

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 unuses 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)

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).

- 10 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).

- 11 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).

- 12 **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).

- 13 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 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).

- 14 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.

15. Prior to the occupation of any part of the development hereby permitted, and unless otherwise agreed in writing with the local planning authority, the highway works as indicated on plan Nos. 008 and 009 shall be implemented as approved.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy 43, DSCB)

16. **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 43, DSCB)**

- 17 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,

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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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional letters received from DLP Planning and Luminus Homes and an additional condition.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.