

Item No. 9

APPLICATION NUMBER	CB/16/01455/OUT
LOCATION	Land East of Hitchin Road and South of the Former Pig Testing Unit, Hitchin Road, Stotfold
PROPOSAL	Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access)
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	13 April 2016
EXPIRY DATE	13 July 2016
APPLICANT	Lochailort Fairfield Ltd
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Parish Council objection to a Major application.
RECOMMENDED DECISION	Outline Application - approval recommended

Recommendation:

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

RECOMMENDED CONDITIONS / REASONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 9 No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in**

accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 10 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with Policy DM2 of the Core Strategy and Development Management Policies 2009 and the advice within the National Planning Policy Framework

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

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

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

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

Applicants are reminded that, should groundwater or surface water

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

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

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

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

- 13 The kitchen ventilation system approved in accordance with condition 13 above, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a noise rating level of -5dBA when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

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

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

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

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

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

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

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

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

Reason: To ensure suitable details are in place to encourage alternative methods of resident movement in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

17 **No development shall take place until a scheme for protecting proposed dwellings from noise from the proposed flexible use commercial unit hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any works which form part**

of the scheme approved by the Local Planning Authority shall be completed and shown to be effective before any permitted dwelling is occupied and thereafter maintained in accordance with the approved details.

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

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

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

- 19 **No development shall take place until full engineering details of the access arrangements and off-site highway works shown for indicative purposes on plan 101 have been submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.**

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

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

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

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in the interests

of Policy DM3 of the Core Strategy and Development Management Policies 2009.

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

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

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

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

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

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The final detailed design shall demonstrate that the surface water drainage system is designed in accordance with the standards detailed in the 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015). This shall include but is not limited to:
 - Detailed information relating to the site and site investigation results (including any site specific soakage tests and ground water

monitoring shown in accordance with BRE 365).

- Details of the final proposed development, peak flow rate and storage requirement, with full calculations and methodology.
- A detailed design statement for the entire surface water drainage system. Details of permeable surfacing are to be provided in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- Integration with water quality, ecological and social objectives.
- A method statement detailing construction of the drainage system..
- Maintenance requirements and responsible parties.
- Details of any additional consents or permissions required.
- Detailed plans and drawings of the final detailed design and locations of drainage infrastructure (to an appropriate scale and clearly labelled).

3. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

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

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

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

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

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

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

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

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

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of amended conditions 16 and 22 as above.]