status of the emerging Local Plan it is considered that it can only be attributed limited weight.
- 1.7 It is noted therefore that the proposed development would represent a conflict with policy DM4 of the Development Plan, this would weigh against the granting of permission. The 'tilted-balance' of paragraph 11 of the NPPF would not be engaged, nevertheless, the application should be considered against the objectives of sustainable development and the requirement in the NPPF to significantly boost the supply of housing.

2. Impact on the Character and Appearance of the Area

- 2.1 The application site is primarily bounded by residential development on all sides and has the appearance of an overgrown / unmaintained scrubland. The proposed development of 5 dwellings would alter the character of the site, although given the immediate context of residential development to the north, east, south and west it is not considered that the proposed residential development would be out of keeping with the character or appearance of the area.

- 2.2 The application site does benefit from a shared boundary with the open countryside (former parkland associated with Cranfield Court) in its south western corner. This part of the application site is dominated by a significant cluster of mature trees which are protected by Tree Protection Order. The proposed development shows the retention of all but 1 of the protected trees within this woodland area. The Councils Trees and Landscape Officer has raised no objection. The proposal does include the removal of 1 protected tree on site within the large woodland area but this tree is considered to be of poor quality and as such the Officer has raised no objection to its removal. Given the number of trees within this area of the site it is not considered that the loss of the 1 protected tree would result in any materially harmful impact. It is noted that a number of smaller trees within the development site would be removed to facilitate the development these trees are not protected and given their height and maturity are considered to have little positive impact on the wider character or appearance of the area. As such whilst the character of the site would alter it is not considered that the boundary with the open countryside in the south western corner of the site would become more "urban".
- 2.3 The previous outline application for residential development of 10 dwellings with access from Lodge Road to the north was refused by the Development Management Committee on CB/17/02694/OUT for 10 dwellings siting harm to the rural character and appearance of the site, landscape and local amenity through the urbanisation of the site and of Lodge Road as a result of the proposed layout, access and scale of development.
- 2.4 In response, this application has reduced the scale of the proposed development to 5 dwellings with the proposed access from the existing residential development at Ailwyns Acre. It is noted that the northern boundary of the site fronting Lodge Road is rural in nature and benefits from extensive landscaping. The relocation of the access in this planning application now being considered and the reduction in the number of units would allow for this rural landscaping to be retained. The comments of the Parish Council and neighbours in respect of additional fencing along this boundary are noted. The application has since been revised to provide a 1.2m post and rail fence along this boundary to ensure sufficient security for future occupiers whilst retaining the amenity provided by the soft landscaping. It is also noted that to the east of the application site Lodge Road is bounded by a significant (approx.3m) brick wall. It is considered that much of the rural character and appearance of the sites frontage along Lodge Road would be maintained, especially given the context of the adjacent wall and the urbanisation of the site would be reduced in comparison to the previously refused outline application. It is also noted that the "urban" feature of the existing wall within the site would be fully retained (its removal has been a concern raised by various consultees) again the proposed timber and rail fencing is not considered to result in harm to the character or appearance of the area or site given its context.
- 2.5 The site previously formed part of a walled garden in connection with the Cranfield Court estate. Since the demolition of much of Cranfield Court development has occurred within the old grounds at both Harter Avenue and Ailwyns Acre adjacent to the application site. As part of the previous use of the site there were a number of substantial structures (including a gardeners building) located within the application site as evidenced within the site photos and documentation submitted in support of application MB/06/01059/FULL. As such whilst it is noted that those structures have now been removed and the site has been left unmaintained to become overgrown its previous state,

including the presence of relevant structures and buildings should be acknowledged.

- 2.6 Whilst it is acknowledged that the proposed development would result in a change to the character of the site in its current state, given the context of the application site surrounded by residential development, the reduced scale of development (from the previously refused planning application), the provision / retention of existing landscaping around the site and the sites previous history, the proposal would not result in any material harm to the character or appearance of the area. The Councils Landscape Officer has been consulted on the proposal and has raised no objection subject to conditions.
- 2.7 The proposal comprises of the erection of 5 large detached dwellings set around a central access road, the scale, design and form of the residential dwellings and associated garages are considered to be largely consistent and in keeping with the adjacent dwellings at both Ailwyns Acre and Harter Avenue and each of the dwellings are located off the boundaries of the site. It is therefore considered that the scale, design and layout of the proposed dwellings would be in keeping with surrounding residential development and thus would not result in harm to the character or appearance of the area.
- 2.8 Members previously discussed whether the site should be considered tranquil through in the context of paragraph 180 of the NPPF which states that planning policies and decisions should *"identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*. Officers do not consider that the site is "tranquil" in this sense given that it is sandwiched between, and therefore entirely surrounded by residential development on all boundaries including the large scale residential development to the west of Cranfield on the opposing side of Lodge Road. As such it is not considered that the erection of 5 dwellings in this location would result in any materially harmful impact to the "tranquillity" of the site or the area.
- 2.9 It is considered that the previous reason for refusal at this site relating to the impact on the character of the site, wider landscape and amenity have been addressed through the significant reduction in the number of units proposed, the relocation of the access to Ailwyns Acre and alterations to the layout to move the proposed dwellings off of the sensitive soft landscape boundaries of the site.
- 2.10 As such the proposed development is considered to comply with Policy DM3 and DM14 of the CSDMP, and Chapters 12 and 15 of the NPPF.

3. Impact on the Historic Environment

- 3.1 The application site includes an existing wall which has been highlighted by various representations received as part of this and the previously refused outline planning application to be of historic significance. It is understood that the remains on site are those linked to the 19th Century walled garden in relation to Cranfield Court (which was mostly demolished in the 1930s). The wall is considered to be a non-designated heritage asset and with historic and evidential links to the village and lost heritage (Cranfield Court).
- 3.2 The previous outline application proposed the demolition of the wall in its entirety, and Members, through their considerations of the previously refused outline application considered the wall to be an important feature within the landscape and to be of historical significance and thus did not consider the loss

of the wall to be acceptable. The loss of the wall is referenced in the reason for refusal as noted above.

- 3.3 This application proposes the retention of the full extent of the wall within the rear gardens of plots 1, 2 and 3 of the proposed development and, on that basis the Conservation Officer has raised no objection to the proposed development.
- 3.4 It is considered that the proposal would result in only limited harm to the non-designated heritage asset, primarily a result of its inclusion within residential gardens. The NPPF sets out at paragraph 197 that, the effect on the significance of non-designated heritage assets should be taken into account. In weighing such applications that directly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of the loss and the significance of the non-designated heritage asset
- 3.5 Having regard to the advice from the Conservation Officer and Archaeologist, the wall is considered to be historic and of some significance. However, it is not perceived to be of such significance given the extensive loss of historic fabric associated with Cranfield Court and the lost relationship to other heritage assets.
- 3.6 As the wall is considered to have some historic significance, the Local Planning Authority should ensure that any impact is acceptable. The retention, repair and formal maintenance of the retained sections of wall would result in significant benefit to the long term viability and retention of the non-designated heritage asset especially given its current poor state of repair, such maintenance is to be secured through an appropriate planning condition.
- 3.7 As such, given the above, whilst limited harm is identified through the inclusion of the wall into rear gardens it is considered that the retention and long term maintenance of the wall would result in an enhancement of the heritage asset which is considered to outweigh the limited harm identified. As such the proposal is considered acceptable in this regard in accordance with Policy DM13 of the CSDMP and Chapter 16 of the NPPF.

4. Amenity

Neighbouring Amenity

- 4.1 The application site is bordered by residential dwellings on all sides. The existing dwelling to the west of the site at Pipers Lodge is located closest to plot Number 3. The separation distance from the side elevation of Pipers Lodge to the side elevation of plot 3 is in excess of 23.5 metres, the garage to plot 3 is also located approximately 18.5 metres from the shared boundary. Given the separation distance and the retained landscaping between plot 3 and this neighbour, it is not considered that the proposed development would result in any material impact on the living conditions of this neighbour. Unit No.4 is also sited at an angle to the dwelling and curtilage of Pipers Lodge and thus would also not result in any harmful impact on the amenity of this neighbour.
- 4.2 Nos. 2 - 12 Harter Avenue are located to the south of the application site, Plot 4 is sited at an angle to this shared boundary and Plot 5 would directly back onto the boundary. The separation distance between the main dwellings and the neighbouring dwellings to the south is a minimum of 33.5m, well in excess of the 21 metres back to back distance required by the CBC Design Guide. Given the separation distance from these neighbouring dwellings it is not considered that

the proposed dwellings would result in any material impact on the living conditions of these neighbours in terms of loss of light or privacy and the dwellings would not appear as unduly overbearing.

- 4.3 Nos. 2 - 8 and 3 Ailwyns Acre are located to the east of the application site, Nos. 2 - 8 would maintain a front to side relationship with proposed plot 1 whilst No.3 would maintain a rear to side relationship with plot 5. The separation distance from the main dwelling of Plot 1 to the plots 2 - 8 is in excess of 19.9 metres, such a separation distance for a front to side relationship would ensure that the proposed development would not result in any material impact on these immediate neighbours. It is noted that the garage proposed to Plot 1 would be sited approximately 15.7 metres from the front elevation of No.2 Ailwyns Acre but, given the separation distance, the single storey nature of the garage and the presence of appropriate soft landscaping along the boundary it is not considered that the garage would result in any harmful impact on the living conditions of this neighbour. No.3 Ailwyns Acre backs onto the rear garden of No.5, again the separation distance from this neighbour to the main dwelling of No.5 would ensure that there would be no material impact on this neighbour's amenity.
- 4.4 Nos 10 and 11 Georges Close and Ivy House, Lodge Road are located to the north of the application site, both on the opposite side of Lodge Road fronting onto the application site. These neighbours would maintain a front to rear relationship with proposed plots 1-3 at a minimum separation distance of 29 metres. Such a separation distance across Lodge Road and with the retention of landscaping along the northern boundary of the application site would ensure that the proposed development would not result in any material impact on these neighbours.
- 4.5 Given the above it is considered that the proposed development would provide appropriate separation from existing neighbouring dwellings in excess of the requirements of the CBC Design Guide. Given the separation distances, the siting of the neighbouring dwellings and their relationship with the proposed dwellings it is not considered that the proposed development would result in any material loss of amenity to any adjacent neighbours. As such the proposed development is considered to accord with policy DM3 of the CSDMP, Chapter 12 of the NPPF and the Central Bedfordshire Design Guide.

Amenity of future occupiers

- 4.6 The proposed development comprises of 5 large detached family dwellings, each of which would benefit from an internal floor area in excess of the minimum requirements of the nationally described internal space standards. It is also considered that the proposed dwellings would be appropriately separated from each other to ensure appropriate privacy for future occupiers.
- 4.7 In addition each dwelling would be set within a substantial plot and would benefit from a private garden in excess of the minimum requirements of the CBC Design Guide in terms of both depth and area.
- 4.8 It is considered that the proposed development would provide an appropriate standard of living for future occupiers in accordance with Policy DM3 of the CSDMP, Chapter 12 of the NPPF and Central Bedfordshire Design Guide.

5. Highways

- 5.1 The application proposes access to the development from Ailwyns Acre to the east of the application site. This part of the access from Ailwyns Acre appears to be in private ownership and currently serves Nos.2 - 8 Ailwyns Acre. The applicant has acknowledged that the proposed access would seek to use part of the existing private access which is outside of their ownership having signed ownership certificate declaration B and served notice on the owner of the land.
- 5.2 The intention is for the part of the private access immediately adjacent to the public highway to be improved and widened to an adoptable standard with the private shared surface access to Nos. 2 - 8 Ailwyns Acre being retained a new private shared surface access being provided within and throughout the proposed development.
- 5.3 The proposed access onto Ailwyns Acre would benefit from appropriate visibility and would be widened to accommodate the two way flow of traffic including pedestrian access points.
- 5.4 The Highways Officer has been consulted on the proposal and has raised no objection subject to condition.
- 5.5 The internal road layout is considered to be acceptable in accordance with the requirements of the Highway Construction Standards and Specifications Guide (2019) and appropriate turning areas have been provided on site. The proposed dwellings would each benefit from a garage which the Highways Officer has accepted could facilitate the parking of 1 vehicle. In addition each plot would benefit from a minimum of 2 private parking spaces with parking also possible within the shared access road (as "on road" parking), the proposal also includes the provision of 2 designated visitor parking spaces within the shared surface. As such it is considered that each plot would benefit from appropriate parking in accordance with the parking standards outlined within the CBC Design Guide.
- 5.6 Given that the internal road layout is to remain private, the proposed site layout clearly identifies a location adjacent to the access point for bin collection, the siting of which, in close proximity to the public highway is considered to be acceptable.
- 5.7 It is noted that various neighbours and the Parish Council have raised concerns over the potential increased use of Lodge Road given its intended designation as a "Quiet Lane". This revised application removes the proposal for direct access onto Lodge Road and takes access from Ailwyns Acre. From the information available to Officers it is understood that whilst the signage was erected Lodge Road was never formally designated as a "Quiet Lane". In any case, guidance on Quiet Lanes states that traffic flows should be less than 1000 movements per day on carriageways with widths of less than 5m.
- 5.8 Acknowledging the potential increase in use of Lodge Road as a result of the development the Highways Officer considers it appropriate to require the provision of relevant passing places, within the public highway. Whilst it is acknowledged that the increased vehicular traffic from 5 dwellings would be minor a scheme for passing places along Lodge Road would be considered to directly mitigate against any increased use of this road as a result of the development.

- 5.9 It is not considered that the provision of 5 additional dwellings accessed from Ailwyns Acre with a direct route into the centre of Cranfield through Court Road and with the inclusion of appropriate passing places on Lodge Road, would result in any significant or materially harmful impact on the local road network in terms of both safety and capacity.
- 5.10 The Highways Officer considers that the proposed development is acceptable in terms of Quiet Lane requirements and as such this should not be seen as a reason for refusal on highway grounds.

6. Other Considerations

i) Flood Risk:

- 6.1 The application site does not lie in a high flood risk zone for either fluvial or surface water drainage. The Flood Risk Officer has requested that conditions be attached to any approval to ensure that an appropriate surface water drainage scheme is provided on site. No details of foul sewage disposal have been included with the proposal and it is noted that Anglian Water have requested details which can be secured through an appropriate condition.

ii) Pollution:

- 6.2 Given the scale of the proposed development and its siting between existing residential development it is not considered that the proposal would result in any material impact in terms of noise, light or air pollution. Given the current nature of the site it is unknown whether any contaminated land is present and, as such an appropriate condition has been included to ensure any contaminated land is processed and removed appropriately.

iii) Ecology:

- 6.3 It is acknowledged that members considered that the previously refused application would not deliver a net gain for biodiversity and this was included within the refusal reasons of the previous application, as noted above.
- 6.4 The Councils Ecologist has been consulted on the proposed development and has raised no objection, noting the retention of existing ecological landscape features including the landscaping along the northern boundary and the mature trees. It is also noted that the applicants ecological appraisal makes a number of appropriate suggestions for further on plot mitigation measures, such as bat and bird boxes.
- 6.5 The retention of the existing wooded area to the south western corner of the site is also noted, the Ecologist has indicated that it would be preferable for this to be removed from the private rear garden of plot 4 to ensure appropriate management as an ecological benefit. Whilst the applicant has chosen to retain this within the private garden a condition has been included to ensure its appropriate management and maintenance as an ecological benefit of the proposal.
- 6.6 It is also noted that the trees present are protected through Tree Preservation Order and as such any works required to the trees would need the permission of the authority.
- 6.7 The Councils Ecologist is therefore of the opinion that appropriate ecological enhancement through a net gain for bio-diversity could be achieved on site and would be secured through an appropriate condition in accordance with paragraph 170 (d) of the NPPF.

6.8 Given the above it is considered that the previous reason for refusal in this regard has been addressed, especially given the opportunities to retain many of the existing ecological features on site.

iv) Reasons for Call In:

6.9 The application has been called in for decision by Development Management Committee by Cllr Robert Morris citing a loss of essential green space, overdevelopment of the site and development in a sensitive open location. All of these matters are addressed within the detail of the officers report above. In short, it is noted that the application site is reasonably small in scale and is surrounded by residential development on all sides, the site is in private ownership and does not benefit from public access. As such public enjoyment of the site is somewhat limited to the view of the site from Lodge Road, much of this view would be retained and enhanced in terms of landscaping and the retention of the wall with residential development beyond. The application site is not designated as an important green space within the CSDMP. Given the above its considered the sites amenity value is relatively low and would be mostly retained. As such Officers do not consider the proposal would result in the loss of an essential green space and the sensitive aspects of the site in terms of landscaping and the wall would be retained and enhanced, and thus would not result in material harm in a sensitive location, especially given the context of surrounded residential development.

6.10 The proposed development has been significantly reduced in scale since the previous application, each of the 5 dwellings now proposed would be located off of the more sensitive soft landscape boundaries of the site, away from the protected trees and each dwelling would benefit from a large plot far in excess of the requirements of the CBC Design Guide. Given this it is not considered that the proposal would result in an overdevelopment of the site.

v) Parish and Neighbour Objections:

6.11 It is considered that a majority of the objections raised by both the Parish Council and Neighbours have been addressed within the relevant sections of the report above and below with reference to the advice received from technical consultees.

6.12 In response to those other matters raised, the proposed development for the erection of 5 dwellings does not meet the threshold to require the provision of any affordable housing or s106 financial contribution (the threshold being 10 dwellings or more). Concern over the retention of the wall and future occupiers erecting fencing and structures within their gardens has been addressed through the inclusion of relevant conditions removing appropriate permitted development rights. This is to ensure both the protection of the wall and the soft landscaping around the boundaries of the site in the interests of visual amenity.

6.13 Reference from many neighbours has been made to policies EE4, SP7, H1 and EE2 of the Emerging Local Plan. This plan is at a stage where only limited weight can be applied. Relevant policies of the adopted Core Strategy and Development Management Policies (2009) have been referred to throughout this report.

vi) Permitted Development Rights

6.14 As indicated above concern has been raised by the Parish Council and Neighbours with regards to the potential erection of garden fencing, structures and buildings by future occupiers. In order to further protect the more sensitive

soft landscaped boundaries of the application site in the interests of visual amenity and to prevent any conflict with the vast number of protected trees across the site, it is considered appropriate to remove permitted development rights in this respect. This has been agreed with the applicants planning agent.

vii) Human Rights and Equality Act issues:

6.15 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.

6.16 viii) Construction Code of Practice:

The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites. The applicant has agreed to comply with the requirements of the Code, and compliance will be secured by condition.

7. Sustainable Development

7.1 The National Planning Policy Framework adopts a broad definition of sustainable development in that it states that the policies within the document constitute the Government's view of what sustainable development means in practice. The Framework also establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental objective.

Economic Objective:

7.2 In terms of the economic objective the development will have benefit in the short term associated with the construction phase of implementing the development. In the medium - long term, future occupiers of the development will also help support existing local facilities, amenities and businesses in Cranfield. These are matters which weigh in favour of the application.

Social Objective:

7.3 The proposal would make a contribution to the existing housing stock. One of the key aims of the NPPF is to significantly boost the supply of housing and the proposal is considered sustainable in this regard which weighs in favour of the proposal.

7.4 Cranfield is defined as a Minor Service Centre in Policy CS1 and is considered to benefit from a reasonable number of services and facilities. Taking this into account, and despite the concerns raised by residents regarding stretched local services and amenities given the statutory duty of relevant bodies to provide services (such as health and education), and the small scale of the proposed development for only 5 dwellings, it is considered that there are sufficient services within the settlement to accommodate the additional dwellings proposed.

7.5 The site is considered to be in a sustainable location within walking distance of amenities, services and facilities in Cranfield, which can be accessed by existing footways.

7.6 As such the proposal is considered to accord with the social objective and significant weight can be attached to the provision of housing, in a sustainable location.

Environmental Objective:

- 7.7 It is considered that the application site is entirely surrounded by residential development and would be sympathetic in layout, scale, character and appearance to adjacent residential development. Whilst the proposal would result in some change in character of the site, given its context and the adjacent development, the proposal is not considered to result in material harm to the character and appearance of the area. The impact of the proposal on flood risk, and highways safety and capacity is considered to be neutral. The proposal would deliver net gains in biodiversity (secured via condition).
- 7.8 As noted above the application site is considered to comprise a sustainable location with access to the amenities, services and facilities in Cranfield within walking distance. It is therefore considered that the proposal would generally comply with the environmental objective of sustainable development, this would weigh in favour of the proposal.

8. Conclusion

- 8.1 The development proposal represents a conflict with Policy DM4 of the CSDMP given it is located outside of the defined settlement envelope, this would weigh against the grant of planning permission and can be attributed moderate weight.
- 8.2 The NPPF is a material consideration in the determination of planning applications and sets out that there is a presumption in favour of sustainable development and there is a need to significantly boost the supply of housing. For the reasons outlined above the development is considered to be sustainable against the three objectives of sustainable development as detailed within the NPPF and no significant harm to material considerations is identified.
- 8.3 Whilst the proposal would result in the change in character of the site, given its context between existing residential development it is not considered that this would result in any significant or material harm to the character or appearance of the area. Environmental matters including impact on the non-designated heritage asset, trees, ecology, flood risk and contamination are either neutral, positive or are able to be mitigated by condition. There would be no harmful impact in terms of highway safety, access or capacity subject to the imposition of relevant conditions.
- 8.4 It is therefore considered that the reasons for refusing the previous outline application for 10 dwellings at this site have been addressed and overcome.
- 8.5 In the overall balance of considerations, the material considerations weighing in favour of the application, are considered to outweigh the conflict with the Development Plan and harm identified. It is therefore recommended that planning permission is approved subject to relevant conditions.

Recommendation:

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

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 12, NPPF)**

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Section 12, NPPF)**

- 4 No building shall be occupied until the junction of the proposed vehicular access points with the highway has been constructed in accordance with the approved details.

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

- 5 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 6 The development shall not be occupied or brought into use until the parking scheme and turning areas for vehicles shown on plan No 2116-L4D have been completed. The parking scheme and turning area shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway and to enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.
(Section 9, NPPF)

- 7 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Drainage Strategy (Dated 27th January 2020), has been submitted to and approved in writing by the Local Planning Authority. The scheme**

shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and a restriction in run-off rates to 0.5l/s or as agreed by Anglian Water. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 163 and 165 of the NPPF.

- 8 No building 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 commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding. (Section 14, NPPF)

- 10 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until substantial protective fencing for the protection of any retained tree, has been erected on site and photographic evidence submitted in writing to the Local Planning Authority. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended. (Sections 12 & 15, NPPF)

- 11 Before the development is first occupied, a plan shall be submitted and approved in writing by the Local Planning Authority, detailing the intended ownership, management and maintenance of the protected trees on the site.

Reason: In order to safeguard the future of the protected trees.

12 **No development shall take place until an Ecological Enhancement Strategy (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, hedgehog holes in fences and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content 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 plans;**
- d) persons responsible for implementing the works;**
- e) details of initial aftercare and long-term maintenance.**

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.

13 **No development shall commence until a scheme for the protection of the non-designated heritage asset (wall) on site, including its retention and ongoing maintenance for a period of not less than 5 years has been submitted to and approved in writing by the local planning authority. The non-designated heritage asset (wall) on site shall not be removed at any time throughout the lifetime of the development without the prior consent of the Local Planning Authority.**

Reason: To ensure the long term retention and viability of the non-designated heritage asset. (Chapter 16 NPPF).

14 **Prior to the construction of vehicular parking areas associated with the approved dwellings, a scheme for the charging of electric and ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales/ triggers for implementation of the scheme. The development shall be completed in accordance with these approved details including the agreed timescales/ triggers.**

Reason: To assist with the transition to low-emission vehicles in line with paragraph 110 of the National Planning Policy Framework (2019).

15 **No development shall take place above slab level until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.**

Reason: Details are required prior to the commencement of development 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 Section 12 of the NPPF.

- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the ground floor garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 17 No development shall commence above slab level until a scheme for passing places on Lodge Road has been submitted and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for passing places has been constructed in accordance with the approved details, the scheme shall be retained thereafter.

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

- 18 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of the area and to ensure that the existing and proposed soft landscaping within the development is retained.

(Section 12, NPPF)

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenity of the area.

(Section 12, NPPF).

- 20 Notwithstanding the provisions of Part 11 Class B of Schedule 2 to the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be demolished within the application site without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of the area and to ensure that the existing non-designated heritage asset within the site is retained.

(Section 12 and 16, NPPF)

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

2116- L1;
2116-L2,
2116-L3C,
2116-L4D,
2116-P1,
2116-P2A,
2116-P3A,
2116-P4,
2116-P5,
2116-P7B,

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.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. The applicant is advised that in order to comply with relevant Highways conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
E-mail highwaysagreements@centralbedfordshire.gov.uk

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.

4. This development has the potential to impact Great Crested Newts as there are ponds/waterbodies and suitable habitat within 500m of the development. If Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, failure to do so could result in prosecutable offences being committed. For further information on Great Crested Newt Licensing please contact Michael.williams2@centralbedfordshire.gov.uk

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 at the pre-application stage and 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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