

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/15/01355/OUT</b>
<b>LOCATION</b>	<b>Land East of Hitchin Road South of 159 Hitchin Road, Stotfold, Hitchin, SG5 4JH</b>
<b>PROPOSAL</b>	<b>Outline Application: new lower school (All matters reserved).</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>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>17 April 2015</b>
<b>EXPIRY DATE</b>	<b>17 July 2015</b>
<b>APPLICANT</b>	<b>Lochailort Stotfold Ltd</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development contrary to Policy</b>
<b>RECOMMENDED DECISION</b>	<b>To grant outline consent</b>

### 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. 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 and would comply with Policy 38 of the Emerging Development Strategy. 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 site located to the east and opposite the Fairfield Park development along Hitchin Road and comprises 1.4ha of land currently arable farm land. To the north of the site lies the former Pig Development Unit which is subject to a planning application for residential use, and immediately next to the site there are four semi detached dwellings. To the south there are another four semi detached properties fronting Hitchin Road. The surrounding field parcels are mainly grassland are defined by hedgerows and extend as far south as the sewage works which falls within 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 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:**

The application seeks outline consent with all matters reserved for a new one form entry lower school on 1.4 ha of land to the east of Hitchin Road.

The school is proposed with a capacity of 150 pupils and space to extend the school at a later date. No details relating to design and layout have been submitted as this would be dealt with at Reserved Matters stage.

The application is submitted by the same applicant for the application on land at the former Pig Testing Unit ref: CB/14/04048/Full for 116 new dwellings and a 70 bed care home. Without the school places, the residential development at the Pig Testing Unit site is considered to be unacceptable and unsustainable as the lower schools in the immediate area are at capacity with no room for expansion. The applications and therefore directly linked.

The granting of the planning permission at the Pig Testing Unit for residential purposes would allow the developer to offer a financial contribution to CBC for the construction of the school. The application site is owned by CBC and would not be transferred to the developer but would be retained by CBC for education purposes if planning permission is granted.

### **RELEVANT POLICIES:**

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

Paragraph 72

#### **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 21 Provision for Social and Community Infrastructure  
Policy 38 Development within and Beyond Settlement Envelopes  
Policy 44 High Quality Development

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

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
CS3 Healthy and Sustainable Communities

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

Central Bedfordshire Design Guide (March 2014)

## **Planning History**

None relevant

## **Representations: (Parish & Neighbours)**

Fairfield Parish Council	The Parish Council have no objection to additional school facilities being provided with the Parish of Fairfield providing a proven demand can be established.
Neighbours Site Notice displayed	No comments received

## **Consultations/Publicity responses**

1. Highways                      No objections to the principle of the development.
  
2. Tree and Landscape Officer      The land at present is farmland with some boundary hedgelines and a front boundary of mature trees and new planting at the access point to the site. This is probably the most important feature on the site and is indicated for retention in the Design and Access Statement. This is something that we would insist on. There is to be some redesign of the access and as such we should ask for detail of how the trees would be protected or affected by any proposals to include a survey of the trees and arboricultural impact assessment of this area. Tree protection details in line with BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.  
  
There would seem ample scope for a good landscape scheme.

### 3. Education Officers

There is support for the principle of locating a lower school at the site shown in this planning application.

The school organisation forecast is showing the need for additional lower school places from September 2016. Steps have already been taken in the area 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 work is ongoing at Roecroft Lower School to provide a permanent additional 1 form of entry from September 2015. The sites for all of these three schools cannot accommodate any further expansions. The alternative of not providing school places in the local area is that the authority will need to seek school places further afield and transport very young children across the authority, which is likely to incur revenue costs for the authority and be highly unpopular. The need for additional lower school places in this area is driven by the impact of housing development.

The site shown in the planning application would be large enough to accommodate a 1 form entry lower school, with the flexibility to expand to 2 forms of entry if this was needed in the future, which would provide for the housing development proposed at the pig development unit which is adjacent to this planning application.

If this site was granted planning permission then it would likely fall to CBC to commission the build of the lower school. At this point in time no surveys have been carried out to understand if there are any site constraints which may affect the cost of building a school here, such as the presence of power lines, or archaeology. While there is a clear need for lower school places in this area the support for this planning application is dependant on the result of feasibility work around the potential to build on this site.

### 4. Ecology Officer

No objection in principal however I am concerned over the fact that the application site straddles a field boundary. Whilst this isn't necessarily a strong feature it does contain some trees and hence would act as a wildlife corridor. The site would be far better located 25m north into the northern field alone. This would contain potential disturbance to wildlife to one field.

Given the site appears to be set aside arable land the ecological value is unlikely to be significant with possible biodiversity interests being adequately mitigated for. As such I would request that a condition be placed on any planning permission granted to require a Phase 1 habitat

survey to be undertaken of the site together with any necessary identified follow up extended species surveys to ensure the development will not have a detrimental impact to biodiversity.

5. Archaeology Officer

The proposed development does not contain any known archaeological sites and features. However, it is in an area that is known to contain remains of an identified archaeological landscape and the site has considerable archaeological potential. To the north, is cropmark evidence of a ring ditch (HER 16817), the remains of a Bronze Age funerary monument. There is also extensive evidence for later Bronze Age and Iron settlement to the west (HERs 16801 and 19621) from sites to the west investigated in advance of development.

6. LDF Team

Policies in the emerging Development Strategy, namely Policy 38, are supportive of educational facilities, where there is a need identified. For this type of development, where no land is available within the Settlement Envelope, a site adjacent to it may be granted. Although the application site is not located within the Settlement Envelope it does lie opposite Fairfield Park. Policy 19 of the emerging Development Strategy states that the Council will work in partnership with infrastructure providers in seeking the provision of the necessary infrastructure to support new development.

The planning statement supporting the planning application identifies a need for a one-form lower entry school given the amount of housing development in the area. As such we have no objections to the application.

7. Public Protection Contamination - No comments

8. Public Protection Noise - The illustrative plan shows the school sports pitches to the east of the proposed site which I welcome as the preferred location as far from existing and proposed residential properties as possible so that any noise impact from their use is kept to a minimum.

No objection to the proposed development subject to conditions relating to potential noise from plant.

9. Landscape Officer

The application site is located on the edge of the Pix brook corridor which forms an important landscape and spatial buffer separating Fairfield, Stotfold and Letchworth Garden City, any development would need careful consideration to ensure the rural edge is maintained and enhanced to retain this spatial character and quality.

The outline application includes little detail especially on

the heights of buildings and, given the sensitivity of the site and location as a locally strategic buffer, I request additional information be provided to assess potential impact of the proposed development.

- |                                                  |                                                         |
|--------------------------------------------------|---------------------------------------------------------|
| 10. North Herts DC                               | No specific comments to make                            |
| 11. Letchworth Heritage Foundation               | No objections                                           |
| 12. Internal Drainage Board                      | Remove original objection as FRA has now been supplied. |
| 13. Herts County Council                         | No comments received                                    |
| 14. Anglian Water                                | No comments received                                    |
| 15. Sustainable Transport Officer (Travel Plans) | No comments received                                    |

## **Determining Issues**

The main considerations of the application are;

1. The principle of the development
2. The impact on the character of the area
3. Neighbouring amenity
4. Highway considerations
5. Any other matters

## **Considerations**

### **1. The principle of the development**

- 1.1 The location of the proposed school site lies outside of the Settlement Envelope for Fairfield where there is a presumption against new development in order to protect the character and appearance of the area however any harm that would result from the development must be weighed against the benefits of the scheme for the wider community.
- 1.2 The National Planning Policy Framework carries a presumption in favour of sustainable development. The provision of educational facilities is a critical element of sustainable development and it is a statutory duty of the Council to provide places for residents of the area.
- 1.3 Education colleagues have confirmed there are existing capacity issues at the nearby lower schools as a result of Fairfield and Stotfold having seen a high level of population growth in recent years. Fairfield Lower School was created to provide for the population of Fairfield Park development and has expanded since it was built to accommodate the increase in demand. In Stotfold, St Marys Lower School has been expanded and Roecroft Lower School relocated and expanded in light of the increasing number of pupils in the Stotfold area.
- 1.4 273 applications were made for the 270 reception places currently available at

Gothic Mede (in Arlesey), Fairfield Park, St Marys and Roecroft for September 2015 with Fairfield, Roecroft and Gothic Mede being particularly oversubscribed. Forecasts for lower school pupils are indicating continued high demand for lower school places in this area.

- 1.5 The provision of a new school in this location would be in close proximity to Fairfield Park and neighbouring Stotfold. It would create much needed lower school capacity in the area which attracts a high number of young families. It would be well placed to serve the adjacent communities with existing transport links and therefore the site is considered to be in a sustainable location. Education colleagues have commented that the site for the proposed school is appropriate in terms of its location.
- 1.6 The application site is within Central Bedfordshire Council's ownership. The developer of application CB/14/04048/Full (Lochailort Stotfold Ltd) have submitted this outline application and have offered a financial contribution towards the construction of the school. This is because the school land provision is essential to make the proposal submitted under CB/14/04048/Full acceptable. Likewise the granting of planning permission for CB/14/04048/Full is instrumental in the delivery of the school in this location.
- 1.7 During negotiations CBC Assets team have requested a number of reports into the suitability of the land for development be undertaken and assessed prior to the team agreeing the use of the land for education purposes. These reports have been undertaken through an independent party commissioned by CBC Assets team and it would appear that there is no overriding reason why the proposed location of the school is inappropriate.
- 1.8 Given the clear demand for additional lower school places in this area, while the proposal is contrary to Policy DM4, the location of the site is considered to be sustainable in that it would be located on the edge of the Fairfield development and close to Stotfold where it would provide additional lower school places for the existing residents. Should the residential development at the former Pig Testing site come forward, it would also allow children from this development to be provided with school places close to where they live. As such the benefits of the development is a material consideration which is considered to outweigh the conflict with Policy DM4
- 1.9 Furthermore, Policy 38 of the emerging Development Strategy supports educational facilities where a need is identified and where no land is available in the Settlement Envelope, a site adjacent may be considered acceptable. Further paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs to existing and new communities. LPA's should give great weight to the need to create, expand or alter schools.
- 1.10 Given the substantial public benefits of providing additional Lower School places, while the application site lies outside of a settlement envelope, in this case the benefits of the proposal are considered to outweigh Policy DM4 of the adopted Core Strategy and therefore the principle of the development is felt to be acceptable.

## **2. The impact on the character of the area**

2.1 At present there are no details relating to the design and scale of the proposed school as this would be assessed under the Reserved Matters application. Details within the Design and Access Statement propose a single storey one form entry school with an internal layout providing 5 classrooms, hall/dining facilities, staff room, offices and ancillary facilities. Externally there would be hard and soft play areas together with parking facilities. Final detailed design would need to be agreed with the Councils School Organisation and Capital Planning Team and would be approved at Reserved Matters stage.

2.2 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.

2.3 The proposed school would be located close to the Hitchin Road frontage and would retain much of the existing landscaping on the site frontage however a detailed landscaping scheme would be required for the Reserved Matters application.

2.4 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.

2.5 The proposed school site would clearly have an 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 site is proposed between existing residential development, opposite Fairfield Park development and close to the sewage works and former Pig Development unit buildings. It is therefore surrounded by existing built form for the most part and would not therefore be isolated and prominent within the rural area.

2.6 For this reason the proposal is not considered to result in substantial visual harm to the character and appearance of the area and the overall impact of the proposal is considered to be outweighed by the benefit of the development in providing the much needed school places for CBC residents living within this area. The proposal is therefore considered to be acceptable in terms of the impact on the character and appearance of the area and therefore compliant with Policy DM3 of the Core strategy and Development Management Policies



### **3. Neighbouring amenity**

- 3.1 The proposed school land is adjacent to existing properties along the Hitchin Road frontage however it is well separated from the dwellings and therefore would not result in overbearing impact or loss of privacy or light.
- 3.2 It is inevitable that there would be an increase in noise from the school and its outdoor areas which would have an impact on the adjacent residents. However the school would only be open during daytime hours when the majority of people are out at work. While there would be some impact on neighbours, it is not considered to be so significant that it would be unacceptable.
- 3.3 The location of the school would affect the view across the fields for the existing occupants of the dwellings along Hitchin Road, however in considering planning proposals there is no right to a view across third party land for an individual.
- 3.4 The proposed new access for the school is located some distance from the neighbouring properties and therefore would not result in significant harm to amenity.
- 3.5 A detailed assessment of the impact on neighbouring amenity can be made during the Reserved Matters application when plans of the school and a detailed layout is submitted.

### **4. Highway considerations**

- 4.1 The proposed school would cater for circa 256 pupils and 18 members of staff. The site is proposed to be accessed from the eastern arm of the existing Hitchin Road/Elliot Way roundabout and in turn from a newly created simple priority junction from Hitchin Road (East). This principle is supported.
- 4.2 Highways Officers are satisfied that the proposal would not adversely affect the local highway network in terms of trip generation as such there are no objections to the principle of this proposal from a highways point of view.

### **5. Any other considerations**

- 5.1 There are no objections to the development in terms of any other planning considerations such as archaeology and ecology.
- 5.2 No objections are raised regarding Flood risk at the site.
- 5.3 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 Outline Planning Permission be granted subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 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 **No development shall take place until approval of the details of the appearance, landscaping, layout, scale and access of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

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

**Reason: Details are required prior to commencement of works to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.**

- 4 **No development shall take place 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: Required prior to commencement of the development to control the appearance of the building in the interests of the visual amenities of the locality.**

- 5 No work on the construction of the building hereby approved shall

commence 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.

- 6 The landscaping scheme approved under the Reserved Matters application 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.

- 7 The building shall not be occupied until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports and general lighting and measures to ensure sports lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in advance and in writing by the Local Planning Authority the sports pitches and any associated sports lighting shall not be used outside the hours of 8 a.m. and 10 p.m. on any day.

After commencement of the use the lighting shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the sports pitches and school for maximum use and security with the interest of amenity and sustainability.

- 8 Noise resulting from the use of the plant, machinery or equipment shall not exceed a noise rating level of -5dBA, Leq when measured and calculated according to BS4142: 2014 at the boundary of the nearest noise sensitive property.

Reason: To protect the amenity of neighbouring properties.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number D01, D02, PJ0074-SK-001, ASC.15.254, Ecological Appraisal June 2015, Heritage Statement 2015/73 V 1.0, Framework School Travel Plan ref: 406.01862.00010, Transport Assessment including Technical Note, Haydens

Tree Survey AIA dated 24/04/15, Flood Risk Assessment ref: 1368 FRA, Phase 1 Geoenvironmental Desk Study No. 15.05.009 May 2015, Landscape and Visual Statement dated June 2015, Design and Access Statement April 2015.

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.
  
2. In accordance with Article 35 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 adopted Core Strategy and Development Management Policies Document (North).

**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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