

Item No. 8

APPLICATION NUMBER	CB/14/04048/FULL
LOCATION	Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG
PROPOSAL	Demolition of all existing buildings and dwellings. Erection of 116 dwellings and a 70 bedroom care home with access, parking, open space and ancillary works.
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	07 November 2014
EXPIRY DATE	06 February 2015
APPLICANT	Lochailort Stotfold Ltd
AGENT	DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development contrary to Policy

RECOMMENDED DECISION **To grant planning permission**

Reason for Recommendation

The proposed 70 bed care home and 116 dwellings is contrary to Policy MA7, DM4 and CS7 of the Core Strategy and Development Management Policies Document, however the proposal would provide significant benefits to the local community and the wider area given the need for the care home accommodation and the job creation it would provide, the additional houses which would benefit the Councils 5 year housing supply and most significantly, the development would facilitate the provision of a much needed lower school which would provide additional school places for the residents of Fairfield Parish and the surrounding area. The proposal would also result in a visual improvement to the landscape by regenerating an unused designated employment site. These benefits are considered to add significant weight in favour of the development and therefore the proposal is considered to be acceptable.

The proposal is 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)

Site Location:

The site is situated on the east side of Hitchin Road, between Stotfold and Fairfield Park which is located opposite to the west. The site lies within the Parish of Fairfield but is outside the Settlement Envelope boundary and therefore within open countryside.

The Meat and Livestock Commission constructed the purpose built site in 1984 as the Pig Development Unit and operations ceased in 2007. The site has remained vacant since and the existing buildings are falling into disrepair.

The land level falls from west to east with Pix Brook running along the eastern boundary and there are a number of mature trees and hedgerows along the boundaries of the site and within the site itself. The site is well screened by the existing landscaping.

There is a shared footway/cycleway, which lies adjacent to the west side of Hitchin Road and provides a link to Fairfield Park and to neighbouring Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey, both of which have rail links to London and beyond.

The Application:

Planning permission is sought for a development of 116 dwellings and a 70 bed Care Home following the demolition of the existing buildings on the site together with open space and ancillary works.

The proposal is to be considered alongside application CB/15/01355/OUT for a new lower school on land adjacent to Hitchin Road.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Paragraph 22 and 55

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The policies listed below are most relevant to this application -

Policy 6 Employment Land

Policy 7 Employment Sites and Uses

Policy 8 Change of Use

Policy 21 Provision for Social and Community Infrastructure

Policy 30 Housing Mix

Policy 31 Supporting an Ageing Population
Policy 38 Development within and Beyond Settlement Envelopes
Policy 44 High Quality Development

Relevant Adopted Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
DM4 Development Within & Beyond the Settlement Envelopes
CS5 Providing Homes
CS7 Affordable Housing
DM3 High Quality Development
DM1 Renewable Energy
DM2 Sustainable Construction of new buildings

LDF Site Allocations (North) April 2011

MA7: Land at Former Pig Development Unit, Hitchin Road, Stotfold
Site Area: 5 ha

Land at the former Pig Development Unit, as identified on the Proposals Map, is allocated for mixed-use development providing 5 replacement dwellings and B1, B2 and B8 employment land. The site will be developed in accordance with its approved planning permission.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Planning History

MB/08/01043/OUT	Outline: Redevelopment to form a business park (B1,B2 and B8 uses)and erection of 5 no. replacement dwellings (all matters reserved except access). Granted 17/09/08
MB08/01998/Ful & MB/08/02000/Ful	removal of outline condition 13 (limiting the height of buildings to 8m) and condition 14 (preventing the buildings exceeding 2 storey in height)
CB/11/03946/REN	Renewal of outline consent. Granted

Representations: (Parish & Neighbours)

1. Fairfield Parish Council
Three letters have been received from the Parish Council dated 17/11/14, 02/12/14, 20/01/15.

In summary the Parish support the application.

Full comments are attached to the Committee Report.
2. Stotfold Town Council
Town Council comment:

Object to the proposal on the grounds that there is already insufficient infrastructure in the area to support this number of additional dwellings and we have major concerns over the loading these dwellings would put on lower school, healthcare and other vital provisions in the Stotfold/Fairfield area.

Neighbours

One letter of support received - comments summarised:

Housing need in this area outgrowing supply, existing site is derelict and unattractive.

Consultations/Publicity responses

Application re-advertised in press 19/06/15

Site Notice displayed

11/06/15

1. CBC Highways

The principle of the development from a highways point of view has raised no objection from Highways Officers.

2. CBC Ecology

The Ecological Appraisal makes a number of suggestions for enhancements which includes the creation of an otter holt on the eastern bank of the brook, however the red line plan does not incorporate the eastern bank of the brook at any stage so I would seek assurance that landowner approval has been given to achieve this gain. Equally the loss of a barn owl roosting site is also in need of mitigation and it is proposed to erect a barn owl nest box on a tree on the eastern bank so this also needs clarification.

Works to the buildings will require an EPS licence as they could potentially affect bats, if building works are delayed beyond 12 months they **updated surveys** would be required to allow a license application.

3. CBC Archaeology

The proposed development will have an impact on any remains that may survive at the site but given the low significance of any such remains this does not represent a constraint on the proposal. Consequently, I have no objection to this application on archaeological remains.

4. Public Protection - Noise

Noise from boiler plant and air conditioning units that may be installed at the proposed care home may be detrimental to the amenity of future occupiers of the proposed residential dwellings. No objections subject to conditions relating to noise protection.

5. Social Care and Housing (MANOP)

The home would be meeting a demonstrable need and is in an acceptable location. The proposed layout meets

legal requirements and has some positive design features. We support this application.

6. Public Protection - contamination - Due to the previous use of the site, and it being the responsibility of the developer to make the site safe and suitable for use, conditions are required for any permission granted ensuring site investigations are carried out.
7. Tree and Landscape Officer A tree survey has been supplied with the application which identifies trees on site and their retention category. The majority of trees on site are Category C with a number of Category B but no Category A. Looking at proposed Landscape Masterplans and the general layout it would appear that there is an intention of retaining a number of areas of trees and incorporating them into the new development. Included in these retained trees are the area of trees designated as A014 on the tree survey of which it appears that a large percentage of this will be retained as part of proposed garden areas with an upper wooded area retaining existing trees and a lower split level with additional planting. Part of this existing A014 will also separate one area of housing from second, again giving good screening from both outside the estate and within it. Proposal also seems to indicate retention of A005, and much of A006 on the east boundary along with an important line of Norway Maples, A002 on the north boundary.
- Tree survey indicates where tree protection fencing should be erected and we would look for this being in place prior to any development or demolition. Demolition work would appear to have minimal effect on trees to be retained provided the appropriate fencing is in place.
- The Landscape Masterplan indicates that there is an intention to provide some substantial new planting on the site including new native hedge planting, specimen and standard tree planting. It would appear to be quite well thought out as regards retention of trees where sensible and provision of new planting, we just need a bit more detail with regards species sizes and densities of planting.
8. Sustainability Officer Should permission be granted for this development I would expect the following conditions to be attached to ensure that policy DM1 and DM2 requirements are met:
- Residential development to secure 10% of its energy demand from renewable sources and water efficiency standard of 110 litres per person per day (105 litres for internal use plus 5 litres for external

- use per person per day)
- Care home development to achieve at least 10% of their energy demand from Low and Zero Carbon (LZC) sources or achieve BREEAM rating excellent.

9. Landscape Officer

Suggest a Landscape and Visual Appraisal at least is submitted describing the site context, landscape setting, visual analysis and mitigation needs. Visual assessment must consider summer and winter time views and impact of change. Lighting must also be considered.

The appraisal should also include elevations of development along boundary edges and interface with surrounding landscape or development, describing roof heights, boundaries and landscape mitigation. Photo views are crucial, photo montages would be of assistance.

The current proposed layout of development and landscape strategy must be reviewed in response to the findings of the Landscape and Visual Appraisal and respond to landscape mitigation needs.

10. LDF Team

Although the application does not comply with Core Strategy Policy MA7 there are policies in the emerging Development Strategy and the NPPF that support the development of this site.

Recent advice in the NPPF tells LPA's to take a flexible approach and to review land allocations for employment use where there is no reasonable prospect of that land being used for that purpose.

The Development Strategy recognises that non B-uses can make a significant contribution to the local economy and to job creation and that some Non B uses can complement and enhance B uses.

Housing for the elderly is supported by Policy 31.

The applicant has submitted a second application which provides B1 development and a nursery, this scheme is preferable.

11. Education Officer

Fairfield Park Lower School has been expanded to 2 forms of entry and has a high number of 0-5 year olds already living within catchment, there are also a high number of 0-5 year olds living within Stotfold. Neighbouring Roecroft Lower School is being expanded to 3 forms of entry for September 2015 to manage existing demand for lower school places across Fairfield Park and Stotfold. Fairfield park lower school cannot be

further expanded due to the size of the school site, and Roecroft could not expand beyond 3 forms of entry. Additional places across the middle and upper school age ranges are expected to be provided at Etonbury Middle school from September 2017.

A 1.4 ha lower school site would be required to make the planning application acceptable from an education perspective as there is no capacity at the catchment lower school to provide form the lower school aged population coming from a **116** dwellings development in this area

12. Internal Drainage Board On the basis that the works are outside the Boards bylaw of 7m and there is a reduction in impermeable area of the site and that the existing outfall is to be utilised and not changed the Board have no objections to the proposal.

13. Environment Agency No objections to the development

14. CBC Housing Needs Officer Despite requests for a financial viability to be submitted to assess the viability of the site, the applicants are reluctant to submit a viability statement given the time restraints for the July Committee. Current and emerging policy clearly states that a financial viability needs to be submitted to the Council to assess the viability of the site prior to any reduction in affordable provision or commuted sum can be agreed. The applicant is aware of the policy requirements and could have submitted an assessment in advance of forthcoming committee dates. Members will need to be aware that not requiring a financial viability assessment for the scheme where it is not policy compliant could set a precedent for future applications.

Further to this, the applicants have based the affordable housing requirements on the identified need through the housing waiting list. The evidence of need is irrelevant for Fairfield Parish as it is general needs and therefore anyone from Central Bedfordshire could be housed in the site.

Due to non compliance of policy and lack of financial viability evidence for the reduction of affordable housing, Strategic Housing cannot support this application. If the Council is minded to approve the scheme with the proposed 5 affordable units and £600,000 commuted sum, this would equate to only 4.3% affordable housing

provision which is considerably less than policy requirement and therefore any units delivered should be delivered as affordable rent to meet the needs of those in the greatest need.

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Development | Economic | <p>There is a need to balance homes and jobs in the area. Disappointed that the employment generating development would be removed from the site but recognise the need to consider other employment generating uses and alternative uses for employment sites reflecting market demand. The 70 bed care home would be supported and would equate to around 70 jobs on the site but would not meet the equivalence job provision originally expected from this site.</p> <p>Note we have supported a flexible approach to wider employment generating uses including non B uses.</p> |
| 16
Transport Officer | Sustainable | <p>Assessment of submitted Travel Plan - requires more details and clarification.</p> |

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact upon the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Other relevant issues

Considerations

1. The principle of the development

- 1.1 The proposal is for the redevelopment of the former Pig Testing Unit for 116 residential properties and a 70 bed care home. The application site is outside of any Settlement Envelope as defined by the Core Strategy Proposals Maps however the Site Allocations Document (2001) allocated the application site for 18,000 sq m of B1, B2 and B8 employment land together with 5 replacement dwellings under Policy MA7 and outline planning consent for the development was granted in 2008 and later renewed in 2011. The planning permission has since expired.
- 1.2 The proposal as set out does not offer any employment generation from B uses and provides a much higher level residential properties, as such the proposal is contrary to Policy MA7.
- 1.3 Paragraph 22 of the NPPF advises that long term protection of site allocated for employment uses where there is no reasonable prospect of a site being used for that purpose should be regularly reviewed and applications for alternative uses of land should be treated on their merits having regard to the

need for different land uses to support sustainable local communities.

- 1.4 Further Policy 8: Change of Use, of the emerging Development Strategy supports proposals for non employment generating uses on employment land providing the site has been marketed for the employment use, where there is a local need for the proposed intended use and where there are no strong economic reasons why the proposed intended use would be inappropriate.

- 1.5 While the Council would not wish to see current employment land allocations lost to other uses, consideration should be given to non B use employment generating proposals where the proposed use is suitable for its location. The proposed care home does not fall within the B Use employment category, however it would provide around 70 full-time equivalent jobs and therefore a would make a significant contribution to the local economy and job creation.

- 1.6 The application site has been subject of a marketing programme for the employment uses based on the planning permission for 18,000sq m of B1, B2 and B8 floor space has been carried out by Bidwells. Since marketing the site in 2011, no realistic or positive offers have come forward for this type of development in this location during the marketing period.

- 1.7 The marketing information submitted by the applicant has been carefully considered. The need to market the site for a reasonable period of time should be balanced against the benefits of proposal and the prospects of the site being used for its intended employment land allocation together with advice set out in the NPPF (para 22). There appears to be no prospect of potential businesses occupying the site solely for employment opportunities in the future as such the site allocation should be reviewed.

- 1.8 As advised above the proposed care home would provide a significant contribution to job creation in the area however the scheme also for residential use which would normally be considered contrary to policy in this location. As such, in accordance with paragraph 22 of the NPPF, the proposal for both the care home and residential use of the site needs to be considered carefully and balanced against the other benefits of the scheme.

- 1.9 Taking into account the government advice in the NPPF and emerging DS Policy 8, the loss of the allocated non B uses employment generation is considered to be acceptable in principle subject the proposed intended use being judged as appropriate for its location.

Care Home Demand

- 1.10 The proposed residential care home falls within the Ivel Valley locality. Ivel Valley covers 8 wards which includes Shefford, Biggleswade, Sandy and Arlesey. According to the forecast modelling there will be demand for an additional 49 care home places in Ivel Valley by 2020. In addition the Council intends to replace capacity in three homes that it owns within the Ivel valley area. This increases the requirement by 105 places to 154. Currently in Ivel Valley there is one approved planning application for a care home at Kings Reach, Biggleswade and an outline consent for a care home in Shefford, but

development has not yet commenced. The proposed scheme would meet a demonstrable need within the Ivel Valley locality. However it is acknowledged that the site is close to the border with Hertfordshire and so it is likely that a proportion of residents would be drawn from outside of the district.

1.11 The preferred location for residential care homes for older people is one within an existing settlement that allows for access to community facilities and also for the community to interact with the home. Location can be equally significant in relation to both staff and visitors being able to access the home easily. Therefore the location of a home close to transportation links is to be encouraged. Home operators generally have a preference for homes with a main road frontage in order to create a visible 'presence' for the home and developments which lack this may prove difficult to market.

1.12 The proposed care home is located on the edge of the developed area with frontage on Hitchin Road. The location has good road, cycle and bus links to nearby settlements of Fairfield and Stotfold. It is therefore considered to be an acceptable and sustainable location for a care home. However while there is an identified need for the Care Home and the location is considered to be acceptable, the proposal need to be weighed carefully against the loss of the employment land and the requirements of Policy MA7.

1.13 Emerging DS Policy 31 supports proposals for appropriate accommodation for older people in order to meet strategic housing needs of the ageing population provided the proposal is consistent with other relevant policies. The proposed care home in this location is considered to be acceptable in principle given the need for such accommodation. It would also provide a number of jobs on the site which would go some way towards compliance with the site allocation for employment uses.

1.14 Residential use of the site
As advised above the proposed 116 dwellings would not comply with Policy MA7. However in accordance with the NPPF alternative uses need to be considered for the site. The applicant has demonstrated that there appears to be no prospect of the site being used for the approved B uses and therefore it is necessary to consider the benefits of the residential use of the site and any benefits weighted against the departure from adopted policy.

1.15 The existing buildings on the site are purpose built for their intended use. The buildings are dilapidated and unsightly and the site is considered to be developed land in the countryside given its former use as research laboratories. The proposed redevelopment of the site with a well designed housing scheme would result in a visual improvement of the site and would facilitate the redevelopment of the former developed site. Paragraph 55 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this case the proposal is considered to lead to an enhancement of the immediate setting by removing the former purpose built unused buildings and replacing with a high quality

residential scheme with additional landscaping.

Sustainability

1.16

The application site lies opposite Fairfield Park and to the south of Stotfold. There are existing footpaths and cycle routes adjacent to the west side of Hitchin Road providing a link to Fairfield Park and to Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey and there are existing bus stops along the site frontage. Given the proximity of the site to Stotfold and Fairfield, the site is considered to be in a sustainable location and therefore would meet the NPPF objective of the presumption in favour of sustainable development.

1.17

The proposed development is within an area which is experiencing a high level of demand for school places across all three phases of education. The development would fall into the catchment area for Fairfield Lower School, Etonbury Middle and Samuel Whitbread Upper. Fairfield Lower School has been expanded to 2 forms of entry and has a high number of 0-5 year olds already living within the catchment. Fairfield Lower School cannot be expanded further due to the constraints of the site and in neighbouring Stotfold, St Mary's lower school has been expanded and Roecroft Lower School has also been relocated and expanded, in light of the increasing number of lower school pupils in the local area.

1.18

The local schools continue to be popular and 273 applications were made for the 270 reception places currently available at Gothic Mede (Arlesey), Fairfield Park, St Mary's Lower and Roecroft for September 2015. Fairfield Park, Roecroft and Gothic Mede are particularly oversubscribed. Pupil forecasts are indicating continued high demand for school places.

1.19

Therefore a 1.4ha lower school site would be required to make the proposal for additional 116 dwellings in this location acceptable in terms of sustainable development.

1.20

During the application consideration process, the applicant has submitted a separate application for a new lower school site on 1.4ha of land immediately adjacent to the application site. The land is owned by Central Bedfordshire Council, however the applicant has agreed to contribute significantly to the cost of building a new lower school in this location (a £3million contribution). The suitability of the site for a school will need to be assessed under application CB/15/01355/OUT, however it should be considered in conjunction with this application as the redevelopment of the former Pig Unit site with residential properties will facilitate the provision of the new school which is a material consideration and a significant benefit to the wider community. Without the school, the redevelopment of the former Pig Unit for residential purposes is considered to be unsustainable as there would be no lower school places for within the catchment area for children of the development.

Affordable Housing

1.21

Policy CS7 requires 35% of Affordable Housing from all new residential development. The proposal falls significantly short of this level and proposes

5 affordable housing units together with a commuted sum towards affordable housing provision elsewhere in the district.

1.22 The applicant states that, with the contribution towards a new school, highway works and decontamination works to the existing site that the development would not be viable if they were to either increase the commuted sum or provide the level of affordable houses on site required by Policy CS7. It is therefore necessary to consider the weight attributed towards the provision of a much needed Lower School or affordable housing units.

1.23 Information received from the Housing Officer states that at present there are 4 applicants on the housing waiting list for Fairfield Parish and 24 in neighbouring Stotfold. While the Affordable Housing policy is district wide and not limited to the need of each Parish, in this case there are significant wider benefits to the community from the proposed scheme. It would therefore appear that within the Fairfield Parish there is a greater need for lower school places which weighs in favour of the development being supported with a significantly lower level of affordable housing.

Conclusion

1.24 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.25 The site allocation (MA7) is outside of any Settlement Envelope, however at the time the provision of employment land was considered to outweigh the harm to the character and appearance of the countryside. The land was previously used for research purposes and has remained unused since despite previously approved planning consents for B uses and a lengthy marketing campaign.

1.26 The proposal would not be in compliance with site allocation Policy MA7, however the identified need for the provision of residential care places for the elderly and the level of employment the care home would provide is a material consideration as the care home would provide jobs for residents and contribute to the local economy. Furthermore the proposal for 116 residential dwellings would be instrumental in the provision of a much needed new lower school for the Fairfield catchment and surrounding areas as the residential use of the site would allow the development to offer significant funding to CBC for the school construction.

1.27 Whilst the proposal is contrary to Policy CS7 in that it would not provide the required level of affordable housing, the developer has agreed a commuted sum of £600,000 towards affordable housing provision elsewhere within Central Bedfordshire. The reduction in Affordable Housing at this site allows the developer to provide the £3million contribution towards the construction of the new school therefore in this case, the limited provision of affordable housing is felt to weigh in favour of wider benefits of the development.

As the proposal would result in significant benefits to the local economy in

- 1.28 terms of job provision, care for the elderly population and school place provision together with funding for the construction of the school from the developer. The proposal would also add to the Councils 5 year housing supply. These benefits are considered to be material and in this particular case outweigh any harm to the character and appearance of the countryside and the non-compliance with Policy MA7, Policy CS7 and DM4 of the Core Strategy. The development is therefore considered to be acceptable in principle.

2. The impact upon the character and appearance of the area

- 2.1 The proposed development takes its design cue from the adjacent Fairfield development with high quality materials and Victorian design features. The overall layout of the development is felt to be acceptable and provides a good residential layout with green spaces and a space between the buildings.
- 2.2 The care home would be located adjacent to the site frontage with Hitchin Road and would be two storey in height with architectural features matching the former Hospital building at Fairfield. It is a large building however the ground level of the site is lower than that of Hitchin Road therefore the building would not appear prominent. Landscaping is also proposed/retained along the site frontage.
- 2.3 The rear of the site slopes down towards the stream therefore the dwellings would lie on the lower land levels. The area immediately adjacent to Pix Book is to be retained as open space and a play area. Landscaping is proposed along the northern and southern boundaries of the site to screen the development from the open countryside beyond details of which can be secured by a condition.
- 2.4 The existing character of the site is commercial, with a number of buildings that are falling into disrepair. The reuse of the site for residential purposes is considered to be an improvement given the overgrown unused condition of the site resulting in a visual enhancement of the site and the surroundings in general.
- 2.5 The care home building is of considerable scale, however it would be located to the front of the site and would be designed to reflect the former hospital buildings at neighbouring Fairfield.
- 2.6 Taking into account the existing buildings and use of the site together with the site allocation and previously granted planning permission for commercial use of the site, overall the current proposal is not considered to result in harm to the character and appearance of the area. The proposal would therefore comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

3. Neighbouring amenity

- 3.1 The application site is adjacent to a pair of residential properties to the south of the site (approximately 10m away) and The Lodge, a detached dwelling to the west separated from the development by Hitchin Road. About 140 metres further to the west is the north eastern edge of Fairfield Park.
- 3.2 The area surrounding the development is open fields with no neighbouring residential properties, except those highlighted above. In light of the location of the site, the scale and height of the proposed development, taking into account the topography of the land, would not result in any adverse impact due to visual or overbearing impact.
- 3.3 It is accepted that there would be an element of additional noise and disturbance from the proposed development given the current situation. However having regard to the proposed employment use of the site which included consent for B2 and B8 uses, these uses are more likely to create noise from potential HGV traffic than that associated with a residential development.
- 3.4 The proposal is not considered to result in unacceptable harm to the amenities of the neighbouring properties and as such would be compliant with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Highway considerations

- 4.1 The site is to be provided with two dedicated access points, one for the care home and one for the residential estate road. This principle is supported by Highways. In terms of highway safety, trip generation and the impact on the existing highway infrastructure, there are no objections to the development

4.2 Car Parking Provision

The adopted parking standards for residential detached and semi-detached dwellings are as those contained with CBC's Adopted Design Guide and are as follows:

4/4+ bedrooms – Minimum 3 spaces/Recommended 4 spaces

3 bedrooms – Minimum 2 spaces/Recommended 3 spaces

2 Bedrooms – Minimum 2 spaces/Recommended 2 spaces

1 Bedroom – Minimum 1 Space/Recommended 2 spaces

A revised plan has been submitted which shows the allocation of the proposed parking spaces and visitor spaces.

As there are no objections to this proposal from a highway safety point of view therefore the proposal is considered to accord with Policy DM3 of the Core Strategy and is therefore acceptable in this respect.

5. Other relevant issues

5.1 Flooding/Drainage

There are no objections from the Environment Agency to the development and similarly the Internal Drainage Board have also raised no objections.

The existing private dwellings to the south of the site do not have mains foul drainage connections. As an added community benefit the applicant has agreed to enter an agreement with these houses and connect them to the new mains drainage system required for the site.

5.2 Archaeology

There are no objections to the development from an archaeology perspective.

5.3 Planning Obligation Strategy

The Planning Obligation Strategies that have previously been used to inform the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL) which is expected towards the end of 2015.

All contributions sought will need to comply with the three tests set out in Regulation 122(2) of the CIL Regulation 2010 (as amended). While the development will have an impact on other areas, such as open space provision and cycle network etc, it is felt that the education contribution is of greater importance in this location and given the scale of the contribution towards the new lower school and the affordable housing commuted sum no other contributions towards specific projects will be sought from this development.

Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act 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 **No development shall commence on site until a Phasing Plan has been**

submitted to the Local Planning Authority and approved in writing. Development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to allow Phased Development in accordance with the Community Infrastructure Regulations.

- 3 No construction in any Phase of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used for that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 4 No development in any Phase (other than that required to be carried out as part of an approved scheme of remediation) shall take place until conditions (a) to (c) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (c) has been complied with in relation to that contamination.

(a) Submission of a Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(c) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (b).

Reason: Required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Core Strategy and Development Management Policies Document (2009).

- 5 **No construction in any Phase shall commence until a detailed surface water drainage scheme for that Phase based on the agreed Flood Risk Assessment (FRA) October 2014 (ref. 1318 FRA Option 2) has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall include a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the approved details.**

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with the National Planning Policy Framework and Environment Agency Groundwater Protection: Principles and Practice (GP3) and in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 **Prior to and during demolition and construction works in any Phase all tree protection measures, and working method procedures, shall be carried out in strict accordance with the "Tree Survey and Constraints Plan", as prepared by Hayden's Arboricultural Consultants (Document Ref.3874) and dated 10th**

January 2014.

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with policies contained within the Core Strategy and Development Management Policies Document (2009)

- 7 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a landscaping scheme for that Phase to include all hard and soft landscaping and boundary treatments shall be 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 completion and/or first use of any building within that Phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a detailed refuse collection strategy for that Phase in accordance with the details within the Design and Access Statement (October 2014) for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy for that Phase shall be implemented in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy WSP5 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014) and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 9 Prior to the commencement of any Phase incorporating Use Class C3 dwellings (and for the avoidance of doubt, not extending to any Phase solely comprising the approved Care Home), a scheme detailing on-site equipped play provision within that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within that Phase.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 12 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works) details of any external lighting to be installed within that Phase, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 10 Noise resulting from the post-construction use of plant and equipment at the residential care home hereby approved shall not exceed a noise rating level of -5dBA, Leq when measured in accordance with BS4142:1997, at the boundary of any dwelling.

Reason: To safeguard the living conditions of adjacent residential occupiers in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 11 **No development shall commence on any Phase of the development hereby approved until an Energy Statement shall have been submitted to and approved in writing by the Local Planning Authority relating to that Phase. The Energy Statement for each Phase shall include:**

- a) **For dwellings falling within Use Class C3, an assessment of the actual effect on carbon dioxide emissions demonstrating that the measures previously agreed as part of the energy audit for that Phase have achieved a reduction of carbon dioxide emissions by an aggregate of 6% over 2010 Building Regulations Part 1LA and an aggregate of 9% under Part 2LA as applicable.**
- b) **For the approved care home, either an assessment of the actual effect on carbon dioxide emissions (demonstrating that the measures previously agreed as part of the energy audit for that Phase have achieved a reduction of carbon dioxide emissions by an aggregate of 6% over 2010 Building Regulations Part 1LA and an aggregate of 9% under Part 2LA as applicable) or that the care home meets the BREEAM Excellent rating.**

Reason: Required prior to commencement to ensure the development is energy sufficient and sustainable in accordance with Policy DM1 and DM2 of the Core Strategy and Development Management Policies Document (2009).

- 12 Notwithstanding the details submitted with the application, no development on the residential phase shall begin until a revised site layout plan and elevations illustrating the garage dimensions as 3.3m x 7m where they are to be counted as a parking space, has has been submitted to the Local

Planning Authority and approved in writing. The development shall accord with the approved details.

Reason: Details are required prior to the commencement of the residential phase to ensure a satisfactory level of parking in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 13 The Carehome hereby granted permission shall only be used for a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (Amended) or as subsequently amended.

Reason: To ensure that the building is used for an appropriate use in the interests of residential amenity and highway safety.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered DWG No. 1, 5793/001, 5793/002 rev A, Site access 008, P440/002, 5793/003B, 5793/004, 5793/006, 5793/071A, 5793/070A, 5793/072A, 5793/040, 5793/041, 5793/042, 5793/010/1, 5793/010/A, 5793/011/1, 5793/011/A, 5793/012/1, 5793/012/A, 2793/013/1, 5793/013/A, 5793/014/1, 5793/014/A, 5793/015/1, 5793/015/A, 5793/016/1, 5793/016/A, 5793/017/1, 5793/017/A, 5793/018/1, 5793/018/A, 5793/019/1, 5793/019/A, 5793/020/1, 5793/020/A, 5793/021/1, 5793/021/A, 5793/022/1, 5793/022/A, 5793/023/1, 5793/023/A, 5793/024/1, 5793/024/A, 5793/025/1, 5793/025/A, 5793/026/1, 5793/026/A, 5793/027/1, 5793/027/A, 5793/028/1, 5793/028/A, 5793/029/1, 5793/029/A, 5793/030/1, 5793/030/A, 5793/031/1, 5793/031/A, 5793/032/1, 5793/032/A, 5793/033/1, 5793/033/A, 5793/034, 5793/035, Flood Risk Assessment ref: 1318 FRA Option 2, Phase 1 Desk Study No. BRD1534-OR1 version B, Heritage Asset Assessment 2014/007 version 1.0, Tree Survey and Constraints Plan dated 10/01/14, Ecological Appraisal August 2014, Transport Assessment and Framework Travel Plan ref: 406.01862.00010 including Technical Notes, Roundabout improvements 009.

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

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

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