

Item No. 10

APPLICATION NUMBER	CB/16/03885/OUT
LOCATION	Land at East Lodge, Hitchin Road, Stotfold, Hitchin, SG5 4AA
PROPOSAL	Outline Application: 18 No. 2 storey family houses on area of open land, former gravel workings, to the north west of the junction of Hitchin Road and Eliot Way
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	27 September 2016
EXPIRY DATE	27 December 2016
APPLICANT	P.J.Livesey Holdings Ltd
AGENT	
REASON FOR COMMITTEE TO DETERMINE	The scheme is a departure from the development plan. Parish Council objection to a major application
RECOMMENDED DECISION	Outline Application - Approval recommended

Reason for Recommendation

The proposal for 18 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document; however the application site is adjacent to the existing settlement boundary in Fairfield which is considered to be a sustainable location and the site already benefits from outline planning permission for 18 dwellings. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be harmful given that there are other 2 storey dwellings in this area that are exposed to the open countryside already. The proposal is also 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) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable and there are no significant and demonstrable reasons identified to warrant refusal of the application.

Site Location:

The application site is an undeveloped parcel of land that sits generally north of the Fairfield settlement. Residential units are apparent immediately adjacent the site to the east (single dwelling known as East Lodge) and west (converted isolation unit at the former Fairfield hospital). Eliot Way, an unadopted access road runs to the south of the site. Open countryside sits to the north and the site is open on this boundary.

The former isolation unit west of the site is a Grade II listed building and the site is within its setting. Trees adjoining the west boundary of the site are protected by TPO

The Application:

Outline planning permission is sought to develop the site to provide 18 two-storey dwellings. All matters are reserved but the application submission gives a number of indicative elements for consideration which include access gained from Eliot Way.

Planning permission exists on the site for the development of 18 dormer bungalows which was granted by Committee at the meeting of 30 March 2016, under ref: CB/15/04320/OUT

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

DM13 Heritage in Development

CS7 Affordable Housing

CS2 Developer Contributions

CS15 Heritage

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/15/04320/OUT
Description	Outline Application: 18 No. dormer bungalows on area of open land.
Decision	Approve
Decision Date	29/07/2016

Consultees:

Parish/Town Council	The applicant has provided insufficient information with regard to highway impact / access arrangements and as such, Fairfield Parish Council objects to the application on the grounds of insufficient information having been provided and potential severe cumulative impacts upon highway safety and the free flow of traffic.
Highways	<p>Of importance when considering any reserved matters application is the fact that the section of Eliot Way from which access is suggested is private and does not form part of a highway maintainable at public expense and therefore the proposal cannot be developed as suggested by the indicative layout unless the applicant can demonstrate a right of way. Even then unless Eliot Way has been adopted as public highway the internal estate roads cannot be put forward for adoption in their own right. In the event that the applicant cannot access the site from Eliot Way the only other option would be from the Hitchin Road frontage.</p> <p>However, and for the avoidance of doubt an access within this frontage would not be permitted unless it were to be designed in conjunction with the development of the former Meat and Livestock Commission site on the opposite side of Hitchin Road possibly taking the form of a roundabout junction.</p> <p>However given that all matters are reserved for subsequent approval the following highway conditions and advice notes (repeated from the 2015 response) are recommended should the grant of planning permission be considered.</p>
Housing Officer	<p>Development I support this application as it provides for 6 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting Planning Statement also indicates a fully tenure compliant scheme with the provision of 73% affordable rent (4 units) and 27% intermediate tenure (2 units).</p> <p>I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.</p>
Conservation Officer	Comments expected, Members will be updated.

Ecologist

I note there is an existing permission for this site and my earlier comments in relation to that application are still relevant here. The submitted ecological appraisal is now 2 years old and would no longer be considered adequately current so an updated assessment would be required to inform Reserved matters.

The indicative site layout shows an area of open space in the centre of the site with existing tree and hedgerow features retained. The ecological appraisal highlights a query 'client to confirm' so it is not clear if indeed the retention of these features is guaranteed.

The outdoor space for the properties shown on the western side is compromised by the canopy of the existing trees and it would be prudent to utilise this area as open space. Given the percentage of open space to be provided on site I feel it would be far better to use this to buffer the existing mature trees and woodland cover which in turn would serve to buffer the badger setts. If subsequent badger surveys find that the setts are back in use this will require a sett closure application whereas slight amendments to layout would negate any potential harm.

Enhancements and mitigation are detailed in chapter 6 of the ecological appraisal and these should ideally form a Construction Environment Management Plan which will detail ways of working to ensure potential impacts on protected species is avoided and that a net gain for biodiversity can be delivered.

Green infrastructure

The inclusion of a village green and the consideration of views is positive.

Various trees and hedgerows are retained within the development, which is positive, but many are in private gardens – their integration into the public realm would be preferable. Further information would be required (at the full application stage would be acceptable) about how the trees and hedgerows in private gardens will be protected and managed to ensure that they continue to provide landscape and ecological benefits for the lifetime of the scheme.

The approach for SuDS needs refining to ensure that green infrastructure benefits are delivered, and the proposal is compliant with CBC's Sustainable Drainage SPD. The Design and Access Statement notes the opportunity to integrate with landscape, ecology and open space, but also references the use of attenuation chambers, which offer none of these benefits. The

approach to SuDS needs to deliver multifunctional SuDS, not 'hard' solutions (i.e. permeable paved surfaces and pipes / storage solutions in isolation). The design of the SuDS should deliver surface solutions, delivering multiple environmental benefits. This could be demonstrated at the full application stage, but the applicant should be aware now that a design compliant with CBC's SPD will be required.

Landscape Officer

Site boundaries:

The application site boundaries are sensitive; a key design requirement is landscaped boundaries be retained within the public realm to ensure appropriate management, detail guidance is provided in the CBC Design Guide; Section 2 Landscape.

The northern site boundary forms part of the visual edge of Fairfield Park development and transition to open countryside, including extensive views north and reciprocal views to Fairfield - and key skyline buildings . Orientation of development and treatment of mitigation along this edge requires attention to design and detail; at present there appears some existing hedgerow planting along this site boundary, how this will be included within any bunds, as described in the D&AS, is not clear. Further information on this boundary treatment is required including changes in levels, proposed planting, space for planting to mature and detail on future management / maintenance to ensure a visual screen is achieved to mitigate views to development and also compliments and enhances local landscape / planting character.

The site boundary with Hitchin Road similarly will require more detail; the site layout appears to show footpath accesses from Hitchin Rd, but with rear access to car parking. Design and detail of these frontages will need to be described further if the application is progressed. Boundary treatment with the existing dwelling at East Lodge would benefit from additional soft landscaping - possibly fruit trees in rear gardens which will not grow to a large size but will provide seasonal interest, fruit and support biodiversity.

The southern approach to the site forms part the arrival 'gateway' to north Fairfield Park; the D&AS recognises the importance of the application site in relation to this location and Fairfield, more detail on this frontage would be appreciated via elevations and / or photo montages.

The western site boundary includes trees covered by TPO, this treed edge also relates to the wider treed boundaries within this area of Fairfield and continues a distinct planting character, therefore these trees must be

retained and tree planting enhanced. Retaining the treed boundary within the public realm would assist in conserving the trees and tree root zones - the CBC Trees and Landscape Officer offers specialist advice on this.

Site layout:

The proposed site layout shows built development under canopies of existing trees which raises concerns about root zones and leaf drop on to buildings / roofs therefore I suggests the proposed layout would benefit from review to embrace existing trees on and around the application site.

The inclusion of SuDS is a positive measure and in accordance with the CBC SuDS Guidance; the inclusion of rain water gardens can create attractive landscape features as can swales and rills which I fully support. The potential inclusion of piping surface water to an attenuation storage facility below the central garden area would be costly and can limit planting above on the surface. Rills, shallow open channels and swales should convey surface water to natural attenuation features and soakaways and form an integral part of the site landscaping.

Built form, design and character:

The application site is adjacent to the former hospital isolation unit which is a single storey building very much in keeping with the design detail and materials used elsewhere within the original hospital buildings and more recent development. Given the richness in palette of materials and design associated with Fairfield any new development must utilise such strong design cues to continue the distinctive sense of place..

Trees and Landscape

The site consists primarily of grassland along with boundary hedgeline planting. There is also an area of young trees located on the southern edge identified as G1 on the supplied Tree Constraints Plan. The Indicative Site Layout Plan 01 shows that this area of G1 will be removed to allow development.

Design and Access Statement indicates that the north boundary of this site will incorporate a bund with additional planting, this boundary planting would help screen development from the north viewpoint. We would look for bund planting to be designated as publicly maintained land as opposed to being integrated into individual garden plots. The Design and Access Statement states that a trees survey and Arboricultural Impact Assessment (AIA) will be supplied if this outline is approved, this should be provided in line with the specification detailed in BS5837 2012. Where any works

are to encroach into root protection areas of trees to be retained we will require an Arboricultural Method Statement to show how damage to trees will be avoided.

Trees adjoining the west boundary of the site are protected by TPO.

Looking at the site and proposed layout I would suggest that there would be ample space to ensure that all new construction can be carried out well away from protected trees on the west boundary and also ensure that issues of shading, leaf fall and overbearance that will result in demands for tree reduction work can be avoided in the future.

Full landscape and boundary treatment detail will be conditioned.

Pollution Team

Land contamination

The applicant has submitted a LK Consult Ltd Phase 2 Geo environmental assessment and risk assessment dated 28th July 2016.

The assessment included intrusive sampling of soils in some areas of the site but the former gravel pit and some areas of heavy vegetation were not accessible. Elevated levels of Benzo(a) pyrene were identified in stockpiled material and the report recommends that stockpiled material is not used in garden areas of the proposed residential areas. The nature of the ground in the vicinity of the former gravel pit has not yet been confirmed and further investigation is required of this and ground conditions in inaccessible areas. The report details the further works and remedial recommendations/requirements in table 9.1 on page 21.

A land contamination condition should be attached to any permission granted requiring the further investigation, remediation and validation to be completed prior to occupation.

Odour from Letchworth STW

Central Bedfordshire Council has been investigating sewage odour nuisance complaints in 2016 from existing residents of the Fairfield Park Estate regarding the Letchworth Sewage Treatment Works(STW) which is operated by Anglian Water. Initial monitoring has shown that there is potential for odour from the STW to adversely affect residential amenity at the location of proposed dwellings periodically. As a result of the recent complaints Anglian Water have installed odour neutralising sprays at the works and are currently logging gas emissions to consider potential further remedial

measures.

Sustainable Growth

The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Sustainable Construction of New Buildings. These policies require all new development of more than 10 dwellings to meet CfSH Level 3 and deliver 10% energy demand from renewable or low carbon sources. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources. In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage).

I welcome the applicant's fabric first approach to develop energy efficient dwellings. This approach will ensure that the dwellings have low energy demand throughout their lifetime and a renewable energy installation to deliver 10% of energy from renewable sources will be smaller. If the developer prefers, the 10% energy demand saving can be delivered through more energy efficient fabric. In such case, all dwellings' Fabric Energy Efficiency (DFEE) must be 10% below Target Fabric Energy Efficiency (TFEE) determined by the 2013 Part L of the Building Regulations.

I note that the Design and Access Statement states that a higher water efficiency standard will be delivered in all dwellings as per policy requirement. The Building Regulations require that where a higher water efficiency standard is applicable this must be set as a planning condition.

I would like more information on how policy will be met to be submitted with the full planning application. The information should cover: energy and water efficiency, renewable energy contribution, climate change adaptation measures to minimise risk of overheating in dwellings and proposed ventilation strategy.

To ensure that the requirements of the policies DM1 and DM2 are met I request following planning condition to be attached, should the planning permission be granted:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve the higher water standard of 110 litres per person per day.

Sustainable
Drainage

Urban We consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage, if the following planning conditions are included:

Comments and recommendations

Further site specific ground investigation works, including ground water monitoring, should be carried out to assess the viability of infiltration devices, and should inform the final detailed design. This type of assessment should be carried out in accordance with BRE 365. It should also consider whether the site or surrounding area could become susceptible to inundation settlement, the effect of any ground slopes on downhill waterlogging, land slip, and, any other adverse impacts that could likely result from the proposed infiltration. We recommend this is undertaken by a suitably qualified professional.

The conveyance of surface water should be considered, there are elements of SuDS that could be used to convey water instead of a piped system. Anglian Water can adopt SuDS if they are consulted early and their requirements met. The best way to prevent vehicle contamination entering the soakaway or pond is to use permeable paving, when calculated correctly this can be used to reduce the size of private soakaway and storage of other types.

Where permeable paving is proposed we advise the design criteria is demonstrated in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28 Design Assessment Checklists for Permeable/Porous Pavement'.

Any flow from the site will need restricting to a rate agreed by the LLFA, due to the sensitivity of the area this is likely to be below greenfield runoff rates.

Details of the proposed construction, phasing of works, management and future maintenance requirements of the surface water drainage scheme should be provided with the final detailed design. This should fulfil the requirements set out in the "CBC Sustainable drainage supplementary planning document" and "Surface water advice note", Adequate access to the surface water system should be provided in the sizing and layout of the scheme, with details of the proposed arrangements for maintenance.

Anglian Water

Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement

within the development site boundary.

Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Letchworth Water Recycling Centre that will have available capacity for these flows.

Section 3 – Foul Sewerage Network

3.1 Development may lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition relating to foul drainage if the Local Planning Authority is mindful to grant planning approval.

Internal Drainage Board Had no comments to make

NHS No comments received.

Waste Officer

The Council's waste collection pattern for Stotfold is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy

Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23

litre food waste caddy.

- Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.
- In the full application, we require a swept path analysis to demonstrate that our waste collection vehicles can manoeuvre safely around site. Space for a vehicle of the following dimensions should be provided:

Wherever possible, refuse collection vehicles will only use adopted highways. If the access road is to be used, it must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at least 1 wheelie bin and a food waste caddy, in addition to reusable garden waste bags.

Other Representations:

Neighbours

1 letter of objection received on the following grounds:

- Application should be refused due to health risks from the local sewage plant.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations
7. Sustainable Development and the Planning Balance

Considerations

1. Principle of Development

- 1.1 The site lies for the most part outside of the settlement envelope of Fairfield and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Fairfield is designated as a large village where Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether

material considerations outweigh the non-compliance with Policy.

- 1.2 At the time of writing this report the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing (including DM4, DM14, and CS16 of the North Core Strategy) must be regarded as 'out-of-date', and that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.
- 1.3 However, recent case law and legal advice advises that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.
- 1.4 At the time of writing the Council can demonstrate a supply of at least 97% of the five year requirement. The Council is confident that there is sufficient development coming forward in the short term to make up this shortfall. In this context it is reasonable to afford Policy DM4 a level of weight proportionate to this supply when considering the planning balance.
- 1.5 The site is adjacent to the Fairfield Settlement Envelope. To the east and west the site directly adjoins existing residential development. The proposal does extend the built form northwards but the northern boundary aligns to the northern extent of the westerly residential development in the area. Suitable and robust landscaping which is properly maintained at this northern boundary will be required to help screen the development on the approach from the north and this would significantly reduce the impact on the character of the area.
- 1.6 Significant weight is given to the fact that the site already benefits from outline planning permission for 18 residential units. This application proposes the same number of dwellings with the difference being that the previous scheme consented dormer bungalows and this proposal seeks permission for 2 storey dwellings. Weight is also given to the extant consent east of the site to redevelop the former Pig Testing Unit and land to the south of this for residential purposes and a new lower school. The former pig development site benefits from an extant consent to construct 116 dwellings and a 70 bed care home granted in 2015 under CB/14/04048/FULL. The land to the south has outline permission for 180 dwellings with some commercial floorspace (CB/15/01455/OUT) and a new lower school to serve the area (CB/15/01454/FULL). This is an out-of-settlement location and will result in development encroaching into the open countryside, significantly further than is proposed here. In terms of the impact on the character and appearance of the area the site would have a negligible impact when considered against the wider landscape of Fairfield itself and the redeveloped Pig Unit site.
- 1.7 Fairfield is a new settlement that has a number of services available to residents including a lower school, shop, gym and spa facilities and a regular bus service that can take residents to Hitchin and northwards into the district. Fairfield as a settlement is considered therefore to be a sustainable location in principle.
- 1.8 Affordable Housing

The proposal would provide 35 % Affordable Housing in accordance with Policy CS7. Of the 6 affordable homes 63% would be for affordable rent and 37% intermediate tenure secured via a S106 Agreement. The proposal is therefore considered acceptable in this respect.

- 1.9 In terms of the principle of development the considerations with this scheme are such that the proposal is considered acceptable.

2. Character of the area.

- 2.1 As all matters are reserved, definitive views on this impact cannot be formed at this point. The application includes indicative layouts and elevations to demonstrate the visual impact that could be apparent. These details although indicative show two and a half storey dwellings within the scheme although this is not what the applicant has applied for. The scheme has been considered in light of the description of development which is for two storey dwellings only. The scale of dwellings at 2 storeys will increase the visual extent of built form at the site in comparison to the extant consent which limits the scale to dormer bungalows. It should be noted that consideration of this application cannot take account of the preference to see the extant scheme implemented. The individual merits of development at two storeys has to be considered.
- 2.2 The dwellings would be visible on the northern approach to Fairfield from Stotfold. The boundary treatment at the northern part of the site can be strengthened in this location to provide a softer edge. It is noted that the existing dwellings at the nearby development known as Shaftesbury Drive are visible on the approach already but this is not considered to be justification for a prominent development on this site and therefore a condition requiring screen planting on the northern boundary is considered both necessary and reasonable. If anything the visual impact of the exposed dwellings on Shaftesbury Avenue emphasise the importance of a significant landscape buffer in this location.
- 2.3 Development would be expected to be acceptable in light of the standards set out in the design guide which would ensure it is viewed sympathetically in the character of the area. it is also expected to take account of the architectural character of the Fairfield settlement and reflect its high quality design in any reserved matters proposal.
- 2.4 On this basis it is considered that the location of the site and scale of development are such that detailed design proposals, through reserved matters, would propose a scheme that does not have a detrimental impact on the character and appearance of the area

3. The Historic Environment

- 3.1 The site sits adjacent to, and within the setting of the former isolation unit associated with the former hospital. The Local Planning Authority has particular duties when considering applications that affect the setting of listed buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local

planning authority...shall have special regard to the desirability of preserving the building or its setting...'

- 3.2 The NPPF reinforces the statutory weight given to heritage assets. At para 129 it states that Local Planning Authorities should 'avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 132 states that when considering the impact of development...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. At para 134 it states that 'harm may be weighed against the public benefits of a proposal where the proposal will lead to less than substantial harm. Para 133 states that 'where development will lead to substantial harm permission should be refused unless defined circumstances apply.'
- 3.3 In considering the previous application, the Conservation Officer raised no objection to the principle of development adjacent to this site and it is noted that the other side has been developed in providing Shaftesbury Drive. Comments are awaited at the time of drafting but no deviance from this position is expected. Detailed consideration will be given to the impact on the setting of the listed building at reserved matters stage but, in terms of the principle of development, the closeness of the site is noted and therefore it is acknowledged that there will be an impact on the setting of the listed building but would not detrimentally affect its significance as a heritage asset. It is therefore considered that the development would result in less than substantial harm. In accordance with para 134 of the NPPF the scheme has to be weighed against the public benefits of the proposal. In this instance the benefit of the provision of housing that would contribute to the Council's 5 year land supply is considered to outweigh the less than substantial harm and therefore no objections are raised on the impact on the significance of the adjacent Grade II listed building.

4. The impact on neighbouring amenity

- 4.1 In terms of the impact on existing residents, the site abuts residential curtilages on two sides. To the east is East Lodge. This dwelling is sited at the entrance to Fairfield and would abut the application site on its western and northern boundaries. There are distances of over 15 metres to the boundaries from the property and as a result the development is not considered to be harmfully overbearing to this neighbour in principle. Detailed design applications would ensure that first floor windows of the dwellings will not directly look into the site and a boundary condition can ensure suitable treatment is proposed.
- 4.2 In terms of providing amenity for residents of the proposed scheme, it is not possible to assess the impacts of the scheme itself as detailed design matters are reserved. It is considered that a detailed scheme will take account of and provide amenity space in accordance with the Design Guide standards. The indicative layout indicates that suitable garden spaces can be provided in principle. The layout of the site would need to ensure that no direct overlooking into gardens occurs. The indicative layout suggests this is achievable although there are questions marks regarding the relationship with the north-eastern-most property and its adjacent neighbour which would need clarifying as part of any detailed scheme.

- 4.3 As a result of the above considerations the proposal is considered to be of a scale that would be able to achieve suitable amenity space for future occupants and would not harm the amenity of existing neighbouring residents.

5. Highway considerations

- 5.1 No objection is raised by the Highways Officer to this scheme. Although access is a reserved matter the application is required to indicatively show how it would be achieved. The access is proposed from North Drive which is an unadopted road. The applicant has confirmed they have a right of access and therefore it can be achieved in principle. There is no objection to the access location and it is considered positive to create access from an alternative location to Hitchin Road bearing in mind that Hitchin Road is a busier highway. Reserved matters would secure the detail of the access but the principle of its location is considered to be acceptable.
- 5.2 The Parish Council have raised objection on the grounds of a insufficient information in respect of traffic impact taking account of the cumulative impact of development in the area. This application was submitted with the same level of information as the first. The scale of development did not require a transport assessment The Highway Officer considers that there is enough information to be able to determine the scheme and it is not considered that there is insufficient information. In terms of a cumulative impact the site already has consent for 18 dwelling sand the difference between the previous scheme and this, in providing two storey dwellings, is regarded as negligible in terms of highway impact.
- 5.3 In terms of parking provision the indicative layout suggests that each dwelling would have sufficient parking spaces to comply with the standards within the design Guide. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision.
- 5.4 On the basis of the above the proposed indicative access is considered to be acceptable in principle and it is considered that residential development could be provided at the site that would be acceptable in highway and parking terms.

6. Other Considerations

6.1 S106 agreement matters

Spending Officers were consulted and comments returned with financial contributions requested from Education. The following items would form the initial heads of terms for an agreement, on which discussions would be based if Members of the committee resolve to grant consent.

Education

Early Years	£12,443.76
Lower School Contribution	£41,479.20
Middle School Contribution	£41,738.11
Upper School Contribution	£51,181.98

Highways

An obligation will be required to ensure the provision of a footpath along the

frontage of the site (southern boundary) to improve connectivity.

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

6.2 Drainage

The application does address drainage advising that a SuDs scheme is proposed. The scheme is considered to be capable of providing a suitable drainage scheme to accommodate the level of growth. Conditions will secure the detail for approval but it is expected that regardless of this a detailed design submission will include the SuDs details as part of that application.

6.3 Sewage Plant

It is acknowledged that there are longstanding odour issues with the local sewage plant located to the south of the site. Anglian Water are responsible for the management of the plant and they were consulted on the application. They have advised that the capacity from this scheme can be accommodated. It should be noted that existing issues of odour are not a material consideration for this development of 18 units.

7. Sustainable Development and the Planning Balance.

7.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted*

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given little weight.

7.2 Consideration should be given to the individual merits of the scheme in light of said presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

7.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the site abuts residential development and shows that it is not isolated. The impact of developing adjacent the settlement envelope is not considered to result in significant and demonstrable harm. The development will need to respect existing trees and a detailed proposal that harms their vitality would be unlikely to be considered acceptable.

7.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. The scheme therefore contributes to a greater mix of housing overall.

The report has detailed that Fairfield is regarded as a sustainable development and it is considered that the settlement offers the services and facilities that can accommodate the growth resultant from this scheme.

The development will impact on local infrastructure and as a result the applicant is required, to offset these impacts, to enter into a S106 agreement to provide financial contributions for footpath provision at the site

7.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education and the provision of a frontage footway to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

- 7.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

7.7 Human Rights issues

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

Recommendation:

That Planning Permission be granted subject to completing a S106 agreement 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 access, 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 **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.

- 5 **No development shall take place until details of the existing and final ground, ridge 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. Thereafter the site 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).

- 6 **No development shall take place until details of hard and soft landscaping (including details of a robust planting belt at the northern part of the site, 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.**

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 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, 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 7.**

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 vehicle or pedestrian access shall be permitted from or onto Hitchin Road as part of any reserved matters application.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

- 9 Any subsequent reserved matters application shall include the following;
- Full engineering details of the access arrangements shall be submitted to and approved by the Local Planning Authority and no dwelling shall be brought into use until such time as the agreed works have been implemented.
 - 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 Residential Travel Plan.

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

- 10 No development shall commence until a detailed surface water drainage scheme, including construction and maintenance plans, for the site based on the agreed Surface Water Drainage Strategy (October 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the Surface Water Drainage Strategy (October 2015). 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 maintenance plan.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 11 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

Reason: To prevent the increased risk of 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.

- 12 **No development shall take place (including ground works or site clearance) until a method statement for the creation of new wildlife features such as hibernacula and the erection of bird/bat boxes in buildings/structures and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:**

- a) purpose and objectives for the proposed works;**
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);**
- c) extent and location of proposed works shown on appropriate scale maps and plans;**
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
- e) persons responsible for implementing the works;**

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

- 13 **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.

- 14 The dwellings pursuant to this permission shall be of a scale no higher than two storeys.

Reason: For the avoidance of doubt and to ensure that the site is developed having regard to the impact of the setting of Fairfield and the character of the area. (CSDMP DM3)

- 15 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**

- a) **Risk assessment of potentially damaging construction activities.**
- b) **Identification of “biodiversity protection zones”.**
- c) **Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).**
- d) **The location and timing of sensitive works to avoid harm to biodiversity features.**
- e) **The times during construction when specialist ecologists need to be present on site to oversee works.**
- f) **Responsible persons and lines of communication.**
- g) **Use of protective fences, exclusion barriers and warning signs.**

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development of the site is acceptable in the interests of biodiversity.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 436/05(01)001 A.

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 applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt any highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. The applicant is advised that no highway surface water drainage system designed as part of any reserved matters development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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