

Item No. 7

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

Recommendation:

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

RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

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

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

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

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

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: Building materials are required to be ordered in advance of the construction phase and to ensure that the materials proposed would reflect the envisaged appearance of the development. (Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

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

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

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

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

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

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

- 8 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained trees, has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on Drawing No. 2768.TPP. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.
(Policy DM14 of the Core Strategy for the North and Sections 7 & 11, NPPF)**

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

- **Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus 30% allowance for climate change;**
- **Full details of flow control measures to be used, demonstrating that runoff rate and volume will not exceed greenfield rates;**
- **Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;**

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

The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with section 10 of the NPPF.

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

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

- 11 In the event that contamination is found at any time when carrying out the approved development, it is recommended to report this in writing immediately to the Local Planning Authority. An investigation and risk assessment should then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing, to ensure that no future investigation is required under

Part 2A of the Environmental Protection Act 1990.

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

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

Reason: In order to provide an appropriate form of development in the interests of visual and residential amenity in accordance with policies CS14 and DM4 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF).

- 13 The details required by Condition 2 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Core Strategy for the North & Section 7 of the NPPF)

- 14 **No development shall take place until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority. The details should include the incorporation of a raised junction at the adoptable access point and any associated works to ensure the retention of the existing crossing point. No building shall be occupied until the junctions have been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road and in the interest of pedestrian safety by retaining an appropriate crossing.
(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)**

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

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

- 16 **No development shall begin until the detailed plans and sections of the proposed access road, including gradients and method of surface**

water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval

which is necessary must be obtained from the appropriate authority.

3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. The applicant is advised that in order to comply with Condition 14 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)
7. No materials or vehicles associated with the development should be left on or near the public footpath which may cause a hazard or inconvenience to users. The applicant must ensure that there is no encroachment beyond the property's legal boundary onto the width of the public footpath. However if a footpath closure is needed this will require at least six weeks notice.
8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the

sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

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

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

[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 additional consultation / publicity responses and additional comments, as detailed in the Late Sheet, as follows:-
 - a. Additional comments were received from the following:
 - i. 2 Home Close
 - ii. 71 Silverbirch Avenue
 - iii. 19 Regent Court
3. CBC Highways Officer provided additional comments on 22 June 2016.
4. Condition 14 was replaced in its entirety as above.]