

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 16 June 2016

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 29 June 2016 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, I Shingler and J N Young

[Named Substitutes:

D Bowater, A D Brown, Mrs C F Chapman MBE, I Dalgarno, R W Johnstone, Ms C Maudlin, B J Spurr and T Swain]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

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# AGENDA

## Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 25 May 2016.

(previously circulated)

4. **Member's Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

## REPORT

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
5	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7 - 14

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider  
the planning applications contained in the  
following schedules:**

Item	Subject	Page Nos.
6	<p><b>Planning Application No. CB/16/00860/REG3</b></p> <p><b>Address:</b> Land at Dunton Lane, Biggleswade</p> <p>Regulation 3: New use of land as new traveller site incorporating 10 permanent pitches with studio buildings, 2 transit pitches with studio buildings, a site managers office and a sewage treatment plant.</p> <p><b>Applicant:</b> Central Bedfordshire Council</p>	15 - 46
7	<p><b>Planning Application No. CB/16/01148/OUT</b></p> <p><b>Address:</b> Land adjacent to St Marys (Stotfold) Lower School, Rook Tree Lane, Stotfold, Hitchin SG5 4DL</p> <p>Outline Application: residential development of up to 15 dwellings together with ancillary works (all matters reserved except means of access).</p> <p><b>Applicant:</b> Landcrest Developments Ltd</p>	47 - 74
8	<p><b>Planning Application No. CB/16/01373/RM</b></p> <p><b>Address:</b> Land off Bedford Road to the north of Gold Furlong, Marston Moretaine, Beds</p> <p>Reserved Matters: Permission is being sought for the Access, Appearance, Landscaping, Layout and Scale following Outline application CB/14/2084/OUT – Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from Gold Furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths</p>	75 - 88

and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.

**Applicant:** BDW Trading Limited

9 **Planning Application No. CB/16/01455/OUT** 89 - 134

**Address:** Land East of Hitchin Road and South of the Former Pig Testing Unit, Hitchin Road, Fairfield

Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (café) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access).

**Applicant:** Lochailort Fairfield Ltd

10 **Planning Application No. CB/16/01454/FULL** 135 - 162

**Address:** Land East of Hitchin Road & South of The Former Pig Testing Unit, Hitchin Road, Fairfield

Erection of 2-form entry Lower School and nursery with access, parking, all-weather pitch with changing facility, landscaping and associated works.

**Applicant:** Lochailort Fairfield Ltd

11 **Planning Application No. CB/16/01681/FULL** 163 - 182

**Address:** Land adjacent to Sunny Cottage, 2 Mill Lane, Houghton Conquest, Bedford MK45 3NF

Erection of 7 No. new dwellings.

**Applicant:** Goldvale Developments Ltd

12 **Planning Application No. CB/16/01768/FULL** 183 - 194

**Address:** Water Lane Farm, Biggleswade Road, Upper Caldecote, Biggleswade SG18 9BP

Conversion of farm offices to dwelling.

**Applicant:** Mrs Maudlin

13 **Planning Application No. CB/16/01011/FULL** 195 - 218

**Address:** ASDA Stores Ltd, Court Drive, Dunstable, LU5  
4JD

Erection of a 3 pump petrol filling station to include forecourt canopy, control room and car park reconfiguration.

**Applicant:** Asda Stores Ltd

14 **Planning Application No. CB/16/02089/FULL** 219 - 226

**Address:** 1 Fox Dells, Dunstable LU6 3LD

Proposed single storey extension to garage and kitchen and second storey extension to bedroom.

**Applicant:** Mr Ghent

15 **Planning Application No. CB//16/01781/REG3** 227 - 236

**Address:** Slip End Lower School, Ross Way, Slip End, Luton  
LU1 4DD

Proposed single storey infill extensions to the front and rear of the school

**Applicant:** Mr D Anderson

16 **Site Inspection Appointment(s)**

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **Wednesday 20 July 2016** and the Site Inspections will be undertaken on **Monday 18 July 2016**.

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**Meeting:** Development Management Committee  
**Date:** 29<sup>th</sup> June 2016  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



## Planning Enforcement formal action (DM Committee 29th June 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed March 2014 Magistrates Prosecution successful March 2016. Appeal to Crown Court	27-Sep-14	Not complied	Garage remains. Appeal against the prosecution offence to be considered by the Crown Court in September 2016. Application to retain smaller garage submitted.
3	CB/ENC/12/0174	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal dismissed Sept 2015	09-Apr-16		Internal inspection showed that renovation work to return the building to a single dwelling was still in progress. Further visit required once building is ready to be re-occupied in next few weeks.
4	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Presentation to PFMT - further work required before a decision on options to tackle all issues.
5	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
6	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16	Appeal dismissed 07/03/16	07-Mar-17		Awaiting compliance with Notice - deadline 7 March 2017.

## Planning Enforcement formal action (DM Committee 29th June 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal part allowed, but Enforcement Notice upheld with revision	Jun-16		Appeal decision made on 19th May 2016 & allowed with regards to the retention of the plastic rainwater goods. Enforcement notice upheld with variations regarding the remaining unauthorised works. Further visit to confirm full compliance to be made in June 2016.
8	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice.
9	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Planning permission granted 01/03/16 for a replacement horticultural building (App CB/15/00727/FULL), with condition requiring removal of all skips & containers prior to the building being brought into use.
10	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice -Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Further visit to be made to ascertain if works to comply with the condition has been completed.
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed 14/6/15	Aug-15	Not complied - Residential. Complied with Retail use and building	Residential use continues. Residential lawful use application refused in March 2016(CB/15/04424) Legal advice being sought with regard to possible prosecution action.

## Planning Enforcement formal action (DM Committee 29th June 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 -Erection of timber building  2 - Material change of use from agriculture to storage of motor vehicles  3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.  1XEnforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15  12-Aug-15  12-Aug-15  04-Feb-16	12-Sep-15  12-Sep-15  12-Sep-15  07-Mar-16	12-Nov-15  12-Nov-15  12-Nov-15  07-May 16 07-June-16			Not complied with  Complied with	Enforcement Notice 1 has not been complied with.  No further action needed  Enforcement Notice 3 has been part complied with.  Enforcement Notice served on rear of land. Check compliance 07/05/16 and 07/06/16. Visit to be arranged as soon as possible.
14	CB/ENC/13/0607	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal dismissed 15/03/16	15-Sep-16		To comply with appeal decision car sales use to cease by 15/9/16
15	CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16	Appeal received 07/01/16			Await outcome of the enforcement appeal.
16	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Sale of the property has been agreed, awaiting confirmation of exchange of contracts. Purchasers are aware of what works need to be carried out.
17	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Still awaiting further instructions from Asset's Team - Planning and Legal are now chasing an update.
18	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15		31/03/2016		Case with Legal for Prosecution - Legal have written to the owner & tenant and asked that the mobile home be removed from the site by 16/06/2016 or prosecution proceedings will commence.

## Planning Enforcement formal action (DM Committee 29th June 2016)

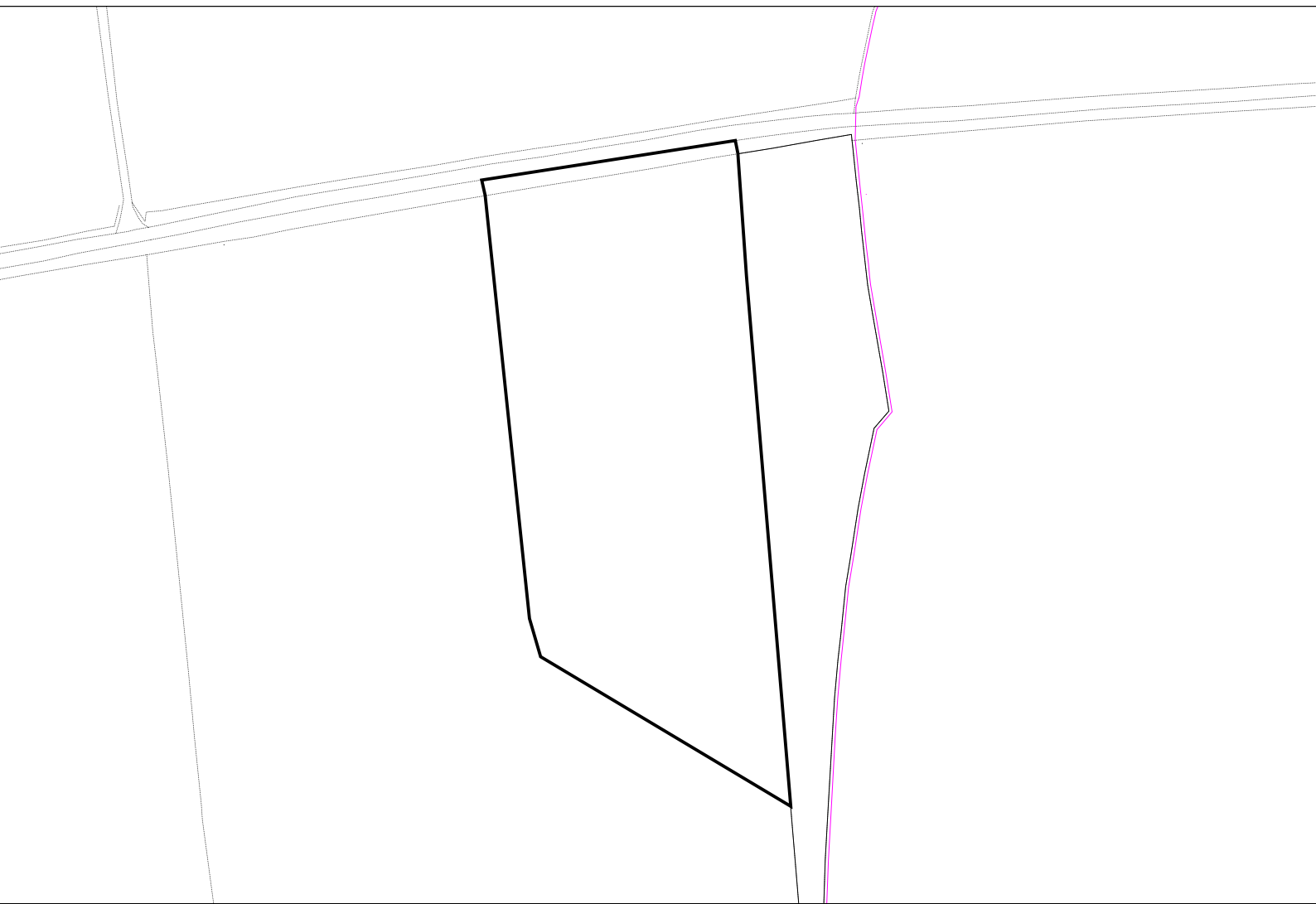
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal received 7/12/15			Awaiting appeal site inspection and decision.
20	CB/ENC/15/0182	8 The Avenue, Blunham, MK44 3NY	Enforcement Notice - Unauthorised fence	22-Mar-16	22-Apr-16	22-May-16				Work to reduce the height of the fencing has begun, further site visit to be made when completed to confirm compliance with the notice.
21	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection.  Breach of Condition Notice - Condition 14 Transport Assessment details  Breach of Condition Notice - Condition 15 Works to Harbrook Lane	19-Oct-15  09-Feb-16  09-Feb-16	19-Oct-15  09-Feb-16  09-Feb-16	18-Nov-15  09-May-16  09-May-16			Complied with	Further site visit confirms no compliance with Breach of Condition Notice in relation to condition 15. Report submitted to legal to consider whether prosecution action should be taken.
22	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			Appeal received.
23	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Site inspection to check compliance with Notice anticipated to take place in July 2016.

## Planning Enforcement formal action (DM Committee 29th June 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
24	CB/ENC/15/0349	Erin House, 171 Dunstable Road, Caddington, LU1 4AN	Enforcement Notice - Unauthorised instablation of open swimming pool	28-Jan-16	01-Mar-16	01-Jun-16	Appeal Allowed			Enforcement appeal allowed. Planning permission granted by the Planning Inspectorate on 19 May 2016.
25	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Joint Planning and enforcement appeal received 27/12/15			Continuation of Injunction granted 5/10/15 to prevent further unlawful development.  Planning application refused.  Awaiting appeal site inspection and decision.
26	CB/ENC/15/0542	Land at Honeywick Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal received 09/03/16			The appeal site inspection was carried out on 06/06/16 and the Inspector's decision is awaited.
27	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Potton, SG19 2DP	Enforcement Notice - Material change of use of the land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition business.	01-Jun-16	01-Jul-16	01-Aug-16	Appeal received 10/06/16			Appeal received.
28	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and stuctures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16			Enforcement appeal hearing on 5 July 2016. Both parties statements submitted to the Planning Inspectorate.
29	CB/ENC/16/0077	Land to the South of, High Road, Shillington	Enforcement Notice - Material change of use from agriculture to the parking and storage of vehicles and trailers	24-May-16	24-Jun-16	24-Jul-16				Check compliance 24/07/16

## Planning Enforcement formal action (DM Committee 29th June 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
30	CB/ENC/16/0080	Land to the North of, Woodside Caravan Park, Hatch	Injunction served 19/02/16 - Prevention of interference with protected trees, use the land for siting of caravans/mobile homes or undertaking development including the laying of hardcore or creation of hardstanding.	19-Feb-16	19-Feb-16					Injunction being complied with, site being monitored for any possible breaches.
31	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	<p>Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery</p> <p>Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery</p>	05-Apr-16	06-May-16	06-June-16 06-July-16				Appeals have been submitted for both Enforcement Notices and therefore the Notices will not come into effect until appeal decided
				05-Apr-16	06-May-16	06-Jun-16				



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-E Date: 15:June:2016	Land at Dunton Lane, Biggleswade
Map Sheet No                      Scale: 1:2500	

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/16/00860/REG3</b>
<b>LOCATION</b>	<b>Land at Dunton Lane, Biggleswade</b>
<b>PROPOSAL</b>	<b>Regulation 3: New use of land as new traveller site incorporating 10 permanent pitches with studio buildings, 2 transit pitches with studio buildings, a site managers office and a sewage treatment plant.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Lawrence &amp; Woodward</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>07 March 2016</b>
<b>EXPIRY DATE</b>	<b>06 June 2016</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>BM3 Architecture</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Parish Council objection to an application for major development Council's own development with outstanding objections</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - approval recommended</b>

**Reason for recommendation**

The proposed development is in a sustainable location and would provide permanent and transit pitches towards the Councils 5 year supply of gypsy and traveller accommodation needs in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposal would not result in significant harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties to the extent that it would outweigh the benefit of providing pitches at a time when the Council cannot demonstrate a 5 year land supply. It is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller.

**Site Location:**

The application site is a Council owned greenfield site beyond the settlement boundaries of both Biggleswade (0.9m) and Dunton (0.7m) in open countryside. The site is within the Biggleswade parish but is immediately adjacent Dunton Parish.

The site is currently arable farmland and Dunton Lane runs adjacent to the northern boundary of the site. There is existing tree and hedge planting consistently apparent on the northern boundary. An existing wooded area lies immediately adjacent to the east and the southern and western boundaries are currently open.

## **The Application:**

Full planning permission is sought for the development of the site as a new gypsy and traveller site incorporating 10 permanent pitches with studio buildings, 2 transit pitches with studio buildings, a site manager's office and a sewage treatment plant.

Each permanent and transit pitch would have a single story studio building and have space for two trailers and two vehicles to park. It would be enclosed and is arranged to front a central landscaped island which provides additional unallocated parking and an equipped play area. A separate unallocated van and truck parking area is also proposed within the site.

Access is proposed to be gained directly onto Dunton Lane with a priority junction arrangement. A second access is proposed to serve the sewage plant. The layout plans indicate the provision of a bus stop for buses travelling towards Biggleswade although it is noted that this plan is annotated to state that this is still to be discussed with the bus service provider.

The application has had additional information submitted since its original submission in the form of revised landscaping and a plan showing access visibility plays. This additional information is currently being consulted upon at the time of drafting this report but will the period will expire prior to the meeting and any additional comments received will be updated in the late sheet.

## **RELEVANT POLICIES:**

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

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

CS5 (Providing Homes)

CS14 (High Quality Development)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM14 (Landscape and Woodland)

### **Mid Bedfordshire Local Plan Review December (2005)**

Saved policy - HO12 - Gypsies

### **Draft Gypsy and Traveller Plan**

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August 2014 and subsequently at Council on 11th September 2014) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

**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**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

None

**Consultees:**

Biggleswade Town Council Raised no objections

Dunton Parish Council The Principle of the Proposed Development  
 (adjoining) In considering the principle of the proposed development, the policy context above sets out a clear hierarchical approach to planning for and accommodating Gypsy and Traveller development/sites.

Whilst the NPPF sets out a general presumption in favour of sustainable development, it is also clear that a plan led approach to decision making is key to achieving sustainable development. Paragraph 12 of the NPPF states that *'it is highly desirable that local planning authorities should have an up to date plan in place'*.

Whilst there is currently no adopted local policy which relates to the provision of Gypsy and Traveller sites, the applicant's submitted Design and Access Statement places great weight on the GTLP and specifically refers to detailed policies, none of which currently carry any weight

in the decision making process. There is no reference to the withdrawal of the plan which the Parish Council considers to be misleading. There is no policy basis for this application.

The principle of development should therefore be assessed against current national policy on the basis that the site is located within open countryside, in an area which is not allocated for development.

The PPTS sets out within Policy H, at paragraph 25, that new traveller site development in the open countryside or outside areas allocated in the development plan should be very strictly limited.

Based on the local policy approach taken by the applicant, the submitted application fails to fully address the national policy considerations and no justification is given as to why the proposal has come forward in advance of the GTLP and the proper plan making process.

The approach to the application site is therefore considered to be premature. The Council's 'call for sites' process has only very recently been undertaken as part of the preparation of the Local Plan, a process which is unlikely to be concluded until the end of the year.

In coming forward in advance of the proper plan making process, the local community and Dunton Parish Council have not had adequate opportunity to consider and make representations as to the suitability of the site and the impact on the local community and local services. Concern in relation to the adequacy of public consultation, specifically in relation to this site, was also raised by the Planning Inspector at the Gypsy and Traveller Local Plan Examination in 2014. The submission of the application is therefore perceived by the local community as an approach to bypass the plan making process.

As such it is unreasonable and unjustified to make assumptions at this stage, through the premature submission of a planning application that alternative sites within more sustainable urban locations would not come forward. This point is particularly pertinent given the

concerns expressed by the Inspector on the LPA's evidence base with respect to assessing need. Page 21

Through this process, the LPA is required, in accordance with policy A of the PPTS, to use a robust evidence base to inform the preparation of local plans and make planning decisions.

The LPA's assessment of need has not been clear or consistent throughout the process with reference being made to different base dates for assessment. The whole approach to the provision of sites for Gypsy and Travellers (including Travelling Show People) is considered to lack sound evidence to demonstrate a clear and justified need set against the requirements of the revised PPTS. This recent submission by Central Bedfordshire Council further confuses and undermines the proper plan making process.

Specifically in relation to the application site, the Draft Pre-Submission Gypsy and Traveller Local Plan (January 2014) allocates this site (Site 26) for 15 pitches. Whilst this policy carries no weight, the information is nonetheless in the public domain. There is also some confusion as to whether this site, is precisely that put forward within the pre submission plan.

The current application now submitted by the Council proposes 10 pitches, 2 transit pitches and a manager's office adding further confusion and lack of credibility to the position in terms of need and the Council's evidence base, particularly from the point of view of the local community.

The current submission does not address this issue and no reference is made as to whether the current proposals in fact meet the revised definition of Gypsies & Travellers, the Council's perceived level of need, or whether there may be a need to extend the site again in the future resulting in further confusion for the local community as to the extent of the proposals and the future requirements for Gypsy and Traveller development within this location.

Given the contents of paragraph 5.1 of the Design and Access Statement, it would appear that no specific occupiers of the site have been identified. This raises

further doubt about the need for the development and whether the site is suitable to meet the future occupiers personal circumstances.

On this basis, Dunton Parish Council consider that the applicant is unable to adequately demonstrate a considered or justified need for this or any Gypsy and Traveller development at this location. There is no sound or adopted local policy justification to view the principle of development within this location favourably and national policy would lead the local planning authority to refuse the application on policy grounds.

#### Other Planning Considerations

Notwithstanding the unacceptability of the application in policy terms, there are a number of detailed issues which would also result in adverse and detrimental impacts. These are also considered by the Parish Council significant enough to warrant refusal of the application as set out below.

It is necessary to set out at this stage however that it is difficult to make a comprehensive assessment of the development given the lack of supporting technical information submitted with this application. As set out above, no policy justification has been provided for the development, with the submitted Design and Access Statement referring to the withdrawn GTLP as a means for justifying the proposals. As set out above this is clearly misleading as there is no planning policy basis for this development.

No detailed justification has been provided with regards to flood risk, drainage, transport and access, with the application appearing to focus solely on the aesthetics of the proposed buildings and 3d visualisations. This further reinforces the public's perception that this is an ill conceived application.

#### Visual Impact and Landscaping

The visual impact of the proposals within this open countryside location is of significant concern. The surrounding area is currently of an open nature, characterised by agricultural land (the site itself being Grade 2 agricultural land) made up of large fields with limited field boundaries of low native hedgerow. The

proposed development incorporates significant landscaping to the site which is out of character with the open nature of the area. In particular an earth bund is proposed to the boundary of the site, involving substantial earthworks and the formation of a feature which would appear prominent and out of character within this open countryside location. Whilst native tree and shrub planting is proposed, unless the bund is properly constructed and managed, the compressed nature of an earthwork bund and poor quality soil and inappropriate tree and shrub species generally results in a poor solution to screening an unsightly development and the bund itself becomes an eyesore within any setting.

Any attempt to screen the development, as set out in the submitted landscape plans, will only become effective in the medium to longer term in any case and the effectiveness of any screening by way of tree and hedgerow planting would be questionable due to the seasonal nature of any suitable native planting proposals.

These concerns reflect national policy H of the PPTS which requires that sites are well planned or landscaped in such a way to positively enhance the environment and increase its openness. It is clear that the current proposals fail to comply with this policy.

The provision of a 1.8m high close boarded fence around the site also adds to concerns relating to visual impact. On this matter, policy H also specifically requires that sites should not be enclosed with so much hard landscaping and high fences that the impression may be given that the site is deliberately isolated from the rest of the community. Landscaping should be used as a means of assimilating appropriate development, not screening inappropriate development.

In addition, the contemporary design of the proposed structures within the site has also not taken consideration of the rural nature of the site and how built form within the development may be best assimilated into that setting.

The visual impact of the development and its impact on the character and appearance of the area will be further exacerbated by lighting within the site creating a form of development that is at odds with its surroundings.

The above concerns on visual impact and the conflict with policy H of the national PPTS demonstrates the Parish Council's well founded concerns that this is the wrong location and wrong site for development.

#### Sustainability

Aligned with this is a significant concern relating to the sustainability of this location, some distance from the local community and local services and the pressure that development at this location would bring to that local community and those local services. In particular the local lower school in Dunton which is already experiencing issues associated with over subscription.

The application provides no information on the demographic of the population of the proposed development, therefore the impact on Dunton Lower School cannot be assessed. Notwithstanding the capacity of the Lower School, any occupiers of the new development will be highly unlikely to walk small children the significant distance to and from Dunton or Biggleswade every day, resulting in significant additional traffic movements and congestion in the vicinity of the site raising concerns of highway safety.

Policy H of the PPTS is clear that new traveller sites in open countryside should be strictly limited, referring in particular to instances where they are located away from existing settlements and therefore unacceptable distances from local services. Allowing development such as that which is proposed, in an inappropriate open countryside location would result in an unsustainable increase in car movements to access services some distance from the site. This would be contrary to the aspirations of the overarching policies of the NPPF in promoting sustainable development.

The sites isolated location is made worse by the fact that there are no footways or street lighting between the site and the village, or to Biggleswade to the west, meaning that residents will be totally reliant on the use of the private car, with each plot likely to generate several two way vehicle movements throughout the day. No details of vehicle movements, or a demonstration that the access arrangements will operate safely, having regard to all



types of vehicles, touring caravans and also two unit/static caravans which would require transportation onto and off site using large HGV's, has been provided.

Following a recent site visit with members of the Parish Council, there is particular concern about visibility to the east given a significant bend in the road. Concern is also expressed about the access arrangements for serving the sewage treatment plant which has a separate access located closer to the aforementioned bend and would again require access for substantial vehicles.

Further, the proposal for a bus stop appears ill conceived and no technical details have been provided to demonstrate that a bus stop located only to the south of Dunton Lane can be safely operated, particularly by buses approaching from the west which will have to cross over the highway. No firm details have been provided to demonstrate that service operators will be prepared to stop at the site. More fundamentally however only a limited (every 2 hour) bus service is provided which makes reliance on public transport generally unfeasible.

#### Drainage

No details have been provided with regards to drainage of what is a substantial greenfield site. How will surface water be dealt with? There is no detail as to whether ground conditions support the use of the sewage treatment facility outlined in the submission.

#### Conclusion

It is considered by Dunton Parish Council, taking into consideration all of the issues raised above, that this is simply the wrong location for development. The character of the area being one of open landscape and the location of the site a significant distance from local services and the local community, would result in a development which would cause unacceptable harm to the landscape character and would clearly be unsustainable.

It has been clearly demonstrated that the application is premature in advance of the Local Plan and that there is no policy basis or reasoned justification or any other material consideration which could lead the local planning authority to view the application favourably in principle. On this basis the Parish Council would question the

legality of any decision to grant planning permission on this site. Page 26

The submission of a planning application appears to be an attempt by the applicant to disregard its own plan making process and overlook the specific concerns raised by the Local Plan Inspector in relation to the application site and deny the local community the opportunity to make representation through adequate consultation on the proposal. The submitted application makes no reference to the comments made by the Inspector in 2014 and the submission clearly makes no attempt to address any of the issues raised.

The application site and the area around it comprises an important gap between the urban settlement of Biggleswade and the rural village of Dunton and any development within this area would erode that separation. Dunton Parish Council are gravely concerned that granting planning permission for the proposed development would leave the LPA open to challenge on further development within this open countryside location, particularly when there is currently no sound policy justification based on clearly evidenced need for such development within the open countryside.

For these reasons Dunton Parish Council strongly objects to the proposed development and urges the local planning authority to refuse the application and allow the proper consideration of Gypsy and Traveller development through the Local Plan process, with proper engagement and consultation with the local community.

Cllr Adam Zerny  
(adjoining Ward  
Member)

Please note my objection to the above planning application on the following grounds:

- Lack of educational facility
- Lack of healthcare
- Lack of pavements to nearby settlements
- Land in question floods frequently
- Removal of prime agricultural land
- Required residential units to far from the A1 along winding roads

Highways

Initial submission

A new main vehicular access is shown to be created onto Dunton Lane to serve the proposed site and a second access is shown to be created to serve the proposed

adjoining sewage treatment plant.

A new footway is shown to be created across the site frontage between the two new access points together with provision of a new bus lay-by.

The submitted plans state that 2.4m x 215m visibility splays (commensurate with the national speed limit in place on Dunton Lane) are provided at the points of access.

However these are not shown on the submitted plans and given the horizontal alignment of the road, it is not apparent that the requisite visibility splay can be achieved to the east without crossing third party land.

Would you therefore please ask the applicant to submit the appropriate plans to demonstrate that adequate visibility splays can be provided at both points of access and re-consult me on receipt?

Unless and until an amended plan is submitted, the application cannot be considered acceptable in highway terms.

LDF Team

This site was one of the six put forward for allocation in the GTLP 2014 having been selected through a long and detailed 3 stage process in 2013/2014, which included extensive consultation. A number of sites were considered in the south/east of Biggleswade area and this site, Site 26, was eventually put forward in preference to the others, including Site 55 which was a short distance (500 m) to the west. This was because it was considered to be at an acceptable distance from the nearby settlements (i.e. not too near or too far); it was capable of being effectively screened within the open countryside as a result of its specific siting adjoining an established copse; it was deliverable in the required timescale to meet the accepted need and it would be managed effectively by the Council themselves.

There were a number of specific objections raised to the proposed allocation of this site at the time of the GLTP, including the fact that on the selection criteria the site as with others, scored relatively lowly. This was in part due to its location and the relative distance to available services and facilities to support the occupiers. Issues such as bus provision and the safety of the highway access have largely been addressed in the detailed design of the application and will be commented on by statutory consultees. A particular issue is therefore whether this site can be considered sustainable within the terms of the NPPF and PPTS.

The CBC Planning policy approach in the now withdrawn GTLP – Part 5 Consideration of New Sites stressed that a sustainability approach required access to a variety of community services including health; schools; local shops and employment opportunity.

Para. 5.3 acknowledged that whilst proximity to existing settlements is the Council's first preference, it is often the expressed preference of the gypsy and traveller community to live in the countryside and indeed that of the nearest settled community that there should be more separation between the two forms of housing.

Policy GT5 proposed a criteria-based approach to assessing planning applications, which included ensuring "satisfactory and safe vehicular access to and from the public highway".

Para. 5.9 confirmed this as "essential" and adds "Access to local services by foot, cycle or public transport should ideally be available, to reduce the reliance on private vehicles."

This issue has been addressed by inspectors on appeal on a number of occasions both locally and nationally. Increasingly the view is emerging that sustainability does not necessarily equate solely to being in walking distance of facilities, particularly if to do so would raise safety issues, and that a wider interpretation should be employed. Examples of this approach locally include Twin Acres, Arlesey (Appeal Ref: APP/P0240/W/15/3004755), where the Inspector concluded:

"However, there is no requirement in national policy to provide pedestrian links to gypsy and traveller sites. Government policy envisages such sites in rural areas, where providing footpath links will often be impractical or inappropriate. Paragraph 29 of the Framework acknowledges

that "different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

The inspector went on to quote a further appeal ref APP/J0405/C/13/2193582 concerning a site at Slapton in Buckinghamshire (the Slapton appeal) in illustration:

"In the Slapton appeal, the site was in the countryside some 800m from a hamlet with no services, 1.5km from the village of Slapton, 2 - 3 km from the larger village of Cheddington and 5km from the town of Leighton Buzzard,

where most amenities essential for day-to-day living were located. The Inspector found that the occupants would rely on private motor vehicles to reach most amenities and that it would be unpleasant, if not hazardous to walk to the nearest bus stops or the railway station, as there was no footway and only an overgrown verge and fast moving traffic. She nevertheless found that the site was not unduly far from local services and it is not unusual for country dwellers to rely on the private car. The same conclusion applies with even greater force in this case, where the site is much closer to significant services.”

This view is not new however and [*was reflected*] in the Woodside appeal, Hatch SG19 1PT. The decision letter came in the same month as the revised PPTS, August 2015, APP/P0240/A/11/2156395/NWF.

The site is proposed to provide two transit pitches. Central Bedfordshire has no specific transit site provision at the current time and this creates difficulties in dealing with unauthorised encampments when there is a legal need to provide adequate transit or emergency sites in order to effect Section 62A of the Criminal Justice and Public Order Act 1994. Access to the adjoining A1 corridor is not immediate but achievable in both directions within a few minutes and this is clearly a considerable locational advantage for such a facility. The provision of two pitches will provide for the northern part of the authority area and will have on-site management.

Landscape Officer

Landscape and Visual - This Application for a Gypsy and Traveller site is within an area of open countryside, although the site is adjacent to a farm woodland established by the local authority. I am concerned that the site will urbanise the countryside - the site is within the Landscape Character Area 5G - Dunton Clay Vale. This landscape is characterised by the open arable farmland, limited woodland and expansive views. Settlement between villages is typically limited to individual farmsteads. Positive key characteristics include the remaining hedgerows, particularly where they strengthen character and provide enclosure by the roadside. The guidelines for new development and landscape management also focus on the importance of hedgerows.

I appreciate the difficulty in securing sites and so do not object to the Application. I welcome the commitment to the high levels of planting within the development and to achieve a wooded setting. However, to create a site more in keeping with local landscape character I would

like to see amendments to the positioning of the development in terms of setback from Dunton Lane and also some changes to the landscape proposals :-

1. Can the development be set further back from Dunton Lane to help safeguard the important tree and hedgerow edge and rural character of Dunton Lane. The development will include the installation of a 2m wide pavement and a bus pull in, which will result in the loss of verge and trees at this point. I am not sure from the Landscape Proposals how much of the existing hedge will be retained. More information is required about the treatment of the site frontage e.g. it appears that a beech hedge might be used to enclose native hedge planting. if so, this would not be in keeping - the road frontage needs to restore a hawthorn based hedge.

It is really important to maintain space for a restored line of the existing hedgerow. To achieve this it would help if the development to be set a further 2m into the site to provide more space for strengthening the landscape screen at this sensitive location.

I welcome the additional planting at the entrance of the site, which is necessary to integrate the two traveller pitches.

## 2 .Suggested changes to the Landscape Scheme

### Tree Species

Acer "Crimson King" is not an acceptable tree for the rural location – this needs to be changed for a green leafed tree- alternative choices include Lime, Norway Maple, Turkish Hazel. Wild cherry (*Prunus avium*) or winter flowering cherry (*Prunus subhirtella*) or amelanchier would provide some seasonal blossom and autumn colour.

Birch - I suggest this is planted in groups to gain the beauty of the trunks.

Ash should not be planted at this time due to disease. (in planting H3d)

Whitebeam - please reduce the quantities - or preferably replace with rowan or crabapple (whitebeam broad crowned and a rather suburban tree, not ideal for rural

screening ) ( H3a)

Orchard trees used to be more frequent in this area- some fruit trees could be planted to provide a variety of fruit for residents.

#### Use of Bunding

I have not seen any detail of the proposed bunds - but generally their use should be avoided. They are not required for screening purposes - the tree screen will achieve this and the stock will establish better in the natural soil level, especially if the soils are ripped to remove the pan created by regular ploughing. I would like to see details of the proposed bunding.

#### Beech hedging

Whilst I think it attractive to establish hedges between the plots, I note that they will be grown beside 1.8m high close boarded fences. The narrow strip of ground between the surfaced plots will create difficult growing conditions. I would prefer hornbeam or field maple hedges as I think these species would suit the soil better - but would like the type of hedge to be agreed with the new residents. Some ornamental hedging might be preferred. More detail of the hedge specification would be helpful .

Are such tall fences essential as they will have a strong landscape impact for many years.

#### Ornamental planting

I cannot see Pachysandra surviving as a groundcover - the planting would need to be more robust.

#### New Woodland Screen and Woodland to South

I welcome the scale of screening to the west but would have preferred a larger woodland to the south; a rectangular shape would reflect the agricultural landscape . The woodland planting needs to become a valuable resource for the residents and I hope that they will become involved in the planning and management of the wood. It could be useful e.g. - supplying material such as hazel or other firewood. Will the residents need a "glade" ? There have been many instances of ponies being tethered within woodland - if this is a possibility - then an open grassed area needs to be planned for.

#### The adjacent Woodland Belt

It is my understanding that the current managers ( CASP) recommended that this farm woodland was incorporated within the gypsy and traveller site . I am very concerned about the long-term health of this woodland- it is important as a landscape feature and wildlife habitat. How will this woodland be managed and protected from damage? Will an additional budget be made available to the Housing Services team . Do they have the scope to manage native woodland and who will the work be subcontracted out to? The woodland edge beside the site is in good condition but some thinning and managing of the woodland is required.

Both areas of woodland need to be managed as a screen but also as a productive woodland . A woodland planting scheme and a management plan will be required.

#### Trees and Landscape

The site is currently arable land with a maturing woodland edge on the east of the site.

Supplied with the application is a Proposed Landscape Plan, drawing D900 Rev D. This identifies all areas of planting and includes a proposed bund around the west and south boundaries. I am unsure where the red line boundary for the site is. Proposed Site Plan DO1 Rev E shows this bund and planting area as being within the red line boundary, however Proposed Landscape Plan seems to show two red lines one of which excludes this area of bund and planting and does not seem to show detail of this on the Key.

Planting detail 01 on the same plan indicates a post and wire fence and a screening fence along with different linear planting schemes but does not suggest which side of the detail is the existing woodland. The Proposed Landscape Plan does not indicate either fence. The Proposed Site Layout Plan also does not show this detail.

Four tree species are shown on the Proposed Landscape Plan including Acer platanoides, Prunus avium, Betula pendula, Populus tremula. This is a rural site and I would suggest that Acer platanoides Crimson King is not in keeping with the surrounding countryside and should be replaced with a tough hardy native species. Betula pendula indicated for play areas would be fine except that it has a thin peeling bark and many times when this



species is planted in this environment it tends to be vandalised. Populus tremula is fine, it will become a tall and fast growing tree but I would suggest that for screening purposes at the front of the site near the treatment plant it would be advisable to interplant with something with a lower growing denser habit, maybe Acer campestre.

We need more clarity on this landscape and boundary treatment proposal

Ecologist

I have no objection to the proposal but support the comments made by the tree officer in relation to the tree species used.

Sustainable  
Drainage Officer

Urban

The application is for a site 2.3 ha and is classified as a small major.

Under CBCs validation list, all major development must provide a Surface Water Drainage Strategy in order for an assessment to be made of the suitability of the proposed surface water drainage system in line with Paragraphs 103, 104 and 109 of NPPF and its supporting guidance.

We therefore request a Surface Water Drainage strategy be provided. This should demonstrate that flood risk will not be increased on or off site as a result of the development going ahead and that priority has been given to the use of sustainable drainage systems (SuDS) where appropriate.

The Strategy should include details of the:

- Site information relating to the proposed development and the existing hydrological and hydro-geological context of the site and its adjoining land.
- Existing and proposed run off destination and discharge points.
- Existing and proposed peak flow rate & discharge rates.
- Existing and proposed discharge volumes and storage requirements.
- Allowances for climate change and urban creep in design.
- The design of SuDS and how they will work in sequence.
- Vested drainage bodies and any additional consents or permits that may be needed.
- Management of system exceedance.

- Construction of the system.
- Maintenance of the system.
- Plans and drawings.
- Water quality, ecology and social objectives of the site and its drainage.

We note that the proposed development is for a small scale major, and we therefore expect the above information will be appropriate to the nature and scale of the proposed development.

If the proposed development is not considered to change the existing drainage regime of the site we will still require details to establish changes to the impermeable area and how the site will be drained to assess the viability of the proposed surface water drainage system.

Failure to provide any of the information requested will likely result in the Lead Local Flood Authority (LLFA) making recommendation for refusal of the planning application on grounds of insufficient information.

More information on what to include is available online or upon request.

Please also note that a Flood Risk Assessment has not been provided, under NPPF a Flood Risk Assessment is required for any development site over 1ha in size and located within Flood Zone 1, or all proposals for new developments located in Flood Zones 2 and 3. The proposed site is 2.3 ha. A Flood Risk Assessment and Surface Water Drainage Strategy should inform one another and may form part of the same document where applicable.

Internal Drainage Board      The board notes that the intended method of storm water disposal is to an Anglian Water sewer.

Confirmation should be sought from Anglian Water that a suitable sewer exists and can satisfactorily accommodate the additional flows from the site.

Please also note that the nearby watercourses are under the control of the Board. As Dunton Lane experiences frequent flooding; the Board will not accept any un-attenuated discharge to the nearby watercourse.

Anglian Water      No comments received

Pollution Team      Had no comments to make

Private Sector Housing      We believe that the site plans and the separation distances proposed are appropriate and generous. It is

understood that there will be at least 6m between the pitches and that as these are family pitches the statics and tourers will be spaced accordingly.

**Other Representations:**

**Neighbours**

**Letters received from**

- M22, Stratton Park Drive, Biggleswade
- West Sunderland Farm Cottages, Biggleswade
- The Lodge, Dunton Lane, Biggleswade
- The Elms, Stratton Park, Biggleswade
- 141, 240, 3 Stratton Farm Cottages, London Road, Biggleswade
- 57 Ivel Gardens, Biggleswade
- Lawrence Road, Biggleswade
- 23 Clover Close, Biggleswade
- 6, 8 Neptune Road, Biggleswade
- 2 Mitchell Green, Biggleswade
- 12 Bluebell Close, Biggleswade
- 20 Walton Grove, Biggleswade
- 6, 15 Coltsfoot, Biggleswade
- 17, 53 Foxglove Drive, Biggleswade
- 10 Gilbert Avenue, Biggleswade
- 38 Mercury Lane, Biggleswade
- 7 Hazel Walk, Biggleswade
- 35 Dells Lane, Biggleswade
- 7 Lavender Way, Biggleswade
- 49 Osprey Road, Biggleswade
- 138 Holme

110 letters have been received. Of these 107 are in objection to, or make comments on, the scheme and raise the following planning issues:

- There are no footpaths to Dunton or Biggleswade from the site to access facilities.
- Poor visibility for vehicles leaving the site.
- Dunton Lane is national speed limit with no street lights.
- Bus stop only shown on one side of the road. No sustainable public transport services.
- The site places sole reliance on the private.
- No facilities or utilities at the site.
- There is no doctors surgery at Dunton and development would put an unfair burden on the village facilities and utilities.
- Development would dominate the community.
- Healthcare and education facilities in this area are already stretched.
- Inappropriate development in the open countryside and would change the historical character and harm views from nearby rights of way.
- Development is contrary to the advice in the government's Planning Policy for Traveller Sites (PPTS).
- Site has previously been regarded as unacceptable, why is it acceptable now?
- Location would not allow residents to integrate into the community.
- Add to coalescence between settlements
- Site should be nearer to Potton
- Loss of Grade 2 agricultural land
- Loss of protected wildlife species.
- Council should look at brownfield sites in the first instance.
- Council has not been transparent in the process and should have consulted when choosing the site.
- No archaeological survey has been carried out.
- Question whether the proposed sewage plant can accommodate the numbers of potential residents and visitors.
- Site holds water and could have flooding/drainage issues.

- Court Ave,  
Biggleswade
- 19 Apollo  
Gardens,  
Biggleswade
- 17 Planets Way,  
Biggleswade
- 7 Tulip Close,  
Biggleswade
- 4 Watkin Walk,  
Biggleswade
- 39 Venus Ave,  
Biggleswade
- 6 Poppy Field,  
Biggleswade
- 2, 8, 12, 19  
Chapel Street,  
Dunton
- 2 Springfield,  
Dunton
- 4, 6, 7 Kings  
Pond Close, Dunton
- 1, 1b, 19, 23,  
25, 27, 31 Boot  
Lane, Dunton
- 2, 6, 8, 9, 15  
Horseshoe Close,  
Dunton
- 1, 5, 12, 29, 31,  
1 + 2 Old Bakery  
Yard, Waterworks  
Cottages,  
Cambridge Road,  
Dunton
- 4 Millow,  
Dunton
- 1, 10, 15,  
Sharrow,  
Wheatsheaf  
Cottage,  
Biggleswade Road,  
Dunton
- 1, 3 Magdalene  
Close, Dunton
- 7 Hallside,  
Dunton
- 1, 5, 6 Newton,  
Dunton
- 28 Lees Close,  
Dunton
- 4, 14, 16, 29, 33  
Fen Reach, Dunton
- 3, 6, 11, 12, 19  
Greenfield Way,  
Dunton
- 1, 1A, 2, 6, 7A  
High Street, Dunton
- Dunton Lower  
School
- 4A, 13 High  
Street, Eyeworth
- 14 Clifton Park,  
Clifton

Objections relating to cost or use of Council money, while prominent in resident's minds, are not planning considerations and should not be given weight in determining this application.

- Letters received from 2 letters of support have been received enquiring about taking up pitches and a further letter has been received enquiring about becoming site manager.
- 7 Hazel Walk
  - Lawrence Road

### **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. Highway Considerations
5. Planning Balance
6. Other Considerations

### **Considerations**

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

- 1.1 The site lies outside of any settlement, almost halfway between Dunton and Biggleswade. In policy terms it is within the open countryside where there is a general presumption against the granting of planning permission for new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). There are no dwellings or other buildings in the immediate vicinity of the site.
- 1.2 Planning Policy for Traveller Sites 2015 (PPTS) guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area and identify a supply of deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
- 1.3 Paragraph 25 of the PPTS sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.
- 1.4 Gypsy and Traveller Pitch Provision  
A Central Bedfordshire-wide Gypsy and Traveller Plan (GTP) was prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at full Council in February 2014. The Plan was later submitted to the Secretary of State in June 2014, however as noted earlier the Inspector raised a number of questions regarding the Plan and the Plan was later withdrawn. The Plan therefore carries very little weight in the determination of this application.
- 1.5 In preparation of the Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) undertaken, dated January 2014. This Assessment is considered to be up to date and highlights that there

are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area.

- 1.6 The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update and Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.
- 1.7 While the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply the plan has been withdrawn and therefore the 5 year supply cannot be demonstrated. Nevertheless, pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided.

1.8 Sustainability

The PPTS states, in para 14, that:

*14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.*

However, para 25 of that document also states that:

*25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

- 1.9 The site is isolated within the open countryside. The content of the PPTS seeks to ensure sites are sustainable in their location but also acknowledges that sites can be in rural locations. A 2015 appeal decision at Woodside, Hatch provides guidance into the location of sites and distances from services. It noted that there were sizeable settlements close by, explicitly listing Sandy (1.4 miles), Upper Caldecote (2 miles) and Northill (1.3 miles). This application site is closer to both Biggleswade and Dunton than that appeal site in hatch and therefore it is considered that there should be no objection to the location of the site away from any established settlement in this location.
- 1.10 The site had been previously intended to be allocated under the Central Bedfordshire Gypsy and Traveller Local Plan however as stated this has been withdrawn and its former intention to be allocated should be given no weight in determining the individual merits of this application. However by the same token,

the fact that a site is not allocated is not reason to refuse an application. There is no substantive need for a site to be formally allocated to be found suitable for gypsy and traveller use. It is open to site owners and / or promoters, including members of the travelling community and the Council themselves, to bring forward sites as they become available and for the local planning authority to consider each proposal against established need following full and proper consultation.

1.11 The issue of need.

In a recent appeal decision at Twin Acres, Arlesey the Inspector noted:

*"Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."*

This decision has previously been referred to in reports to this Committee. The Inspector went on to say:

*"It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."*

1.12 Recent planning permissions and appeal decisions over the last year have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of gypsies and travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2).

1.13 In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, there remains an unmet, albeit currently imprecise, need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This application for ten permanent additional gypsy and traveller pitches on a new, architect-designed, Council managed site would make a substantial contribution towards meeting the outstanding shortfall in supply to meet this need.

**2. The effect on the character and appearance of the area**

2.1 Currently the site lies outside of any recognised settlement envelope. It is screened from the public realm by existing tree planting on the northern boundary but views into and through the site are afforded from the public realm regardless. The character of the site and views from the wider area will materially change as a result of this proposal. The open nature of the site will be permanently lost.

2.2 When considering planning applications, paragraph 26 of the PTSS states:

*26. When considering applications, local planning authorities should attach weight to the following matters:*

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

2.3 Development of the site will materially alter the character and appearance of the area. Built form will be introduced onto the site in the form of , manager's office, single storey studio building for each permanent plot, a single storey studio building for both transit pitches, a sewage treatment plan, play area and boundary enclosures between the plots and around the entire site as well. This built form will affect the character of the area and although significant landscape buffers are proposed element of the site will be visible from the public realm. The provision of the landscaping buffer also contributes to the impact on the character of the area however it is noted that there are wooded areas within the vicinity of the site.

2.4 The planting of significant landscape buffers would soften the impact of the development and accord with para 26 of the PTSS. The buffer would help screen a development that proposes what is regarded as low-scale buildings and its associated development. The PPTS states that, in considering applications weight should be given to not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community (para 26). The landscape buffers avoid a need to consider this type of enclosure.

2.5 The plans have been amended following landscape comments to propose a more sympathetic species mix for the buffers and, subject to confirmation from the Tree Officer, this is considered to have improved the proposal. The change to the character of the area is material and of course not in keeping with the open arable nature of this immediate vicinity. However the landscape itself contains no specific feature or character that would warrant its retention in perpetuity and given the significant efforts to soften the impact of the development the impact on the character of the area is not considered to be detrimental to the extent that it would amount to significant and demonstrable harm that would justify a refusal of planning permission on the grounds of harm to the character and appearance of the area.

2.6 On the basis of the considerations above the impact on the character and appearance of the area is considered to not be detrimental to the extent that it would warrant a refusal of planning permission when considered as part of the individual merits of the scheme.

### **3. The Impact on residential amenity**



3.1 Existing residential amenity.

There are no residential dwellings located close to the application site and therefore the scheme will not have any harmful impact on existing amenity.

3.2 Proposed Residential Amenity.

The proposed layout shows that the pitches are spaciouly sited with adequate room for two trailers as well as a studio building. Each pitch also has suitable space around these provisions and the proposal is therefore considered to provide suitable space for future residents. Additionally the layout shows a central landscaped area or amenity space which includes an equipped play area. The spacing between pitches and nature of development are considered to ensure suitable amenity and privacy levels would be established for residents of the proposed development.

3.7 There is no objection from the Council's Pollution Team to this application. Consideration should be given to the location of the proposed sewage treatment plant. No objection is raised to this as it is expected the Council maintained site would ensure that this plant operates without causing harm to residential amenity.

#### **4. Highway Considerations**

4.1 The site is proposed to be access from Dunton Lane with a priority junction arrangement. A second access is proposed which would serve the proposed sewage treatment plant. The final highway works proposed alterations to Dunton Lane to provide a bus stop for buses travelling towards Biggleswade. Following comments from the Highways Officer additional information has been provided showing the required visibility splays at the principal junction to demonstrate it would be a safe access in light of this part of Dunton Lane being subject to the national speed limit. At the time of drafting this report the splays were subject to consultation with the Highways Officer and formal views will be updated to Members as part of the late sheet.

4.2 On the assumption that he visibility splays are acceptable to the highways Officer there is no objection to the proposed access arrangement. It has been designed to take account of the road speeds on Dunton Lane and also the size and nature of vehicles that would turn into and out of the site. The proposal is therefore not considered to result in detriment to highway safety or convenience.

4.3 In terms of on site provision the report has advised that each pitch provides suitable space for two trailers. In addition to this there is allocated space for two cars on each plot with a further twelve visitor spaces located at the central landscape island. Furthermore there is a parking area to cater for up to five van/trucks in the site. The on-site parking provision is therefore considered to be generous and acceptable as a result.

4.4 On the basis of the information provided the application is not considered to cause any concerns regarding highway impacts that would warrant a reason to refuse planning permission.

#### **5. Planning Balance**

5.1 The Council is unable to demonstrate a deliverable 5 year supply of sites. Therefore significant weight should be afforded to sites subject to planning applications that would contribute to this supply. The PTTS states that proposals

should be assessed in accordance with the presumption in favour of sustainable development. The report has concluded that the site is considered to be in a sustainable location for a gypsy and traveller site and would be suitably close to services and facilities within Biggleswade. While the site is not in accordance with government advice requiring sites to be located close to communities the rural location is such that it would not dominate any existing settlement, which does accord with government advice. The site would provide G&T accommodation at a time when there is a need for pitches and this application would contribute to its growth. The principal impact of the scheme is that it amounts to development in the open countryside and there would be a loss of openness and rural character in this area.

- 5.2 Taking account of the above points the site is considered to be acceptable in light of the three strands (social, environmental and economical) of sustainable development as set out in the NPPF and can therefore be regarded as such.
- 5.3 In terms of the impacts resulting from the scheme, they should be weighed against the benefits as perceived. In this instance the report has highlighted that there will be material impacts as a result of this scheme but not impacts that result in significant and demonstrable harm. The concerns regarding its isolated location are noted however it is clear that gypsy and traveller provision in rural locations can be accommodated.
- 5.4 In considering the previous appeal decision at Twin Acres and at Woodside it is considered that the weight that should be attributed to the provision of pitches is significant to the extent that it should outweigh the impacts of the scheme.

## **6. Other Considerations**

### **6.1 Loss of agricultural land**

Development of this site will result in the loss of Grade 2 agricultural land. This is an acknowledged impact and the NPPF advises that development should be directed to the areas of poorer land. The loss of land is an impact of the development and forms part of the considerations into the planning balance. In this instance there is a clear need for the provision of Gypsy and Traveller accommodation and the benefit of such development should be given significant weight. It is considered that the benefit of the development outweighs the impact of the loss of this agricultural land in this instance.

### **6.2 Flooding**

Objection is raised on the grounds of flooding and the Drainage Officer has noted that the application should have been accompanied with a Drainage Strategy and has requested it be provided prior to determination. The site does not lie in an area of flood risk and therefore an assessment was not required to be submitted.

- 6.3 A Drainage Strategy to show how surface water would be dealt with should have been submitted with the application. The site will be expected to sustainably deal with surface water in accordance with the council's Sustainable Drainage Guidance SPD. While it is unfortunate no strategy was submitted with the application or provided when requested, it is considered that this omission alone would not warrant a sustainable reason to refuse planning permission and therefore a condition is proposed to address this issue. It is noted that the Internal Drainage Board raise no objection and no comments have been

received from Anglian Water on the matter.

6.4 Archaeological concerns.

A number of objections were raised locally over the archaeological value of the site and that it would be lost if developed. The site does not fall within an archaeological notification area and therefore in planning terms is not considered to be an issue. Therefore no investigation or evaluation into archaeology at the site was required or submitted.

6.5 Education and Healthcare provision

A number of objections have been raised on these grounds. The development proposed does not include specific provision of this infrastructure. The report has previously referred to the location of the site in relation to Biggleswade and Dunton and that, while not at the edge of the settlement the distances of less than a mile are considered to be close enough to provide access to existing facilities. Surgeries in Biggleswade are considered to be registering new patients. The Education Officer has been consulted on the application and comments are awaited in respect of school availability. Any comments received will be updated to Members in the late sheet.

6.5 DCLG referral

Upon validation the Secretary of State received a request to consider call-in of this application. As a result the Dept. of Communities and Local Government (DCLG) contacted the Council to request that, if the Committee are minded to approve the application, that planning permission not be issued until the Secretary of State has had the opportunity to consider the application. Therefore this request will be adhered to if Members resolve to grant planning permission.

6.6 Human Rights and Equality issues:

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

**Recommendation:**

That Planning Permission be granted subject to referral to DCLG and the following conditions:

**RECOMMENDED CONDITIONS / REASONS**

- 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 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August

2015, or any subsequent guidance.

Reason: To limit the use of the site to gypsies and travellers as the proposal is justified on addressing a need for such accommodation in accordance with the Planning Policy for Traveller Sites 2015.

- 3 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to ensure appropriate development in the open countryside and to protect the amenities of local residents in the interests of policies DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 4 **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 7, NPPF)

- 5 **Notwithstanding the details in the approved plans, no development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be submitted as part of a revised site layout showing a planting strip running the length of the southern boundary. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.  
(Sections 7 & 11, NPPF)

- 6 **Notwithstanding the details in the approved plans, no development shall take place until details of the proposed walls and means of enclosures have been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced and be thereafter retained.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality. (Section 7, NPPF)

- 7 **No development shall take place on site until a detailed scheme for the provision and future management and maintenance of surface water drainage, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details and timetable and shall be retained thereafter.**

**Reason: To ensure suitable drainage is provided and maintained in the interests of flooding and high quality development.**

- 8 The development hereby approved shall not be brought into use until the sewage works hereby approved have been constructed and are fully operational.

Reason: To ensure that the development is appropriately serviced for residents in the interests of policies DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 9 Pitches 11 and 12 as identified on approved drawing number D01 Rev F shall be retained and used as transit accommodation only. Neither pitch shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of the proposed maximum length of stay intended for transit pitches and use of pitches 11 and 12 shall be done in accordance with the approved details.

Reason: To ensure the pitches remain transit in the interest of providing such accommodation in accordance with the Planning Policy for Traveller Sites 2015.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers D01 Rev F, D02, D03, D04 Rev C, D07 Rev B, D08 and D900 Rev F.

Reason: For the avoidance of doubt.

## **INFORMATIVE NOTES TO APPLICANT**

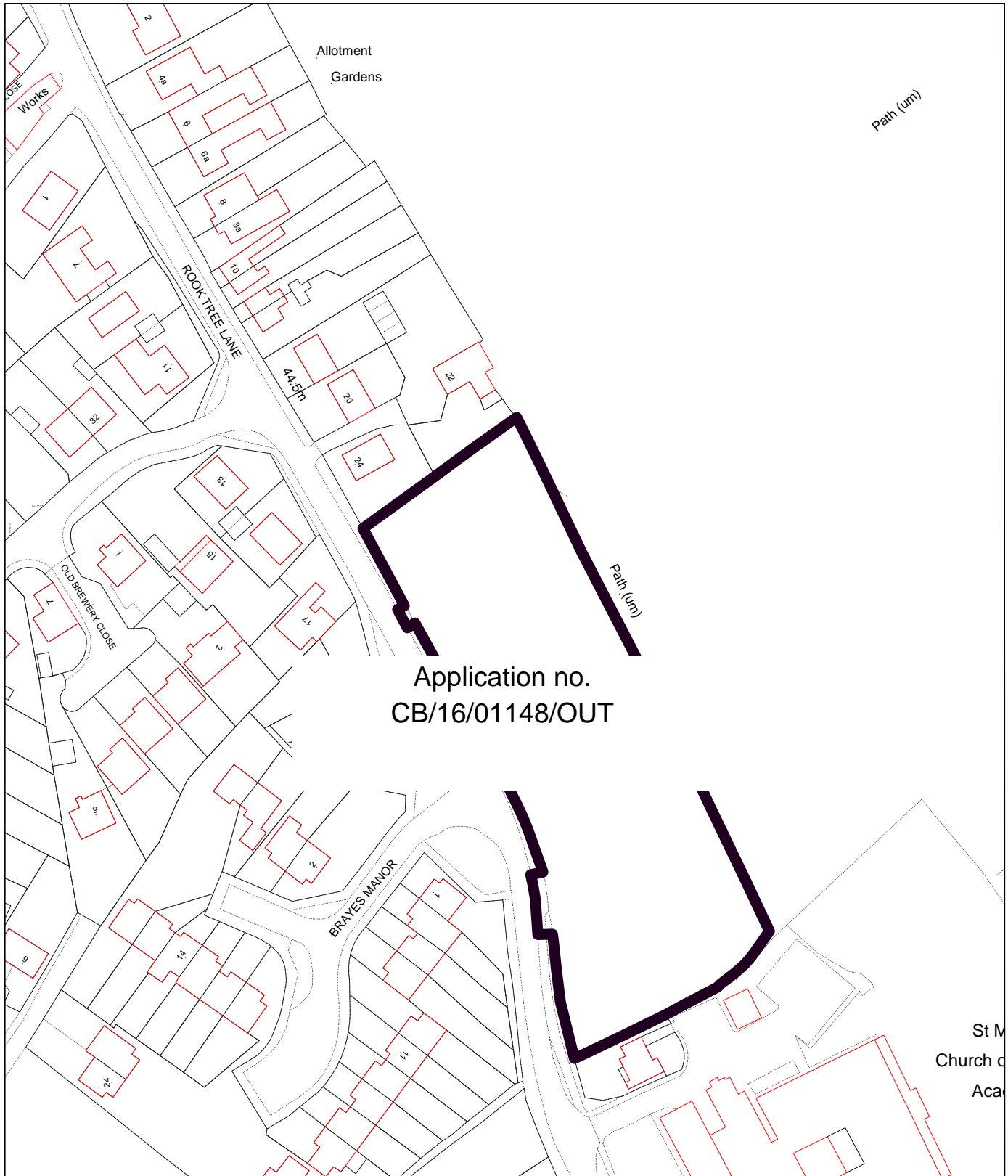
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

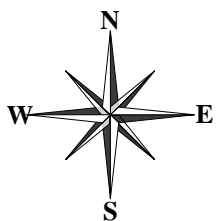
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements

of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**



Application no.  
CB/16/01148/OUT



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Date: 14:June:2016

Map Sheet No

Application No:  
CB/16/01148/OUT

Scale: 1:1250

Land adjacent to St Marys (Stofold) Lower School,  
Rook Tree Lane, Stofold, Hitchin, SG5 4DL

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## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/16/01148/OUT</b>
<b>LOCATION</b>	<b>Land adjacent to St Marys (Stotfold) Lower School, Rook Tree Lane, Stotfold, Hitchin, SG5 4DL</b>
<b>PROPOSAL</b>	<b>Outline Application: residential development of up to 15 dwellings together with ancillary works (all matters reserved expect means of access)</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>31 March 2016</b>
<b>EXPIRY DATE</b>	<b>30 June 2016</b>
<b>APPLICANT</b>	<b>Landcrest Developments Ltd</b>
<b>AGENT</b>	<b>Woods Hardwick Planning Ltd.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor B Saunders, call in on the following grounds:</b>
	<ul style="list-style-type: none"><li>• <b>Development outside the settlement envelope</b></li><li>• <b>Inaccuracies in documentation</b></li><li>• <b>Highway safety implications</b></li><li>• <b>Archaeological impact concerns</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Recommendation for Outline Approval, subject to the completion of a Section 106 Agreement to secure affordable housing provision, education contributions &amp; a delivery timetable.</b>

### **Reason for Recommendation**

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however at this time the Council can not demonstrate a 5 year housing supply and therefore developments should be considered in the context of Sustainable Development. The application site is adjacent to the existing settlement envelope of Stotfold which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

**Site Location:**

The application site consists of a site area of 0.67 hectares of paddock land located on the eastern edge of the town of Stotfold. The site is currently being used as pasture for horses. The site is flanked to the north by 22 & 24 Rock Tree Lane, to the south by St Marys Lower School and Caretakers House and to the east by part agricultural land and part land which is proposed to be used in conjunction with the schools future plans for play area/wildlife conservation activities in mitigation to the schools recent expansion approved under planning permission reference CB/14/03601/FULL.

The site is located outside the settlement envelope of Stotfold and is designated as falling within an Area of Archaeological Interest.

**The Application:**

The application is to establish the principle of residential development on the site up to 15 dwellings. The application is submitted in Outline with all matters reserved expect for access. An indicative plan has been supplied demonstrating how the number of units could be facilitated on the site alongside amenity, parking and landscaping.

The application is accompanied with the following statements:

- Planning Statement
- Design & Access Statement
- Arboriculture Implications Assessment and Method Statement
- Heritage Statement – Archaeology
- Ecological Appraisal
- Ground Investigation
- Contamination Risk Assessment
- Transport Statement

The site and development has been considered in relation to the EIA Regulations (2011) as amended April 2015 and is below the threshold for the requirement of an ES.

N.B. During the life of the application, the unit numbers were reduced from 17 to 15 and a landscape buffer was indicated on the indicative layout.

**RELEVANT POLICIES:**

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

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 – Promoting healthy communities

Section 10 - Meeting the Challenge of Climate Change & Flooding

Section 11 - Conserving the Natural Environment

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

CS2: Developer Contributions  
CS3: Healthy and Sustainable Communities  
CS4: Linking Communities – Accessibility and Transport  
CS5: Providing Homes  
CS7: Affordable Housing Provision  
CS14: High Quality Development  
CS16: Landscape & Woodland  
CS18: Biodiversity & Geological Conservation  
DM1: Renewable Energy  
DM2: Sustainable Construction of New Buildings  
DM3: High Quality Development  
DM4: Development Within and Beyond Settlement Envelopes  
DM14: Landscape & Woodland  
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. Planning Obligations Strategy, 23 October 2009
2. Central Bedfordshire Design Guide (March 2014)
3. Central Bedfordshire SuDs Guidance (April 2014)
4. Building for Life 12 (April 2014)

## **Relevant Planning History:**

<b>Application:</b>	Planning	<b>Number:</b>	CB/12/03191/FULL
<b>Validated:</b>	24/09/2012	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	15/11/2012
<b>Summary:</b>		<b>Decision:</b>	Full Application - Refused
<b>Description:</b>	Erection of one detached dwelling		

Whilst previous planning permissions have been referred to on this site from 1974 - 1990s due to the passage of time and the variation to planning policies since these previous refusals, that are not considered material to the determination of this current application.

## **Town Council**

1. Stotfold Town Council Objects on the following grounds (verbatim):  
(29/04/16) & (25/05/16) -

### **Overdevelopment**

The proposal is an overdevelopment relative to its setting and will be detrimental to the street scene.

**The proposed development falls outside of the defined Settlement Envelope of the town.**

There should therefore be a presumption for refusal?

The 'Planning Support Statement' by Woods Hardwick Planning Ltd states under 2.5 "There is no planning history for the site that is relevant to this planning application." This is not true – The most recent application, for a single bungalow on the site, was **CB/12/03191/FULL** which was refused by CBC as 1) The proposed development, **by nature of its location outside the Stotfold Settlement Envelope**, would have a detrimental impact on the visual appearance and rural character of the locality contrary to the objectives of Policies DM3, DM4 of the Central Bedfordshire Core Strategy and the National Planning Policy Framework. The CBC Refusal Notice for this application lists on page 2 the Planning History for this site as:

MB/90/01193 Erection of one dwelling house. Refused 04/01/91. Appeal dismissed.

MB/83/00793: Erection of 10 dwellings on infill between existing dwellings. Refused 31/07/84. Appeal dismissed.

MB/75/01051A Outline: Erection of dwelling. Refused 2/03/79.

MB/75/01051/OA :Outline: Residential development. Refused 23/09/75. Appeal dismissed.

The Refusal Notice for CB/12/03191/FULL, under 1. **Considerations** confirm that under Policy DM4 "only particular types of new development will be permitted in accordance with National guidance (PPS7, Sustainable Development in Rural Areas. – now replaced by NPPF). Section 55 of the NPPF states that "local planning authorities should avoid new homes in the countryside unless there are special circumstances." – **This proposal does not fall under any of the exceptions listed!**

**The Support Statement puts forward the site as 'scrub land'**. It is in fact paddock land and in use as such to the present day. The Refusal Notice for CB/12/03191/FULL, under 2. **Character and Appearance of the Area** states; Nevertheless, the proposed dwelling (*singular!*) would alter the character and openness of this part of Rook Tree Lane. The paddock currently provides an important area of open space within an otherwise built up area on the edge of the settlement. As such it is considered that the proposal, if permitted, would result in an increase in the built up area

resulting in an adverse impact upon the character and appearance of the area to the detriment of the street scene and the locality in general. This is considered to be unacceptable and contrary to the aims and objectives of Policy DM4 of the Core Strategy and the NPPF.

**Traffic Impact (pedestrian safety)**

A Traffic Impact Assessment has been submitted where 'good bus route connections' are claimed to show 'sustainability' advantages for the site. Of the four listed services it must be noted that only the N0.97 is a regular service, the others are once daily or only one day per week so provide no amenity for full time workers – The No.97 runs until only 8:00pm during the week, 7:00pm on Saturday and none on Sundays – No evening recreational use outside of Stotfold is provided for. The nearest railway station at Arlesey is confirmed as only a 5k cycle ride away – very unlikely to be the first or regular choice of transport for suited commuters to office jobs in London or elsewhere nor family groups?

The Impact Assessment (5.3) predicts 10 X 2 way trips being generated during peak hours based on National averages – The condition of Stotfold as a 'dormitory town' due to lack of local employment opportunities results in an average of over 2 vehicles per family household across the town, a more realistic prediction of vehicle movements would be 10-30 during peak hours. The upper end of this would require a Full Transport Assessment to be carried out and should include monitoring of the current number of traffic movements along Rook Tree Lane, this should be done before CBC Councillors consider this application – Such an assessment must include moving and stationary traffic during timespans when pupils are going to and from the school. Similarly, when CBC Councillors pay a site visit this should be during a school day including morning or afternoon periods when the school is at its most active.

The proposed site is adjacent to St Mary's CofE Academy in Rook Tree Lane and therefore on a main 'route to school' as well as being on a main bus route through the town. **The school was doubled in size in 2015** and is not yet operating at full capacity but there is already a problem with stationary and moving traffic on this narrow road causing congestion and difficulty of access to nearby residential properties along with associated safety concerns for both motorists and pedestrians. The pupil intake will be increasing rapidly over the next few years and these problems will grow! This problem was recognised by CBC Highways Department, within the

limitations of the existing road and pavements layout, carrying out modifications to the School Safety Zone (SSZ) outside the school in 2015 to improve but not cure the situation. As part of the proposal there is a new entrance road shown within the SSZ area and virtually opposite Brayes Manor entrance on a bend in the road where visibility is already 'difficult' in both directions.

### **Archaeological survey**

The preliminary survey reported found quite a number of historic remains which may be of significance to local records. It is noted however that the exploratory trenches were dug some distance from Rook Tree Lane itself. Historically this road was one of the main routes through Stotfold between the market towns of Baldock And Biggleswade and, as such, could be expected to have most domestic or other buildings fronting on to the road itself rather than at such a distance back. A fuller exploration should be required covering a larger and possibly more viable part of the plot prior to any development being considered?

**We request that CBC Development Committee REJECT this application in its entirety.**

### **Neighbour Representations:**

125 registered Neighbour Objections from the following addresses (some of which were duplications from the same address point):

4, 12, 21, 40, 42 Common Road

4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25 Brayes Manor

1, 1a, 2, 21, 22, 23, 25, Home Close

6, 27 Holme Close

2, 3, 4, 13, 15, 17, 19, 20, 21, 23, 24, 25, 49a, St Marys CE Academy, Caretakers House Rook Tree Close,

Objections received in summary:

- Previous planning permissions refused for units outside the settlement envelope
- Cumulative impact on the Town
- Highway safety concerns (visibility & parking)
- Three access points will reduce amount of available on street parking
- Unsustainable traffic generation during school pick up/drop off times
- Lack of appropriate school crossing – pedestrian safety concerns
- Impact on infrastructure services (drainage & sewage)
- Impact on local services (school, convenience stores, health services, emergency services)
- Adverse impact on rural character and setting
- Safeguarding implications - School children
- Loss of green open space
- Cramped form of development
- Lack of design detail
- Questionable history of developers credentials
- Restriction of access to rear gardens of Brayes Manor due to unacceptable parking

- 13, 35, 50, 71, 99 Silverbirch Avenue
  - 37 Brook Street
  - 1, 10, 14, 19 Regent Court
  - 10, 38-40 Regent Street
  - 26, 74a, 143 Vaughan Road
  - 21, 35, 45 Mowbray Close
  - 27, 32 Alexander Road
  - 3, 24, 30 Willowherb Way
  - 16, 44 Astwick Road
  - 34, 90 Hitchin Road
  - 5, 25 High Street
  - 2 The Vines
  - 1 Juniper Mead
  - 23 Hawthorn Croft
  - 53, 56, 58, 81, 91, 93 Valerian Way
  - 5, 32 Heron Way
  - 22 Champion Avenue
  - 24a, 88 Hyde Avenue
  - 7, 9 Kingsway
  - 45, 54 Aspen Gardens
  - 57 The Avenue
  - 2, 28 Trinity Road
  - 51 Comfrey Road
- Loss of horses which are enjoyed by local school children – issues in relation to cognitive development
  - Flooding concerns
  - Noise/disturbance by way of construction
  - Privacy Concerns
  - Overshadowing Concerns
  - Accessibility concerns for disabled, due to the number of additional kerbs to negotiate
  - Reduction in house numbers have no negated impact

5 Old Brewery Close

50 The Mixies

2 Prince William Close

56 Valerian Way

18,19 Saxon Avenue

4 Margoram Road

2 Francis Close

6 St Marys Avenue

13 Highbush Road

2 Poppy Walk

11 Marigold Way

121 Arlesey Road

Addresses outside of  
Stotfold:

12 Harrier Mill, Henlow

1x (County Limerick)

27 Kenton, Harrow

Petition received  
containing 241 signatures

**Consultees:**

1. CBC Housing Officer Supports the application on the basis of adequate affordable housing provision.  
Development (06/04/16) -

2. Environment Agency No Objection  
(12/04/16) -

3. CBC Sustainable Officer No objection, subject to the imposition of a condition to secure 10% energy demand from renewable sources and water efficiency.  
Growth (12/04/16) & (19/05/16) -

4. CBC SuDs Engineer No Objection, subject to the imposition of conditions to secure the implementation of the SuDs scheme and a long term maintenance plan.  
(19/04/16) & (23/05/16) -



5. CBC Trees & Landscape Officer (21/04/16) & (26/05/16) - No Objection, subject to the imposition of conditions to secure the indicated tree protection measures, landscaping and boundary treatment.

Landscape buffer welcomed.

6. CBC Strategic Landscape Officer (25/04/16) & (03/06/16) - Objects on grounds of insufficient information and impact on landscape character and insufficient landscape contribution along the boundaries of the site.

-

Revisions for the reduction of units and landscape buffer welcomed. Recommends the provision of additional trees along the buffer. Concern expressed about the long term management of the landscaping however recommends the imposition of a condition to control this matter. Maintains concern for loss of views however raises no objection as acknowledges that the improved scheme will allow for channelled views through a tree lined access road which will make an attractive focus for views.

7. Internal Drainage Board (26/04/16) - No objection, subject to the imposition of an informative in relation to satisfactory construction of soakaways.

8. CBC Pollution Officer (26/04/16) & (26/05/16) - Concerns expressed in respect of potential noise disturbance to future residents. However no objection, on the basis this matter could be controlled at the Reserved Matters stage and on the imposition of conditions in respect of site ground investigations.

9. CBC Ecology (27/04/16) & (02/06/16) - Concerns expressed in respect of the lack of biodiversity gain.

-

No objection raised on the basis of the revisions, however suggests that a lower density scheme would allow for improved biodiversity gain and connectivity to the open space beyond.

10. CBC Waste Services (29/04/16) & (31/05/16) - Provides prescriptive advice on the size of bin stores and location of collection points which would need to be considered in the event of a full or RM application, which can be controlled by condition. Furthermore any forthcoming detailed application should be accompanied with a swept path analysis which also can be controlled by condition.

11. CBC Archaeologist (29/04/16) & (01/06/16) - No Objection, subject to a condition to secure an archaeological investigation prior to development.

12. CBC Highways Officer (03/05/16) & (24/05/16) - No Objection, subject to the impositions of conditions to secure an appropriate access.

Further to the receipt of a transport statement, highways concluded that the results were creditable and retained its position to raise no objection subject to the imposition of conditions to secure appropriate access.

13. CBC Rights of Way No Objection.  
Officer (04/05/16) -

14. Anglian Water No Objection, the network has the capacity for the additional flows. Requests the imposition of an informative notifying the applicant of their responsibility to take into account the accommodation of Anglian Waters assets in construction.  
(06/06/16) -

### **106 Sustainability Mitigation Obligations**

1. CBC Education Spending Officer Due to pressures on local school placements, (26/04/16) & (24/05/16) - a financial contribution to secure an extension to each tier would be required.

Determining Issues:

The main considerations of the application are;

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

### **Considerations**

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

1.1 The site lies outside of the settlement envelope of Stotfold and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Stotfold is designated as a Minor Service Centre where Policy DM4 limits new housing development to small scale housing development only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.

1.2 Further to a recent appeal decision at Henlow, at the time of writing this report, the Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The NPPF (paragraph 14) advises that where the development plan is absent, silent or out of date that permission should be recommended for grant unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

1.3 The site is adjacent to the Stotfold Settlement Envelope. The north of the site directly adjoins existing residential development and to the south, built form by

way of the existing lower school. The proposal will see the encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site. Furthermore the eastern boundary of the site would see the introduction of a landscape buffer which would appropriately demarcate the end of the built form of Stotfold with the prevailing landscape. There would be some harm in developing the land, but this would be limited given the surrounding pattern of development.

- 1.4 A number of local residents have referred to a recent refusal of one dwelling house on the site under planning reference CB/12/03191/FULL. At the time of that decision, significant weight was given to the our housing policies however due to the council not having a 5 year housing supply, less weight can be attributed to this policy at this time. Furthermore, the benefits of 1 dwelling house with no contributions to sustainable development, would not outweigh any associated harm. However in accordance with recent case law, the closer the Councils gets to substantiating a 5 year supply, greater weight can be attributed to these policies.
- 1.5 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.6 Economic  
The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 15 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Stotfold provides some employment opportunities including public houses, local convenience stores, schools, health facilities, library, churches and community based facilities and groups. Furthermore there are a number of allocated employment areas including the Fen End Industrial Estate and ARC progress Bury Farm. Furthermore is in relatively close proximity to Arlesey & Shefford which also constitute Minor Service Areas which has access to a range of facilities and services which would provide local employment opportunities. On the basis of this the town is considered to be a sustainable location.
- 1.7 Social  
The provision of housing is a benefit of the scheme which should be given significant weight, including the provision of 5 affordable housing units. Furthermore Stotfold is regarded as a Minor Service Centre which has access to a number of services which has been iterated in the above paragraph. The town is also served by a bus service which stops directly opposite the application site. Therefore the village can be regarded as a sustainable location and it is considered that the settlement offers services and facilities that can help to

accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents. The town council and residents alike has raised concerns that the local school is near to full capacity and the Councils Education Officer has supplied evidence in support of this comment however the schools have the capacity to expand and the contributions can be sought by way of a S106 agreement and have been agreed upon in mitigation. On the basis of this the town is considered to be a sustainable location.

#### 1.8 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologist is satisfied that the proposal would allow for retention and enhancement of more boundary habitat features and can secure additional biodiversity gain by the reinforcement of the landscape buffer. The development site would result in the loss of Grade 2 good quality agricultural land whereby paragraph 112 of the NPPF recommends that Local authorities consider the long term implication of the loss of good quality agricultural land in the interest of sustainable growth. The site is not used in this capacity at present and the land is too small for modern farming methods. Notwithstanding this however, the proposal would not constitute significant development or loss of agricultural land. Furthermore the encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. The site abuts built form on two sides and is not considered to be an isolated site. Furthermore the site would be demarcated by an appropriate landscape buffer without wider impact on the prevailing flat topography landscaping directly adjacent to site which constitutes agricultural land. The impact of developing this site adjacent the settlement envelope is therefore not considered to result in significant and demonstrable harm.

- 1.9 As such it is considered that the benefit to the Councils Housing Supply and presumption in favour of Sustainable Development outweighs any identified visual harm to the character of the area given that the landscape proposals would constitute a reinforced landscape buffer which would appropriately demarcate the built form with the prevailing landscape. The proposal therefore would accord with the Section 1 and 6 of the NPPF.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 Local Plan Policy DM3 & CS14 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.

- 2.2 The site has existing built form on two sides and the east side of the site overlooks an area of agricultural land. As part of this current proposal it is suggested that the eastern boundary will be improved through the planting of a 5 metre wide buffer of additional tree and landscaping which will continue the full length of the boundary and would provide a suitable buffer and distinction from the built form and prevailing landscape.

- 2.3 The proposed development would result in a density per hectare of approximately 30 which doesn't constitute high density and is representative of the density levels within Stotfold.
- 2.4 Whilst the layout is indicative, consideration appears to have been given to the building lines established by adjacent dwelling houses and the footprints proposed are fairly representative of other properties of a similar occupation within the area. The plan indicates that the scale of dwellings will be 2 storeys throughout the scheme. This is also considered acceptable as a reflection of the character of the area. This parameter can also be secured by condition to ensure an appropriate maximum scale is achieved. Further consideration would need to be given to plots directly adjacent to the main highway, to ensure that there are appropriate active frontages within any formal Reserved Matters application. An acceptable scheme would be expected to create a frontage to the highway and to avoid the presence of physical boundaries.
- 2.5 Whilst concerns have been expressed by local residents about the loss of a parcel of open space and views into the open countryside, the three access points proposed would provide focused vantage points into the open countryside which could be reinforced at the detailed application stage. The Councils Strategic Landscape Officer has withdrawn their objection to the proposal on the basis that the revised scheme allows for channelled views through a tree lined access road which will make an attractive focus for views. Furthermore the land itself is inaccessible by the general public and therefore for the most part not used in a recreational capacity. A right of way runs along the eastern boundary of the site which would be retained which provides linkages to the open countryside beyond.
- 2.6 As such, the indicative layout suggests that a development of 15 units on the site could be comfortably accommodated and that a scheme can be designed that would reinforce and be sensitive to the character of the area. All matters pertaining to scale, layout and design however would be addressed by way of a Reserved Matters application. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Neighbouring Amenity**

#### **3.1 Existing Residents**

On the basis of the indicative site layout plan, dwellings have been sited to ensure that there is a separation in excess of 20 metres back to back between the existing and proposed dwelling houses for the most part however careful consideration to the scale of dwellings on plots 5 through to 8 would need to be given in order to secure that provision at the detailed stage. In addition in excess of 10 metres side to back are proposed in accordance with the accepted distances contained within the Councils adopted design guidance. As such, it is concluded that on the basis of these distances, the proposed development would unlikely rise to an unacceptable loss of privacy to existing residents in terms of mutual overlooking.

- 3.2 Whilst concerns have also been expressed on the basis of loss of light and overshadowing, it is acknowledged that there may be some resultant loss of light to garden spaces of existing residents, however given the length of the garden spaces of adjacent dwelling houses, the development would unlikely result in the harmful overshadowing of the garden spaces. In any event this would be controlled as part of any reserved matters application.
- 3.3 Future Occupiers  
The indicative layout demonstrates that 15 dwelling houses could be sited such that there would be no resultant impact on future occupiers in terms of loss of light/overshadowing nor privacy concerns.
- 3.4 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter that would be addressed at the Reserved Matters stage. However on the basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.
- 3.5 Concerns have been expressed about the potential noise impact on residents from the adjacent school car parking area and access drive. Furthermore residents may also suffer noise from other school activities such as sports tournaments and school discos and performances. However as the worst noise sources are located on the other side of the school to the proposed development, the Councils Public Protection Officer concluded it would be possible to consider noise mitigation at the reserved matters stage when the detailed layout and plans are submitted.
- 3.6 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, the Councils waste officer is satisfied that there is sufficient spaces within the site to accommodate such facilities and as such is satisfied that this could be secured by condition as part of a planning permission. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highway Considerations**

##### **4.1 Highway Safety**

A Site Access Drawing – Drawing No. 17570-ROOK-5-500 has been submitted with the application which shows the provision of a 4.5m wide access to serve the private driveway and the provision of a 5.5m wide minor access road with 2.0m footways on either side.

4.2 2.4 x 43m visibility splays are shown to be available at each access location. The location of the crossover serving Plots 1 and 2 is not shown on this drawing but it is considered that 2.4 x 43m visibility splays will be available at the location shown on the illustrative layout. The proposed access arrangements can therefore be considered acceptable in principle from a highways aspect.

4.3 Rook Tree Lane can be described as a local distributor road serving primarily a residential area. It is also a bus route and in the vicinity of the site it is subject to a

20mph speed limit. The Transport Statement contains a review of the TRICS database and suggests that a mixed development of this scale would generate 10 two-way vehicle movements in each of the traditional peak hours (8:00am to 9:00am and 5:00pm to 6:00pm). Furthermore the Councils Highways Officers undertook a review of the 10 year accident data available on Crash Map for the period ending 31<sup>st</sup> December 2014 for the area around the proposed development and would confirm that there have been no personal injury accidents recorded on Rook Tree Lane in the vicinity of the site during that period.

4.4 Subject to the site access junctions being formally laid out to the standards and requirements of the Council as local highway authority, it is considered that such flows can be satisfactorily accommodated and will not result in a detrimental impact in terms of the performance or safe operation of the local highway network.

4.5 Whilst a number of residents have suggested that a School Crossing should be implemented in the interest of safety, the Councils Principal Highways Officer has stated that a School Safety Zone has been installed on Rook Tree Lane as part of the expansion of the lower school. As part of this it has informal crossing points on desire lines to facilitate pedestrians wanting to cross. It is all in a 20mph zone and there are School Keep Clear markings, single yellow lines to restrict parking and enhance the visual splay for pedestrians looking to cross the road. All trips to school are accompanied journeys and therefore would not meet the criteria for a request for a crossing.

#### 4.6 Parking

On the basis of the indicative layout, it would appear that two off road parking spaces are proposed for smaller units which are likely to be 2/3 bedroom units and 3 spaces for larger units which are likely to be 4 bedroom units. Visitor spaces are dispersed throughout the site. This provision would be consistent with the Councils Parking Standards and this matter would be fully addressed through a reserved matters submission.

4.7 As such it is considered that the proposal would not be prejudicial to highway safety and would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

## **6. Other Considerations**

### **6.1 Flood Risk & SuDs**

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. As such, no objections have been raised by the Environment agency.

From 6<sup>th</sup> April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. A drainage strategy was supplied for consideration as part of

the application and the Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential and as such has not wish to raise any objection to this proposal subject to the imposition of conditions to control is provision at the reserved matters stage.

Whilst many residents have raised concerns relating to flooding potential, evidence has been supplied by the agent that it is possible to design a scheme that would discharge water at a flat rate for all storm events or at a varied rate for individual rates which has assured the Councils SuDs Officer that a suitable scheme can be approved that would not result in further implication on the Rook Tree Road. In addition, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this application, subject to conditions of control of the provision as suggested by our SuDs officer. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

## 6.2 **Archaeology**

The Heritage *Statement* considers the significance of the archaeological remains the site contains and concludes that they are of low to medium significance which can be translated into local to district level importance. The proposed development site contains extensive archaeological deposits of medieval settlement. The significance of these remains is enhanced by their relationship to the complex settlement development of Stofold and the excavated remains found elsewhere in the settlement. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70). Therefore, the Councils Archaeologist concludes that the archaeological remains within the development site should be considered to be of regional significance.

Intrusive groundworks required in the construction of the proposed development are identified in the *Heritage Statement* as having a damaging impact on the archaeological remains the site is known to contain. This impact is described as resulting in “ a permanent loss of this resource...”. This is a reasonable summary of the impact of the proposed development on the archaeological remains the site contains and the significance of the heritage asset with archaeological interest they represent.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). The proposed development will have a negative and irreversible impact on the archaeological deposits that are known exist within the proposed development site and, therefore, upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets.



This can be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, the Councils Archaeologist has recommended a condition be imposed to secure this. As such, it is considered to conform with policy DM13 of the Core Strategy for the North and Section 12 of the NPPF.

6.3 **Ecology**

The Councils Ecologist has not contested the results of the submitted ecological appraisal, however the NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has raised concerns of the lack of opportunities proposed by the submission. Revised plans have been supplied which provide a 5 metre landscape buffer which would provide some opportunity for biodiversity gain. Whilst concerns were raised by the Councils Ecologist about the density of the scheme potential restricting the opportunities for biodiversity gain, the proposal is for up to 15 dwelling houses and further features can be incorporated at the detailed stage. This can be controlled by condition requiring the provision of a biodiversity method statement which will include details of ecological enhancements and how they will be incorporated into the development proposal. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

6.4 **Climate Change**

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1. The Councils Sustainability Officer would wish to encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the requirement of policy DM1. If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies DM1 & DM2 of the Core Strategy for the North and Section 10 of the NPPF.

6.5 **Contamination**

The submitted geo-environmental & geotechnical desk study report October 2015 document reference P15-071pra has indicated that there is the need to undertake an intrusive investigation of the site to determine localised sources of contamination. The Council's Pollution Officer raises no objections to the proposed development. A condition is suggested for any unsuspected

contamination found through site investigation, excavation, engineering or construction works to ensure this is identified and remediated.

**6.6 Rights of Way**

The existing public right of way that runs along the rear boundary of the site would not be affected by the proposal and therefore no objection has been raised by the Councils Right of Way Officer in respect of the granting of this proposal.

**6.7 Financial Contributions**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, Spending Officers were consulted and comments returned from Education. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such, it is considered that the proposal would conform with policy CS2 of the Core Strategy for the North. Education:

Early Years	£10,269.80
Lower	£34,566.00
Middle	£34,781.76
Upper	£42,651.65

**6.8 Affordable Housing Provision**

Under Policy CS7 of the Core Strategy, 35% of all developments for four dwellings and above should be provided as Affordable Housing units. The proposal for 15 units would qualify for Affordable Housing provision and 35% would equate to 5 units. The applicant has proposed that 5 units across the development be affordable and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such the proposal would comply with the requirements of Policy CS7.

**6.9 Child Safeguarding**

Concerns have been expressed by a number of residents in respect of the potential impact on the school children's safety. It has been raised that the land directly rear of the application is proposed in part to be used by the school as an extension to their existing play area. The application site is proposed to be demarcated by a sufficient landscape buffer and therefore there will be limited risk of access to the proposed extension to the school. Furthermore, it is reasonable to conclude that any forthcoming application submitted by the school for this play area extension would contain appropriate and secure boundary treatment. In terms of residential accommodation it is not uncommon for it to be placed next to school environments. Furthermore residential accommodation close to school environments can provide a sense of security and well being to the school children. Whilst it has also been raised that the loss of the horse grazing on this land would be detrimental to children's

learning or behaviour, no objection has been raised in this regard by the Councils Education Officer and it is accepted that the school itself is responsible for ensure an adequate provision of external space for development. Furthermore, whilst the land itself is being used in a grazing function at present, the land is registered as agricultural and could be utilised in any such function which would constitute agricultural purposes without any planning permission and we could not substantiate a reason for refusal in this regard.

**6.10 Cumulative Impact on Town**

Whilst concerns have been expressed by local residents in respect of the cumulative impact on Stotfold due to the number of residential development proposals in recent years, planning applications can only be determined on the basis of their individual merits and therefore this is not a material consideration.

**6.11 Construction impact**

Objections have been raised on these grounds however it is given little weight as a material consideration given that it is a temporary impact and one that is apparent on any grant of planning permission.

**6.12 Impact on Services**

Whilst concerns have been expressed by local residents about the impact of the proposed dwelling houses on the existing water and sewage connections, the Internal Drainage Board and Anglian Water has not raised any objections or concerns in this regard.

**6.13 Inaccuracies in supporting information**

The supporting information was updated during the life of the application in accordance with the comments raised by the Parish Council and local residents.

**6.14 Human Rights issues**

The proposal raises no Human Rights issues.

**6.15 Equality Act 2010**

Accessibility concerns have been raised by local residents about the number of kerbs that would require negotiation, however appropriate lowered kerbs to provide suitable access would be a requirement of the Highways Officer during a detailed application stage and therefore this is not considered to be an overarching concern. The proposal therefore raises no issues under the Equality Act but an informative to advise of the responsibilities of the applicant is attached.

**Recommendation:**

That Planning Permission be Recommended for Outline Planning Approval subject to the completion of a Section 106 Agreement and the following conditions:

**RECOMMENDED CONDITIONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter 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.

- 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 Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 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 **Before development begins, details of the materials to be used for the external walls and roofs of the dwellings hereby approved shall be 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: Building materials are required to be ordered in advance of the construction phase and to ensure that the materials proposed would reflect the envisaged appearance of the development. (Policy DM3 of the Core Strategy for the North & Section 7, NPPF)**

- 5 **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. (Policy DM3 of the Core Strategy for the North & Section 7, NPPF)**

- 6 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, which will be responsible for delivering the approved landscape maintenance and**

management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM14 of the Core Strategy and Sections 10 & 11 of the NPPF.

- 7 No development shall take place until details of hard and soft landscaping (including details of boundary treatments) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure an acceptable standard of landscaping.  
(Policy DM14 of the Core Strategy for the North and Sections 7 & 11, NPPF)

- 8 No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained trees, has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on Drawing No. 2768.TPP. 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.  
(Policy DM14 of the Core Strategy for the North and Sections 7 & 11, NPPF)

- 9 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Level 1 Surface Water Drainage Strategy (Ref: 17570/SWDS, Woods Hardwick Infrastructure LLP, March 2016) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include the following:

- Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus 30% allowance for climate change;
- Full details of flow control measures to be used, demonstrating

that runoff rate and volume will not exceed greenfield rates;

- Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;
- Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
- Full details of exceedance management including flow routes both on and off site in the event of system exceedance or failure;
- Full details of water quality management and any amenity or biodiversity objectives;
- Details of construction and structural integrity of the entire system;
- Full details of the maintenance and/or adoption proposals for the drainage system including all elements listed above.

The scheme shall be implemented in accordance with the approved 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 section 10 of the NPPF.

- 10 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

**Reason:** In the interests of sustainability. (Policy DM2 of the Core Strategy for the North & Section 10 of the NPPF)

- 11 In the event that contamination is found at any time when carrying out the approved development, it is recommended to report this in writing immediately to the Local Planning Authority. An investigation and risk assessment should then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land

Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing, to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Section 8 of the NPPF.  
(Section 11, NPPF)

- 12 The reserved matters proposals shall not include any dwellings that are more than two 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).

- 13 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)

- 14 **No development shall take place until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.  
(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)**

- 15 No dwelling shall be occupied until visibility splays have been provided on each side of the junctions of the proposed accesses with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed accesses and to make the access safe and convenient for the traffic that is likely to use it.  
(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)

- 16 **No development shall begin until the detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an adequate standard.**

**(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)**

- 17 The details required by Condition 2 of this permission shall include a Swept Path Analysis demonstrating that a refuse vehicle can appropriate turn within the site and exit onto the main highway in a forward motion.

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

(Policy DM3 of the Core Strategy for the North and Section 4, NPPF)

- 18 **No development shall begin until details of a scheme showing the provision of a 2.0m wide footway on the eastern side of Rook Tree Lane over the length of the site frontage has been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the footway has been constructed in accordance with approved details. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.**

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

**(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)**

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site Location Plan (14385/2972/1555), Transport Statement May 2016, Preliminary Contamination Risk Assessment (P15-071pra), Surface Water Drainage Strategy (Level 1, March 2016), Ground Investigation (P15-071inf), Heritage Statement (5007), Ecological Appraisal (Sept 2015), Arboricultural Method Statement (2768.AIA.Stotfold.Landcrest), Tree Protection Plan (2768.TPP), Arboricultural Implications Plan (2768.AIP), Tree Constraints Plan (2768.TCP), Illustrative Layout (14385/2972/1558/A), & Site Accesses (17570-ROOK-5-500 A).

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

#### **INFORMATIVE NOTES TO APPLICANT**

1. 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.
2. 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.

3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. The applicant is advised that in order to comply with Condition 14 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 Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)
7. No materials or vehicles associated with the development should be left on or near the public footpath which may cause a hazard or inconvenience to users. The applicant must ensure that there is no encroachment beyond the property's legal boundary onto the width of the public footpath. However if a footpath closure is needed this will require at least six weeks notice.
8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this

into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

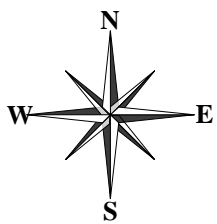
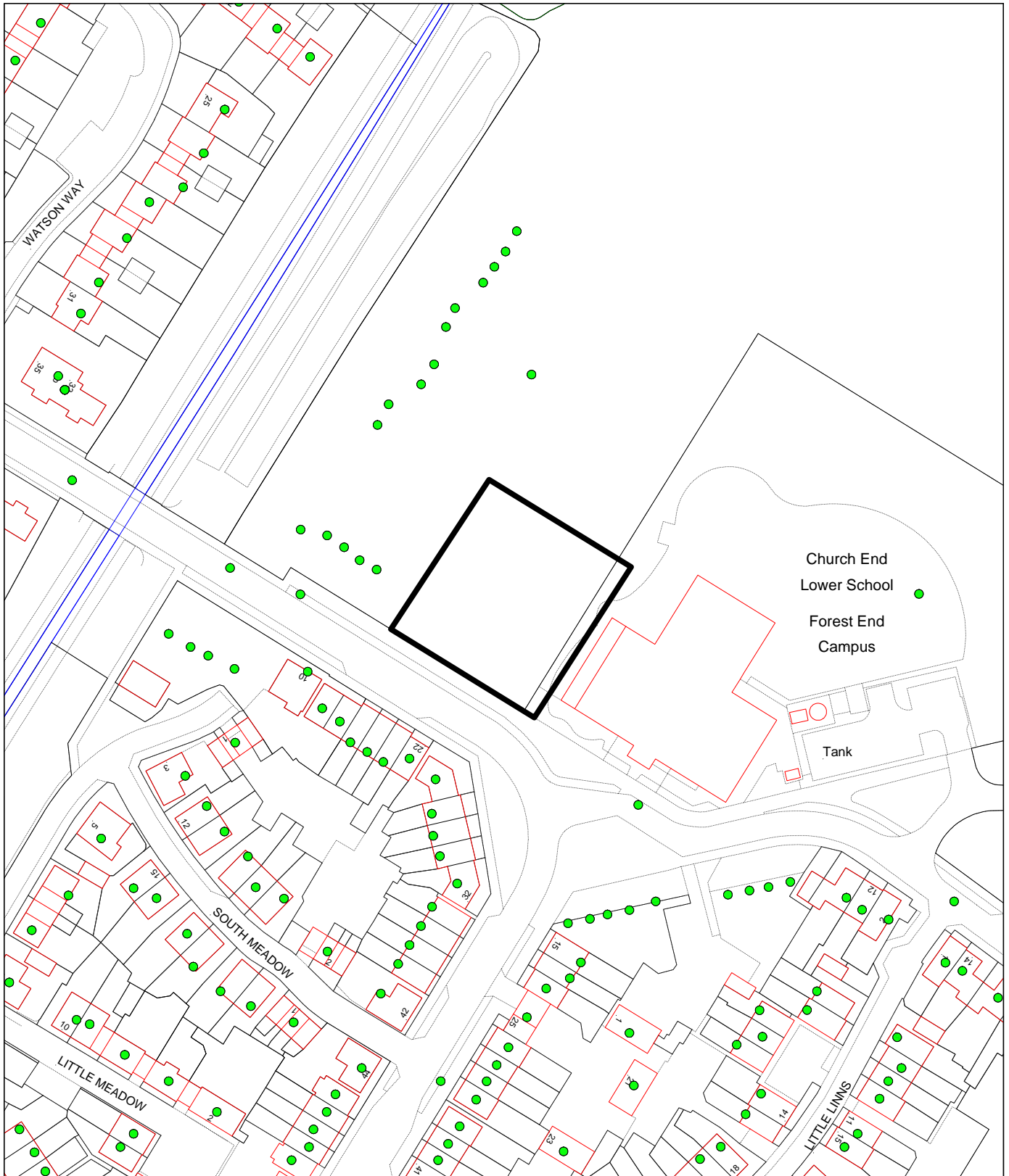
9. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 14:June:2016

Map Sheet No

Application No:  
CB/16/01373/RM

Scale: 1:1250

Land off Bedford Road to the north of Gold Furlong, Marston  
Moretaine, Beds

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/16/01373/RM</b>
<b>LOCATION</b>	<b>Land off Bedford Road to the north of Gold Furlong, Marston Moretaine, Beds</b>
<b>PROPOSAL</b>	<b>Reserved Matters: Permission is being sought for the Access, Appearance, Landscaping, Layout and Scale following Outline application CB/14/2084/OUT Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A4/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from gold furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.</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>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>01 April 2016</b>
<b>EXPIRY DATE</b>	<b>01 July 2016</b>
<b>APPLICANT</b>	<b>BDW Trading Limited</b>
<b>AGENT</b>	<b>KRT Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with a Parish Council objection</b>
<b>RECOMMENDED DECISION</b>	<b>Reserved Matters - Approve</b>

**Summary of Recommendation**

It is considered that the proposal is in accordance with the Marston Park design code and the principle has already been established at outline stage. The reserved matters application shows a suitable design and level of amenity for both existing and future occupiers. In addition, the parking provision and access arrangements are considered acceptable. It is therefore recommended that reserved matters be approved.

**Site Location:**

The site lies to the east of the village of Marston Moretaine. Along its western boundaries it adjoins existing residential areas off Bedford Road and Station Road. It adjoins the Marston Vale Millennium Country Park and Forest Centre to the east/southeast. To the northeast is Anglian Water sewage treatment works.

The site lies within the Settlement Envelope of Marston Moretaine and was granted outline planning permission under planning application ref: CB/14/02084/OUT - Outline Planning Permission with all matters reserved : Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A4/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from gold furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.

The site forms part of a wider housing development known as Marston Park, this is under construction with approximately 300 completed dwelling houses, and the Lower School constructed.

This application has been submitted for the local centre element of the outline permission.

**The Application:**

Reserved matters consent is sought for the detailed design and layout of the local centre comprising of a range of retail and commercial uses and 8 residential apartments. The design proposes eight 2 bedroom apartments and a flexible arrangement of 2 commercial spaces.

**RELEVANT POLICIES:**

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

Section 6 - Delivering a wide choice of quality homes

Section 7 - Requiring Good Design

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

CS1 Development Strategy

CS3 Healthy and Sustainable Communities

CS5 Providing homes

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape and Woodland

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality New Development  
DM4 Development within and Beyond Settlement Boundaries  
DM10 Housing Mix  
DM14 Landscape and Woodland

## Mid Bedfordshire Local Plan (First Review) 2005

Policy HO8(3A)

### 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

Central Bedfordshire Design Guide

Marston Park - Design Code

### Relevant Planning History

<b>Application:</b>	Planning	<b>Number:</b>	CB/15/02631/RM
<b>Validated:</b>	15/07/2015	<b>Type:</b>	Reserved Matters
<b>Status:</b>	Decided	<b>Date:</b>	18/11/2015
<b>Summary:</b>		<b>Decision:</b>	Reserved Matters- Granted
<b>Description:</b>	Permission is being sought for the Access, Appearance, Landscaping, Layout and Scale Following the Outline planning permission CB/14/2084/OUT Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A4/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from gold furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.		

### Representations: (Parish & Neighbours)

Marston Moretaine  
Parish Council

Objects to the proposed three storey height of the local centre with flats above. They feel that the height does not positively contribute to the overall character and setting of the wider development, and character of a village setting. The centre is located adjacent to a lower school which is a low building and as such the local centre will impact

detrimentally on the street scene.

They also raise the following concerns:

- the car park does not provide sufficient customer parking spaces and as such current parking issues in God Furlong will be compounded as a result;
- whilst a main thoroughfare through the development Gold Furlong is still narrow for a main route and has existing parking problems at school pick up and drop off times - request a condition relating to delivery times outside of school drop off/ pick up times;
- Flats 3,4, 7 & 8 all have windows which overlook the adjacent lower school and its playground - concern regarding child safety
- The design of the commercial units should allow for additional subdivision to enable smaller outlets to run from the premises.
- The delivery access is not ideal for Unit 2 - concern is expressed that the location of the allocated delivery parking area will not be utilised by delivery drivers as the current location will necessitate delivery items to be walked to the store.

Neighbours

No comments received

### Consultations/Publicity responses

Public Protection

No objection - it is assumed that condition 35 to 39 on the outline remain applicable to this reserved matters and am satisfied that this will provide adequate controls should the development proceed. If not I request that these conditions are imposed on any grant of planning permission.

**Officer Comments: Noise and air filtration systems are covered in conditions on the outline. The outline conditions also cover opening hours and delivery times. The opening hours are currently restricted to between 07:00 hrs and 23:00 hours unless agreed in writing by the Local Planning Authority. Delivery hours are currently permitted between the hours of 06.00 and 21.00hrs Monday to Friday, 06.00 and 20.00hrs on Saturdays, and 09.00 and 17.00hrs on Sundays and Bank Holidays. No deliveries by Heavy Goods Vehicles (i.e. those exceeding 3.5t) shall be undertaken before 07.30hrs on any day.**

Archaeology

This development site lies outside the limits of the excavated archaeological site to the south no archaeological constraints were identified at the outline



Highways

planning stage and consequently, I have no objection to this reserved matters application.

A new 4.8m wide access road will serve the development leading to a publically available parking area at the front of the building containing 12 car parking spaces and 6 cycle parking spaces to serve the commercial development and a private car park at the rear containing 16 car parking spaces and a secure storage building containing 16 cycle parking spaces to serve the residential development.

A loading/unloading bay is shown to the side of the building for use by delivery vehicles.

The on-site parking for both the commercial and residential elements of the development can be considered compliant with the Council's parking standards for the scale of development proposed.

The proposed width of the access road is acceptable and the level of visibility available at the point of access is in excess of the minimum standard required.

Therefore, no objection subject to conditions.

IDB

No objection

Trees and Landscape

No objection - subject to landscape condition.

Housing Development Officer

This application provides for 2 affordable homes which is not in accordance with our current affordable housing requirement. I would expect to see 35% affordable housing or 3 affordable units.

**Officer comments: Historically, a lower affordable housing percentage was negotiated at outline stage for this site. The affordable housing provision is therefore in accordance with this agreed figure.**

**Determining Issues**

The main considerations of the application are;

- Principle of Development
- Compliance with the Design Code
- Visual Impact
- Neighbourhood Amenity
- Hard and Soft Landscaping
- Highway Matters
- Other Issues

**Considerations**

## **1. Principle of Development**

- 1.1 The principle of mixed use development at Land East of Marston Moretaine confirmed by its allocation for development in the Mid Bedfordshire Local Plan, First Review 2005.
- 1.2 Outline planning permission (ref no. MB/06/00593/OUT) was approved in October 2008 and this further underlined the acceptability in planning policy terms of residential development in this location.
- 1.3 A condition of the outline planning permission was for any development to be carried out in accordance with the Master Plan and Design Code to be approved by the Local Planning Authority; this code was approved July 2010.
- 1.4 The revised Master Plan and Design Guide contains (amongst others) regulatory details which all of the new residential development on the site must comply with.
- 1.5 Further consent was granted for an additional 50 dwellings on this site, which was consented on the 2nd April 2015. This is the Reserved Matters Consent associated with the approved outline. It is considered that the principle of this development is acceptable.

## **2. Compliance with the Design Code**

- 2.1 The approved Design Guide seeks continuous frontage along the "Main Street" with a lowering of density and less built up form towards the southern edge facing the Forest Centre. The proposed dwellings are a gateway into Marston Park, forming the dwellings off the 1st road on the left of the main access into the development. This area of the site was originally envisioned in the design code as an area of employment (area D) mixed with area A (main street). The area will not exceed three storeys in height, and units will form a strong frontage along the main road through this area. Although this is now a residential part of the site it is considered appropriate to consider the character of the area.
- 2.2 The application site falls in Character Area A which seeks a formal arrangement with a positive frontage addressing the main street. It is more urban in character with heights up to 3 storey allowed. It is considered that this proposal demonstrates the requirements of Character Area A. The design code states that the local centre will be the focal point for the new community, it continues to state that the prominent location of the local centre and its range of uses provide an opportunity for taller building heights of up to 3 storeys.
- 2.3 In summary it is felt that this proposal adheres to the principles within the Design Code and where appropriate conditions would be imposed to ensure that construction is carried out in accordance with the approved Code, this would largely relate to the use of materials and window types.

## **3. Visual Impact**

- 3.1 The Design Code indicates that the entirety of the development is to be designed to promote local distinctiveness. The submitted plans are considered to be an appropriate interpretation of the Design Guide's principles in terms of character,

quality, legibility and local distinctiveness.

- 3.2 It is considered that the bulk, massing, and siting of the proposed development would be acceptable and would enable an appropriate level of design and form as required by the Design Guide. The form and massing takes its cue from the design code and the adjacent 2.5 storey terrace, thus creating a perception of continuous build form along the Gold Furlong frontage. The Parish Council have objected to the application on the grounds of the height of the proposed building, however, the Design Code allows for 3 storey buildings at this point and it is envisaged that the proposed building will be a key focal building within the development. In addition, to this the adjacent residential development is a 2.5 storey row of terraces.
- 3.3 The Parish Council have raised concern in terms of the height given its relationship with the adjacent single storey school. The Design Code envisaged a much larger school, up to 3 storeys in height. However, due to school requirements and access required to all, a smaller school of single storey height was permitted. This introduced a canopy at the front to make it more prominent within the street scene. However, the school and community building are the only low level buildings within this part of the site, with the surrounding development being predominantly 2.5 storey in height. It is acknowledged that there will be a significant difference in height between the proposed local centre and the school, given the design of both elements and the surrounding area, it would not have a detrimental impact on the character of the area.
- 3.4 It is considered that the proposed would be in accordance with the Design Code and would not have a detrimental impact on the character of the area.

#### **4. Neighbouring Amenity**

- 4.1 The proposed development would have suitable separation distances from the development to the rear with some 30 metres from the rear elevation of the proposal to the rear elevation of the properties behind.
- 4.2 The siting of the building has allowed for commercial parking at the front and residential parking to the rear. The footprint of the building is adjacent to the footprint of the proposed school. The Parish Council raised concerns regarding overlooking from the apartments above the commercial units towards the school. However, they would predominantly overlook the roof of the school building, with only oblique views towards the play ground area. This area is proposed to have landscape hedging on the school side and fencing. It is not considered that the oblique views over the school would result in any issues in terms of child safety.
- 4.3 The outline permission contains conditions which restrict the opening hours of the commercial/ retail units and this is considered to enable a sufficient level of amenity for neighbouring residents. There are also noise and air filtration system conditions on the outline that will ensure adequate protection for surrounding residential properties.
- 4.4 The proposal includes a sufficient amount of communal amenity space for the apartments, and a communal bins storage area. There is separate bin areas for the commercial and the residential uses on the site to the rear of the building.
- 4.5 It is considered that the proposal would not have a detrimental impact on neighbouring

amenity and would ensure a suitable level of amenity for future occupiers.

## **5 Hard and Soft Landscaping**

- 5.1 No details have been provided in terms of the materials to be used or the detailed landscaping on the site, apart from it will be based around the palette set out in the Design Code. A condition will therefore be imposed requiring further details of these elements.

## **6 Highway Matters**

- 6.1 The development comprises the provision of a three storey building with a mix of A1/A2/A3/A4/A5 commercial floorspace in two units on the ground floor and 4 no. two bedroom apartments on the first and second floor.
- 6.2 A new 4.8m wide access road will serve the development leading to a publically available parking area at the front of the building containing 12 car parking spaces and 6 cycle parking spaces to serve the commercial development and a private car park at the rear containing 16 car parking spaces and a secure storage building containing 16 cycle parking spaces to serve the residential development.
- 6.3 A loading/unloading bay is shown to the side of the building for use by delivery vehicles.
- 6.4 The on-site parking for both the commercial and residential elements of the development can be considered compliant with the Council's parking standards for the scale of development proposed.
- 6.5 The proposed width of the access road is acceptable and the level of visibility available at the point of access is in excess of the minimum standard required.
- 6.6 Following the grant of the outline consent, the principle of the development and the level of traffic movement generated by the proposal have previously been considered and found to be acceptable. The Highways Officer has raised no objection to the proposal subject to conditions which would be imposed on the grant of any planning permission.
- 6.7 The Parish Council have raised concern regarding deliveries taking place during school drop off and pick up times and the impact this would have on the surrounding road network. The proposal includes adequate provision for delivery parking within the confines of the site and it is therefore considered that this would not result in any additional delivery traffic on the highway. It is therefore considered that in highway terms there is no justification for restricting delivery times further.
- 6.8 Given the Highway Officers assessment and that the proposal is compliant with the Council's parking standards it is not considered that the proposed development would have a detrimental impact on highway safety or the safe operation of the surrounding highway network.

## **7 Other Issues**

7.1 Human Rights Issues

The proposal would raise no known Human Rights Issues.

7.2 Equality Act 2010

The proposal would raise no known issues under the Equality Act.

**Recommendation**

That Reserved Matters Consent be approved subject to the following conditions:

**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 on the construction of the external walls and roof, 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 7, NPPF)

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.  
(Sections 7 & 11, NPPF)**

- 4 **The dwellings hereby approved shall not be occupied until details of the bin storage/collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage/collection areas shall be retained thereafter.**

**Reason: In the interest of amenity.  
(Section 7, NPPF)**

- 5 Before the development hereby permitted is first occupied or brought into use, the scheme for access, parking, loading/unloading and manoeuvring shown on Drawing No. 1326-08 Rev A shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (NPPF & Policy DM3, CSDM)

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1326-01; 1326-07 Rev B; 1326-08 Rev A; 1326-09

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. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your

actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))

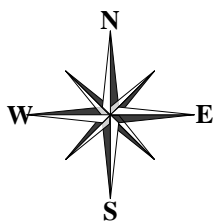
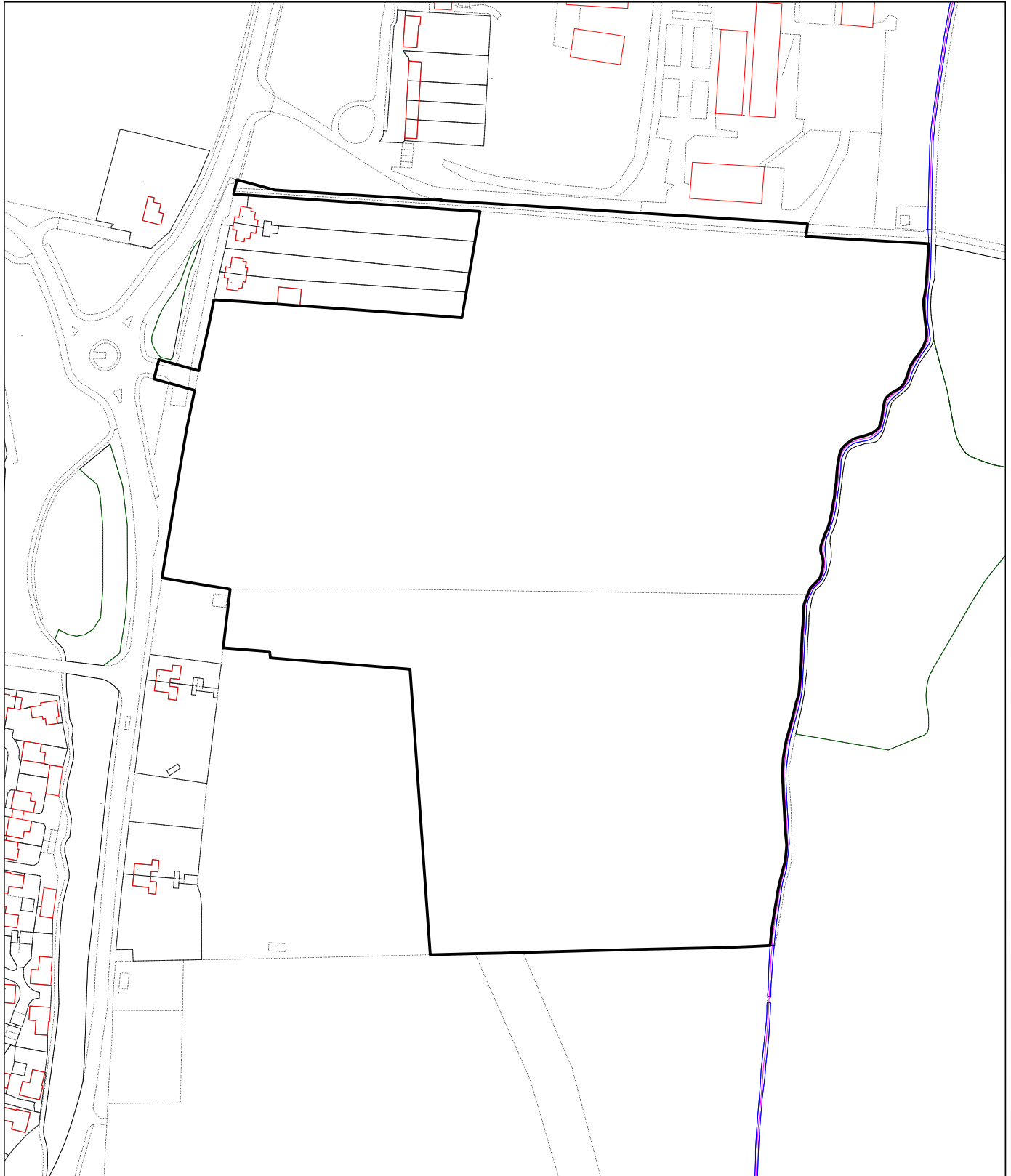
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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.

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 15:June:2016  
Map Sheet No

Application No.  
**CB/16/01455/OUT**

Scale: 1:2500

Land East of Hitchin Road and South of the Former Pig Testing Unit,  
Hitchin Road, Stotfold

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<b>Item No. 9</b>
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<b>APPLICATION NUMBER</b>	<b>CB/16/01455/OUT</b>
<b>LOCATION</b>	<b>Land East of Hitchin Road and South of the Former Pig Testing Unit, Hitchin Road, Stotfold</b>
<b>PROPOSAL</b>	<b>Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access)</b>
<b>PARISH</b>	<b>Fairfield</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>13 April 2016</b>
<b>EXPIRY DATE</b>	<b>13 July 2016</b>
<b>APPLICANT</b>	<b>Lochailort Fairfield Ltd</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Parish Council objection to a Major application.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - approval recommended</b>

**Reason for Recommendation**

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Fairfield which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area and would result in the loss of agricultural land however this impact is not considered to be of such significance that it is demonstrably harmful when considered against the benefits of the scheme. The applicant is committed to delivering a new lower school as part of overarching development in this area which will provide much needed school places. The proposal would provide affordable housing and the whole scheme would make a significant contribution towards the Council's 5 year housing supply as a deliverable site within the period. The proposal is also considered to be acceptable in terms of highway safety, including providing improved pedestrian links on Hitchin Road, and neighbouring 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). These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable

**Site Location:**

The application site forms an area of arable land located to the east of the Fairfield settlement. To the north of the site lies the former Pig Development Unit which is has planning permission for residential redevelopment, and immediately west and south west of the site there are a number of semi detached dwellings. The surrounding field parcels are mainly grassland. They are defined by hedgerows and extend as far south as the sewage works which falls within the neighbouring Hertfordshire boundary. To the east there are further arable fields with boundaries marked by hedgerows.

The site would be accessed via an existing roundabout on Hitchin Road which currently serves the Fairfield development and the four semi detached houses to the north.

The site lies within the open countryside but not within designated Green Belt.

**The Application:**

Outline planning permission is sought for a mixed use development comprising the following:

- 180 dwellings of which 10% will be affordable homes with tenure either shared ownership or starter homes.
- New commercial unit with flexible use capable of accommodating A1 (retail), A3 (Café/Restaurant), B1 (Offices) or D1 (restricted to Doctor's surgery).
- Open space including a green square, green links, equipped areas of play, informal kick-about area and informal open space next to Pix Brook at the eastern boundary.
- Off site highway works including relocated 30mph speed limit signs, two new gateway features with carriageway markings, three new signalised pedestrian crossings over Hitchin Road, continuous pavement on the east side of Hitchin Road.

All matters are reserved aside from access which is proposed from the existing roundabout serving Hitchin Road and Eliot Way.

The extent of access includes a road network within the site. This extent of road is relative to a second application submitted by this applicant reference CB/16/01454/FULL proposing a two form entry lower school at a site immediately south of this. This application is also on this agenda.

Although all matters are reserved the application was submitted with an illustrative masterplan to show how development could be laid out on site.

**RELEVANT POLICIES:**

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

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

CS1 Development Strategy  
CS5 Providing Homes  
DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings  
DM10 Housing Mix  
DM4 Development Within & Beyond the Settlement Envelopes  
CS14 High Quality Development  
DM3 High Quality Development  
CS7 Affordable Housing  
CS2 Developer Contributions

## **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**

Central Bedfordshire Design Guide (March 2014)  
Sustainable Drainage Guidance SPD (May 2015)

## **Relevant Planning History:**

Application Number	CB/15/01355/OUT
Description	Outline Application: new lower school (All matters reserved).
Decision	Approve (At the Committee meeting of 22 July 2015)
Decision Date	21/08/2015

This application was submitted alongside the following application which is also on this agenda and referred to in this report:

Application Number	CB/15/01454/FULL
Description	Erection of 2-form entry Lower School and nursery with access, parking, all-weather pitch with changing facility, landscaping and associated works
Decision	Recommended for approval and also on this agenda
Decision Date	-

Immediately north of this application site:

Application Number	CB/15/03182/FULL
Description	Erection of 131 dwellings with access, parking, landscaping, open space and associated works.
Decision	Approve (At the committee meeting of 9/12/2015)
Decision Date	18/12/2015

**Consultees:**

Parish/Town Council

The Parish Council objects to the proposals on the following grounds.

- The proposals represent inappropriate and unsustainable greenbelt development, outside of the current settlement envelope
- The application is premature with respect to the emerging Neighbourhood Plan
- Insufficient information has been provided to analyse the extent of highway impacts and any mitigation required
- Impact upon highway safety, particularly at the Eliot Way roundabout
- Inconsistency between plans submitted by the applicant and those within the supporting reports
- Waste / effluent management systems in the vicinity are inadequate and the proposals will intensify the issues
- Development within area of Flood risk

Further detail on each of these items follows:

Inappropriate & Un-Sustainable Greenbelt Development

The proposals sit outside of the current development envelope and on greenbelt land. The NPPF includes a presumption in favour of sustainable development, however this site cannot be considered as sustainable, certainly on the grounds of transport, not being within walking distance of a local train station or of employment opportunities and being served by very limited bus services, which CBC has been considering reducing further. The proposals would therefore inevitably require future residents to rely upon the private car for the majority of journeys, contrary to the aims of government guidance at a local and national level.

Paragraph 49 of the National Planning Policy Framework concerning the presumption in favour of sustainable development is being heavily relied upon to justify the proposed development but the presumption is only valid for sustainable development.

Policy TP1A of the CBC Core Spatial Strategy requires developers to show how developments will reduce the need to travel and reduce reliance on cars; the proposal fails on both counts and should be refused accordingly.

Policy DPS19 requires developments to be “readily accessible by public transport, cycle and on foot..”, however the proposal site is served by limited public transport and is beyond a ‘reasonable’ walking distance from the local train stations as well as the major employment areas in Letchworth & Hitchin. Cycle routes to and from the nearest major urban areas are also sub-standard.

We believe this site is not sustainable on economic grounds. With no Community Infrastructure Levy in place there will be no contribution being paid directly to the parish to mitigate the effects of the development. Currently, for economic reasons, it is the policy of CBC to use the New Homes Bonus to support the provision of front line services across Central Bedfordshire, and not directly in support of areas affected by development. Provision has already been made towards a new school building following the granting of permission for the development of the former Pig Testing Unit site.

#### Prematurity With Respect to Emerging Neighbourhood Plan

Given that Fairfield Parish is a designated Neighbourhood Planning area and that the Neighbourhood Plan is in the process of being completed, it is considered that this application is premature and its approval would undermine and be prejudicial to the neighbourhood planning process. This is of particular importance given the significant the scale of development when considered in the context of the existing number of dwellings in the Parish. Precedent has been set for this in decisions by planning inspectors and the communities secretary in decisions such as that for a residential development in Rother District Council in March 2014 (appeal decision) and early 2015 (decision upheld by communities secretary).

#### Highway Impacts & Conflicting Information

The proposals provide junction capacity analysis based upon traffic surveys undertaken in 2013. At the time of these surveys only a relatively small proportion of the new homes at the ‘south of Stotfold’ (Greenacres and adjacent developments) were completed / occupied and in the meantime the majority of dwellings have been completed and occupied, therefore in order to provide a true and accurate analysis, updated survey data must be obtained. In addition to the junctions currently analysed by the applicant’s consultant, the triple mini-roundabout junction to the south of the site between Stotfold Rd, Arlesey New Rd, Wilbury Hills Road and Bedford Road

should be analysed, as we are aware that significant peak hour queues (over 20 vehicles on the southbound approach) and delays occur at that junction and the application proposals would have an impact upon the junction.

With regard to highway safety, we have concerns with the design / alignment and use of the Eliot Way roundabout, via which the proposals will be accessed. The eastern arm of the roundabout is currently only utilised by a small number of dwellings and those residents have voiced significant concerns over the difficulty of exiting onto the roundabout. While there is no adverse safety record at the junction, the proposed increase in traffic using the junction is significant. We ask that the applicant is required to submit an independent road safety audit for the new junction arrangements, prior to any planning decision being made. This should also account for the impact of the proposed new pelican crossing, just south of the Eliot Way junction. This crossing will be heavily utilised during peak hours, due primarily to the location of the new school and as such, queues will build across the roundabout, potentially blocking vehicle traffic seeking to enter / exit the school and the new dwellings / shop etc.

There are conflicting plans within the submissions, particularly the revised site / master plan and the plans within the Transport Assessment. The conflicts relate in particular to the proposals to provide a new footway along the eastern side of Hitchin Road, from a point just south of the Eliot Way to the junction with Dickens Boulevard, plus a proposed pelican crossing to the north of the Dickens Boulevard junction. These items are relied upon and set out in the Transport Assessment, however appear to have been removed from the latest site plans.

Vehicle trip rates for the school and the dwellings are based upon generic Bedfordshire and national rates, which can only provide very rough approximations, which we believe to be under estimating the volume of new traffic. With the development replicating the existing split of land uses within the 'main' Fairfield development, it would appear far more sensible and accurate to utilise trip rates derived from surveys of traffic generated by the existing housing / convenience store at Fairfield and traffic / modal splits based upon the existing Fairfield Lower School.

#### Waste / Effluent Management & Associated Health Issues

The proposals are within approximately 150m of a



sewage treatment works plant and the additional dwellings, as well as those recently permitted at the 'Pig Farm' scheme (a total of 310 dwellings), will all rely upon the use of that plant. There is a history of issues with the plant and associated odour issues impacting residential amenity, including very recent and in fact current intensification, ensuing complaints to CBC and NHDC. The proposals have the potential to make this situation significantly worse and with the new dwellings in such proximity to the plant, new residents would be affected as well as existing residents.

#### Flood Risk

Residents of nearby Stotfold have experienced flooding from the Pix Brook twice in the last 2 years. The site is bordered by the Pix Brook on the Eastern side. The site itself slopes towards the Brook, which is recognised as being in Flood Zone 3 along this edge and run off from a further 180 houses is likely to cause increased risk of such flooding. Sewage overflow is also reported as having occurred on the proposed site. The proposals could therefore result in increased flooding risk for existing and new residents.

#### Highways

Fundamentally this proposal has been the subject of pre-application discussion and I am able to confirm that the current submission accords with those discussions and agreement in principle therefore there is no overriding highway objection to the development. The application is supported by a robust Transport Assessment detailing the traffic generation and distribution that confirms that the access and surrounding highway network has sufficient capacity to accommodate the traffic movements from the new development.

With regard to accessing the site the submitted plans indicate a junction arrangement onto Hitchin Road that is compliant with design standards together with off-site footway linkages along and controlled pedestrian crossings of Hitchin Road in order to provide sustainable connections with the main Fairfield settlement.

#### Pollution Team

#### Noise impact

The proposed flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices)) is likely to be detrimental to the amenity of the proposed residential accommodation above and adjacent occupiers with customer noise, plant noise, deliveries and odour from extraction systems. Insufficient information is provided on the intended future use to comment in detail on the potential impact. This should be considered carefully at

the reserved matters stage. I have therefore recommended noise conditions to be attached to any permission for plant noise, opening hours, delivery hours and a noise scheme for adjacent and attached residential premises.

I am concerned that the proposed Multi Use Games Area (MUGA) for school and community use has been located adjacent to the boundary of existing residents in Hitchin Road. Noise from the use of multi purpose sports areas can be significant with the impact of balls on the hard surfaces, kick boards, people noise from players and spectators, noise from impacts with hockey sticks, whistles etc. The applicant proposes to site the multi purpose sports area very close to existing residential boundaries and no noise mitigation measures are proposed. No noise assessment has been submitted. The previously approved School site (CB/15/01355) was located significantly further away from existing houses on Hitchin Road and the playing pitches were shown to the far east of the site much further away from existing residential properties and partially screened by school buildings to the north of the site. Pollution will be objecting to the revised school application CB/16/01454.

I understand that the Gastropub has been removed from the application therefore I have not commented upon this proposed use. If that is not the case please request additional comments from the pollution team

#### Odour

The proposed residential development may be adversely affected by odour from Letchworth Sewage Treatment Plant to the south of the proposed development. Justified sewage odour complaints were investigated by Central Bedfordshire Council in 2009 and we are currently investigating odour complaints. The proposed dwellings will experience sewage odour from the treatment works. However I note that the proposed dwellings are located further from the sewage treatment works boundary than a small number of existing properties on Hitchin Road. I would suggest that Anglian Water are consulted on the proposed development.

#### Land Contamination

A land contamination condition was attached to CB/15/03182/FULL Condition 3 Pig development units, Hitchin Rd, Stotfold and I understand that a remediation plan has been submitted and agreed in principle for that development. The proposed development is adjacent to the former Pig Development unit and therefore there may

be also contaminants at the proposed site. I would therefore ask that a land contamination condition is attached to any permission granted.

Landscape Officer

Many thanks for the opportunity to comment on this outline application regarding landscape; having considered the proposals and documents supporting the application I have serious concerns regarding the proposed inclusion of 3 storey development of @ 12ms high on more elevated portions of the application site.

The application site is within the setting of the existing Fairfield development which is integrated well especially along the Hitchin Road in part due to the treed hedgerows along the western application site boundary. The original hospital towers form iconic landmarks above the treed edges and are highly distinctive in local and longer distance views.

The application proposals are in effect an extension of permitted development of the northern Pig Unit site, extending development south along the west of the Pix Brook corridor. Plus the existing urban edge of Letchworth Garden City is visible to the south east which increases concerns on the cumulative visual impact of development and visual coalescence.

The approved development at the adjoining Pig Unit site adjacent to the north appears to include 2.5 storey development along the southern site area and boundary and not 3 storey, taller development on the Pig Unit site is shown as an apartment block to the north west corner of the approved layout. I understand the proposed Care Home to the south west corner of the Pig Unit site is to be 2 storey.

I was able to find any detail on or plans showing existing topography or any proposed changes in levels, the Landscape and Visual Statement describes changes in levels on site from 52ms AOD at the Pix Brook boundary rising to 63ms AOD at the Hitchin Rd site boundary - levels rising @11ms.

Landscape mitigation / integrating development in to the landscape is described in the D&AS as utilising hedgerows to site boundaries, providing trees in streets and green spaces and providing space for significant scale trees but the capacity of the landscaped areas shown in the master plan to accommodate significant trees / tree planting to screen or at least assist in integrating 12ms tall development on rising ground is not

explored or assured.

- Therefore more information is required describing existing topography on and off site and proposed height of built form in plan form and via long sections. Detail needs to include heights of existing development at Fairfield and approved development at the Pig Unit and describe proposed landscape mitigation and effectiveness in integrating development - especially in relation to views to the north east, east and south east.
- Photo montages would be useful describing changes in views , including summer and winter time views, and screening effect of landscape mitigation over time, e.g. @ Yr1, Yr7, Yr 12.

Considering the master plan and proposed landscape structures the treatment of the Pix Brook landscape corridor is acceptable in principle but more is required on how SuDS will be integrated in the landscape design.

- The proposed central green corridor link from the Pig Unit site down through the centre of application site needs to be more direct and 'greener' in terms of scale and landscape character and extended all the way through the application site to the southern green space.
- The footpath link along the northern site boundary needs to vary more in width to avoid a narrow linear corridor and be of a scale to include native shrubs and trees including tree species which can mature to become significant trees.
- The transition at the central north - south green corridor and the east-west green corridor on the northern site boundary needs to be redesigned as a green node, potentially as a small POS with built development orientated facing onto an informal pocket park.

Confirmation on the design of the development interface with the proposed 2 form entry lower school is also required.

#### Green Infrastructure

Generally the proposed development is well thought through in terms of green infrastructure opportunities.

The green corridor along the Pix Brook relates positively

to the adjacent residential area. The management of this corridor for ecological benefit will be key in ensuring it functions as designed.

The green corridor at the south of the site also appears to be well designed, delivering a range of functions.

However, the integration of green infrastructure within the residential / built part of the development could be improved.

An improved green corridor at the northern part of the site is needed to link effectively to the footpath and square / 'node' area proposed in the northern parcel. The link to this is currently solely along a footpath along the side of individual residential properties. This is not likely to create a legible access corridor, or allow space for effective ecological connectivity. This corridor should be broadened, and redesigned into the layout, with this corridor clearly being in the public realm, and offering a clear, multifunctional connection to proposed green infrastructure in the northern portion of the site.

Sustainable drainage does not appear to be well integrated into the built part of the development. Although surface conveyance is suggested in the Surface Water Management Plan (which is very welcome, as CBC's local requirements for SuDS require surface conveyance over pipes), this is not shown in the site plan.

The water treatment train relies on physical treatment (e.g. filtration through membranes). Bio-filtration would be preferable, as this would deliver amenity and biodiversity, as well as water quality benefits. This should be integrated into the design of the drainage scheme as the planning application progresses, and demonstrated more fully at the full application stage.

#### Trees and Landscape

Proposal is for mixed development of this site to include up to 180 dwellings, landscape and associated infrastructure.

A pre application meeting was held to discuss various aspects of the proposals and layout.

The site currently consists of grass field with features primarily around the boundaries, north boundary has a mature native hedgeline which forms the south boundary of the approved Pig Testing development site the intention is to retain this hedgeline. During discussion it was agreed that this hedge should be within the public

realm and not included within grounds of private dwellings. This is to ensure that it is retained in good order during development and provide a continuous wildlife corridor. As a continuation of the north/south wildlife corridor on the approved development to the north of the site the suggested approach was to continue this corridor as a feature down to the Green Square and Green Link shown on the illustrative Master Plan. This seems to have been done at least in part but the northern end of this corridor is fairly narrow and constricted and does not really lend itself as a corridor with this current layout.

East side of the site includes Pix Brook which is to be retained primarily as it currently is, a mixture of scrub, grassland and trees, this is to be managed and enhanced as an ecological and wildlife corridor with this as its emphasis.

West boundary consists of scrub, small trees and larger mature trees that complement tree cover on the east boundary of Fairfield Park. Landscape and Visual Statement comments that a number of trees will be removed and then additional planting put in place. This is feasible but as part of this application we do require an Arboricultural Impact Assessment (AIA) and Method Statement identifying all tree and hedgeline features on site, including features/trees to be removed, overlaid on final layout plans and showing root protection areas, lines of tree protection fencing, ground protection etc as detailed in BS5837 2012 trees in relation to Design, Demolition and Construction. Recommendations.

Landscape detail must emphasise the enhancement of existing hedgelines and native tree and shrub planting outside of the formal areas. The Pix Brook Corridor is of great importance as an existing feature and its enhancement is of great importance. Landscape detail will include species, sizes and densities of planting along with timings of planting and a suitable management plan of areas within the public realm including maintenance schedule for retained hedgelines.

## Ecology

Having read through the submitted documents for this outline application I do not object to the proposals but offer the following observations / comments;

- looking at the masterplan layout it is evident that dwellings to the south of the central hedgerow back onto this corridor. Given the strong nature of this connective tree line / hedge I would want to see more made of the corridor placing it in the public realm with

homes facing it. The layout demonstrates this well where homes look onto POS in the East.

- On looking at the D&AS an artist's impression is shown on p.30 of the Eastern boundary street scene, whilst I understand this is purely indicative I am concerned that there is very little natural habitat buffer indicated and the impression shows a heavily urban context.
- On the same subject, the Masterplanning statement shows 'Pix Brook Valley Park', whilst I welcome this it must be remembered that the primary purpose of this buffer is for ecology, to support biodiversity networks, acknowledging the Brook as a Habitat of Principal Importance. Protecting /enhancing the brook corridor and ensuring a net gain for biodiversity in line with the NPPF. The Open Space strategy appears to identify this as a key access route and I do not feel that a 10m easement will be sufficient to accommodate public access whilst still delivering ecological gains, hence I would advise that this is widened to 15m at a minimum.
- The illustrative and overall masterplan layouts do not tally. The ecological appraisal notes that the development should deliver a net gain for biodiversity which will be supported by .35Ha of wildflower grassland along the eastern corridor, the IMP shows a LEAP and an area of open space to the south also which would further add to the natural habitats retained on site however the OMP shows a 'kickabout plateau' and the LEAP.
- I note the all weather pitch and I would seek an assurance that this will not be floodlit, now or in the future. The intrusion from floodlighting to the river corridor area and connective habitats would be detrimental to biodiversity.
- I welcome the proposals in section 5 of the Ecological Appraisal for the SUDS which will bring multifunctional benefit and for the inclusion of integrated bat and swift boxes. However the latter do not appear to have been included in the build design details and as such I would like to ensure these are provided via condition.

Sustainable  
Drainage

Urban We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

The final detailed design including proposed standards of operation, construction, structural integrity and ongoing

maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to the Pix Brook, and details of this provided with the full detailed design.

#### Internal Drainage Board

Please note that the watercourse on the boundary of, or passing through the site is under the control of the Board. In accordance with the Board's byelaws, no development should take place within 7 metres of bank top, without the Board's prior consent, this includes any planting fencing or other landscaping.

Also as there are existing flooding issues associated with development downstream of this location the Board will not accept any direct discharges of unbalanced storm water to Pix Brook. Although the applicant has indicated that the flows will be restricted, this will be subject to obtaining the Board's prior consent and the rate of discharge cannot be agreed at this stage.

The Board therefore suggests that planning permission should not be granted without conditions requiring the applicant's storm water design and construction proposals are adequate before any development commences.

However, comments made in reference to the school application, CB/16/01454/FULL were pertinent to this application which read:

The proposal is part of a larger development which is shown on the plans provided. However this shows a flood



storage area to be located within the Board's byelaw strip and Floodzone 3 which is not acceptable. Although the surface water discharge rate can be agreed with the Board prior to obtaining its consent and can be covered by condition the location of development within its byelaw strip and Floodzone 3 cannot.

The Board must therefore object to this application until revised plans are provided showing this area clear of all development.

Environment Agency

We have no objection to this application.

Flood Risk / Surface Water Drainage

Please consult the LLFA.

Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13

Anglian Water

Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Letchworth Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 Development may lead to an unacceptable risk of flooding downstream as details of the final connection manhole point have not been provided alongside details of whether the flows require pumping and the proposed pumped rate. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

#### Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

4.2 Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### Section 5 – Trade Effluent

5.1 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent.

Leisure Officer

No comments received

Rights of Way

I have one material concern regarding this application.

There seems to be only a single untimed crossing point to Fairfield and the retail shopping, school and rights of way network and attractions of the Blue and Green Lagoons indicated on the master plan.

Please can there be more crossings as well as timed crossings as part of this application.

Education Officer

The school organisation forecast is showing the need for additional lower school places from September 2016:

The forecasts were produced in summer 2015 and do not include the expected impact from this development, or

the application for 131 additional dwellings at the adjacent former pig testing unit. The need for additional lower school places in this area is driven by the impact of housing development and steps have been taken to provide additional lower school capacity in light of the demand for places. Fairfield Park lower school was expanded to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form of entry for September 2013 and an additional form of entry has been provided at Roecroft Lower School from September 2015.

Development at the former pig unit will create further demand for places and the sites of all the existing local lower schools cannot accommodate any further expansion. Providing a new lower school as part of the Pig Unit development would prevent the need to seek school places further afield and transport very young children across the authority, which would incur revenue costs for the authority and is likely to be highly unpopular.

Public Art Officer

Many thanks for the opportunity to comment on this outline application regarding Public Art; Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Key requirements are:

- Public Art be integrated in the development design process and be addressed in Master plans and Design Codes.
- Where possible artists should be appointed as part of the design team at the earliest design stage.
- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Artists can include:

Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

Given the scale and character of the proposed development, and site context, I suggest there are many exciting opportunities to include Public Art within the residential and commercial developments.

If the application were to be approved I request a Condition be applied with suggested wording but await your advice on this:

*No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority . Installation of Public Art shall commence on site prior to occupation of 50% of dwellings. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.*

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

The Central Bedfordshire Design Guide, Section 4 Public Realm is available on the CBC website and offers comprehensive advice on the integration of Public Art within development and features in parts Public Art within the Fairfield development, illustrating how Public Art can enhance sense of place, community and quality in the environment

Sustainable  
Officer

Growth

The proposed development should comply with the requirements of the development management policies: DM1: Renewable Energy; DM2: Sustainable Construction of New Buildings; and Core Strategy policy CS13: Climate Change. The policies require all new development of more than 10 dwellings to meet CfSH Level 3 and deliver 10% energy demand from renewable or low carbon sources. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources. In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage).

The non-residential element of the proposed development is below the threshold of policy DM1 and DM2 and therefore there is no planning obligation to achieve BREEAM excellent or source 10% of its energy demand from renewable sources. However, I would encourage the developer to ensure that the commercial development is designed to high sustainability standards and seek to be energy and water efficient and take advantage for renewable energy generation wherever possible.

I welcome the applicant's fabric first approach to develop energy efficient dwellings. This approach will ensure that the dwellings have low energy demand throughout their lifetime. However the policy DM1, which is not mentioned in the Design and Access Statement, asks for the developments above threshold of 10 dwellings to deliver 10% of its energy demand from renewable or low carbon sources. The fabric first approach will ensure that energy demand will be reduced and therefore the installation of renewable or low carbon technology will be smaller to satisfy the policy requirement.

If the developer prefers, the 10% energy demand saving can be delivered through more energy efficient fabric. In such case, all dwellings' Fabric Energy Efficiency (DFEE) must be 10% below Target Fabric Energy Efficiency (TFEE) determined by the 2013 Part L of the Building Regulations.

I note that the Design and Access Statement states that water efficient fittings and water butt will be installed, however the Statement doesn't mentioned what standard will be achieved. The nearest equivalent to the Level 3 Code for Sustainable Homes is the higher water efficiency standards set by the Part G of the Building Regulations. The Building Regulations require that where a higher water efficiency standard is applicable this must be set as a planning condition.

Policy CS13 requires that all development takes into account climate change and its impacts on the development. The development therefore should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat

increasing urban heat island effect.

I would like more information on how policies' requirements will be met to be submitted with the full planning application. The information should cover: energy and water efficiency, renewable energy contribution, climate change adaptation measures to minimise risk of overheating in dwellings and proposed ventilation strategy.

To ensure that the requirements of the policies DM1 and DM2 are met I request following planning condition to be attached, should the planning permission be granted:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres (including 5 litres for external use) per person per day.

NHS England

No comments received.

Housing development  
Officer

This application provides for 18 affordable homes (10%) which is not in accordance with our current affordable housing requirement. I would expect to see 35% affordable housing or 63 affordable units. The supporting documentation indicates the 10% affordable housing will be a mix of shared ownership and discounted homes for first time buyers. This proposal goes against Central Bedfordshire Council's tenure requirements. The Strategic Housing Market Assessment (SHMA) has a tenure split requirement from sites meeting the affordable housing threshold as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 46 units of affordable rent and 17 units of intermediate tenure (shared ownership) from the proposed development. In the current proposal the scheme does not benefit those in the greatest housing need with no provision of affordable rent.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. If these comments are taken on board, I would support this application.

Travel Plan Coordinator Thank you for consulting me on the above application. The information provided in the Transport Assessment relating to a travel plan for the site is of sufficient detail for an outline application, but if possible I would like a condition as per the suggested wording below to ensure that an approved travel plan for the whole site (with the exclusion of the school which has it's own plan) is secured before any works commence on site, to tie in with the timetable for implementing sustainable transport measures and promotion detailed in the Transport Assessment.

Waste Services At the next planning stage, we will need to see a full swept path analysis demonstrating that the development is accessible by our vehicles.

Further details of the proposed location of the bottle bank will need to be provided to ensure that there is sufficient space surrounding the site and that we can access via our waste collection vehicle. In addition, consideration will need to be given to the anticipated noise disturbance to surrounding housing.

It is not clear if any of the residential buildings are flats. If so, bin store plans will need to be submitted to assess they have sufficient capacity for waste provision, and they are in a suitable location for our refuse collection vehicles to empty. Where roads do not have space for our refuse collection vehicle to turn, or are unsuitable for vehicles, such as block paving, a suitable bin collection point will need to be provided on the highway, and we will require plans that demonstrate sufficient space for this purpose. We charge developers for the cost of communal bins at £350 VAT per 1100l Eurobin.

CPRE Bedfordshire The withdrawal of the CBC Development Strategy and the lack of a 5 year housing supply, has resulted in many opportunistic applications being brought forward under the NPPF Presumption in Favour of Sustainable Development. This is such an application and falls outside of the Village Envelope - the applicant already has permission for an adjacent development on brownfield land and seeks to extend this into an area of twice the size in open countryside.

CPRE believe the Council has a duty to protect those areas unsuitable for development for policy reasons that are likely to feature within its new Local Plan and in line with the stated aims of the NPPF.

The new Plan for Central Bedfordshire is in the process

of both a Call for Sites and a consultation on the Assessment Criteria for sites brought forward by this process. There is no reason why this site could not have been put forward and assessed once that criteria had been set.

The Planning Statement accompanying this application refers to the recent Gladman Appeal Decision for Henlow – although correct in stating that this confirmed the lack of a 5 year land supply, this neither means that this area lacks sufficient housing supply to meet local need nor that planning permission should be granted. The presumption in favour relied upon applies only to sites considered to be sustainable in line with the requirements of the NPPF. An adjacent brownfield site in the same ownership as this one, already has planning permission for 131 new homes.

Residents of nearby Stotfold have experienced flooding from the Pix Brook twice in the last 2 years. The site is bordered by the Pix Brook on the Eastern side. The site itself slopes towards the Brook, which is recognised as being in Flood Zone 3 along this edge and run off from a further 180 houses is likely to cause increased risk of such flooding. Sewage overflow is also reported as having occurred on the proposed site.

The lack of an approved Community Infrastructure Levy (CIL) scheme will also result in a further detriment for those communities affected by granting of such planning permissions at this time.

Objections in relation to Mid Beds Local Plan 2005, Core Strategy & Development Management Policies 2009.

Fairfield is a village created in a unique setting and reflecting the character and form of the former Fairfield hospital buildings. The Parish is in the process of creating a Neighbourhood Plan. Although in the early stages, the decision has been based on the strong wish of the residents to maintain the unique character and feel of the Village. Development of this site will not meet that aim as it represents over development of the area, as a further 180 houses and other buildings added to the 131 already given planning permission, will inevitably alter the status and character of the village.

The site proposed is outside of the Village Envelope and so would not be allocated for market housing under Policy DM4 of the Mid Beds Local Plan. Housing outside



of the village envelope is only deemed permissible for Exception Sites, Policy CS8 Exception Schemes, to meet a village's identified housing need. We also note Exception Sites are not to be used to meet a shortfall in the 5 year housing supply within Central Bedfordshire and is in contradiction of the intention to prevent such expansion, according to the Council's Core Spatial Strategy.

The Henlow appeal was in fact rejected on Environmental sustainability grounds and the Inspector stated

*(38) The proposal would cause harm to adopted policy objectives which seek to restrict development in the open countryside. However, the objectives of CS Policies DM4, DM14 and CS16 remain broadly consistent with those in the Framework which requires decision makers to recognise the intrinsic nature character and beauty of the countryside. To the extent that the policies are concerned with these matters I consider that they continue to attract due weight.*

The applicant has submitted a planning statement in which at 3.3 it is stated.

*Policy DM4 "Development within and beyond settlement envelope boundaries"*

*Policy DM4 ostensibly applies but is patently out-of-date within the meaning of Framework paragraph 14, relying as it does on a number of revoked or superseded national policy documents as the basis for decision making outside settlement envelopes.*

*3.5 Furthermore, this is not a location where "the countryside needs to be protected from inappropriate development."*

This is clearly contrary to the opinion and interpretation of the Inspector as shown in the above paragraph which refers to Policy DM4. Should planning permission be granted for this site on the basis of such claims, it would be allowing a precedent to be set in relation to the many hostile and inappropriate planning applications coming forward at this time, and set outside of settlement envelopes in open countryside - designated or otherwise.

Policy DM3: High Quality Development, requires developments to be appropriate in scale to their setting. The proposed development is clearly not in scale, particularly as further housing has already been agreed

for this village.

Paragraph 49 of the National Planning Policy Framework concerning the presumption in favour of sustainable development is being heavily relied upon to justify the proposed development but presumption is only valid for sustainable development.

We believe this site is not sustainable on grounds of transport – Policy TP1A which requires developers to show how developments will reduce the need to travel and reduce reliance on cars; the proposal fails on both counts and should be refused accordingly. Policy DPS19 requires developments to be “readily accessible by public transport, cycle and on foot...”

A higher number of Fairfield residents than average for Bedfordshire, currently commute to work by car or train and this is very likely to be replicated within the new housing development proposed. The number of car journeys made to employment, schools and major shopping centres will increase in line with the number of new homes. If this site was to be given planning permission alongside that already granted, there would be a further 311 homes as well as a shop, a cafe, a GP or offices, a care home and a school. For economic reasons, the proposed employment provision on site is highly unlikely to make a significant difference to the numbers who will be commuting.

Currently the bus service is not heavily used with residents stating that one of the factors for this being the case, is the high cost of travel by bus. The walk to train stations and major service areas are of distances likely to be prohibitive for many residents.

We believe this site is not sustainable on economic grounds. With no Community Infrastructure Levy in place there will be no contribution being paid directly to the parish to mitigate the effects of the development. Currently, for economic reasons, it is the policy of CBC to use the New Homes Bonus to support the provision of front line services across Central Bedfordshire, and not directly in support of areas affected by development. Provision has already been made towards a new school building following the granting of permission for the development of the former Pig Testing Unit site.

We believe the application should be refused as the detriments to the area clearly outweigh the benefits of the

development proposed and it conflicts with the sustainability objectives of national planning policy.

### Other Representations:

Neighbours

8 letters have been received raising the following planning related comments and objections:

Letters received from:  
157, 159 Hitchin Road

44, 52 Bronte Avenue

14 Nightingale Way

8 East Wing, Fairfield Hall

61 South Wing, Fairfield Hall

61 Heathcliffe Avenue

- Development is out of scale and out of character with the Parish.
- Object to the allocation of a 'gastro-pub' on land outside of the application site currently occupied by 4 dwellings. [this has since been removed from the masterplan]
- Location of proposed shop/commercial unit will harm the amenity of existing residents through noise and disturbance and a loss of privacy and overbearing impact from the scale of building.
- Proposed store location would affect access to existing dwellings.
- Proposed dwellings will overlook 159 Hitchin Road.
- Questions whether adequate flood risk carried out.
- Existing sewerage cannot cope and would have problems accommodating the new development.
- Has development considered the existing pylons and will it affect electricity?
- Hitchin Road and existing dwellings would suffer increased traffic. Road is already busy and congested at peak times.
- Public transport provision is limited.
- Development would harm the environment and visual amenity of the countryside.
- There should be a commitment from a GP to occupy the site before the application is determined.
- Leisure facilities are limited and would be further strained.
- The proposal includes a lower school but no provision for upper and middle school facilities and the development will add to education problems.

Comment relating to misleading information by the application prior to submission, extent of consultation are not matters that can be taken into account when assessing the merits of an application.

### Determining Issues:

The main considerations of the application are;

1. Principle

2. Effect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
6. The Planning Balance and Sustainable Development

## Considerations

### 1. Principle of Development

- 1.1 The site lies outside of the settlement envelope of Fairfield and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Fairfield is designated as a large village where Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 At the time of drafting this report the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing (including DM4, DM14, and CS16 of the Core Strategy and Development Management Policies 2009) must be regarded as 'out-of-date', and that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.

However, recent case law and legal advice advises that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.

At the time of writing the Council can demonstrate a supply of 4.76 years, this equivalent to 95% of the five year requirement and is a shortfall of 467 dwellings. The Council is confident that there is sufficient development coming forward in the short term to make up this shortfall. In this context it is reasonable to afford Policy DM4 a level of weight proportionate to this supply when considering the planning balance

- 1.3 The site is adjacent to Fairfield Settlement which lies to the west on the other side of Hitchin Road. Adjacent to the site to the immediate west there is existing residential development comprising of a ribbon of semi detached homes fronting Hitchin Road. The proposal would extend the built form eastwards and there will be a material effect on the character of the landscape in this area. There would be a loss of open countryside and loss of Grade 3 agricultural land and this impact will have to be weighed and balanced against the benefits of the application.
- 1.4 Fairfield is a new settlement that has a number of services available to residents including a lower school, shop, gym and spa facilities and a regular bus service

that can take residents to Hitchin and northwards into the district. Fairfield as a settlement is considered therefore to be a sustainable location in principle.

1.5 Affordable Housing

Adopted policy CS7 requires 35% affordable housing to be provided. In addition the Housing and Planning Act 2016 now places a duty on Local Planning Authorities to promote the supply of starter homes, which are to be provided to first time buyers at a discount of 20% of market value. The intention is that development proposals should provide 20% of the affordable dwellings as starter homes as set out in a government consultation document on Starter Home Regulations, March 2016. There are no formal Regulations in place as yet although it is acknowledged that they are forthcoming.

1.6 The original proposal for this site was 10% affordable housing to be provided on site in the form of starter homes. The Council's Housing Development Officer objected to this. The applicant sought to justify the under-provision in a viability statement, which has been independently assessed.

1.7 Following review of the viability information it was considered that the affordable housing proposal could be improved. During the application process an agreement for an additional financial contribution has been secured for the provision of off-site affordable housing. This contribution would enable the applicant to provide a minimum of a further 10% affordable housing elsewhere in a location of recognised need with a tenure that reflects the needs of that area.

1.8 The provision of just 10% starter homes on site reflects that fact that pre-application discussions and submission of this application took place before the Housing and Planning Act 2016 came into force and it is therefore a transitional application. The other affordable housing tenure types will be provided off site because it is envisaged that it may be difficult to secure a Registered Provider for this site given its location. This is supported by the findings of the independent report on the applicant's viability statement. The additional contribution provides a significant improvement to the scheme and largely reflects the Council's housing needs.

1.9 Although it is apparent that the Council can apply some weight to policy DM4, which seeks to restrict development in open countryside locations, it is acknowledged that this scheme will make a significant contribution to establishing a deliverable 5 year land supply. In terms of the principle of development the considerations with this scheme are such that the proposal is considered acceptable.

**2. Impact on the character and appearance of the area.**

2.1 Development of the site will result in the permanent loss of open countryside and would visually spread the extent of the Fairfield settlement to the east of Hitchin Road which to date acts as boundary definition to the eastern edge of the settlement. The field itself is largely screened from the public realm and provides no individual significance in terms of the setting of the village although clearly contributes cumulatively with the surrounding landscape. Its loss is considered to result in harm to the character of the area however it is noted that there are no

objections raised by the Landscape Officer over the impact on the character of the landscape itself. Therefore while there is a harmful impact on the character and appearance of the area in this edge of settlement area, the impact will need to be balanced against the benefits of the development, including the contribution the development makes to the Council's 5 year housing land supply.

- 2.2 Detailed design considerations will be left for any subsequent reserved matters layout. An indicative layout was submitted with the application which shows a development of mixed dwelling types within the site. It shows a frontage created to Hitchin Road acting as an entrance to the site leading to the other dwellings located further in. An acceptable detailed scheme is expected to create a frontage to the existing highway and the road network within the site and to avoid a predominant presence of physical boundaries in frontage areas. The indicative layout shows a scheme that creates active frontage with its dwelling layout
- 2.3 The indicative layout also shows a strong structural landscaping within the site in the form of a green square with link routes to the former pig unit site to the north and the proposed school (CB/15/01454/FULL) to the south, and open space to the south and east of the site. The landscaping elements of the proposal provide a positive green infrastructure to the scheme and soften its built impact given its large scale.
- 2.4 The scale of buildings is indicated to be mixed and there are opportunities to provide interest through design. It is expected a detailed reserved matters proposal would take account of the strong character of the existing Fairfield settlement and the advice within the adopted Design Guide.
- 2.5 On the basis of the considerations made above the scheme is considered to have a harmful impact on the character and appearance of the area in terms of the setting of the existing settlement. The proposal would cause built form to spread eastwards of Hitchin Road in an area where it is limited at present. However the significance of this impact is considered to be limited given the lack of objection from Landscape Officers and the open space areas proposed with the scheme increasing the accessibility to open space provision in this location. The impact is therefore not considered to result in significant and demonstrable harm. It is noted that the indicative layout suggests that a development of 180 residential units on the site and non-residential uses could be comfortably accommodated within the site area and that the proposal would sit comfortably next to the proposed school (CB/16/01454/FULL also on this agenda).and the proposal is therefore considered acceptable in light of the policies of the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009.

### **3. Impact on neighbouring amenity**

- 3.1 As stated, detailed design considerations are a reserved matter and specific impacts on neighbouring properties would be considered as part of a detailed reserved matters application. There are a number of existing residential dwellings on the east side of Hitchin Road either adjacent to or close to the application site.

- 3.2 The indicative layout shows that the development proposals have largely taken into account the relationship of the site with the neighbouring properties and the indicative layout shows that a layout can be achieved without causing direct overlooking, loss of light or overbearing impacts on existing residents although formal judgement on this would be made at reserved matters stage.
- 3.3 Objection was raised by an adjacent occupier over the impact of the proposed commercial/retail unit which was indicatively shown adjacent to their property. In response to this objection the indicative layout was amended to show the proposed non-residential use located away from existing dwellings which would reduce any impact on noise and disturbance to these as a result. There are therefore no overriding concerns in respect of its location although it is acknowledged that an amended indicative layout remains indicative and such detail would be left for a reserved matters application, where the adjacent neighbours would be invited to comment again on the detail.
- 3.4 Considering the wider impact on the non-residential floorspace proposed the indicative layout has labelled the space as a shop with potential doctor's surgery above. The application specifically proposes this as flexible use comprising retail (shop), A3 (café or restaurant), B1 (offices) and D1 (surgery). Consideration has to be given to the nature of use classes cited. As an unrestrictive use class a B1 use could include light industry and a D1 use, defined as non-residential institutions, includes a wide range of uses including museums, churches and training centres. In light of the residential predominance of the site and the close relationship of units to the non-residential unit that would likely occur at detailed design stage, not all of the potential uses would be appropriate. The scheme has been considered in light of the proposed uses set out in the description, i.e. surgery and offices, and these are considered acceptable in this scheme. In order to ensure the appropriate use or uses would occupy the unit a condition should be included limiting the types of use to those proposed only, requiring any other use to be subject to a future planning application.
- 3.5 The Pollution Team has reviewed the proposal and recommended a number of conditions relating to neighbouring amenity. Conditions requiring details of noise abatement, plant and any kitchen equipment are considered to be reasonable. A restriction of opening hours is also considered appropriate given what would be a predominantly residential area. However a condition restricting delivery times has not been included as this is not considered to be enforceable and therefore fails the necessary tests for acceptable planning conditions. This issue relies on the operator of the commercial unit to be considerate in their operations.
- 3.6 In terms of providing a suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents.

#### **4. Highway Considerations**

- 4.1 The scheme would be accessed from the existing roundabout adjacent the site on Hitchin Road. The roundabout and surrounding road network is considered to

be able to accommodate the scale of development proposed here and also traffic movements associated with the new school proposed south of the site. No objections have been raised by the Highway Officer subject to conditions to ensure the access is appropriately constructed and to detail future information required in a reserved matters scheme.

- 4.2 In terms of parking provision, this is a matter that would be considered at reserved matters stage. Needless to say it will be expected that a detailed design scheme will provide parking levels, including visitor spaces, that are compliant with the recommendations set out in the adopted Design Guide.
- 4.3 Detailed reserved matters would need to consider highway details in relation to the proposed commercial use. Parking is shown on the indicative layout but details will need to demonstrate how the movement and parking of service and delivery vehicles can be accommodated within the development without harming highway safety and convenience or residential amenity. It is an issue for reserved matters and much will depend on the proposed use and occupier. The indicative plan shows that the amended location for this unit would remove any highway concerns regarding access to existing dwellings owned by neighbouring residents which is considered to be an improvement of the scheme.
- 4.4 The development proposes a number of off site highway works including a continuous footpath on the east side of Hitchin Road and 3 signalised crossing points. These works are considered to provide a significant benefit to integrate the development with the existing settlement and will allow for pedestrians to cross what is a busy road safely and conveniently. These works will be secured through S106 agreement which is considered below.
- 4.5 The concerns of the Parish Council and residents are noted however the proposal is not considered to harm highway safety and convenience to such an extent that it would warrant a reason to refuse planning permission.

## **5. Deliverability, links to CB/16/01454/FULL and the S106 agreement**

- 5.1 The applicant for this application is the same for the application south of this site for a new lower school, CB/16/01454/FULL. The same applicant is also the applicant and imminent developer of the consented redevelopment of the former Pig Unit north of the site, CB/15/03182/FULL. It is the intention of the applicant to fully develop the new lower school, if consented so that it is open and operational by September 2017. To this end they have agreed to enter into a legal agreement not to occupy any more than 50 homes on the former pig unit site prior to the school being practically complete and in a position to be transferred to the Council. It is not reasonable through the planning system to impose a completion date for development.
- 5.2 In granting the consent for the redevelopment of the former pig unit the applicant previously committed to a large education contribution. Under this current application, the cumulative development would see that contribution effectively embodied as part of the applicant's build cost for the new school. The build would also cover the education contribution required as a result of this scheme. To enable this, as part of this application, the S106 obligations for that adjacent development would be included in a new agreement associated with this



application and effectively transferred to a new agreement which covers both sites.

- 5.3 On the assumption that the affordable housing proposal would be considered acceptable in principle the scheme would, as is normally the case, be secured through the S106 agreement. The off site highway works are also proposed to be secured through the agreement. The obligation will be to provide the measures proposed via a S278 agreement under the Highways Act 1980, rather than make financial contribution.
- 5.4 In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the legal agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be first agreed with the Council. Failure to agree such a timetable would result in refusal of the application.
- 5.5 Therefore the following heads of terms will form obligations in the Section 106 agreement:
- On-site affordable Housing scheme and delivery.
  - Off-site affordable housing contribution to provide additional affordable housing.
  - Restriction on the number of dwellings to be occupied on this site and the former pig unit site until the school site is at a state of completion.
  - Off site highway works
  - Build rate timetable.
- 5.6 As the Council is the landowner it is not possible to obligate itself with a S106 agreement. National Planning Practice Guidance does set out that in exceptional circumstances it is possible to use a Grampian style condition to require an applicant/developer to enter into a S106 agreement. The importance of the S106 agreement to this case and the delivery of the adjacent school is such that it is considered appropriate to include such a condition. The Council has previously used this approach in the residential development at Flitwick Leisure Centre, Ref: CB/14/02174/REG3.

## **6. Other Considerations**

### **6.1 Public Art**

A contribution of public art has been requested as part of the scheme. The comments from the relevant Officer are noted however it is considered that, while potentially positive, public art is not required to make the scheme acceptable in planning terms and is therefore not considered reasonable to secure such a commitment either by condition or S106 agreement. Furthermore the provision of public art could further affect the viability of the scheme and in this instance significant weight would be given to the provision of 180 residential units.

### **6.2 Flooding and Drainage**

Objection has been received on this ground. The Internal Drainage Board has commented to both raise objection and request conditions in relation to surface water drainage matters. A condition requiring details of the drainage scheme is considered to be reasonable and also requested by the Council's Sustainable

Urban Drainage Officer. The objection raised relates to the development proposing works within 10 metres of Pix Brook. Since the objection was received the applicant has been in discussion with the Internal Drainage Board to resolve the matter and at the time of drafting the Board has not withdrawn its objection. The proposal seeks to incorporate sustainable urban drainage solutions and no objection is raised from the Council's relevant Officer. Explicit detail is proposed to be secured through condition and it is considered that the site is capable of accommodating its surface water run off without detrimentally affecting the watercourse.

6.3 The Board's concerns regarding the location of the pond are noted and relevant however the application is in outline form and layout, including pond location, would be a reserved matter. These concerns will be taken account of when considering any reserved matters submission in the future.

6.4 Sewerage

The comments regarding sewerage and the treatment facility are noted. Anglian Water have considered the scheme and provided comments. They conclude that there is no objection subject to a condition relating to foul water, which is included in the recommendation.

6.5 Pylons

Details submitted with the application show that the applicant is aware of overhead lines that cross the site. Development would be proposed taking account of these and it would be the responsibility of the applicant to ensure electricity supplies are not affected. A reserved matters application would confirm the relationship between the scheme and the overhead lines.

6.6 Doctor Commitment

One resident letter stated that a commitment of a doctor at the surgery unit should be confirmed before permission is granted. These concerns are noted however it is not considered to be a reasonable request. Provision for occupation is proposed as part of this scheme but it is noted that a surgery is just one of the uses proposed as a flexible use and it is likely that this would only be apparent if a GP is available to occupy it in the future.

6.7 Neighbourhood Plan

In reference to the Parish Council's intention to pursue a neighbourhood plan for Fairfield. This is acknowledged however no draft document has been produced to date and the neighbourhood planning process is very much in its infancy. As a result little weight is given to this concern. As the plan progresses greater weight can be applied to it as a material consideration but the intention cannot be used as a reason to delay the determination of development proposals submitted to the Council.

6.8 Loss of agricultural land

In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site

is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land for the school would not result removal of excellent or very good agricultural land. The loss of the agricultural land need to be balanced against the benefits of the school place provision.

#### 6.9 Humans Rights/Equalities

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

### 7. **Whether the scheme is Sustainable Development**

7.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. However, at the time of writing the Council considers that it is close to being able to demonstrate such a supply. Paragraph 14 of the NPPF still applies and states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given some weight as it is noted that recent case law advises that the nearer an Authority gets to having a deliverable supply, the greater weight can be applied to policies such as DM4. This has been considered and in this instance the benefit of providing housing through this scheme, making a significant contribution towards the completion of a deliverable 5 year housing land supply is considered to outweigh the fact that the site is outside the settlement envelope.

7.2 Consideration should still be given to the individual merits of the scheme in light of said presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

#### 7.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the impact is not considered to be of such significance that it would

warrant a reason to refuse planning permission. It will sit adjacent to existing residential properties and also sites with extant residential consent and while materially altering the character of the area will not appear isolated and it is considered that this is an instance where the impact of developing adjacent the settlement envelope does not result in significant and demonstrable harm.

Some weight can be given to what is an indicative strong landscape proposal which would provide accessible open space and biodiversity enhancements to the scheme and while this is subject to detailed design can be given some weight as a benefit at this stage.

#### 7.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing although lesser weight is given to this given that the provision is less than required to be policy compliant. Further advice on the planning balance applied to affordable housing will be given once the viability assessment is completed and reported. Both of these considerations are regarded as benefits of the scheme.

Consideration is also given to the link between this application and the one also on this agenda (CB/16/01454/FULL) for the provision of the new lower school, referred to throughout this report. The provision of a new school would provide school places in an area of demand and is considered to be a benefit.

The report has detailed that Fairfield is regarded as a sustainable settlement and it is considered that it offers the services and facilities that can accommodate the growth from this scheme. Furthermore the application proposes non-residential floorspace as part of the scheme which also contributes to the social strand.

#### 7.5 Economic

The economic benefits of construction employment are noted. The provision of non residential floorspace would accommodate a proposed use or uses that contribute to the economy through spending and job creation which is considered to be a benefit.

### 7. **Planning balance.**

- 8.1 In this case, the provision of housing and the provision of some affordable housing units would be a significant benefit by contributing to the 5 year supply. The scheme provides another benefit in the intention to implement (if approved) a consent for a new lower school to be open for the 2017 school year which would provide significant public benefits of school places in an area of demonstrable need within a timeframe that would unlikely be realised if developed by the Council. Other benefits include the provision of non-residential floorspace, off site highway works to improve safety and pedestrian movement and accessible open space. These would outweigh the adverse impact on the character of the area that would occur from developing land in the open countryside. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

**Recommendation:**

That Outline Planning Permission be granted subject to the completion of a S106 agreement and the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 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.

- 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 (General Development Procedure) Order 1995 (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 application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

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

- 5 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

**Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

**The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.**

**The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread). Notwithstanding the details submitted with the application hereby approved the measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.**

**Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009**

- 7 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of the delivery of the landscape scheme in accordance with Condition 6 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 6.**

**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**

- 8 **No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Strategy (FRA, April 2016) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include provision of attenuation for the 1 in 100 year event (+30% for climate change) and restriction in run-off rates as outlined in the FRA. The scheme shall also include details how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. 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 103 NPPF.**

- 9 **No development shall take place 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 to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.**

- 10 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 Policy DM2 of the Core Strategy and Development Management Policies 2009 and the advice within the National Planning Policy Framework

- 11 **No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:**

- **A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
- **Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
- **Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

**Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before the use hereby permitted commences. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**

**Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.**

**Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 12 The flexible use commercial unit hereby approved shall not be brought into use until full details of Equipment to be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation have been submitted to and approved by the Local Planning Authority. Details shall include the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation and the equipment shall be effectively operated for so long as the commercial food use continues. The approved equipment shall be installed and in full working order prior to the use hereby permitted commencing.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 13 The kitchen ventilation system approved in accordance with condition 13 above, shall be so enclosed, operated and/or attenuated that noise arising



from such plant shall not exceed a noise rating level of -5dBA when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Prior to their installation, details, including acoustic specification of any fixed plant, machinery and equipment to be used by reason of the granting of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

Reason: to protect the amenity of future occupiers in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 15 No works to the construction of the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposals to integrate bat and bird boxes into the development hereby approved and construction of the dwellings shall be carried out in accordance with the approved details.

Reason: To ensure the development provides an enhancement and net gain to biodiversity in the interests of the policies within the National Planning Policy Framework.

- 16 **No development shall take place until a site wide travel plan has been submitted to and approved in writing by the council. Such a travel plan will set the context against which future travel plans for individual uses will be developed once occupiers are know. Such a travel plan to include details of:**

- **Proposed land uses across the site.**
- **Predicted travel to and from the site and targets to reduce car use.**
- **Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.**
- **Preliminary proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.**
- **Timetable for implementation of measures designed to promote travel choice.**
- **Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.**
- **Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.**
- **Details of site specific marketing and publicity information, to include:**

- **Site specific travel and transport information,**
- **Incentives for sustainable travel**
- **Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.**
- **Copies of relevant bus and rail timetables.**
- **Details of the appointment of a travel plan co-ordinator.**

**No part of the development shall be occupied prior to implementation of those parts identified in the travel plan [or implementation of those parts identified in the travel plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.**

- 17 **No development shall take place until a scheme for protecting proposed dwellings from noise from the proposed flexible use commercial unit hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and shown to be effective before any permitted dwelling is occupied and thereafter maintained in accordance with the approved details.**

**Reason: To protect the amenity of future occupiers in the interests of protecting residential amenity in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 18 **The flexible use commercial unit shall not be used except between the hours of 0700 to 2200 Monday to Saturday and 1000 to 1800 Sundays, Bank or Public Holidays without the prior agreement of the local planning authority.**

**Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.  
(Section 7, NPPF)**

- 19 **No development shall take place until full engineering details of the access arrangements and off-site highway works shown for indicative purposes on plan 101 have been submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use 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 interests of highway safety in the interests of Policy DM3 of the Core Strategy and**

**Development Management Policies 2009.**

20 The details required by Condition 2 above shall include the following;

- Estate roads designed and constructed to a standard appropriate for adoption as public highway.
- Pedestrian and cycle linkages to existing routes
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
- Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
- A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
- Materials Storage Areas.
- Wheel cleaning arrangements.
- A Travel Plan for each element of the developments as necessary

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

21 The 'flexible use commercial unit' shall be used for a shop (A1), cafe (A3), surgery (D1) and/or offices (B1) and no other purpose (including any other purpose falling within Classes A, B or D of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land/building(s) in view of the special circumstances of the case in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

22 **No development shall take place until a Section 106 agreement has been entered into to secure affordable housing scheme provision and contribution (including a pre-implementation review of development viability), provision of the adjacent school approved under CB/16/01454/FULL, financial contributions towards local infrastructure, open space maintenance, a timetable for the delivery of residential units and off site highway works substantial on the form of the draft attached hereto.**

**Reason: To secure appropriate contributions towards the maintenance and running costs of the social and community infrastructure needs of the local community.**

- 23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Drawing Numbers 17530-1021, 100, 101, 102, 103 and 104.

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. The final detailed design shall demonstrate that the surface water drainage system is designed in accordance with the standards detailed in the 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015). This shall include but is not limited to:
  - Detailed information relating to the site and site investigation results (including any site specific soakage tests and ground water monitoring shown in accordance with BRE 365).
  - Details of the final proposed development, peak flow rate and storage requirement, with full calculations and methodology.
  - A detailed design statement for the entire surface water drainage system. Details of permeable surfacing are to be provided in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
  - Integration with water quality, ecological and social objectives.
  - A method statement detailing construction of the drainage system..
  - Maintenance requirements and responsible parties.
  - Details of any additional consents or permissions required.
  - Detailed plans and drawings of the final detailed design and locations of drainage infrastructure (to an appropriate scale and clearly labelled).
  
3. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

4. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

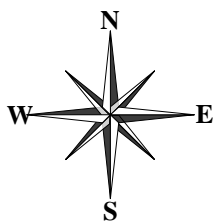
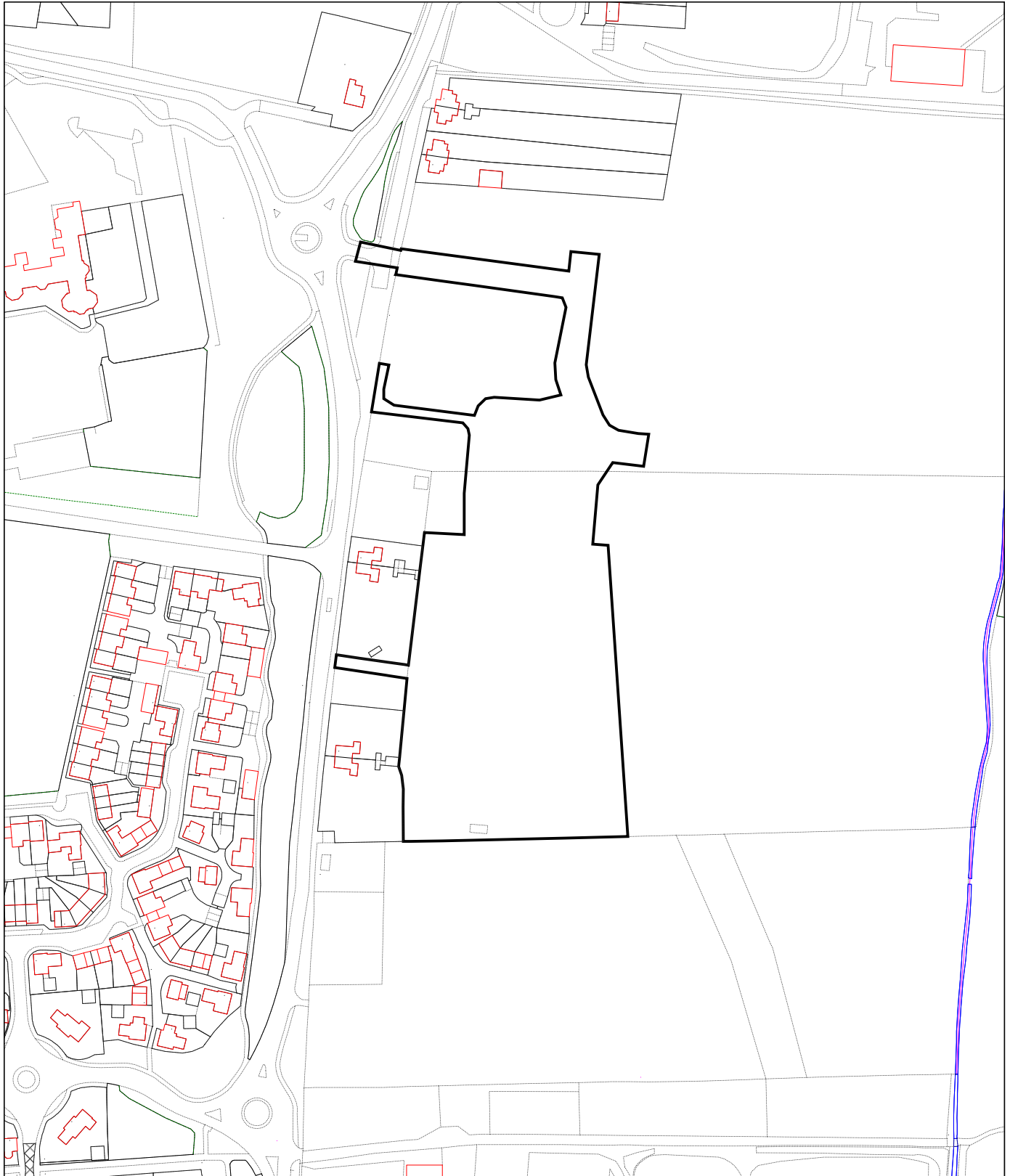
Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 14:June:2016  
Map Sheet No

Application No. CB/16/01454/FULL

Scale: 1:2500

Land East of Hitchin Road & South of he Former Pig Testing Unit Hitchin Road, Fairfield

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<b>Item No. 10</b>
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<b>APPLICATION NUMBER</b>	<b>CB/16/01454/FULL</b>
<b>LOCATION</b>	<b>Land East of Hitchin Road &amp; South of The Former Pig Testing Unit Hitchin Road Fairfield.</b>
<b>PROPOSAL</b>	<b>Erection of 2-form entry Lower School and nursery with access, parking, all-weather pitch with changing facility, landscaping and associated works</b>
<b>PARISH</b>	<b>Fairfield</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>18 April 2016</b>
<b>EXPIRY DATE</b>	<b>18 July 2016</b>
<b>APPLICANT</b>	<b>Lochailort Fairfield Ltd</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Directly related to CB/16/01455/OUT, also on this agenda. CBC landowner</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval recommended</b>
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**Reason for Recommendation**

The application site is located outside of any defined settlement envelope, in the open countryside where there is a presumption against new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). The proposed new Lower school would provide additional school places in an area where the existing schools are at capacity and where there is a demonstrable need for additional places. The proposal also provides leisure facilities for community use. Therefore while the proposal is contrary to policy, the public benefits of the proposal are considered to outweigh the conflict with Policy DM4. The proposal is considered to be sustainable development in accordance with the NPPF. The proposal is also considered to be acceptable in terms of all other planning considerations and therefore compliant with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

**Site Location:**

The application site forms part of an agricultural field located east of the Fairfield settlement. The site is open and relatively flat, sloping as it runs eastwards towards Pix Brook. There are existing dwellings adjacent to the western boundary of the site, between the application site and Hitchin Road. A sewage works lies to the south of the site. To the east lies further arable fields as is currently the case with the land to the north however this land is subject to considerations on an application submitted at the same time as this, CB/16/01455/OUT, which is also on this agenda and referred to a number of times in this report.

The site would be accessed via an existing roundabout on Hitchin Road which currently served the Fairfield development and the four semi detached houses to the north.

The site lies within the open countryside but not within designated Green Belt.

**The Application:**

Full planning permission is sought for the construction of a two form entry lower school on the site. The school is a single storey building of traditional form and scale. The school would provide two classrooms per year group with a capacity of 300 pupils. There is also an early years nursery which would be able to accommodate 30 children per session. Outdoor play space is provided along with a larger football pitch which, along with the school hall, is proposed to be available for community use outside of school hours.

Access would be gained via an existing roundabout on Hitchin Road and a network roadway which, in isolation appears convoluted however shows a relationship between the other scheme when read against application CB/16/01455/OUT which seeks outline planning permission for 180 dwellings, commercial floorspace and open space.

**RELEVANT POLICIES:**

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

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

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes

CS3 Healthy and Sustainable Communities

**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**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

None on this site however the following consent is relevant at a site north of this current application site.

Application Number      CB/15/01355/OUT  
Description              Outline Application: new lower school (All matters reserved).  
Decision                  Approve (At the Committee meeting of 22 July 2015)  
Decision Date            21/08/2015

This application was submitted alongside the following application which is also on this agenda and referred to in this report.

Application Number      CB/15/01455/OUT  
Description              Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access)  
Decision                  Recommended for approval and also on this agenda  
Decision Date            -

**Consultees:**

Fairfield Parish Council      The Parish Council has concerns with the appropriateness of the proposed school location and its scale, however support the provision of this new community facility.

The school is proposed to be on the east side of the Hitchin Road, with the majority of residential dwellings in Fairfield are located on the west side of the road. This therefore requires that many children cross the Hitchin Road to attend the school and there are associated risks.

The Parish Council has asked for clarification as to why a two form entry school is proposed, when only a single form entry school would appear to be necessary. No answer has been forthcoming and therefore this over provision appears un-justified and the associated additional funding to be utilised in constructing a larger than necessary facility, may be better allocated to additional secondary schooling facilities in the area. Should CBC be able to justify the proposed school size with forecast figures, then we would be supportive of the proposed scale.

With regard to the proposed vehicle and pedestrian access to the site, we have concerns with the design of the Eliot Way access / roundabout via which the proposals will be accessed. The eastern arm of the roundabout is currently only utilised by a small number of dwellings and those residents have voiced significant concerns over the difficulty of exiting onto the roundabout. While there is no adverse safety record at the junction, the proposed increase in traffic using the

junction is significant. We ask that the applicant is required to submit an independent road safety audit for the new junction arrangements, prior to any planning decision being made. This should also account for the impact of the proposed new pelican crossing, just south of the Eliot Way junction. This crossing will be heavily utilised during peak hours, due primarily to the location of the new school and as such, queues will build across the roundabout, blocking vehicle traffic seeking to enter / exit the school site. According to the latest site plan, this crossing appears to be the only proposed safe crossing route from the existing dwellings in Fairfield to the new school.

There are conflicting plans within the submissions, particularly the revised site / master plan and the plans within the Transport Assessment. The conflicts relate in particular to the proposals to provide a new footway along the eastern side of Hitchin Road, from a point just south of the Eliot Way to the junction with Dickens Boulevard, plus a proposed pelican crossing to the north of the Dickens Boulevard junction. These items are relied upon and set out in the Transport Assessment, however appear to have been removed from the latest site plans.

Should this application be approved, we would ask that CBC ensure that all associated highway improvement works, pedestrian crossings, traffic orders and footway works are secured by planning condition as pre-commencement items. The Transport Assessment submitted in support of the school proposal appears to be the same document as that submitted with the outline application for adjacent residential development and it is not clear what highway infrastructure / improvements are to be provided in association with each application. We are therefore concerned that the school could be approved, with no requirement for highway improvement or pedestrian safety works.

## Highways

As you are aware this proposal has been the subject of pre-application discussion and I am able to confirm that the current submission accords with those discussions and agreement in principle therefore there is no overriding highway objection to the development. The supporting Transport Assessment includes reference to off-site highway improvement works required to facilitate appropriate vehicle access to the site together with footway linkages along and controlled pedestrian crossings of Hitchin Road in order to provide sustainable connections with the main Fairfield settlement. It is imperative that these improvements are in place before

the school is first brought into use.

Pollution Team

Noise impact

I am concerned that the proposed Multi Use Games Area (MUGA) for school and community use has been located adjacent to the boundary of existing residents in Hitchin Road. Noise from the use of multi purpose sports areas can be significant with the impact of balls on the hard surfaces, kick boards, people noise from players and spectators, noise from impacts with hockey sticks, whistles etc. The applicant proposes to site the multi purpose sports area very close to existing residential boundaries and no noise mitigation measures are proposed. No noise assessment has been submitted. The previously approved School site (CB/15/01355) was located significantly further away from existing houses on Hitchin Road and the playing pitches were shown to the far east of the site much further away from existing residential properties and partially screened by school buildings to the north of the site. Pollution would like to object to the revised school application because the applicant has not demonstrated that noise from the proposed MUGA will not be detrimental to the amenity of existing residential properties on Hitchin Road.

Odour

The proposed school development may be adversely affected by odour from Letchworth Sewage Treatment Plant to the south of the proposed development. Justified sewage odour complaints were investigated by Central Bedfordshire Council in 2009 and we are currently investigating further odour complaints. The proposed school will experience sewage odour from the treatment works. However I note that the proposed school is located further from the sewage treatment works boundary than a small number of existing properties on Hitchin Road. I would suggest that Anglian Water are consulted on the proposed development.

Land Contamination

The existing and past agricultural use of the land may have resulted in contamination of the site. I would therefore ask that a land contamination condition is attached to any permission.

Landscape Officer

I have no objections to the principle of the development proposals but have the following comments / queries:

Regarding the site peripheries and integration within the landscape setting the retention of existing mature trees,

managing and reinforcing vegetation boundaries is a real positive

- Detail on proposed maintenance, access and management of these landscape edges would be appreciated.

The proposed 3G pitches are shown on plan as not including lighting

- confirmation on this would be appreciated as there may be a visual impact on the wider landscape at dusk / night time.

The external 'soft play area and ecology area' associated with the nursery is shown as an area for potential building extension

- the future loss of natural green space on site, which is already limited , and loss of an area specifically dedicated to ecology and habitat and outdoor learning is not acceptable, this valuable area and uses needs to be protected and remain undeveloped in the future.

The submitted drawings: Landscape Proposals (TLP 101) and Boundary Treatment (WH SK014) appear to show retaining walls and fencing to the 3G pitch area

- sections describing changes in levels and boundary treatments / heights and in relation to adjoining levels would be appreciated. Confirmation on colour of 3G fencing would be appreciated.

Regarding the proposals and SuDS

- it is disappointing that a green / brown roof is not included on the flat roof area of the building; although it would not be visible from the ground a green roof would contribute to biodiversity and assist in temperature control of the building / management of surface water run off forming the 1st stage of a SuDS management train.
- it is not clear how surface water run off is to be managed within the school site area and 3G pitches; conveyancing via piped solutions is not acceptable and SuDS features conveying surface water run off should be integral to the design of the building, landscape and linked to education.

Regarding the proposed layout and arrangement of space:

Seating areas for waiting parents is a real positive - could this include a canopy in case of wet weather ?

- A sheltered buggy and scooter parking area may be useful.
- Similar facilities may be beneficial at the Yr 1 - 4 entrance.
- Would sheltered cycle parking bays for older pupils be beneficial?

The access route for pupils walking to Yrs 1-4 entrance is convoluted, requiring crossing the main car parking area and manoeuvring around parked vehicles - potentially 240 pupils will be using this entrance twice a day therefore I recommend the layout of the access and car park be reconsidered:

- Pedestrian desire lines need to inform the layout of the car park, be more direct and create an interesting 'journey' to school, with a sense of arrival to the learning day - there is no imagination in the layout and design.
- Pupils and carer's having to cross a car park and having to manoeuvre around parked cars within confined spaces is not acceptable.
- The access gate for Yrs 1-4 is small with a restricted fore court. There is inadequate space for waiting carers and siblings.

Whilst understanding the desire to continue the vernacular of Fairfield hospital development I suggest there is opportunity to consider placemaking relating to this development and especially the school via design and materials and the inclusion of public art across the development and including the proposed school.

#### Green Infrastructure

The application for the school site is part of the wider development proposed for the area, which has a green infrastructure network designed into the proposals.

The development as a whole also includes SuDS which comprise a number of features that integrate with the GI network.

However, this site fails to demonstrate a net gain in green infrastructure, with particular deficiencies in the SuDS.

The Sustainable Drainage Strategy usefully covers the whole development site, which puts the proposals for the school part of the site in context, and demonstrates that the system has been designed for the whole development site, not just the school site.

However, what is proposed for the school relies on

attenuation below the car park and hard play areas. This does not demonstrate a satisfactory water treatment train, and relies on underground storage that offers no wider biodiversity or amenity benefits.

Section 5.3.5 of the Sustainable Drainage Strategy notes the challenges of green roofs in residential areas. However, there is no consideration of the use of a green roof for the school site - given that this is a significant impermeable area, and that green roofs offer source control, this is a disappointing oversight.

The proposals for the school site fail to meet the local requirements for sustainable drainage set out on Central Bedfordshire Council's adopted Sustainable Drainage SPD. The proposals fail to enhance biodiversity or demonstrate multifunctional use, and they are not designed for easy access and maintenance.

In order to be considered acceptable, the applicant should amend proposals for surface water management on the school site. They need to demonstrate a water treatment train, including source control. The use of a green roof on the school site should be explicitly investigated, and SuDS features included that are multifunctional, enhance biodiversity and are designed for easy access and maintenance. Design guidance is provided in CBC's Sustainable Drainage SPD. The current proposals, with sub-surface storage as the only surface water management feature are unacceptable.

#### Trees and Landscape

The site is currently grass with boundary hedge features and the proposed development will require some soil levelling to accommodate the sports pitch.

Boundary hedgelines are to be protected using tree protection fencing at a distance and detail as described in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

Detailed landscape proposals including species, sizes and densities of planting will be required.

#### Ecology

Having looked at the submitted documents I have no objection to the proposals but offer the following comments;

- The school building will be single storey to have a flat roof over the central activity space. I wonder what the possibility would be to have elements of this roof as a green, sedum roof to aid with rainwater management?
- I note that the all-weather pitch is to be replaced with



a grass pitch which is welcomed as, although this will be managed grassland, it will be more ecologically sound. Previous comments relating to the all-weather pitch were concerned over the potential desire for floodlighting and I would reiterate this would not be appropriate in this location.

- As the pitches are to be grass now there is more opportunity for the natural edge to be further enhanced than shown on the current landscape proposal plan.
- I welcome the proposed 'ecology area' to the west of the site with fruit trees and outdoor learning. However, this location is also identified for future expansion for 2 classes. I understand that should this be the case the ecology area could be relocated but it would undoubtedly mean the loss of the fruit trees. I would ask, therefore, that clear consideration be given to the location of planting to ensure it is not lost in years to come.
- I acknowledge a number of measures have been included which will benefit biodiversity but as the NPPF requires development to deliver a net gain I would also like to see the inclusion of integrated bird and bat boxes, these would work particularly well under the eaves of the gable end on the western elevation which sits in a treed corridor.

Sustainable  
Drainage

Urban We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified

to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to the Pix Brook, and details of this provided with the full detailed design.

Internal Drainage Board The proposal is part of a larger development which is shown on the plan provided. However this shows a flood storage area to be located within the Board's byelaw strip and Floodzone 3 which is not acceptable. Although the surface water discharge rate can be agreed with the Board prior to obtaining its consent and can be covered by condition the location of the development within its byelaw distance and Floodzone 3 cannot.

The Board therefore must object to this application until revised plans are provided showing this area clear of all development.

Environment Agency We have no objection to this application.

Flood Risk / Surface Water Drainage  
Please consult the LLFA.

Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13.

In addition, they must not be constructed in ground

affected by contamination.

Anglian Water No comments received

Leisure Officer No comments received

Sport England Raised no objections

Education Officer This response is in support of the planning application to create a 2-form entry lower school and nursery within the parish of Fairfield.

There is a high level of demand for lower school places in Fairfield, and further housing development planned within the parish will create a need for additional lower school capacity. Fairfield Park lower school was expanded on the existing site to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form of entry for September 2013 and an additional form of entry has been provided at Roecroft Lower School from September 2015.

Section 14 of the Education Act 1996 places a duty on Central Bedfordshire Council (CBC) to secure sufficient school places to provide appropriate education for pupils in its area. There is no capacity to further expand the existing sites of local lower schools so the provision of a new lower school building as per this planning application would enable Central Bedfordshire Council to meet its statutory duty as set out by the Education Act 1996.

On 5 April 2016, the Executive at Central Bedfordshire Council considered a report from the Executive Member for Education and Skills that set out the outcome of the consultation exercise for the commissioning of the new lower school places within the Parish of Fairfield from September 2017. The Executive approved the proposal of the Governing Body of Fairfield Park Lower School to permanently expand onto the second site, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2016.

The Local Authority and the Head Teacher of Fairfield Park Lower continue to have extensive design discussions with Lochailort Investments Ltd to develop the two form entry lower school on the new site. The submitted design is in accordance with Building Bulletin 103 (BB103 guidance which was adopted by the Local Authority (in Dec 2014) as guidance in creating future design briefs for new school buildings, school refurbishment or conversion projects.

Discussions have been productive and positive. Whilst further work is required in the immediate future on the detailed designs of the school build, progress so far has been constructive and well planned.

It is clear that this proposal represents an opportunity to expand Fairfield Park Lower School onto a new second site and create much-needed local lower school places. The early handover of the new school site to Fairfield Park Lower School before September 2017 remains the objective of all parties and the progress made so far is encouraging.

Public Art Officer

Central Bedfordshire actively encourages the integration of Public Art into new developments. It is the Council's preference that developers and promoters of projects should take responsibility for funding, management and implementation of Public Art within schemes either directly or through specialist agents, in consultation with Town and Parish Council and Central Bedfordshire Council.

Central Bedfordshire requires Public Art to be provided on all public facing development including educational establishments.

The proposed new lower school east of Hitchin Road offers an array of exciting opportunities to include Public Art especially at interfaces with the wider public realm, promoting community and local distinctiveness / sense of place.

Key requirements for successful Public Art projects are:

- Integration of proposals within the initial design stages
- Ideally artists should be appointed as part of the design team
- The involvement of local communities in participating in the development of arts projects
- Public Art should be site specific responding to place and people. Consideration should be given to local materials, history and appropriateness of artwork to it's environments and audiences.
- Public Art should be uniquely created and of highest quality

Public Art can include:

- Street furniture and lighting
- Integrated architectural features, structures and floorscapes

- Water, landscaping, planting and play
- Interpretation and way marking
- Interactive works, audio visual, performance
- Standalone pieces.

Public Artists can include:

Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

If the application were to be approved I request a Condition be applied with suggested wording but await your advice on this:

- *No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority . The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.*

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

Involvement of local community is essential, especially future pupils of the school, therefore I recommend the Public Art Plan ties in with build programmes in relation to times scales / phasing for adjoining development if approved.

The Central Bedfordshire Design Guide, Section 4 Public Realm is available on the CBC website and offers comprehensive advise on the integration of Public Art within development. I would also be very happy to lies with the applicant / developer to provide advice and support if required.

Sustainable  
Officer

Growth

More information is required in regards to proposed sustainability standards.

The proposed development should as far as practicable comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Sustainable Construction of New Buildings.

Policy DM1 requires all new non-domestic development with a floor space of 1000m<sup>2</sup> or above to meet the development's 10% energy demand from renewable or low carbon sources. Policy DM2 encourages all new non-domestic development with a floor space of 1000m<sup>2</sup> or above to meet BREEAM Excellent rating.

The above policies are reflected in the Sustainable Design for Schools Guidance that requires all new schools to be built to BREEAM excellent or equivalent standard. To demonstrate compliance the applicant is required to provide information specified in the Appendix of the Guidance.

I note that the school have a large south orientation with sloping roof which would be ideal for installation of PV panels that can provide a significant proportion of school's electricity demand. PV panels are popular with schools as they reduce schools energy bills. If installation of PV panels is not possible as part of the new build project for financial reasons I would strongly recommend ensuring that the roof is PV ready: structurally strong enough to take additional load and with necessary connections for PV panels to be installed at a later date should the school wish to do it.

Policy DM 1: Renewable Energy requires that as a minimum 10% of schools energy demand is delivered from renewable or low carbon sources. The policy is technology neutral and PV is not the only technology which would be suited for this development. A consideration should be given to Heat Pumps as these can provide cooling when required. Thermal modelling should be undertaken to ensure that risk of overheating is minimised and appropriate measures are installed to deal with any issues identified.

The elevation drawing shows that trees will be planted around the school. This is welcome as trees can provide shading and minimise solar gains in south facing classrooms. However, the selection of species and their positioning should be carefully considered so trees do not shade PV panels if these were to be installed.

However before renewable energy technologies are

considered |I would strongly recommend ensuring that the development is highly energy efficient, and exceeds the current Building Regulations standards for fabric energy efficiency (TFEE) to reduce energy demand.

The project should also consider and include other sustainability measures specified in the Sustainability Checklist such as water efficient fittings, sustainable and recycled materials with low environmental impact, installation of Automated Meter Reading Equipment (AMR) to monitor school's energy performance. All design consideration and decisions should be recorded in the checklist.

Should the planning permission be granted, to ensure that the development is implemented to the above policies standards, I request inclusion of the following conditions:

- The development is to achieve BREEAM excellent rating or equivalent;
- The development is to deliver 10% of its energy demand from renewable and/or low carbon sources.

### **Other Representations:**

#### Neighbours

3 letters have been received. 2 have raised the following objections:

- Outside of Fairfield settlement
- School would be better placed to the south of existing settlement. Proposed location is wrong and unsafe.
- Peak morning traffic will cause chaos
- Traffic analysis information is out of date (2013)
- Unclear why the school has doubled in size.
- Sewerage processing facility is already inadequate let alone with consented developments.
- No consideration given to upcoming neighbourhood plan.

One letter is in support of the application in terms of its design but raises concerns over the access and congestion around the school.

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

## Considerations

### 1. Principle of development.

- 1.1 The response from the Education Officer has confirmed that there is a need for lower school provision in this catchment area. It is also acknowledged that there are no allocated a school sites in this area and little space within settlement envelopes for development on this scale.
- 1.2 North of this application site, within the red line area of CB/16/01455/OUT, outline planning permission was granted with all matters reserved for the development of a new lower school, ref: CB/15/01355/OUT. The permission remains extant although it is acknowledged in light of the current submissions it is unlikely to be implemented. The report acknowledged that the development was in open countryside, a location in which new development is restricted, however it also confirmed a demonstrable need for education places and concluded that the public benefits of the scheme outweighed the impact on the open countryside.
- 1.3 Due to the comparisons of the location with this current application the views previously made remain pertinent. Detailed considerations below will address the impact of the proposal on issues including the character of the area but in terms of the principle of development the benefits of providing school spaces is considered to outweigh the restrictions of policy DM4 and is considered to be acceptable.

### 2. Affect on the Character and Appearance of the Area

- 2.1 The school has been designed to have traditional detailing and one that is reflective of the existing Fairfield Lower School. All floorspace is provided at ground floor level only and the design incorporates areas of higher ceilings such as the hall. The plans indicate that the proposed external material would be traditional and also reflective of the existing lower school and wider Fairfield settlement. Gable and roof detailing, along with proposed openings make for interest on the external elevations and the design of the school is therefore considered to be of high visual quality and appropriate to the Fairfield settlement.
- 2.2 The removal of the initially proposed all weather pitch means that the playing fields will be grassed which reduces the extent of development on the site. Hard landscaping is limited to the immediate curtilage of the building and is mixed with structural soft landscaping it combine to provide a softer rural setting for the school which is appropriate for its location.
- 2.3 The proposal would extend the built environment into the open countryside. Within the Mid Bedfordshire Landscape Character Assessment the site is described as having a moderate to low character and visual sensitivity to change resulting in landscape with a moderate to low value. The land slopes down towards Pix Brook (to the east) where there are tree belts and woodland. The



proposed school will be visible from Hitchin Road although not overly prominent as it is sited to the rear of existing dwellings immediately west of the site which provides a gap between the site and the existing public realm. Although it is of a relatively low scale for a large footprint building the school and its curtilage development will materially change the character of the area in this location.

- 2.4 The proposed school would have a clear impact on the existing character and appearance of the rural area, however as discussed above there is a demonstrable need for additional school places in this location. The school is proposed adjacent to existing residential development on Hitchin Road and close to the sewage works. It is therefore surrounded by existing built form for the most part and would not therefore be isolated and prominent within the rural area. Furthermore it forms part of a large scale development proposal including the consented redevelopment of the nearby former pig testing unit and the proposal, also on this agenda, to develop land north of this site for 180 dwellings among other things. If the latter scheme is consented and both are built out then the school site would sit as part of this larger development and therefore would not be isolated for this reason either.
- 2.5 Therefore the proposal is not considered to result in substantial visual harm to the character and appearance of the area and the overall impact of this proposal is considered to be outweighed by the benefit of providing needed school places for residents living within the catchment area. The proposal is therefore considered to be acceptable and therefore compliant with Policy DM3 of the Core strategy and Development Management Policies Document (2009)

### **3. Neighbouring Amenity**

- 3.1 There are existing neighbouring dwellings adjacent to the application site to the west. There will be impacts on these dwellings by virtue of the physical presence of the building and noise from the use itself. In terms of visual impact the proposal will be visible from these properties which will materially change the outlook. The location of the school in relation to these dwellings is such that there would be suitable distance between them to ensure that the proposal, while visible, is not prominent or overbearing to these residents. As a result it is considered that there would be no harm to neighbouring residential amenity through the visual impact of the development.
- 3.2 In terms of noise impacts there will be periods of audible noise during the week day when pupils use outside facilities and this is common in any school location. It is common for dwellings to be located close to schools and while there would be a noise impact at day time this would be for a short part of the day and not be apparent once the school day ends. The noise will be apparent to neighbouring residents but not to the extent that it would be considered to detrimentally harm amenity.
- 3.3 The playing fields are also proposed to be available for community use which means there will be instances where the football pitch will be used outside of school hours. This will also create a noise impact in times of use. The extent of use is limited as no floodlighting is proposed. The use of the pitch will also create an increase noise impact to neighbours, greater than currently

experienced but the cumulative impact is still not one that is considered to amount to significant and demonstrable harm that would warrant the refusal of planning permission.

- 3.4 The comments from the Pollution officer and the objection raised are noted however this objection was raised to the all weather pitch which has been removed from the scheme and therefore this issue is addressed. On the basis of the above consideration it is concluded that there would not be significant harm to neighbouring residential amenity as a result of the school proposal.

#### **4. Highway Considerations**

- 4.1 The proposal was subject to pre application discussion which has seen amendments to the road layout that would serve the development proposed. The arrangement as proposed in the application seeks to remove any ability for parents to park within the school grounds. Parking is proposed for teachers and visitors to the school with arrangements made for users of the football pitch outside of school hours.
- 4.2 The Highway Officer raises no objection to the scheme subject to conditions. The layout of the road is considered to be able to accommodate traffic during the peak drop-off and pick-up times during the day without causing highway issues to Hitchin Road or residents in the area. The layout allows for pedestrian movement around the school site that is not compromised by vehicles and this results in a safe arrangement. A condition is proposed requiring the submission and implementation of a school travel plan to encourage alternative ways to get to school.
- 4.3 The parking facilities for the community use element of the site are also considered to be adequate to accommodate the extent of use. the management of these would be established through a community use agreement which is proposed as a condition.
- 4.4 On the basis of the above the proposed development does not raise highway concerns and the scheme is therefore considered acceptable subject to conditions to secure detail and implementation.

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

##### **5.1 Community use**

The football pitch is proposed to be available for community use outside of school hours. The proposal has been designed to ensure access can be gained without affecting the school and separate changing facilities are proposed to cater for users. No objection is raised by technical consultees to the scheme and the applicant seeks to secure the community use through a 'community use agreement' which would establish the management of the pitch. This is considered reasonable to secure through condition to ensure it as a public benefit of the scheme.

##### **5.2 Loss of agricultural land**

In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile

land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land for the school would not result removal of excellent or very good agricultural land. The loss of the agricultural land need to be balanced against the benefits of the school place provision.

5.3 Implementation

The applicants state that, if consented, the school will be constructed in time to be open for September 2017, ready for that school year. It is not possible to secure implementation by condition on a planning permission. However the applicant is proposing through application CB/16/01455/OUT to sign up to a S106 agreement which would limit the delivery rate of residential development at the adjacent site and consented pig unit site until this development is practically complete.

5.4

5.5 Drainage objection.

It is noted that the Internal Drainage Board has objected on the grounds of the proximity of development to Pix Brook, east of this application site. The comments are noted but this school scheme does not propose development close to the Brook and it is considered that the objection relates to the adjacent outline application CB/16/01455/OUT and this will be addressed in that report. Therefore there are no drainage concerns with this proposal.

5.6 Neighbourhood Plan

Neighbouring objection has referenced the Parish Council's intention to pursue a neighbourhood plan for Fairfield. This is acknowledged however no draft document has been produced to date and the neighbourhood planning process is very much in its infancy. As a result little weight is given to this concern. As the plan progresses greater weight can be applied to it as a material consideration but the intention cannot be used as a reason to delay the determination of development proposals submitted to the Council.

5.7 Off Site Highway Works

In considering the Parish Council's comments regarding pedestrian safety the applicant has responded to advise that a number of off site highway works are proposed including 3 signalised crossing points on Hitchin Road and a continuous footpath on the eastern side of this road. This would greatly improve pedestrian links to this school site from the existing Fairfield settlement however the works are not proposed as par of this application. They are proposed under the adjacent application CB/15/01455/OUT and are proposed to be secured through S106 agreement.

5.8 Therefore the works required to improved pedestrian accessibility are proposed under a separate scheme. Each application has to be considered on its own merits however, in this instance there is a clear link between the two applications. The securing of the off site highway works can be done through the other application with relative confidence, through appropriate triggers, that they will be implemented in a timely manner and in place at an appropriate time.as a result there are no overriding concerns in resect of pedestrian

movement and safety.

5.9 Public Art

A contribution of public art has been requested as part of the scheme. The comments from the relevant Officer are noted however it is considered that, while potentially positive, public art is not required to make the scheme acceptable in planning terms and is therefore not considered reasonable to secure such a commitment either by condition or S106 agreement.

5.1 Human Rights/Equalities

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

**Recommendation:**

That Planning Permission be granted subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

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 Development shall be carried out using the external materials itemised in the approved Materials Schedule and as shown on approved plan 17632/SK012 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate visual appearance in the interests of the visual amenities of the locality.

3 No development (excluding site preparation, drainage, utilities, access, levelling and foundation works) relating to the construction of the school shall take place until details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: In the interest of sustainability.

4 Hard and soft landscaping shall be carried out in accordance with approved plans B15027/401, B15207/402 and B15207/403 in the first planting season following the commencement of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 5 The development hereby approved shall not be brought into use until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 4.

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

- 6 The development hereby approved shall not be brought into use until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from external lighting and measures to ensure lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority. After commencement of the use the lighting shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the school facility for maximum use and security with the interest of amenity and sustainability.

- 7 Development shall be undertaken in accordance with the proposed levels shown on approved plans 17632/SK006/A and 17632/SK008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.

- 8 No development (excluding site preparation, access, levelling and foundation works) relating to the construction of the school shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Strategy (FRA, April 2016) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme to be submitted shall include provision of attenuation for the 1 in 100 year event (+30% for climate change) and restriction in run-off rates as outlined in the FRA. The scheme shall also include details how the system will be constructed, including any phasing, and how it will be managed and maintained after completion.

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 103 NPPF

- 9 Prior to the installation of any fixed plant, machinery and equipment to be used by reason of the granting of this permission, details (including an acoustic specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

Reason: to protect the amenity of future occupiers.

- 10 The development hereby approved shall not be brought into use until full details of Equipment to be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation at the school have been submitted to and approved by the Local Planning Authority. Details shall include the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation and the equipment shall be effectively operated for so long as the commercial food use continues. The approved equipment shall be installed and in full working order prior to the use hereby permitted commencing.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 11 The kitchen ventilation system approved in accordance with condition 10 above, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a noise rating level of -5dBA when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system.

- 12 The use of any part of the development hereby permitted shall not commence until a Community Use Agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to Sport England. The agreement shall apply to the pitches at the school, the changing facilities to be identified within the agreement and include details of pricing policy, hours of use, access outside of school hours, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be

used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport, to accord with Policy CS3 of the Core Strategy and Development Management Policies 2009 and to protect the amenity of nearby residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 13 Prior to first occupation of the school building the off-site highway works shown for indicative purposes on plans 102 and 103 shall be constructed in accordance with full engineering details to have been first submitted to and approved 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.

- 14 Prior to first occupation of the school detailed plans and sections of the proposed roads, including gradients and method of surface water disposal shall have been submitted to and approved by the Local Planning Authority and the approved works constructed in accordance with the approved details.

Reason: To ensure that the proposed on-site highway works are constructed to an adequate standard.

- 15 Prior to the opening of the school/nursery hereby approved, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- the establishment of a working group involving the school, nursery, parents and representatives of the local community
- pupil/staff travel patterns and barriers to the use of sustainable travel
- measures to reduce car use
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review for 5 years.

There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the Plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal and the resulting revised action plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

- 16 The development hereby permitted shall not be carried out except in

complete accordance with the details shown on the submitted plans, numbers Drawing Numbers 17632-SK005 B, 17632-SK006 A, 17632-SK014 A, 17632-SK001, 17632-SK002, 17632-SK003, 17632-SK004, 17632-SK007, 17632-SK008, 17632-SK009, 17632-SK010, 17632-SK011, 17632-SK012, 17632-SK013, 17632-SK100, 17632-SK101, 17632-SK103, 17632-SK104, 15530-1006 D, B15027.101, B15027/401, B15207/402, B15207/403, Materials Schedule, Design and Access Statement, Landscape and Visual Impact Assessment (April 2016), Statement of Community Involvement, Planning Statement (April 2016), Ecological Appraisal (ELMAW March 2016), Archaeological Investigation Scheme (Albion Archaeology March 2016), Economic Benefits Assessment (April 2016), Transport Assessment (April 2016), School Framework Travel Plan (April 2016), Flood Risk Assessment and Drainage Strategy (March 2016), Ground Investigation Report (April 2016).

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. The final detailed design shall demonstrate that the surface water drainage system is designed in accordance with the standards detailed in the 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015). This shall include but is not limited to:
  - Detailed information relating to the site and site investigation results (including any site specific soakage tests and ground water monitoring shown in accordance with BRE 365).
  - Details of the final proposed development, peak flow rate and storage requirement, with full calculations and methodology.
  - A detailed design statement for the entire surface water drainage system. Details of permeable surfacing are to be provided in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
  - Integration with water quality, ecological and social objectives.
  - A method statement detailing construction of the drainage system..
  - Maintenance requirements and responsible parties.
  - Details of any additional consents or permissions required.



- Detailed plans and drawings of the final detailed design and locations of drainage infrastructure (to an appropriate scale and clearly labelled).

3. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

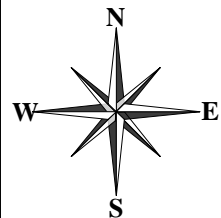
4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
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 Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
6. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management

Division, Central Bedfordshire Council, Priory House, Monks Walk,  
Chicksands, Shefford SG17 5TQ.

7. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

**DECISION**

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.....  
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Date: 14:June:2016

Map Sheet No

Scale: 1:1250

Application No CB/16/01681/FULL

Land adjacent to Sunny Cottage, 2 Mill Lane,  
 Houghton Conquest MK45 3NF

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## Item No. 11

<b>APPLICATION NUMBER</b>	<b>CB/16/01681/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to Sunny Cottage, 2 Mill Lane, Houghton Conquest, Bedford, MK45 3NF</b>
<b>PROPOSAL</b>	<b>Erection of 7 No. new dwellings</b>
<b>PARISH</b>	<b>Houghton Conquest</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>26 April 2016</b>
<b>EXPIRY DATE</b>	<b>21 June 2016</b>
<b>APPLICANT</b>	<b>Goldvale Developments Ltd.</b>
<b>AGENT</b>	<b>JRT Architectural Design Ltd.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Councillor A Barker Call in, on grounds of:</b> <ul style="list-style-type: none"><li>• <b>Outside the settlement envelope</b></li><li>• <b>Cramped development</b></li><li>• <b>Overlooking potential</b></li><li>• <b>Highway Safety Concerns</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Recommendation for Full Conditional Approval</b>

### **Reason for Recommendation**

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however at this time the Council can not demonstrate a 5 year housing supply and therefore developments should be considered in the context of Sustainable Development. The application site is adjacent to the existing settlement envelope of Houghton Conquest which is considered to be a sustainable location for planning purposes and would consist of small scale residential development bound by existing development. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring 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).

### **Site Location:**

The application site is located on the edge of Houghton Conquest and measures approximately 0.5 hectares. The site fronts Mill Lane and lies adjacent to and opposite existing residential properties that are predominantly bungalows. In addition the site abuts agricultural land that was recently granted outline permission for 125 dwellings under reference CB/15/01362/OUT. There is evidence of some small buildings on the site, however it has clearly been unoccupied for many years and the site is now overgrown and unmanaged.

The site lies outside the settlement envelope of Houghton Conquest and does not

fall within any designation.

### **The Application:**

Permission is sought for the erection of 7 dwellings with access, parking, amenity and landscaping. The approximate overall density of the proposal is 15 dwellings per hectare.

The application is accompanied by the following supporting statements:

- Tree Survey Report
- Protected Species Survey (Updated and received 02/06/16)
- Planning Statement
- Sustainability Statement

The site and development has been considered in relation to the EIA Regulations (2011) as amended April 2015 and is below the threshold for the requirement of an ES.

### **RELEVANT POLICIES:**

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

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 – Promoting healthy communities

Section 10 - Meeting the Challenge of Climate Change & Flooding

Section 11 - Conserving the Natural Environment

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

CS1: Development Strategy

CS2: Developer Contributions

CS3: Healthy and Sustainable Communities

CS5: Providing Homes

CS7: Affordable Housing Provision

CS14: High Quality Development

CS16: Landscape & Woodland

CS18: Biodiversity & Geological Conservation

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape & Woodland

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. Planning Obligations Strategy, 23 October 2009
2. Written ministerial statement by Brandon Lewis on support for small-scale developers, custom and self-builders, Published 1st December 2014
3. Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

Application Number	CB/15/04851/OUT
Description	Outline: Erection of 7 new dwellings
Decision	Withdrawn, due to highway related reasons
Decision Date	02/03/2016

**Parish Council:**

1. Houghton Conquest Parish Council (13/05/16)  
(Verbatim) -

The Parish Council **OBJECT** to this application on the following basis:

- The land is outside of the village settlement envelope.
- Mill Lane is narrow country lane, and even with the proposed road improvements with parking in the road it will only take one-way traffic in many places, & will rely on drivers pulling onto paths, drives etc if faced with oncoming traffic. This development would increase this burden significantly even with shared driveways.
- The existing properties in the lane need to receive regular deliveries of oil & gas from tankers which would have no choice but to block the road.
- This development would further exacerbate the problem with emergency vehicles accessing properties in the lane. There is anecdotal evidence of emergency service vehicles getting stuck here.
- The land is extremely low lying at this location & is directly adjacent the proposed drainage pond for the recently approved planning application for 125 houses. This drainage pond will be located here being the lowest point. Surface water drainage is already a significant problem in this area. The existing drainage ditch at this location is critical & is likely to require enlarging. The proposals in the planning application regarding drainage do not adequately address this issue, & do not seem to take account of the lie of the surrounding land, & the neighbouring development of 125 houses.
- The proposals regarding management of sewerage are inadequate.
- The problems with the fragility water main in village are well documented. This increase in demand on an already frail system is of great concern. We would urge the

Planning Authority to seek definitive assurance from Anglian Water, that this development on top of the 125 adjacent homes, & the 52 homes in Duck End Close (adjacent Mill Lane), will be able to cope.

- There is no local evidence to suggest Houghton Conquest needs further housing – particularly large executive housing of this type. It should be noted that the recent successful application for 125 homes on Chapel End Rd, & the 52 homes in Duck End Close are both very close by.
- The executive style housing is not in keeping with the rural street scene in the lane & would have a detrimental impact on the character of this rural lane.
- The proposal appears cramped & represents overdevelopment of the site.

**Other Representations:**

1. 21 Mill Lane x 2  
(04/05/16) & (18/05/16)

-

Objects on the following grounds (in summary):

- Unsubstantiated housing need
- Highway safety concerns - narrow lane
- Construction issues
- Flooding concerns
- Biodiversity impact
- Lack of implementation of climate change mitigation
- Loss of existing trees & Landscaping
- Accessibility issues

2. 3 Mill Lane (06/05/16)  
& (02/06/16) -

Objects on the following grounds (in summary):

- Unsubstantiated housing need
- Intensification of road
- Accessibility issues
- Construction issues

Further to revised plans, objection stands and following objections added (in summary):

- No access to electricity only oil and lpg increasing movements on the lane
- Low water pressures
- Visual impact

3. 59A Mill Lane  
(13/05/16) -

Objects on the following grounds (in summary):

- Out of character
- Reduction of on street parking to detriment of existing



residents

4. 55 Mill Lane  
(13/05/16) & (23/05/16)

-

Objects on the following grounds (in summary):

- Accessibility issues
- Intensification of road
- Flooding issues
- Reduction of on street parking to detriment of existing residents
- Lack of infrastructure to support additional houses
- Impact on existing services (water, sewage etc)
- Cumulative impact from other housing developments within the locality

5. 43 Mill Lane  
(18/05/16)

Objects on the following grounds (in summary):

- Accessibility issues
- Highway safety including parking
- inappropriate design
- privacy & noise impact
- Flooding
- Biodiversity impact

6. 33 Mill Lane  
(18/05/16) -

Objects on the following grounds (in summary):

- Development out of character
- Privacy concerns
- Intensification of road
- Will result in the removal of the telegraph poles

7. 51 Mill Lane  
(05/06/16) -

Objects on the following grounds (in summary):

- Development out of character
- Privacy concerns
- Construction issues
- Accessibility issues

8. 31 Mill Lane  
(18/05/16) -

Objects on the following grounds (in summary):

- Adverse impact on amenity of existing dwellinghouses in terms of overlooking and loss of light
- Design out of keeping
- Noise pollution
- Proposed build outs would create accessibility issues
- Intensification of the road
- Flooding/drainage issues

9. 15 Mill Lane  
(21/05/16) -

Objects on the following grounds (in summary):

- Narrow road - accessibility issues
  - Construction issues
  - Noise/Disturbance
  - Impact on water services
10. Sirom, Mill Lane  
(16/05/16) -
- Objects on the following grounds (in summary):
- Biodiversity impact
  - Privacy concerns
  - Accessibility concerns
11. 41 Mill Lane  
(16/05/16) -
- Objects on the following grounds (in summary):
- Lack of front garden therefore closer to the proposed development
  - Privacy concerns
  - Highway safety concerns
  - Drainage/Flooding issues
  - Impact on Ash Trees
  - Damage to dwellings by construction traffic
  - Intensification of lane
12. 25 Mill Lane  
(19/05/16) x 3 from  
same household -
- Objects on the following grounds (in summary):
- Unsustainable amount of new dwellings  
Accessibility issues  
Loss of agricultural land  
Biodiversity impact  
Unacceptable design - overbearing impact  
Impact on existing infrastructure & services  
Flooding  
Loss of landscaping  
Loss or rural character  
Amenity impact - loss of light, privacy  
Construction disruption
13. 19 Mill Lane  
(16/05/16) -
- Objects on the following grounds (in summary):
- Accessibility issues
  - Highway safety concerns
  - Loss of trees & Landscaping
  - Outside of settlement envelope
  - Impact of rural setting
14. 35 Mill Lane  
(26/05/16) -
- Objects on the following grounds (in summary):
- Impact on existing infrastructure & services
  - Noise, congestion and safety issues
  - Loss of green space
  - High density building

- Privacy concerns
- Out of character

**Consultees:**

1. CBC Housing Development Officer (29/04/16) & (09/06/16) - Below the threshold requirement for affordable housing
2. CBC Sustainable Growth Officer (06/05/16) & (06/06/16) - No comments. Below the threshold for implementation of policies DM1 & DM2.
3. Anglian Water (10/05/16) - No Comments
4. CBC Trees & Landscape Officer (12/05/16) & (06/06/16) - No Objection, subject to the imposition to secure an appropriate landscape scheme which would include a native hedgerow in replacement and a substantial use of native tree species.
5. Internal Drainage Board (19/05/16) - No Comments
6. CBC Ecologist (24/05/16) & (02/06/16) - Having looked at the amended documents I welcome the retention of hedgerows and do not object to the application. My earlier comments had been associated with minimising loss to biodiversity and ensuring the development can deliver a net gain. The applicant acknowledges that integrated bird and bat boxes will be used in the development and I would like to see these provided at a ratio of one bat and bird box per unit to be fitted in accordance with RSPB and BCT guidance. I expect a landscaping scheme will form a condition and I would like to ensure this scheme includes the use of native hedge and tree species together with nectar / berry rich planting on plots. Fences should ensure hedgehog holes are incorporated to allow permeability for small mammals across the site.
7. CBC SuDs Engineer (27/05/16) - No objection, subject to the imposition of a condition to secure an appropriate surface water drainage scheme.
8. CBC Pollution Officer (14/05/16 & 19/05/16) - No Comments
9. CBC Highways Officer (10/06/16) - No objection, subject to the imposition of conditions to secure the off site highway works, appropriate surfacing and retention of parking provision.

**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. **Highway Considerations**
5. **Other Considerations**

## **Considerations**

### **1. Principle**

- 1.1 The site lies outside of the settlement envelope of Houghton Conquest and is located in land regarded as open countryside. The adopted policies within the Core strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Houghton Conquest is designated as a large village and Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 Further to a recent appeal decision at Henlow, at the time of writing this report, the Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The NPPF (paragraph 14) advises that where the development plan is absent, silent or out of date that permission should be recommended for grant unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.
- 1.3 The site is directly adjacent to the settlement envelope and to the south of the site which is currently agricultural land, outline planning permission was approved by the planning committee in October 2015 for the erection 125 dwellings and associated infrastructure, access and landscaping which is a material considerations of which its reason for approval was on the basis that the council does not have a 5 year housing supply. As such, the land in question would be considered to be a small scale development, bounded on 2 sides by existing and proposed housing and would not result in a further intrusive into the opening countryside. Whilst the proposal would extend the built form into the rectangular piece of land, the land in the future will be surrounded by development and this factor is a material planning consideration.
- 1.4 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.5 Economic  
The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are

located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 7 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Houghton Conquest provides some employment opportunities including public houses, village stores, a school and restaurant. Furthermore Houghton Conquest is in close proximity to Marston Moretaine which constitutes a Minor Service Area which has access to a range of facilities and services which would provide local employment opportunities. On the basis of this the village is considered to be a sustainable location.

#### 1.6 Social

The provision of housing is a benefit of the scheme which should be given some weight however on the basis that the development would be small scale, it would not constitute a significant contribution to our 5 year housing supply and therefore is not given significant weight. Houghton Conquest is classified as a Large Village under Policy CS1 of the Core Strategy for the North with access to a variety of community facilities which is iterated in the above paragraph. The village is served by a bus service which stops on Bedford Road. Therefore the village can be regarded as a sustainable location and it is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents. The development will have no adverse impact on the local infrastructure which would require any offset by way of a S106 agreement and financial contributions. On the basis of this the village is considered to be a sustainable location.

#### 1.7 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologist is satisfied that the proposal would allow for retention and enhancement of more boundary habitat features and can secure additional biodiversity gain by the reinforcement of the landscape buffer which would incorporate native species. The development site would result in the loss of Grade 2 good quality agricultural land whereby paragraph 112 of the NPPF recommends that Local authorities consider the long term implication of the loss of good quality agricultural land in the interest of sustainable growth. The site is not used in this capacity at present and the applicant has stated the land is too small for modern farming methods. Notwithstanding this however, the proposal would not constitute significant development or loss of agricultural land. Furthermore the encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. The site abuts residential development on two sides and is not considered to be an isolated site. Furthermore the site is currently demarcated by existing boundary treatment which would be retained and enhanced without wider impact on the prevailing flat topography landscaping directly adjacent to site which constitutes agricultural land. The impact of developing this site adjacent the settlement envelope is therefore not considered to result in significant and demonstrable harm.

- 1.8 As such it is considered that the proposal would represent an appropriate scale of development bound by existing development and that given alongside the presumption in favour of Sustainable Development outweighs any identified visual harm to the character of the area given that landscape proposals would allow for the provision of a landscape buffer along the edges of the site and the proposal generates inherit off site highway benefits which is detailed further in section 4 of this report. The proposal therefore would accord with the Section 1 and 6 of the NPPF.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 Consideration has been given to the building lines established by adjacent dwellinghouses and the footprints and curtilages proposed are fairly representative of other properties within the area.
- 2.2 The dwellinghouses proposed would be a mixture of a one & a half storeys and two storeys. Given the proposed developments potential for prominence, sectional drawings and finished floor levels were supplied in support of the scheme demonstrating that the heights of that proposed would not significantly differ from the existing built form. Slab levels could be secured by condition to ensure that the development is constructed as envisaged. Furthermore, despite a number of concerns expressed in respect of the design of the dwellinghouses appearing out of character when considered within the context of the streetscene, the dwellinghouses along Mill Lane are varied with a mix of bungalows and two storey dwellinghouses, some of which are of a historically character and others a more modern fabrication and therefore the proposed development would not be considered to appear obtrusive.
- 2.3 The scheme represents a low density scheme of approximately 15 dwellings per hectare and proposes an appropriate mix of dwellinghouses. There is an adequate separation between the dwellinghouses of 5 metres which is in excess of the separations supported within the Councils technical design guidance and therefore the proposed does not constitute a cramped form of development.
- 2.4 Projecting gables are proposed to both the front and rear of the units to provide active frontages not only onto Mill Lane but to also provide a positive relationship with the open space and provide vantage points across the site that is proposed to serve the housing development for 125 dwellings under reference CB/15/01362/OUT. Chimneys have been incorporated into the designs of the dwellinghouses, respectful of the prevailing character of the area and to provide a break in the roofscape.
- 2.5 In terms of the boundaries of the site, the layout plan indicates that the existing boundaries are to remain where possible and be subject to supplementary planting if necessary which is considered to be positive. The retention and further enhancement can be secured through condition. Whilst some concerns have been expressed about the loss of mature landscaping and trees within the site, a tree survey report was supplied with the application which demonstrated the viability and quality of the existing trees and landscaping. The Councils Tree and Landscape Officer has accepted the results of this report and has not wish to raise an objection to this proposal, subject to the imposition of conditions to secure appropriate replacement within and around the site, with more native

species.

- 2.6 Materials would be controlled by condition to ensure that the materials proposed would be reflective of the established character. As such it is considered that the scheme has been designed such that it would reinforce and be sensitive to the character of the area and it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Neighbouring Amenity**

#### **3.1 Existing Residents**

Dwellings have been sited to ensure that there is a separation in excess of 20 metres between the existing and proposed dwellinghouses in accordance with the accepted distances contained within the Councils adopted design guidance. As such, it is concluded that on the basis of these distances, despite concerns raised by a number of residents, that the proposed development would unlikely give rise to an unacceptable loss of privacy to existing residents in terms of mutual overlooking.

- 3.2 Whilst concerns have been raised by residents in terms of noise and disturbance in relation to the new development, no concerns have been expressed in this regard by the Councils Public Protection Officer.

#### **3.3 Future Occupiers**

The dwellinghouses have been sited such that there would be no resultant impact on future occupiers in terms of loss of light/overshadowing nor privacy concerns.

- 3.4 The layout plan demonstrates that an adequate level of external amenity has been provided for future occupiers in accordance with the Central Bedfordshire Design Guide. Furthermore the floorplans provided demonstrate adequate internal amenity standards. Given that the proposal would provide adequate levels of amenity for future occupiers, the boundaries of the site would be demarcated by mature landscaping and due to the fact that the site to the rear is developable land, the proposal would not result in a greater erosion to open countryside if permitted development extensions were proposed by future occupiers and therefore it is not considered reasonable to restrict PD rights in this context.

- 3.5 Whilst bin storage and collection points and cycle storage facilities have not been identified on the layout plan, there is sufficient spaces within the site to accommodate such facilities and as such this could be secured by condition. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

### **4. Highways Considerations**

- 4.1 Concerns were expressed by the Councils Highways Officer within the previously withdrawn planning application under reference CB/15/04851/OUT due to the insufficient width of the highway to accommodate two way traffic.

- 4.2 The revised scheme herein includes the provision of a road widening directly in front of the development to a 4.8 metre width, addressing the Highways Officers previous concerns and allowing for the free flow of two way traffic along this section of the road. In addition build outs are proposed at intervals to reduce the width at pinch points to 3.7 metre to slow traffic. Furthermore the plans proposed introduction of a 1.5 metre footpath along the boundary and a crossing link. Whilst concerns have been raised by local residents and the parish alike in respect of the delivery of oil and LPG, the Councils Highways Officer has not raised any concerns in this regard.
- 4.3 In terms of drainage, which is a concern raised by many residents, the existing drainage ditch will be cultivated and further opportunities to capture any run of water at source can be controlled by condition. No concerns have been expressed in this regard by the Internal Drainage Board.
- 4.4 In respect of parking, each unit boasts adequate off road parking and appropriate access and turning in accordance with the Councils Parking Standards. The Councils Highways Officer has recommended that the garages be conditioned to be retained for parking to ensure the retention of adequate off road parking provision in the future.
- 4.5 As such the proposal would not contribute to highway safety concerns and no concerns have been expressed by the Councils Highways Officer subject to the imposition of relevant conditions. Therefore it is considered that the proposal 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 Biodiversity**

The Councils Ecologist has concluded that the proposed layout would allow for retention and enhancement of boundary habitat features. The NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has no raised no objection the granting of this permission subject to the imposition of a condition requiring the provision of native hedge and tree species together with nectar / berry rich planting on plots alongside the provision of the bat & bird boxes as indicated in the supporting statement and the provision of hedgehog holes into any proposed boundary treatment. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

### **5.2 Flood Risk & SuDs**

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. As such, no objections have been raised by the Environment agency. The Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential and as such has not wish to raise any objection to this proposal subject to the imposition of conditions to control is provision. Whilst many residents have raised concerns relating to flooding potential, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this application. As such it is considered that the proposal accords with the



Councils adopted SuDs guidance and the section 10 of the NPPF.

### 5.3 **Affordable Housing Provision**

On 11<sup>th</sup> May 2016 the government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). In light of this, the Councils Housing Development Officer has concluded that Affordable Housing Provision need not be secured for this development. Notwithstanding this however, the applicant has agreed to retain the two smaller units to retain an appropriate mix of housing within the development.

### 5.4 **Financial Contributions**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, the applicant has not submitted or signed an agreement for Section 106 Unilateral Undertaking. However given the fact that the proposal is for less than 10 dwellinghouses within a large settlement, it would not give rise to the requirement for significant education or community infrastructure contributions, therefore it is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy CS2 of the Core Strategy for the North.

### 5.5 **Sustainable Construction & Lifetime homes**

Central Bedfordshire Design Guide (March 2014) sets out the policy approach to Lifetime Homes and accessibility standards (pages 44-50 of the Residential Development section). This is further iterated in policy DM2 of the Core Strategy for the North. This specifies the Lifetime Homes criteria which goes beyond the standards of Building Regulations and requires that all affordable housing on a development are lifetime home compliant. This is consistent with the section 6 of the NPPF requiring good quality homes. The proposal herein provides for the lifetimes homes as stipulated. Furthermore in the interest of Sustainable Development and Construction a Waste Management Statement has been supplied which outlines opportunities to recycle materials and reduce the amount of waste as a result of the development. As such, the proposal is compliant with Policy DM2 of the Core Strategy for the North, the Central Bedfordshire Design Guide and the NPPF.

### 5.6 **Construction impact**

Objections have been raised on these grounds however it is given little weight as a material consideration given that it is a temporary impact and one that is apparent on any grant of planning permission. Damage caused as a resultant of

construction constitutes a civil matter.

#### 5.7 **Impact on Services**

Whilst concerns have been expressed by local residents and the Parish Council about the impact of seven additional dwellinghouses on the existing water and sewage connections, the Internal Drainage Board has not raised any objections or concerns in this regard.

#### 5.8 **Cumulative Impact**

Whilst concerns have been expressed by local residents in respect of the cumulative impact on Houghton Conquest due to the number of residential development proposals in recent years, planning applications can only be determined on the basis of their individual merits and therefore this is not a material consideration.

#### 5.9 **Human Rights issues**

The proposal raises no Human Rights issues.

#### **Equality Act 2010**

The proposal raises no Equality issues.

#### **Recommendation:**

That Planning Permission be Recommended for Approval 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: Building materials are required to be ordered in advance of the construction phase and to ensure that the materials proposed would reflect the envisaged appearance of the development. (Policy DM3 of the Core Strategy for the North & Section 7, NPPF)**

- 3 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. Opportunities should be taken to incorporate hedgehog holes into the boundary fencing to allow permeability for small mammals across the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality and provide for biodiversity mitigation and net gain. (Policies DM3 & DM15 of the Core Strategy for the North & Sections 7 & 12, NPPF)

- 4 **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.  
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)**

- 5 The dwellings hereby approved shall not be occupied, until a landscaping scheme to include all hard and soft landscaping including the use of native hedge and tree species together with nectar / berry rich planting on plots and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Policy DM14 of the Core Strategy for the North & Sections 7 & 11, NPPF)

- 6 Prior to first occupation of the development the off-site highway works shown for indicative purposes on plan BD/2015-01/08 shall be constructed in accordance with full engineering details which must be first submitted in writing to and approved by the Local Planning Authority. The works shall be carried out in full accordance with the approved technical specification and thereafter retained for its purpose.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 6 The premises shall not be occupied until details of the construction and surfacing of the on site vehicular access have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure acceptable parking of vehicles outside highway limits . (Policy DM3 of the Core Strategy for the North and Section 4, NPPF)

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amendments thereto, the 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. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 9 The dwellings hereby approved shall not be occupied until details of the bin storage container & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage container and collection areas have been implemented in accordance with the approved details. The bin storage container & collection areas shall be retained thereafter.

Reason: In the interest of amenity.  
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

- 10 **No development shall take place until the detailed design and associated management and maintenance plan for a proposed surface water drainage for the site, based on sustainable drainage principles and a detailed and site specific assessment of the hydrological and hydrogeological context of the development carried out in accordance with BRE Digest 365, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall then be implemented in accordance with the approved detailed design and shall be managed and maintained there after 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, to prevent flooding. (Section 10, NPPF)**

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site Location Plan (BD/2015-01/06A), Block Plan (BD/2015-01/07C), Site Sections (BD/2015-01/07D & BD/2015-01/23), House Types (BD/2015-01/11A, BD/2015-01/12, BD/2015-01/13A, BD/2015-01/14, BD/2015-01/15A, BD/2015-01/17A, BD/2015-01/18, BD/2015-01/19, BD/2015-01/20, BD/2015-01/21, BD/2015-01/22), Tree Survey Report dated March 2016 and accompanying plans ref: BD/2015-01/08 & 200 Plan Rev A, Protected Species Survey dated November 2015, updated 02.06.16 &

Sustainability Statement dated December 2015.

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

**INFORMATIVE NOTES TO APPLICANT**

1. 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.
2. 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.
3. The applicant is advised that in order to comply with 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 Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
5. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.

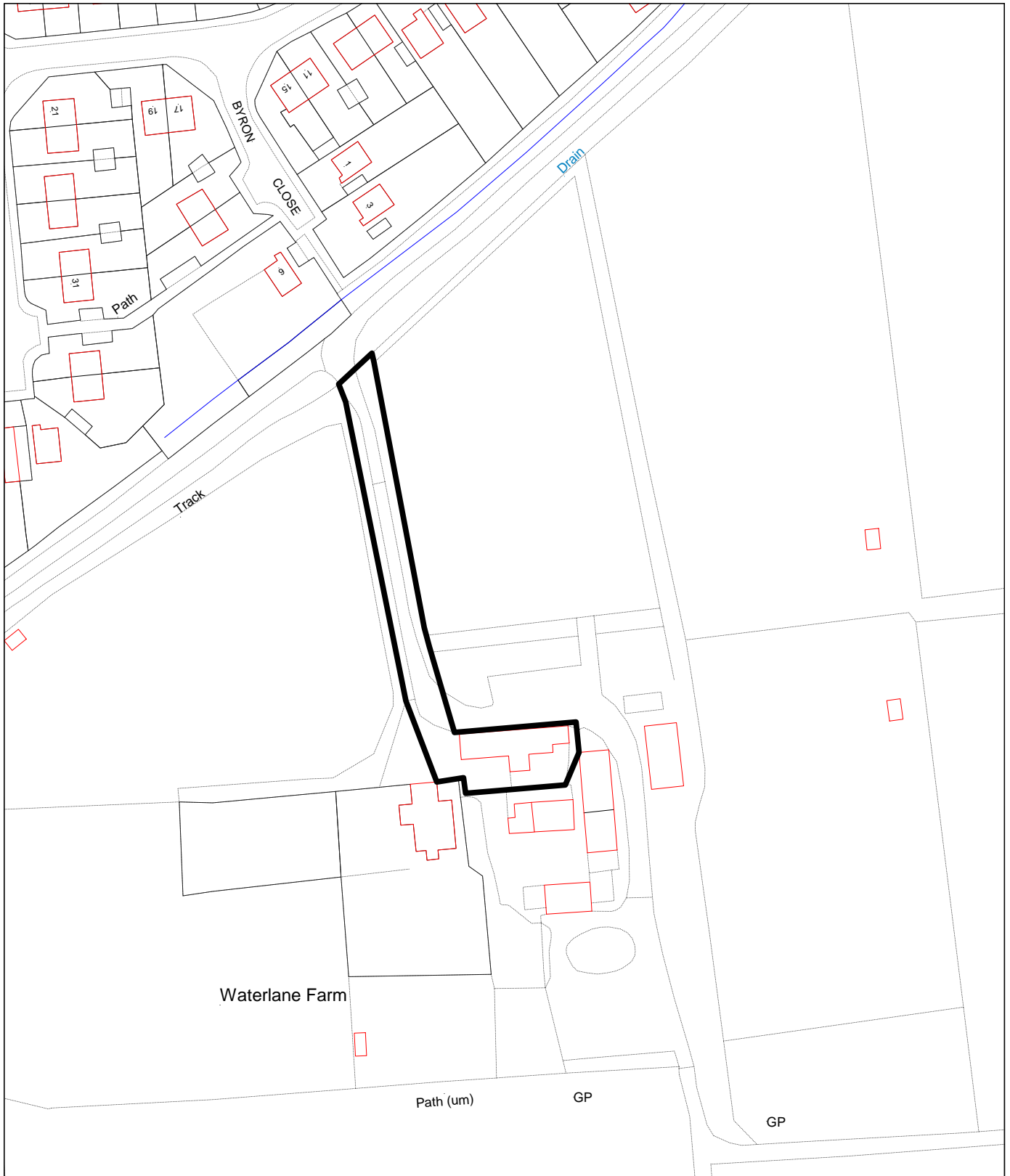
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

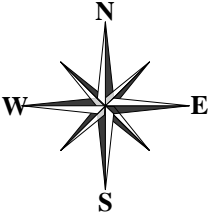
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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	Date: 14:June:2016  Map Sheet No	
Scale: 1:1250	<b>Water Lane Farm, Biggleswade Road ,                  Upper Caldecote, SG18 PBP</b>	

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**Item No. 12**

**APPLICATION NUMBER** CB/16/01768/FULL  
**LOCATION** Water Lane Farm, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BP  
**PROPOSAL** Conversion of farm offices to dwelling  
**PARISH** Northill  
**WARD** Northill  
**WARD COUNCILLORS** Cllr Mr Firth  
**CASE OFFICER** Donna Lavender  
**DATE REGISTERED** 27 April 2016  
**EXPIRY DATE** 22 June 2016  
**APPLICANT** Mrs Maudlin  
**AGENT** Richard Beaty (Building Design) Limited  
**REASON FOR COMMITTEE TO DETERMINE** Relative of Councillor Caroline Maudlin

**RECOMMENDED DECISION** Recommended for Approval, subject to conditions

**Reason for Recommendation**

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the Council is unable to demonstrate a 5 year housing supply and as such development should be considered in the context of sustainable development. The application site is considered to be a sustainable location for planning purposes and presents special circumstances which would outweigh any harm by way of its inappropriateness. The proposal would have no impact on the character and appearance of the area and is also considered to be acceptable in terms of highway safety and neighbouring 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).

**Site Location:**

The application site consists of an agricultural barn used as an office use in association with Water Lane Farm also within its grounds, which was given permission in 2012 under planning reference CB/12/01266/FULL.

The site is not located within the Upper Caldecote Settlement Envelope however the site is designated as falling within an Area of Archaeological Interest.

**The Application:**

Permission is sought for the change of use of the barn from farm office to C3 (Residential) Use. No changes are proposed to the external appearance of the unit however a small external amenity space is proposed alongside parking provision for 2 cars.

**RELEVANT POLICIES:**

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

Section 6 -Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 11- Conserving and enhancing the Natural Environment

Section 12 - Conserving and enhancing the Historic Environment

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

CS2 - Developer Contributions

CS14 - High Quality Design

DM3 - High Quality Design

DM4 - Development Within and Beyond Settlement Envelopes

DM12 - Horticulture & Redundant Agricultural Sites

DM14 - Landscape and Woodland

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. Planning Obligations Strategy, 23 October 2009
2. Written ministerial statement by Brandon Lewis on support for small-scale developers, custom and self-builders, Published 1st December 2014
3. Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

Application Number	CB/15/04056/PAPC
Description	Pre Application Non Householder Advice: change of use of office to a dwelling.
Decision	Advise Released
Decision Date	30/11/2015

Application Number	CB/12/01266/FULL
Description	Proposed farm office building and car park
Decision	Full Conditional Approval
Decision Date	24/05/16

**Parish Council**

1. Northill Parish Council Resolved to approve this proposal. (27/05/16) -

**Consultees:**

1. CBC Highways Officer No Objection

(11/05/16) -

2. CBC Archaeologist No Objection  
(16/05/16) -

3. CBC Rights Of Way No Objection  
Officer (16/05/16) -

4. Internal Drainage No Objection, subject to an informative in respect of the  
Board (24/05/16) - investigation of existing soakaways.

5. CBC Ecology No Objection, subject to the imposition of an informative  
(06/06/15) - notify the applicant of their responsibilities if any bats are  
found during the course of any works.

#### **Other Representations:**

None received

#### **Determining Issues:**

The main considerations of the application are;

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

#### **Considerations**

##### **1. Principle**

1.1 The site lies outside of the settlement envelope of Upper Caldecote and is located in land regarded as open countryside. The adopted policies within the Core strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Upper Caldecote is designated as a large village and Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with this Policy.

1.2 Further to a recent appeal decision at Henlow, at the time of writing this report, the Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The NPPF (paragraph 14) advises that where the development plan is absent, silent or out of date that permission should be recommended for grant unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

1.3 The National Planning Policy Framework carries a presumption in favour of

Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.

- 1.4 Upper Caldecote is classified as a Large Village under Policy CS1 of the Core Strategy for the North with access to a variety of community facilities including Caldecote Lower School, a post office, Anglican church, Methodist chapel, antiques shop, garage, GM Growers, cricket club, football pitches and changing rooms, tennis courts, netball court, children's park and two newsagents. The village is served by a bus service which stops on Biggleswade Road a short walk from the site. The proposal is a conversion and therefore the use of the building would not result in further erosion of existing open space or countryside. Therefore the village can be regarded as a sustainable location as it provides employment opportunities; services which serve the residents social needs and the development would have no environmental impact. The provision of housing is a benefit of the scheme which should be given some weight however on the basis that the development would be small scale; it would not constitute a significant contribution to our 5 year housing supply and therefore is not given significant weight.
- 1.5 In addition, Policy DM12 of the Core Strategy for the North supports proposals for the re-development or conversion of redundant or disused buildings within agricultural sites providing that the scale, layout and design of the proposal are reflective of their setting, and whereby they have a suitable relationship with the existing local facilities and road network. In this instance, the unit has only been used in association with the agricultural business since its construction in 2014 and is not considered disused or redundant however it is close proximity to the main highway network and village core and the building would still retain a function which is supportive of the agricultural enterprise which is considered in greater detail in paragraph 1.6 of this report. The NPPF goes further to support schemes for the conversion of disused buildings providing that they would lead to an enhancement of their immediate setting or whereby there is an essential need for a rural worker to live permanently near their place of work.
- 1.6 The supporting statement supplied with the application details special circumstances that the current occupier of the farm cottage on the site, is semi-retired and unable to carry out the manual tasks of the farm. The owner requires assistance from her son and family in this capacity. The intention is to allow her son to live in the main residence on the site and use the current office building (the subject matter of this application) in a residential capacity for herself. This allows for independent living whilst also allowing the applicant to continue with the administrative functions she still carries out on the site in connection with the agricultural business. The office function would return to the main residence and some rooms of the proposed new residence would be utilised for storage in association with the agricultural use.
- 1.7 The office unit is currently not redundant or disused and has only recently been provided, however the NPPF is supportive of the reuse of buildings within rural locations and its reuse would not result in a demonstrable amenity impact. The

development can be regarded a small scale within a sustainable location and further to the special circumstances presented in support of the conversion of the unit for residential purposes and due to the fact that unit would still be utilised in ancillary function in association with the agricultural nature of the site, it is considered that the proposal would conform to policy DM12 of the Core Strategy for the North and Section 6 of the NPPF.

## **2. Affect on the Character and Appearance of the Area**

- 2.1 No external changes or additional openings are proposed as a result of the conversion. Hardstanding and green space already exists within the site which can accommodate parking and amenity and whilst a 1.8 metre high boundary fence is proposed to demarcate the proposed garden space, the proposal would not adversely affect on the overall character of the site. As such, it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

## **3. Neighbouring Amenity**

- 3.1 The building is far enough away from any neighbouring houses outside of the site to ensure that no harm would be caused to living conditions. The building is sufficient distance away from the farm house that there would be no resultant overlooking as a result of residential occupation.
- 3.2 The layout plan demonstrates that an adequate level of external amenity for a 1 bedroom unit has been provided for future occupiers in accordance with the Central Bedfordshire Design Guide. However given the limited width of the garden space, pd rights will be removed for additional buildings and extensions to the unit, to ensure an adequate level of amenity can be retained for future occupiers. Furthermore the floorplans provided demonstrate adequate internal amenity standards.
- 3.3 Whilst bin storage and collection points have not been identified on the layout plan, there are sufficient spaces within the site to accommodate such facilities and as such this could be secured by condition. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

## **4. Highway Considerations**

- 4.1 No changes are proposed to the existing access. Two parking spaces are proposed for the 1 bedroom dwellinghouse, in accordance with the Councils Parking Standards. The existing parking area which was previously used in conjunction with the office building will be unchanged and remains in use for any associated meetings and workshops that would be facilitated within the main residence of the farm. As such, the proposal is not considered to be prejudicial to highway safety and no objections have been raised by the Councils Highways Officer in this regard. The proposal therefore is considered to be in accordance with DM3 of the Core Strategy for the North and Section 4 of the NPPF.

## **5. Other Considerations**

- 5.1 **Archaeology**

The proposed development site lies partly within the historic core of the settlement of Upper Caldecote (HER 17129) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest. However, the nature of the proposals is such that there is unlikely to be a major impact upon any surviving archaeological remains. As such, no objection has been raised by the Councils Archaeologist to this application on archaeological grounds and therefore the proposal would accord with Section 12 of the NPPF.

#### 5.2 Ecology

The building has been in active use and therefore it is unlikely there is a presence of bats or other protected species. In the event that any species are identified during the conversion works, an EPS license will need to be obtained from Natural England. As such, it is considered that the proposal would accord with Policy DM15 of the Core Strategy for Central Bedfordshire and Section 11 of the NPPF.

#### 5.3 Rights of Way

Whilst the building is near to the public right of way (adjoining its southern boundary), the proposal would not see any encroach upon it and would not prevent its use. As a result, no harm would be caused to the Right of Way.

#### 5.4 Pre-Application Advice

Advice was sought on the potential conversion of this unit to residential in 2015 under reference CB/15/04056/FULL. Advice was given that the change of use would not constitute permitted development under an Agricultural notification and that special circumstances would need to be demonstrated. This matter was fulfilled in the statement accompanying this planning application.

#### 5.5 Financial Contributions

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals.

In this case, the applicant has not submitted or signed an agreement for Section 106 Unilateral Undertaking. However given the fact that the proposal is for only 1 dwellinghouse within a sustainable location, it would not give rise to the requirement for significant education or community infrastructure contributions, therefore it is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy CS2 of the Core Strategy for the North.

#### 5.6 Human Rights issues

The proposal raises no Human Rights issues.

#### Equality Act 2010

The proposal raises no Equality issues.

**Recommendation:**

That Planning Permission be Recommended for Approval 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 The dwelling hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.  
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

- 3 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area and to ensure an adequate external amenity space is retained.  
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

- 4 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 an adequate external amenity space is retained.  
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 08.50.21 (Proposed Plans), 08.50.22A (Block Plan) & CBC 001 (Site Location Plan).

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

## INFORMATIVE NOTES TO APPLICANT

1. 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.
2. 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.
3. The applicant is advised that in the event that any protected species are identified during the conversion works, you will be required to apply for an EPS license for the mitigation of protected species prior to the commencement of works. Details of the application process can be found on via the following web link:  
<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>
4. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.  
In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Vale House, Broadmead Road, Stewartby, Bedford. MK43 9ND - Telephone (01234 767995) - E-mail [contact@idbs.org.uk](mailto:contact@idbs.org.uk)
5. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

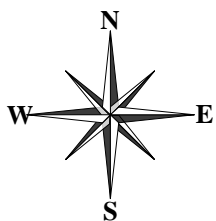
The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## DECISION



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Date: 15:June:2016

Grid Ref: 501899; 222173

Application No.  
CB/16/01011/FULL

Scale: 1:5000

ASDA Stores Ltd, Court Drive, Dunstable, LU5 4JD

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/16/01011/FULL</b>
<b>LOCATION</b>	<b>ASDA Stores Ltd, Court Drive, Dunstable, LU5 4JD</b>
<b>PROPOSAL</b>	<b>Erection of a 3 pump petrol filling station to include forecourt canopy, control room and car park reconfiguration.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Chatterley</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>15 April 2016</b>
<b>EXPIRY DATE</b>	<b>10 June 2016</b>
<b>APPLICANT</b>	<b>ASDA Stores Ltd</b>
<b>AGENT</b>	<b>Pegasus Group</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Development Infrastructure Group Manager recommends that the application be determined at Committee given the ownership of the land by the Council, the impact on the local environment, and the objection lodged by Dunstable Town Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>

**Summary of Recommendation:**

The proposed development would be harmful to the visual amenity of a prominent town centre location and incompatible with the street scene. It would also be harmful to the setting of the adjacent Conservation Area and Grove House Gardens, and would result in the loss of landscape planting and trees without identified mitigation. Furthermore, insufficient information has been provided to enable an accurate assessment of the application in terms of the junction capacity and its implications on the public highway, and to show that the proposed internal road layout serving the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the public highway. Also, the proposal makes inadequate provision for a satisfactory vehicular access to accommodate commercial traffic generated by the proposal and is likely to lead to an increase in congestion and additional hazards for highway users. In the absence of a noise survey there is also insufficient information to gauge the impact of the proposal on neighbouring occupants, and there is a lack of information to demonstrate the protection and prevention of pollution of controlled waters from potential pollutants associated with current and previous land uses. The proposal is therefore considered to be in conflict with policies BE7 and BE8 of the South Bedfordshire Local Plan Review 2004, and Sections 4, 11 and 12 of the National Planning Policy Framework, March 2012.

**Site Location:**

The application site of 0.58 hectares forms part of the car park of the ASDA Dunstable Supermarket. It is to the west of the store building. The ASDA car park,

including that inside and outside the application site, comprises 387 standard car parking spaces, 36 disabled spaces, 12 parent and toddler spaces, and four Click & Collect spaces. Vehicular access to the site is from a mini roundabout on Court Drive.

The site is in Dunstable town centre and the area around the site contains a variety of uses. To the south and south west is part of the Main Shopping Area (South Bedfordshire Local Plan Review (SBLPR) 2004 Policy TCS2). There is also residential development to the east in Kingscroft Avenue and Dorchester Close. Grove House Gardens are to the west (SBLPR Policy BE7); the Gardens are in the Dunstable Conservation Area. Dunstable Library/Vernon House is immediately to the south east.

### **The Application:**

Planning permission is sought for a three pump, six filling position Petrol Filling Station (PFS). The PFS would be provided by ASDA in association with the adjacent supermarket, and would incorporate a 'pay at the pump' facility (thereby negating the need for a payment / retail kiosk). The PFS would be a 7 day, 24 hour operation.

The PFS would have a forecourt canopy with a length of 20.6m, a width of 7.7m and a height of 5.0m.

A PFS control room, with a length of 1.95m, a width of 2.15m and a height of 2.3m, and two underground fuel storage tanks each with a capacity of 75,000 litres, is also proposed.

A 2.0m high blast wall, vent pipes and underground storage tanks are also proposed.

The PFS would require the reconfiguration of the car park, resulting in the loss of 27 standard car parking spaces (387 to 360), the loss of two parent and toddler spaces (17 to 15), and the gain of one disability space (36 to 37).

The internal road layout and pedestrian crossings would also be reconfigured / re-positioned to accommodate the PFS. There is currently a pedestrian crossing running across Court Drive from Grove House Gardens which continues across an internal road within the ASDA car park and links to a footpath and further pedestrian crossings before reaching the entrance to the supermarket. The proposal would result in this changing by way of the pedestrian crossing across the internal road being realigned and instead crossing the forecourt where vehicles would exit the PFS.

The existing vehicular access would be retained, albeit the kerb would be widened to facilitate fuel tanker tracking.

### **Relevant Policies:**

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

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres  
Section 4: Promoting sustainable transport  
Section 7: Requiring good design  
Section 11: Conserving and enhancing the natural environment  
Section 12: Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review (January 2004)**

BE7 Consideration and Enhancement of Historic Parks and Gardens  
BE8 Design Considerations  
T8 Controlling the Supply of Public Car Parking  
TCS1 Sustaining and Enhancing the District's Town Centres  
TCS2 Main Shopping Areas

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policies BE7, BE8, T8, TCS1 and TCS2 are broadly consistent with the Framework and carry significant weight.

### **Development Strategy for Central Bedfordshire (June 2014)**

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**

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

The planning history relates to the supermarket itself and other developments within the car park.

Application Number	CB/15/00401/ADV
Description	Advertisement Consent: Erection of a 'Click & Collect' canopy within the Asda store's customer car park.
Decision	Conditional Advertisement Consent
Decision Date	7 April 2015
Application Number	CB/15/00400/FULL
Description	Erection of a 'Click & Collect' canopy within the Asda store's customer car park.
Decision	Conditional planning permission
Decision Date	7 April 2015

Application Number	CB/14/01207/FULL
Description	Construction of seasonal canopy
Decision	Conditional planning permission
Decision Date	5 June 2014
Application Number	CB/13/02027/FULL
Description	New home shopping facility including the formation of a new up and over service door, the existing up and over service door and fire exit door will be made wider to the service yard area.
Decision	Conditional planning permission
Decision Date	6 August 2013
Application Number	CB/12/02394/FULL
Description	Removal of planting within Asda car park and construction of exit from car park to Vernon Place
Decision	Conditional planning permission
Decision Date	30 August 2012
Application Number	CB/11/01055/FULL
Description	Erection of single storey extension to warehouse/marshalling area of superstore and HGV dock leveller and approach ramp
Decision	Conditional planning permission
Decision Date	16 June 2011
Application Number	CB/09/00013/VOC
Description	Variation of condition 1 of Planning permission SB/TP/06/1330 to extend opening hours.
Decision	Conditional planning permission
Decision Date	11 March 2009
Application Number	SB/TP/99/0651/FULL
Description	Demolition of Queensway Hall and erection of Class A1 foodstore with associated car parking and service areas
Decision	Conditional planning permission
Decision Date	19 April 2000

**Consultees:**

Dunstable Town Council	Members strongly object to the proposal to site a petrol station at the proposed location. Members feel that the proposal is an unnecessary imposition on the visual amenity of this prominent town centre location and is not in keeping with the street scene and the adjacent award winning (Green Flag) Grove House Gardens. Indeed much has been done to improve the visual amenity of this area with attractive high quality landscape planting some of which will be lost as a result of the development. It is further considered that the canopy, blast wall, venting pipes and PFS control room will be a blight on the street scene. Despite the
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mitigation contained in the application relating to loss of parking and additional traffic flow Members are of the view that the proposal will likely increase congestion at peak periods and increase the need for additional HGVs using Court Drive.

#### Archaeology

The proposed development site lies within the core of the Roman and medieval towns of Dunstable (HER 135 and 16986) and immediately adjacent to an area of early Roman settlement activity (HER 11270). Under the terms of the *National Planning Policy Framework* (NPPF) these are heritage assets with archaeological interest.

This application proposes the erection of a petrol station within the car park of the existing ASDA supermarket on Court Drive. Prior to the erection of the supermarket a number of archaeological investigations were undertaken including a geophysical survey; test pitting, a watching brief and an excavation. These investigations demonstrated the presence of at least one partial enclosure, and pits and ditches indicative of settlement activity, which was dated to the 1st century AD. The area where the proposed petrol station is to be located was not found to contain any archaeological remains (Mudd 2004).

This application is accompanied by an *Archaeological Desk-Based Assessment* (Pegasus Group, April 2016), which summarises the known archaeological background for the proposed development site and its immediate surroundings. The document correctly identifies that the area where the proposed petrol station will be located has previously been the subject of an archaeological watching brief. Archaeological watching briefs are the most 'light touch' of investigations and therefore remains can be missed depending upon the conditions in which the archaeological contractor is working. In addition, the proposed petrol station will have underground tanks for the storage of fuel, which will result in a greater impact than the previous re-surfacing of the car park. However, on balance, it is unlikely that any significant archaeological remains now survive at this location and as a consequence; I have no objection to this application on archaeological grounds.

#### Trees and Landscape

##### Initial Submission

I have examined the plans and documents associated with this application, and contrary to what is declared in Section 15 "Trees and Hedges" of the application there

are a number of trees that were an integral part of the original landscape scheme for the car park that will be adversely affected by the development.

It is on this basis I request that a tree survey is undertaken to show which trees are being removed, and the mitigation measures being proposed.

Further Submission Following Receipt of Tree Removal Plan

I confirm my objection on the basis of the loss of 5 trees that were provided as part of the original landscape scheme, and that no mitigation strategy has been proposed by the applicant.

Highways (Development A Transport Statement has been submitted by the applicant detailing the proposal for a 3 pump, 6 filling position at Asda stores on Court Drive in Dunstable incorporating a pay at the pump retailing facility.

The filling station is accessed off Court Drive at the existing access to the Asda store

The proposal involves the loss of 27 customer parking spaces reducing the existing provision of 387 to 360.

The opening hours of the existing store are as follows:

Mon – Fri – 07:00 to 11:00pm  
Sat. – 07:00 to 10:00pm  
Sun. 10:00 to 16:00pm

Car park surveys have been undertaken to determine maximum car park occupancy.

The proposal is such that all vehicles accessing the petrol filling station, including petrol tankers, would use the existing car park access which is currently served by a mini roundabout.

In terms of the proposed trip generation the applicant makes assumptions that new trips being generated by the filling station will have an insignificant impact on the highway network as many will be passing by anyway.

It assumes that 70% of trips are associated with the existing food store. I would appreciate additional information on the source of this assumption.

The database used for the proposed trip generation is TRICS. The applicant has used version 7.2.1, however

there is an updated version 7.3.1, the difference between the two versions does not represent a significant variation for this development.

The additional trip generation appears to have been represented in various tables which indicate the arrival trips to the development rather than the combination of the arrival and departures. Instead, the applicant has addressed this within the summary by doubling the amount of arrival trips to obtain the overall total.

The additional trips (this is assumed to be 30% of the total generated by the proposed development) will consist of pass by traffic and new trips. It is also assumed that the pass by traffic represents 30% of the additional trips during the weekday and 10% at weekends.

Based on the applicant's figures, the proposed petrol filling station will generate 1104 vehicle trips per weekday of which 331 trips will be additional trips. Of these 331 trips, 232 trips will be 'new' trips not already present on the network. In terms of the weekend figures the survey data is based on a Saturday count. It suggests that the total daily trip generation for that day is 878 trips, of which 263 trips will be additional trips. Of these 263 trips, 237 trips will be 'new' trips not already present on the network.

Although the Asda store is already serviced along Court Drive it is not serviced from the car park access. It is stated that 'The road geometry adjacent to the store prevents articulated vehicles from making certain movements at the store access junction, consequently, articulated trucks may only enter the site from the north-east by turning left from Court Drive. Similarly, vehicles leaving the site must turn left and head to the south-west', exiting Dunstable via Vernon Place, Queensway and the A5. This information is borne out by the tracking information supplied.

It is clear then that despite some minor alterations proposed to the entry and exit kerb radii, the proposal does not provide for an adequate junction to serve the development and with no means of enforcing the applicant's intended servicing arrangements, I could not support this application in its present form.

Currently there is a 7.5T weight restriction on Kingsway and the residential streets off it. There is also a 7.5T restriction on part of Court Drive, up to the existing service yard, and Queensway, such that HGVs should

access Asda via College Drive, rather than Dunstable High Street. This was introduced as part of the Court Drive enhancement works and therefore any requirement for petrol tankers to turn left out of the site would not only compromise that order but also the objectives for that order being created. In addition, the signage strategy for HGV's post opening of the Woodside and A5-M1 link is such that Heavy Goods Vehicles should be removed from the High Street.

There is also no information provided as to the volume of HGV's which would be estimated to serve the filling station or the times at which they are likely to operate making it impossible to quantify the HGV impact on both Court Drive or the A5 and upon the two pedestrian crossings located either side of the site access. It would also then have been useful to present the accident history for Court Drive in terms of measuring any potential impact.

The applicant has not demonstrated that there will be no adverse impact on the capacity of their junction with Court Drive.

It could be said that the pass by traffic is already on the network and therefore makes very little difference. However, the pass by traffic will create additional turning movements in to and out of the Asda junction, the effect of which has not been sufficiently considered by the applicant.

Whilst detailed junction modelling is not usually required within a Transport Statement, given the nature and location of this proposal junction modelling would have highlighted any capacity issues and the mitigation required. In addition there is no information provided with regard to the Vernon Place/Queensway junction or the Queensway/A5 High street junctions.

On site, the proposal makes provision for a right turning lane off the existing 2 way route in the car park for a dedicated access to the filling station and although some 'stacking' capacity has been included there is no analysis of whether queuing traffic might cause traffic accessing the store to back onto Court Drive if it reaches capacity. This should have been investigated as part of any modelling of the access junction.

In addition I have the following observations to offer in terms of the internal parking and access layout:

Traffic exiting from the two parking aisles on to the main access road will have to turn right across the right turn lane for the PFS. Obviously, if the right turn lane is occupied this will prevent vehicles from undertaking this manoeuvre causing inconvenience to those customers. There is also the likelihood of these vehicles exiting the two aisles partially blocking the pedestrian crossing route as they wait at the giveway markings.

Similarly when drivers turn left in to the two aisles from the access road, they are immediately faced with the pedestrian crossing point, which if in use by pedestrians would cause the driver to stop at the aisle junction partially obstructing traffic along the main access road entering the site.

A minor point with regard to the road markings, the hatching within the right turn lane is angled in the wrong direction.

The A5 in the vicinity of the junction of High Street/Church Street is itself an Air Quality Management Area (AQMA) which should have been detailed in the TS in terms of any increase in HGV movements.

I recommend the application is refused for the following reasons.

Insufficient information has been provided to enable an accurate assessment of the application in terms of the junction capacity and its implications on the public highway.

The application contains insufficient information to show that the proposed internal road layout serving the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the public highway.

The proposed development makes inadequate provision for a satisfactory vehicular access to accommodate commercial traffic generated by the proposal and is likely to lead to an increase in congestion and additional hazards for highway users.

Transport Strategy

With reference to application reference CB/16/01011/FULL I should like to advise that significant financial investment is being provided to deliver the A5-M1 link and Woodside Connection which are, in part, being delivered to reduce the number of HGV's from the current A5 route through Dunstable. From a strategic perspective the High Street is seen as an integral

element of the overall regeneration plans for the town centre and the objectives for the Strategic plans for the High St are to:

- Create a more pleasant, safer and attractive environment for non car users by minimising the dominance of the car
- Improve the overall management of traffic and circulation within the centre of town reducing levels of congestion and improving air quality
- Improve accessibility between and within the different parts of the town centre, facilitating the opportunities to increase footfall to local shops and key destinations within the centre of Dunstable
- Create good quality streets and spaces that contribute to improved public realm.
- Improve people's perceptions of Dunstable through design improvements that enable a move away from a typical heavily trafficked route/'Trunk road' and towards a more traditional town centre multi-mode area

Furthermore we have a HGV Signage Strategy that will route HGV's on to the appropriate roads of the CBC highway network post opening of the A5-M1 Link road in Spring 2017 and as such Vernon Place, Queensway and High Street North will not be appropriate routes for HGV's post opening of the A5-M1 Link due to the HGV restrictions that will be in place. Access routes to ASDA from the M1 Motorway will need to be from the North via the new M1 Junction 11a, Woodside Link, College Drive and from the South M1 Junction 11, Luton Road, Boscombe Road, College Drive.

There is a draft plan of the proposals enclosed however please note that the public consultation for this strategy will take place post the EU referendum June 2016.

Taking all this into consideration my opinion as an officer is that I cannot support the applicants current proposed routing of HGV's and that alternative routes should be explored that better meet our Strategic objectives for the area.

Public Protection

Topics considered:

Air Quality  
Contaminated Land  
Noise  
Light  
Odour

In relation to land contamination, the Ground Investigation reports submitted with this application appear sound and I believe that this aspect of the application could be dealt with by suitable conditions attached to any permission.

The information submitted in terms of lighting, likewise appears acceptable.

However, for noise, the covering letter states that the nearest property is 133 metres away which means that noise will not affect residential amenity. However, the units above the shops on Vernon Place have permission to become residential flats (7 in total: planning reference CB/14/02841). These units are around 30m from the proposed PFS. Additionally, there are some residential units above the shop premises on Queensway which is only a little farther away.

We need to consider noise generation in relation to these premises and without this I am not in a position to make a decision on the impact on residential amenity.

I, therefore, object to the proposals as they stand due to having insufficient information on noise.

Environment Agency

Initial Submission

Environment Agency position:

We object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater resources from which supplies of potable water are obtained can be safely managed. Without a risk assessment showing the contrary, the risks to groundwater/surface water from this development are considered unacceptable. We recommend that planning permission should be refused on this basis.

Reasons:

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) (and the relevant position statements in "*Groundwater Protection: Principles and Practice (GP3)*", section D "*Storage of pollutants*". Specifically, statements "*D1: Principles of storage and their transmission*", "*D2: Underground storage (and*

*associated pipe works)*” and *“D3: Sub water table storage”*).

Advice to LPA / Applicant:

The application documents uploaded on the website do not document that the risks of pollution are understood, as a Preliminary Risk Assessment (including a desk study, conceptual site model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

The site is located above the Holywell Nodular and New Pit Chalk Formation (undifferentiated), which are classified as a Principal Aquifer, used for potable water supplies, and where we carefully monitor development proposals of all types. In this instance the proposed development could threaten potable water supplies due to the proposed underground (potentially sub-water table storage) of hazardous substances.

Potential unacceptable risks arising from the proposed construction and operation of the petrol & diesel filling station. (This part of the assessment should be supported by a comprehensive groundwater risk assessment carried out using the results of the site investigations including groundwater monitoring, with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution. The risk assessment should also consider the foundation and drainage designs, as any intrusive foundations and infiltration Sustainable Drainage System (SuDs) may provide a fast route to groundwater for contaminants, both during and after construction.)

A detailed scheme to include the full structural details of the installation for the proposed fuel filling station is required which should include:

- Excavation
- The tanks
- Tank surround, associated pipe work and stock monitoring system (including the fuel delivery pipework)
- Drainage details for the forecourt and drainage within the tanker off loading area
- A management plan detailing how traffic will be directed onto and off-site, including how fully laden delivery tankers will avoid fuel delivery pipework between pumps and tanks
- Leak detection systems (including the location



and design of groundwater monitoring boreholes comprising of at least one up hydraulic gradient and two down gradient boreholes, one of these to be located down gradient of the underground fuel tanks. The information must include proposed frequency of monitoring and reporting to relevant regulatory authority and the suite of substances that will be tested in each groundwater sample from the site. These boreholes must be constructed in a manner that ensures they do not provide a pathway for spillages to enter the ground or groundwater from the site surfacing)

- A site specific staff training manual that explains to site staff specific environmental risks associated with the petrol filling station, and actions to be taken in the event of an incident.

NB. The infrastructure design method statement should meet BAT and reduce the risk to groundwater and comply with appropriate engineering standards including but not restricted to:

- the Blue Book, APEA & EI, 2011
- “Groundwater protection code: petrol stations and other fuel dispensing facilities involving underground storage tanks” Defra, 2002
- PPG2: Above Ground Oil Storage Tanks, EA, 2011a
- PPG3: Design and Operation of Oil Separators, EA, 2006
- PPG7: Safe Operation of Refuelling Facilities, EA, 2011b

PPG21: Incident Response Planning, EA, 2009

#### Further Submission Following Receipt of Preliminary Risk Assessment And Ground Investigation Report

We maintain our Objection.

The submitted report (ref: Preliminary Risk Assessment And Ground Investigation Report For a Proposed Petrol Filling Station At ASDA, Court Drive, Dunstable, Contract No. E12893/1 Prepared By Dts Raeburn Limited Dated March 2016) only deals with the previous uses of the site not the proposed use as a petrol filling station. The site investigation also does not include boreholes that are deep enough to measure the groundwater table and its seasonal variations (other site investigations carried out under planning in the vicinity & BGS website indicate the groundwater table is expected between 16-20m below ground level). Therefore, the conceptual site model is incomplete.

Overcoming our objection:

The applicant should provide information to satisfactorily demonstrate to The Local Planning Authority that the risk to controlled waters (both from historic contamination and the installation and operation of the petrol filling station) has been fully understood and can be addressed through appropriate measures.

Advice to LPA / Applicant:

Please see our previous response for the full details of what is required to be submitted.

Conservation and Design Proposed filling station and associated structures, signage and lighting in currently open, designed interface between the new and old parts of Dunstable Town Centre, an area forming the setting to the designated Town Centre Conservation Area and also the setting of the important and locally valued green open space of Grove House Gardens within it.

I consider that the proposed development weakens the essential and designed openness of this key area of 'transition' in the local townscape and is, in itself, development which is inappropriate in the context of the adjoining public park, an important element of conservation area character. As such, I find the proposal harmful to local character and the contribution this character makes to the quality of Grove House Gardens, and to wider Conservation Area setting.

In view of the above, I consider that the proposed filling station and associated structures, signage and lighting fail key tests for new development set out as paragraphs 131 and 137 of the NPPF, and I recommend refusal accordingly.

Highways England

Offer no objection.

Highways Act Section 175B is not relevant to this application.

**Other Representations:**

Neighbours

Four representations were received from No. 50 Hillyfields, No. 63 Beechwood Court, and Woolpack Close (No. not given), Dunstable; and 100 Westminster

Gardens, Houghton Regis raising the following objections:

Opposed to having petrol station in middle of busy retailing area.

Concerned for safety of pedestrians that move westwards from the ASDA store across zebra crossings towards the Grove House area.

Need assurance that the scheme has the agreement of Highways.

Town currently has an adequate number of fuel stations on the surrounding roads.

Proposal will do little for employment.

Proposal will reduce volume of parking available which is already inadequate at weekends around the ASDA store.

Application needs to be considered very carefully, due to proposed redevelopment of the leisure facilities and probable demolition of the towns library when it is relocated in the redeveloped sports and leisure centre.

Congestion, air pollution and road disruption to Court Drive.

Changes need to be made which make it a pleasure to live and work in Dunstable.

The area is not pleasant to use by any mode of travel. A petrol station will only add to this disorder.

### **Determining Issues:**

The main considerations of the application are:

1. Principle of Development
2. Design
3. Tree Impact
4. Highways and Parking
5. Neighbouring Amenity
6. Impact on Controlled Waters
7. Archaeological Impact
8. Other Considerations

### **Considerations:**

- 1. Principle of Development**

- 1.1 The covering letter submitted with the application (Pegasus Group, 4 March 2016) states that the development of the site for a PFS will fulfil a requirement of ASDA to complement the neighbouring supermarket offer with a petrol sales offer, meeting customer requirements in the area. As stated above, the application site is in Dunstable town centre, but outside the Main Shopping Area.
- 1.2 As the PFS would be located in a car park and outside the Main Shopping Area, the use would in principle be unlikely to have an adverse impact on the vitality and viability of the town centre in which the primary function is retail. The PFS would extend the range of facilities offered in the town centre.
- 1.3 However, the PFS would be positioned in a large open space between the ASDA supermarket and buildings opposite in Vernon Place; a space which extends and widens out into Grove House Gardens, a site of local historic interest and amenity value, to the north west. The car park and road / bus route in Vernon Place and Court Drive form part of the designed interface between the old and new parts of Dunstable town centre. This area also forms part of the setting to the designated Dunstable Conservation Area and the locally valued green open space of Grove House Gardens.
- 1.4 The proposed PFS, including a forecourt canopy, control room, blast wall and vent pipes, would weaken the essential and designed openness of this key area of 'transition' in the local townscape and would be development which is harmful to the visual amenity of a prominent town centre location and incompatible with the street scene. The proposal would also result in the loss of landscape planting adjacent to the boundary with Vernon Place, and would be inappropriate in the context of the adjoining public park, an important element of the Conservation Area character.
- 1.5 Therefore, a PFS in the location proposed would be harmful to the street scene, and to local character and the contribution this character makes to the quality of Grove House Gardens, and to the wider Conservation Area setting.
- 1.6 The proposal is therefore contrary to Policies BE7 and BE8 of the South Bedfordshire Local Plan Review 2004 as it would harm the character and appearance of the setting of an historic park. It is also contrary to paragraphs 131 and 137 in Section 12 of the National Planning Policy Framework (NPPF) as it would fail to make a positive contribution to local character and distinctiveness, and would fail to enhance or better reveal the significance of the neighbouring Conservation Area.

## **2. Design**

- 2.1 The design of the PFS per se, with materials in line with the ASDA brand, would give it an appearance compatible with the ASDA supermarket. However, this is notwithstanding the wider concern of the proposal being harmful to the street scene and local character, and to the setting of the neighbouring Conservation Area.

**3. Tree Impact**

- 3.1 The original planning permission for the supermarket (reference SB/TP/99/0651/FULL) included a landscape scheme for the car park. This provides an element of relief to the large expanse of hardstanding.
- 3.2 CBC requested a tree survey to show which trees are being removed, and the mitigation measures being proposed. A plan ((PA)11 A) was subsequently submitted identifying the loss of five trees, which form part of the original landscape scheme, to accommodate the PFS. However, the plan does not identify a mitigation strategy. The proposal is therefore contrary to Policy BE8 of the South Bedfordshire Local Plan Review 2004 which states that proposals should take full account of the need for soft landscaping in order to integrate development into its surroundings.

**4. Highways and Parking**

- 4.1 The application is accompanied by a Transport Statement (SIAS, April 2016). This identifies that the PFS would generate 1104 vehicle trips per weekday of which 331 trips would be additional trips. Of these 331 trips, 232 trips would be 'new' trips not already present on the network. In terms of the weekend figures the survey data is based on a Saturday count. It suggests that the total daily trip generation for that day would be 878 trips, of which 263 trips would be additional trips. Of these 263 trips, 237 trips would be 'new' trips not already present on the network.
- 4.2 Although the ASDA store is already serviced along Court Drive it is not serviced from the car park access. It is stated that *'The road geometry adjacent to the store prevents articulated vehicles from making certain movements at the store access junction, consequently, articulated trucks may only enter the site from the north-east by turning left from Court Drive. Similarly, vehicles leaving the site must turn left and head to the south-west'*, exiting Dunstable via Vernon Place, Queensway and the A5.
- 4.3 Highways (Development Management) state that despite some minor alterations proposed to the entry and exit kerb radii, the proposal does not provide for an adequate junction to serve the development and with no means of enforcing the applicant's intended servicing arrangements, the application cannot be supported in its present form.
- 4.4 Currently there is a 7.5T weight restriction on Kingsway and the residential streets off it. There is also a 7.5T restriction on part of Court Drive, up to the existing service yard, and Queensway, such that HGVs should access ASDA via College Drive, rather than Dunstable High Street. This was introduced as part of the Court Drive enhancement works and therefore any requirement for petrol tankers to turn left out of the site would not only compromise that order but also the objectives for that order being created. In addition, the signage strategy for HGV's post opening of the Woodside and A5-M1 link is such that Heavy Goods Vehicles should be removed from the High Street. This is to help achieve the objectives for the strategic plans for the High Street which are listed in the Transport Strategy consultation response above.

- 4.5 There is also no information provided as to the volume of HGV's which would be estimated to serve the PFS or the times at which they are likely to operate making it impossible to quantify the HGV impact on both Court Drive or the A5 and upon the two pedestrian crossings located either side of the site access.
- 4.6 The Transport Statement has not demonstrated that there will be no adverse impact on the capacity of the junction of the site with Court Drive.
- 4.7 It could be said that the pass by traffic is already on the network and therefore makes very little difference. However, the pass by traffic would create additional turning movements into and out of the ASDA junction, the effect of which has not been sufficiently considered by the Transport Statement.
- 4.8 Whilst detailed junction modelling is not usually required within a Transport Statement, given the nature and location of this proposal, junction modelling would have highlighted any capacity issues and the mitigation required. In addition there is no information provided with regard to the Vernon Place/Queensway junction or the Queensway/A5 High street junctions.
- 4.9 On site, the proposal makes provision for a right turning lane off the existing 2 way route in the car park for a dedicated access to the PFS and although some 'stacking' capacity has been included there is no analysis of whether queuing traffic might cause traffic accessing the store to back onto Court Drive if it reaches capacity. This should have been investigated as part of any modelling of the access junction.
- 4.10 In addition, there are the following observations to offer in terms of the internal parking and access layout:
- 4.11 Traffic exiting from the two parking aisles on to the main access road would have to turn right across the right turn lane for the PFS. Obviously, if the right turn lane is occupied this will prevent vehicles from undertaking this manoeuvre causing inconvenience to those customers. There is also the likelihood of these vehicles exiting the two aisles partially blocking the pedestrian crossing route as they wait at the giveway markings.
- 4.12 There is currently a pedestrian crossing running across Court Drive from Grove House Gardens which continues across an internal road within the ASDA car park and links to a footpath and further pedestrian crossings before reaching the entrance to the supermarket. The proposal would result in this changing by way of the pedestrian crossing across the internal road being realigned and instead crossing the forecourt where vehicles would exit the PFS, and then crossing two lanes of traffic on the internal road, causing increased danger and inconvenience to pedestrians.
- 4.13 Similarly when drivers turn left in to the two aisles from the access road, they would be immediately faced with the pedestrian crossing point, which if in use by pedestrians would cause the driver to stop at the aisle

junction partially obstructing traffic along the main access road entering the site.

- 4.14 The A5 in the vicinity of the junction of High Street/Church Street is itself an Air Quality Management Area (AQMA) which should have been detailed in the Transport Statement in terms of any increase in HGV movements.
- 4.15 The PFS would result in the loss of 27 standard car parking spaces (387 to 360). A car parking occupancy survey (four days a week for five weeks) was undertaken as part of the Transport Statement. The observed maximum car park occupancy was 340 (88%) of available spaces, leaving a surplus of 47 spaces. Assuming the observed maximum demand remains unchanged following the loss of 27 spaces, in peak shopping times car park occupancy would increase from 88% to 94%. The calculated surplus of available spaces would be reduced from 47 to 20. On the basis of a five week long survey period revealing a surplus of 20 spaces during peak operational periods, it is considered reasonable to assume that the proposals can be accommodated without detriment to parking operations. However, most of the car parking spaces lost would be in the part of the car park nearest to the Main Shopping Area of the town centre. This could have an impact on linked trips, for example from people shopping in ASDA and in the Main Shopping Area, thereby adversely affecting the vitality and viability of the town centre.
- 4.16 However, in view of the above, the proposal is unacceptable as insufficient information has been provided to enable an accurate assessment of the application in terms of the junction capacity and its implications on the public highway. Furthermore, insufficient information has been provided to show that the proposed internal road layout serving the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the public highway. Also, the proposal makes inadequate provision for a satisfactory vehicular access to accommodate commercial traffic generated by the proposal and is likely to lead to an increase in congestion and additional hazards for highway users.
- 4.17 The proposal is therefore contrary to paragraph 32 in Section 4 of the National Planning Policy Framework (NPPF) as it fails to demonstrate that a safe and suitable access to the site can be achieved for all people.

## **5. Neighbouring Amenity**

- 5.1 The application site forms part of the car park of the ASDA Dunstable Supermarket. As stated above, the area around the site contains a variety of uses. This is typical of a town centre location outside the Main Shopping Area. The uses include residential; the covering letter submitted with the application (Pegasus Group, 4 March 2016) states that the nearest residential property to the proposal is 133m away. This is presumably in Dorchester Close. However, at the closest point properties in Dorchester Close are 85m distant. Also, a Prior Approval application was granted on 10 September 2014 for the change of use of the first and

second floors of Finbar House (24 Vernon Place) from offices to residential use consisting of seven flats (reference CB/14/02841/PADO). This is directly opposite the proposed PFS at a distance of approximately 30m. Whilst this development has not yet been implemented, the proposal could have a noise impact on potential occupants if it is implemented. Additionally there are some residential units above the shop premises in Queensway a little further away.

- 5.2 In view of the proximity of these residential properties to the PFS, which is proposed to have a continual 7 day, 24 hour operation, there could be a noise and disturbance impact to neighbouring occupants. However, in the absence of a noise survey submitted with the application, there is insufficient information to gauge this impact. The proposal is therefore contrary to Policy BE8 of the South Bedfordshire Local Plan Review 2004 which states that proposals likely to generate noise and disturbance should not unacceptably disturb or otherwise affect adjoining properties. It is also contrary to paragraph 109 in Section 11 of the National Planning Policy Framework (NPPF) as it would adversely affect existing development by reason of unacceptable levels of noise pollution.
- 5.3 Given the separation between the forecourt canopy and control room, and the nearest existing and potential residential properties, the proposed physical structures would not cause any loss of amenity, for example in terms of overbearing or loss of light impact.

## **6. Impact on Controlled Waters**

- 6.1 An initial consultation response from the Environment Agency objected to the application on the grounds of the application submission not documenting that the risks of pollution are understood, as a Preliminary Risk Assessment (PRA) had not been provided. Subsequently a Preliminary Risk Assessment And Ground Investigation Report (Contract No. E12893/1 Prepared By Dts Raeburn Limited Dated March 2016) was submitted. However, this only deals with the previous uses of the site, not the proposed use as a PFS. The site investigation also does not include boreholes that are deep enough to measure the groundwater table and its seasonal variations. Therefore, the conceptual site model is incomplete, and insufficient information has been provided to demonstrate that the risk to controlled waters, both from historic contamination and the installation and operation of the PFS has been fully understood and can be addressed through appropriate measures. The Environment Agency therefore maintain their objection.
- 6.2 The lack of information to demonstrate the protection and prevention of pollution of controlled waters from potential pollutants associated with current and previous land uses renders the proposal contrary to paragraphs 109, 120 and 121 in Section 11 of the National Planning Policy Framework (NPPF) which require the planning system to contribute and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution.



**7. Archaeological Impact**

7.1 Prior to the erection of the ASDA supermarket, a number of archaeological investigations were undertaken. This revealed that the area where the proposed PFS is to be located was not found to contain any archaeological remains (Mudd 2004).

7.2 This application is accompanied by an Archaeological Desk-Based Assessment (Pegasus Group, April 2016), which summarises the known archaeological background for the proposed development site and its immediate surroundings. The proposed PFS would have underground tanks for the storage of fuel, which would result in a greater impact than the previous re-surfacing of the car park. However, on balance, it is unlikely that any significant archaeological remains now survive at this location and as a consequence the proposal is acceptable in archaeological terms.

**8. Other Considerations**

8.1 Human Rights issues:

The proposal raises no Human Rights issues.

8.2 Equality Act 2010:

The proposal raises issues under the Equality Act 2010 with regard to the reconfiguration of the car park involving the gain of one disability space and the satisfactory provision of pedestrian access routes through the Petrol Filling Station and car park.

**Recommendation:**

That Planning Permission be REFUSED for the following reasons:

**RECOMMENDED REASONS**

1. The development of a Petrol Filling Station in the location proposed would weaken an area of openness in the local townscape and would be harmful to the visual amenity of a prominent town centre location and incompatible with the street scene. It would also be inappropriate in the context of and harmful to the setting of the adjacent Conservation Area and Grove House Gardens, a site of local historic interest and amenity value, and would result in the loss of landscape planting and trees without identified mitigation. The proposal is therefore contrary to Policies BE7 and BE8 of the South Bedfordshire Local Plan Review 2004, and Sections 7 and 12 of the National Planning Policy Framework, March 2012.
2. The application submission contains insufficient information to enable an accurate assessment of the proposed Petrol Filling Station in terms of the site junction capacity and its implications on the public highway, and to show that the proposed internal road layout serving the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the public highway. Also, the proposal makes inadequate provision for a satisfactory vehicular access to accommodate

commercial traffic generated by the proposal and is likely to lead to an increase in congestion and additional hazards for highway users. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework, March 2012.

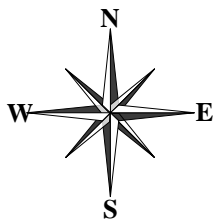
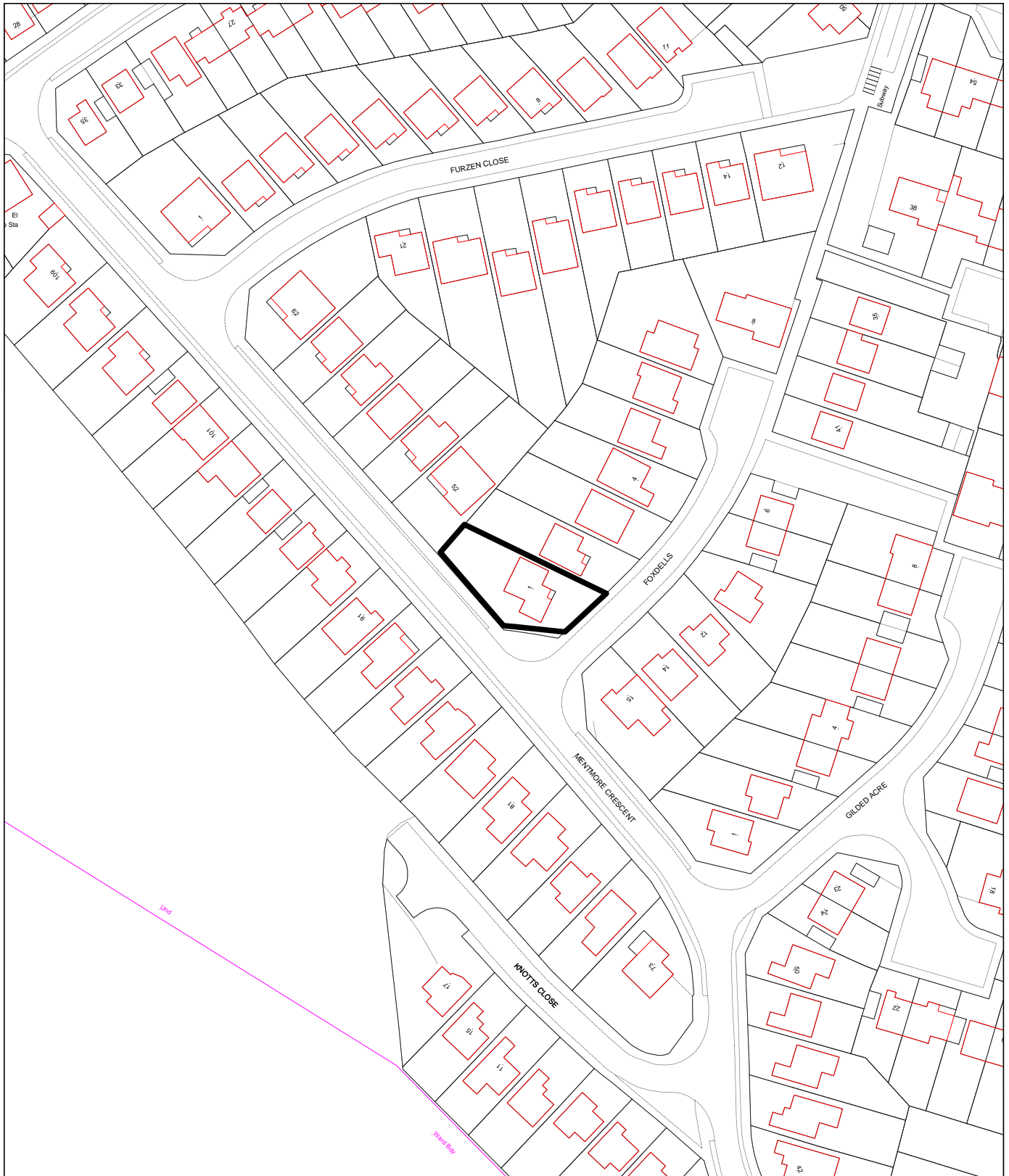
3. In the absence of a noise survey submitted with the application there is insufficient information to gauge the impact, in terms of noise and disturbance, of the proposal on existing and potential neighbouring residential occupants. The proposed 7 day, 24 hour operation of the Petrol Filling Station could therefore have an unacceptable impact on neighbouring amenity. The proposal is therefore contrary to Policy BE8 of the South Bedfordshire Local Plan Review 2004, and Section 11 of the National Planning Policy Framework, March 2012.
4. The application submission contains insufficient information to demonstrate that the risk to controlled waters, both from historic contamination and from the installation and operation of the Petrol Filling Station has been fully understood and can be addressed through appropriate measures. The proposal is therefore contrary to Section 11 of the National Planning Policy Framework, March 2012.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

In the Council's view the proposal is unacceptable for the reasons stated. The applicant did not seek pre-application advice and was invited to withdraw the application to enable discussion in respect of the areas of concern. However, the applicant chose not to withdraw the application. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 14:June:2016

Grid Ref: 502308, 220382

Application No.  
CB/16/02089/FULL

Scale: 1:1250

1 Fox Dells, Dunstable, LU6 3LD

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**Item No. 14**

<b>APPLICATION NUMBER</b>	<b>CB/16/02089/FULL</b>
<b>LOCATION</b>	<b>1 Fox Dells, Dunstable, LU6 3LD</b>
<b>PROPOSAL</b>	<b>Proposed single storey extension to garage and kitchen and second storey extension to bedroom</b>
<b>PARISH</b>	Dunstable
<b>WARD</b>	<b>Dunstable Watling</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hollick &amp; Young</b>
<b>CASE OFFICER</b>	<b>Thomas Mead</b>
<b>DATE REGISTERED</b>	<b>17 May 2016</b>
<b>EXPIRY DATE</b>	<b>12 July 2016</b>
<b>APPLICANT</b>	<b>Mr Ghent</b>
<b>AGENT</b>	<b>Mr Collins</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is made on behalf of a Ward Councillor</b>
<b>RECOMMENDED DECISION</b>	<b>Full application recommended for Approval</b>

**Reasons for Recommendation**

The principle of enlargements and alterations of an existing residential dwelling and attached garage are acceptable. The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore subject to conditions, the proposed development is in conformity with Policies BE8 and H8 of the South Bedfordshire Local Plan Review (2004); and The National Planning Policy Framework.

**Site Location:**

The application site consists of a two storey detached dwellinghouse and its curtilage located to the west of Fox Dells, and to the north of Mentmore Crescent, Dunstable.

To the northeast of the site is the dwellinghouse known as No. 2 Fox Dells, and to the northwest is No. 52 Mentmore Crescent. To the southeast of the site are Nos. 14 and 15 Fox Dells, and to the south and south west are Nos. 84, 86 and 88 Mentmore Crescent.

**The Application:**

The applications seeks planning permission for the construction of a part single storey rear extension and part first floor rear extension above an existing single storey extension. The application also seeks permission for a single storey extension to the rear of the garage, and to the side of the wall forming the side elevation of the original dwellinghouse.

The proposed rear enlargements would both project 2.5 metres beyond the wall forming the rear elevation of the original dwellinghouse. The first floor aspect of the rear extension would have a height of 7 metres, and an eaves height of 5.1 metres.

The single storey aspect of the enlargement would have a height 3.7 metres, and an eaves height of 2.8 metres. The single storey garage extension would project a further 2.7 metres beyond the rear wall of the existing garage, and would occupy the same width as the existing garage.

**RELEVANT POLICIES:**

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

**South Bedfordshire Local Plan Review Policies**

- BE8 Design Considerations
- H8 Control of Extensions to Dwellings

Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight.

**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**

**Central Bedfordshire Design Guide (March 2014)**

- 7 Householder Alterations and Extensions

**Relevant Planning History:**

<b>Case Reference</b>	<b>SB/84/00830/FULL</b>
Location	1, FOXDELLS, DUNSTABLE.
Proposal	ERECTION OF SINGLE-STOREY FRONT EXTENSION AND CONVERSION OF GARAGE
Decision	Full Application - Granted
Decision Date	31/08/1984

<b>Case Reference</b>	<b>SB/78/01724/FULL</b>
Location	1, FOX DELLS, DUNSTABLE.
Proposal	RESITING OF 1.83m (6FT) HIGH SCREEN FENCE
Decision	Full Application - Granted
Decision Date	19/12/1978

**Consultees:**

Dunstable Town Council No response received at time of writing report.

**Other Representations:**

Neighbours No response received at time of writing report.

## Considerations

### 1. Character and Appearance of the Area

- 1.1 The proposed enlargements and alterations to the dwellinghouse and attached garage would be highly visible from the public realm and would alter the character and appearance of the building. There is no objection to the principle of the development, subject to this not causing harm to the character and appearance of the area.
- 1.2 The first floor aspect of the rear extension is set down and back from the ridge of the dwellinghouse, and features a modest projection, and the single storey aspect also features a modest projection and is small in scale. The single storey garage extension has a flat roof and would be considered a modest enlargement. Therefore, all aspects of the proposed development would appear as subservient additions to the host dwellinghouse, in accordance with design principles outlined within the Central Bedfordshire Design Guide (2014). Furthermore; the proposed external materials are considered to be acceptable within the context of safeguarding the visual amenities of the locality.
- 1.3 Therefore for the reasons outlined above subject to the imposition of conditions that would ensure the external materials used are acceptable in the context of the site, it is considered that the proposed development would not cause harm to the character and appearance of the area, in accordance with Policies BE8 and H8 of the South Bedfordshire Local Plan Review (2004) and the National Planning Policy Framework. The proposed development would further accord with the Central Bedfordshire Design Guide (2014).

### 2. Amenity and Living Conditions of Occupiers of Neighbouring Dwellings

- 2.1 When considering the scale, nature and location of the proposed development it is considered that the principal dwelling to be effected by the proposed development would be No. 2 Fox Dells
- 2.2 The application site is set back from No. 2 Fox Dells. When considering the scale and modest projection of the proposed development and the separation between proposed development and the neighbouring dwellinghouse No. 2, it is considered in accordance with the 45 degree rule of thumb and orientation of the sun, that the proposed development would not cause an unacceptable degree of loss of light, outlook or overbearing impacts upon this neighbouring dwelling.  
  
Furthermore, there would be no form of fenestration in the side elevation of the dwellinghouse that would provide an unacceptable view directly facing or overlooking the immediate amenity space of No. 2, and therefore would not cause an unacceptable loss of privacy to the neighbouring dwelling known as No. 2 Fox Dells.
- 2.3
- 2.4 Due to the significant separation between the proposed development, and neighbouring dwellings Nos. 52, 84, 86 and 88 Mentmore Crescent and Nos. 14 and 15 Fox Dells, it is considered that the proposed development as a whole would not cause an unacceptable loss of light, outlook, privacy or overbearing impacts upon any of these neighbouring dwellings.

- 2.5 Therefore, for the reasons outlined above, it is considered that the proposed development would not cause harm to the amenity or the living conditions of

any neighbouring dwelling, in accordance with Policies BE8 and H8 of the South Bedfordshire Local Plan Review (2004) and the National Planning Policy Framework. The proposed development would further accord with the Central Bedfordshire Design Guide (2014).

### **3. Equality and Human Rights**

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

#### **Recommendation:**

That Planning Permission be GRANTED subject to the following:

#### **RECOMMENDED CONDITIONS / REASONS**

- 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.  
(Policies BE8 and H8, SBLPR (2004) and Section 7, NPPF)

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16004 - PL100, 16004 - PL101, 16004 - EX100, 16004 - EX101, 16004 - SP100 and 16004 - SP101

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

#### **INFORMATIVE NOTES TO APPLICANT**

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).



2. 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.

3. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended.

The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

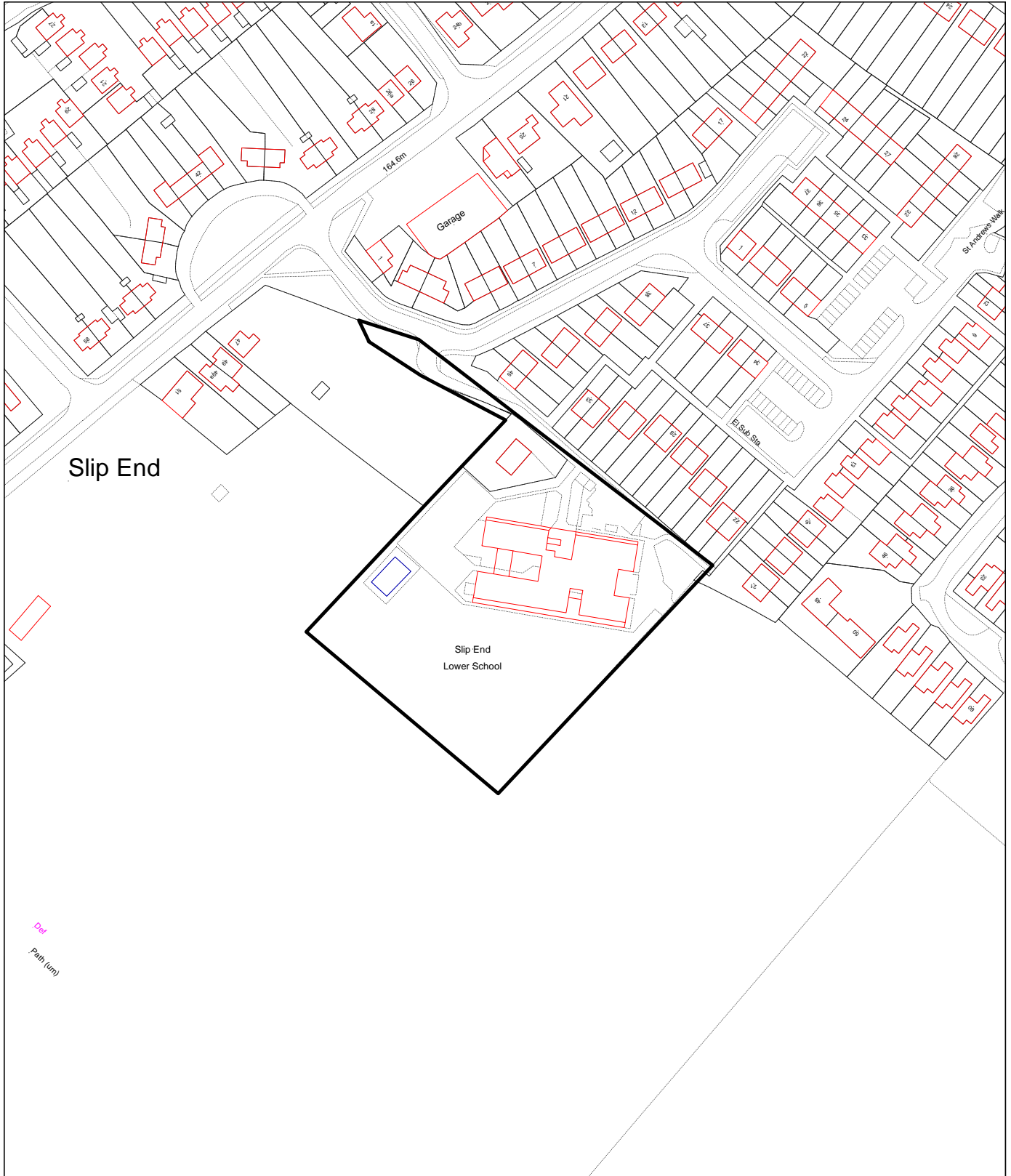
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

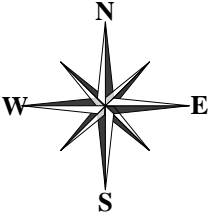
Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<b>Application No.</b> <b>CB/16/01781/REG3</b>
	Date: 14:June:2016 Grid Ref: 507883; 218214	
Scale: 1:2000	<b>Slip End Lower School, Ross Way, Slip End, Luton, LU1 4DD</b>	

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<b>Item No. 15</b>
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<b>APPLICATION NUMBER</b>	<b>CB/16/01781/REG3</b>
<b>LOCATION</b>	<b>Slip End Lower School, Ross Way, Slip End, Luton, LU1 4DD</b>
<b>PROPOSAL</b>	<b>Proposed single storey infill extensions to the front and rear of the school</b>
<b>PARISH</b>	<b>Slip End</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>03 May 2016</b>
<b>EXPIRY DATE</b>	<b>28 June 2016</b>
<b>APPLICANT</b>	<b>Mr D Anderson</b>
<b>AGENT</b>	<b>-</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is for the Council's land and an objection has been received that cannot be resolved by conditions.</b>
<b>RECOMMENDED DECISION</b>	<b>Regulation 3 - Recommended for Approval</b>

### **Summary of Recommendation**

The proposed extensions to the school would not constitute inappropriate development within the Green Belt and would not harm the openness of the Green Belt. The proposal would not have a material impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. The limited impact on the highway network would be mitigated by the imposition of conditions requiring an additional on-site parking space and the preparation and implementation of a School Travel Plan. The proposal is therefore considered to be in accordance with Sections 4, 7, 8 & 9 of the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

### **Site Location:**

The application site comprises Slip End Lower School, located at the southern end of the village of Slip End and accessed from Ross Way. The village of Slip End is inset from the South Bedfordshire Green Belt, but the site is located just outside the inset boundary and is therefore in the Green Belt.

The school is accommodated within a single storey building with a pitched roof. Parts of the building are recessed below the pitched roof, creating small open areas, with the roof acting as a canopy, on both the north and south elevations of the building.

The site also comprises a staff bungalow, a swimming pool, staff parking, playing fields and playgrounds.

The school currently accommodates 164 children, including the nursery.

**The Application:**

The application seeks planning permission to infill the two recessed areas on the north and south elevations. The area on the north elevation would be infilled to create an improved entrance area to the school. The area on the south elevation would be infilled to allow the extension of an existing classroom, making provision for a net additional 12 pupils.

The extensions would be constructed with facing brickwork and aluminium windows and doors; the existing roof would be utilised.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

**South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight. Policy T10 is afforded less weight).*

**Development Strategy for Central Bedfordshire (June 2014)**

*At the meeting of Full Council on 19th November 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 web site as material considerations which may inform further development management decisions.*

**Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development, 2014

**Relevant Planning History:**

Application Number	SB/75/00347/REG3
Description	Replacement Lower School
Decision	Planning permission granted
Decision Date	29/08/1975

Application Number	SB/75/00347A/REG3
Description	40 Place Nursery Unit
Decision	Planning permission granted
Decision Date	29/08/1975

**Consultees:**

Slip End Parish Council	The Parish Council have no objection to this development. However, we wish the school should take steps to accommodate car drop off and pick ups within their grounds. Would Planning please ask Highways to report on severe parking problems affecting residents in
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Ross Way and St. Andrews Close during drop off and pick up times!

Highways Officer

This application is for the single storey infill extensions to provide an improved school entrance and an additional classroom, part of which already exists. In other words the additional classroom area is approximately 33m<sup>2</sup> which would represent approximately 50% of the total area of the classroom therefore one could argue that it also represents an increase of 50% of the pupils, more specifically 12 pupils.

In terms of the parking standards I would expect one additional off-street parking space to be provided this may be conditioned. I would also suggest a School Travel Plan is submitted which would help reduce car trips and promote sustainable transport.

I suggest the supplied conditions be imposed.

Travel Plan Officer

Requests condition for an updated Travel Plan.

Pollution Team

No objections

**Other Representations:**

Neighbours (25 St Andrew's Close)

Object to the proposals as it would result in an increase in pupil numbers, which will increase the number of cars and congestion. There are already existing parking problems in the area caused by parents parking inconsiderately and any increase in the number of children would exacerbate the problem. Parking for parents should be provided on-site.

**Determining Issues:**

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

**Considerations**

**1. Principle of Development**

- 1.1 The application site is located in the Green Belt and therefore Section 9 of the National Planning Policy Framework (NPPF) is a key consideration in the determination of this application. Section 9 does permit the extension of buildings within the Green Belt, as long as they are cumulatively modest and proportionate to the original building. The planning history indicates that the building has not previously been extended and the extensions would be modest and proportionate in scale to the existing building. Furthermore, as infill

extensions, there would be no impact on the openness of the Green Belt. As such, the proposal is considered to be in accordance with Section 9 of the NPPF.

- 1.2 The proposal is also in accordance with Section 8 of the NPPF, which requires Local Planning Authorities to give great weight to the need to create, expand or alter schools.

## **2. Impact on the Character and Appearance of the Area**

- 2.1 As the proposal would merely constitute the infilling of two small areas below the existing roof of the building, and the infilling would be done using materials that would match the existing building, it is considered that the proposal would have no impact upon the character and appearance of the area. The proposal is therefore considered to be in conformity with Section 7 of the NPPF, policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

## **3. Neighbouring Amenity**

- 3.1 There would be no material impact on the residential amenity of neighbouring occupiers in terms of loss of light or privacy as a result of the limited extent and nature of the building proposals.
- 3.2 The proposal would allow an increase in the capacity of the school by 12 pupils. It is not considered that this would result in a material increase in the levels of noise and disturbance at the site. The proposal is therefore considered to adhere to the policies detailed above.

## **4. Highways Considerations**

- 4.1 It is understood that the area currently suffers from existing congestion during school pick-up and drop-off times. The proposal would allow an increase in the capacity of the school by 12 additional children. The Highways Officer has requested a condition requiring an additional on-site parking space, which would conform with the Council's parking standards for Lower Schools. A condition requiring an updated Travel Plan is also recommended, which it is considered would acceptably mitigate the impact of the additional 12 pupils on the highway network.
- 4.2 While it is acknowledged that there are existing congestion problems in the area, they cannot be dealt with under this planning application as that would not be proportionate. Nevertheless, it is hoped that the updated Travel Plan will also have a positive impact on the existing congestion.
- 4.3 Section 4 of the NPPF urges Local Planning Authorities to seek to mitigate the transport impacts of development, but it then states that development should only be refused where the residual impacts of development on the transport network would be severe. It is considered that the residual impacts on the transport network as a result of the proposal, following the suggested mitigation would be extremely limited and therefore the proposal is considered to be in accordance with Section 4 of the National Planning Policy Framework.

## **5. Other Considerations**

- 5.1 **Human Rights issues:**



The proposal raises no Human Rights issues.

5.2 **Equality Act 2010:**

The application does not make reference to accessibility issues and it is therefore considered appropriate to impose an informative advising the applicants of their responsibilities under the Equality Act 2010.

**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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.

(Policy BE8, SBLPR and Section 7, NPPF)

- 3 The extensions hereby approved shall not be first occupied or brought into use until a scheme for the parking of vehicles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before either of the extensions hereby approved is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure provision for car parking clear of the public highway in the interests of road safety.

(Policies BE8 & T10, SBLPR and Section 4, NPPF)

- 4 The extensions hereby permitted shall not be first occupied or brought into use until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

(Policy BE8, SBLPR and Section 4, NPPF)

- 5 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented**

throughout the construction period.

**Reason: The condition must be discharged prior to commencement to ensure adequate off street parking during the construction period in the interests of road safety.**

**(Policy BE8, SBLPR and Section 4, NPPF)**

6 Before the building is first brought into use, an updated Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- plans for the establishment of a working group involving the School, parents and representatives of the local community
- pupil travel patterns and barriers to sustainable travel
- measures to encourage and promote sustainable travel and transport for journeys to and from school
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review
- measures to manage the car parking on site

All measures agreed therein shall be undertaken in accordance with the approved plan. There shall be an annual review of the Travel Plan to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

**Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport  
(Policies BE8 & T10, SBLPR and Section 4, NPPF)**

7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1001, 1002, 2000, 2001, 2002, 2003, 2004, 3001, 3002, 3003, 3004, 3005 and 3006.

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

## **INFORMATIVE NOTES TO APPLICANT**

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

4. In order to discharge condition 3, a parking scheme showing one additional on-site parking space will be required.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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