

## Item No. 7

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| <b>APPLICATION NUMBER</b>                | <b>CB/15/03182/FULL</b>  |
| <b>LOCATION</b>                          | <b>Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG</b>                                     |
| <b>PROPOSAL</b>                          | <b>Erection of 131 dwellings with access, parking, landscaping, open space and associated works.</b> |
| <b>PARISH</b>                            | <b>Fairfield</b>   |
| <b>WARD</b>                              | <b>Stotfold &amp; Langford</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Dixon, Saunders &amp; Saunders</b>  |
| <b>CASE OFFICER</b>                      | <b>Samantha Boyd</b>   |
| <b>DATE REGISTERED</b>                   | <b>10 September 2015</b>   |
| <b>EXPIRY DATE</b>                       | <b>10 December 2015</b>  |
| <b>APPLICANT</b>                         | <b>Lochailort Stotfold Ltd</b>   |
| <b>AGENT</b>                             | <b>DLP Planning Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Major Development - contrary to Policy</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Approval recommended</b>   |

### Reason for Recommendation

The proposed 131 dwellings is contrary to Policy MA7, DM4 and CS7 of the Core Strategy and Development Management Policies Document, however the proposed houses which would benefit the Councils 5 year housing supply and most significantly, the development would facilitate the provision of a much needed lower school which would provide additional school places for the residents of Fairfield Parish and the surrounding area. The proposal would also result in a visual improvement to the landscape by regenerating an unused designated employment site. These benefits are considered to add significant weight in favour of the development and therefore the proposal is considered to be acceptable.

The proposal is considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document( 2009).

### Site Location:

The site is situated on the east side of Hitchin Road, between Stotfold and Fairfield Park which is located opposite to the west. The site lies within the Parish of Fairfield but is outside the Settlement Envelope boundary and therefore within open countryside.

The Meat and Livestock Commission constructed the purpose built site in 1984 as the Pig Development Unit and operations ceased in 2007. The site has remained vacant since and the existing buildings are falling into disrepair.

The land level falls from west to east with Pix Brook running along the eastern

boundary and there are a number of mature trees and hedgerows along the boundaries of the site and within the site itself. The site is well screened by the existing landscaping.

There is a shared footway/cycleway, which lies adjacent to the west side of Hitchin Road and provides a link to Fairfield Park and to neighbouring Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey, both of which have rail links to London and beyond.

### **The Application:**

Planning permission is sought for a development of 131 dwellings following the demolition of the existing buildings on the site together with open space and ancillary works.

The proposal is a revised application to that previously approved under reference CB/14/04048/Full granted consent by the Development Management Committee on 21 August 2015 for a development of 116 dwellings and a 70 bed care home. Application CB/14/04048/Full was considered alongside application CB/15/01355/OUT for a new lower school on land adjacent to Hitchin Road which was also granted consent at the same committee meeting.

The current proposal seeks to increase the number of dwellings on the site and includes a revised layout. The red line of the application site does not include the Care Home, however it has been confirmed that the care home would be implemented under the previous consent.

The main change in this application is that the house numbers have been increased through the provision of an apartment block towards the front of the site which is specifically designed for the older generation and includes larger apartments and lifts to the upper floors and would be occupied by over 55's.

### **RELEVANT POLICIES:**

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

Paragraph 22 and 55

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

CS1 Development Strategy  
DM4 Development Within & Beyond the Settlement Envelopes  
CS5 Providing Homes  
CS7 Affordable Housing  
DM3 High Quality Development  
DM1 Renewable Energy  
DM2 Sustainable Construction of new buildings

#### **Development Strategy for Central Bedfordshire 2014**

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

### **LDF Site Allocations (North) April 2011**

MA7: Land at Former Pig Development Unit, Hitchin Road, Stotfold  
Site Area: 5 ha

Land at the former Pig Development Unit, as identified on the Proposals Map, is allocated for mixed-use development providing 5 replacement dwellings and B1, B2 and B8 employment land. The site will be developed in accordance with its approved planning permission.

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

|                       |   |
|-----------------------|---|
| <b>Case Reference</b> | <b>CB/14/04048/FULL</b>   |
| Location              | Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG   |
| Proposal              | Demolition of all existing buildings and dwellings. Erection of 116 dwellings and a 70 bedroom care home with access, parking, open space and ancillary works.  |
| Decision              | Full Application - Granted  |
| Decision Date         | 24/08/2015  |
| <b>Case Reference</b> | <b>CB/11/03946/REN</b>  |
| Location              | Meat And Livestock Commission, Hitchin Road, Stotfold   |
| Proposal              | Renewal of planning permission 08/02000/FULL (removal of condition 14) in respect of planning approval 08/01043/OUT (redevelopment to form a business park (B1,B2 and B8 uses) and erection of 5no. replacement dwellings (all matters reserved except access). |
| Decision              | Rep PP - New Time Limit - Granted   |
| Decision Date         | 29/03/2012  |

|                       |   |
|-----------------------|---|
| <b>Case Reference</b> | <b>MB/08/01043/OUT</b>  |
| Location              | Meat And Livestock Commission, Hitchin Road, Stotfold   |
| Proposal              | Outline: Redevelopment to form a business park (B1,B2 and B8 uses)and erection of 5 no. replacement dwellings (all matters reserved except access). |
| Decision              | Outline Application - Granted   |
| Decision Date         | 17/09/2008  |

### **Consultees:**

1. Fairfield Parish Council No objections to the proposal.

## Other Representations:

2. Neighbours                      None received
  
3. Highways                        I have to acknowledge that this proposal is a modest amendment to the scheme approved under reference CB/14/04048/FULL. In a highway context the amendments have no significance to that approved by Mr McMurray previously and as such I have to accept the off-site highway works and access arrangements agreed.  
  
With regard to the internal highway layout there is a possibility that not all of the estate roads will be suitable for adoption as public highway without modification. I have referenced this within my recommended conditions and advice notes which I am acutely aware were missing from the previous approval.
  
4. Public Protection - Contamination                      No objections subject to conditions
  
5. Public Protection - Noise                      The proposed residential properties to the west of the development fronting Hitchin Road may suffer detriment to amenity from road traffic noise. This may be dealt with a condition requiring a noise assessment to be submitted with a mitigation scheme if required to meet the CBC noise standards.  
  
The previously approved Care Home application ref CB/14/04048 has a noise condition (11) requiring that plant noise from the care home does not exceed a specified level at residential properties. It is not known at this stage what plant and equipment such as air conditioning units, compressors and extraction facilities are to be installed at the adjacent care home and in what location. Therefore I am unable to comment on whether the plant noise level is achievable with the proposed residential design and layout. Consideration should be given to providing an acoustic fence along the boundary with the care home to help mitigate any noise impact from its use. The care home kitchen and laundry are shown as located in the north west corner of the care home building and therefore I would assume that some of the plant will be in this location which has proposed residential properties to the north. However the closest properties to the north are type B-b and are shown with a gable end facing the care home with no window openings on that facade. The applicant and the care home should liaise regarding location of plant and noise levels to ensure that the future occupiers do not suffer detriment to amenity and that condition 11 of the care home permission can be met. This application of 131 units meets the required threshold for affordable housing provision. We would be seeking an
  
6. Housing Officer

affordable housing requirement of 35% which equates to the requirement of 46 affordable housing units from the development. The Strategic Housing Market Assessment (SHMA) indicates a tenure split as being 63% rent and 37% intermediate tenure from sites meeting the affordable threshold. This would make a requirement of 29 units of affordable rent and 17 units of intermediate tenure (shared ownership) from this development.

Further comments on the Heads of Terms. If the application is to be approved then we would look for 15 year timescale for the spending of the commuted sum.

7. Archaeology Officer Although the proposed development site has the potential to contain archaeological remains relating to prehistoric settlement and other activity that has been identified in the surrounding area, previous development site is likely to have had a major impact on the survival of any remains and any surviving remains will have low significance. The proposed development will have an impact on any remains that may survive at the site but given the low significance of any such remains this does not represent a constraint on the proposal. Consequently, I have no objection to this application on archaeological remains.
8. Ecology No specific objection - conditions required for biodiversity enhancements.
9. Internal Drainage Board The IDB have raised an objection to the proposal given the increase in impermeable surface however the reason behind the IDB's objection is that they are seeking to secure betterment from the site to overcome an existing and longstanding flooding issue further downstream.
- The applicant has been involved in discussions with the IDB in order to offer the betterment sought, but to do so the IDB will need to allow the relocation of the existing storm water discharge pipe. The relocation of the storm water discharge point is something that is within the IDB's gift and there is a meeting scheduled for the 24<sup>th</sup> November to discuss the proposal and the benefits that it offers.
- If the proposal is viewed favourably it may allow the IDB to withdraw its current objection. The outcome of the meeting will be reported to the Development Management Committee on the Late Sheet.
10. Environment Agency No objection, please consult IDB
11. SuDS Team The Suds Team have raised an objection to the surface

water strategy however taking into account the established planning permission, the objection cannot be sustained.

12. Education

No comments received at time of drafting report.

13. Play and Open Space

On-site Provision Required

- Provision for Children:
  - The development should provide 2 on-site combined LEAP/LAP age play areas, each comprising, approx. 450sqm with 3 pieces of equipment for 3-6 year olds plus 5 pieces of equipment for 6-12yr olds, with safety surfacing and ancillary facilities.
  - The application proposes only 1 LEAP play area on-site of 300sqm at The Crescent – a LEAP should be 400sqm. plus a ‘small playground on the Village Green’.
  - This does not the provision standard or the needs of the development. If the LEAP is increased to 500sqm and provides an increased level of play equipment i.e. 6-7 pieces of equipment for 6-12yr olds; and the Village Green play area is of 150sqm with 4 pieces of play equipment for 3-6yrs olds this will be an acceptable level of play provision.
- Amenity Space: On-site informal amenity space should be provided on-site to meet the standard above. Ideally this would be provided with the play space to create a multi-functional space.
- SUDS area: the proposed SUDS area adjacent to the LEAP will not count towards the play or amenity space provision as it will contain water at certain times and is therefore not safe for play/recreation uses.

14. Tree Officer

No objection subject to protection of retained trees.

15. Landscape Officer

Visual impact of block of flats is a concern in prominent location, site boundaries would benefit from additional planting, Village Green and Woodland corridor require additional information. a lighting strategy is required given location of site and wildlife corridors, surface water piped system should be reconsidered.

Note: the applicant has met with the Landscape Officer on site and has submitted revised plans based on landscaping and the woodland corridor discussions.

16. Adult & Social Care Housing(MANOP)      The needs of older people should be considered as part of this application proposal. We would support a scheme suitable for older people.

### **Determining Issues:**

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

### **Considerations**

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

- 1.1 The proposal is for the redevelopment of the former Pig Testing Unit for 131 residential properties. The application site is outside of any Settlement Envelope as defined by the Core Strategy Proposals Maps however the Site Allocations Document (2001) allocated the application site for 18,000 sq m of B1, B2 and B8 employment land together with 5 replacement dwellings under Policy MA7 and outline planning consent for the development was granted in 2008 and later renewed in 2011. The planning permission has since expired.
- 1.2 The proposal as set out does not offer any employment generation from B uses and provides a much higher level residential properties, as such the proposal is contrary to Policy MA7. However the principle of residential re-development of the site has been established under planning permission CB/14/04048/Full.
- 1.3 The current application does not include the previously approved 70 bed care home within the red line of the application site. The applicant has confirmed that while the care home has not been included, the intention is to implement the care home under the previous planning consent. Advanced discussions have taken place with a future operator of the care home who is happy with the approved plans and layout, therefore the applicant felt it was unnecessary to include the care home in a revised proposal for the residential element.
- 1.4 The existing buildings on the site are purpose built for their intended use. The buildings are dilapidated and unsightly and the site is considered to be developed land in the countryside given its former use as research facility. The proposed redevelopment of the site with a well designed housing scheme would result in a visual improvement of the site and would facilitate the redevelopment of the former developed site.
- 1.5 Paragraph 55 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this case the proposal is considered to lead to an enhancement of the immediate setting by removing the former purpose built unused buildings and replacing with a high

- quality residential scheme with additional landscaping.
- 1.6 The application site lies opposite Fairfield Park and to the south of Stotfold. There are existing footpaths and cycle routes adjacent to the west side of Hitchin Road providing a link to Fairfield Park and to Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey and there are existing bus stops along Hitchin Road near to the site. Given the proximity of the site to Stotfold and Fairfield, the site is considered to be in a sustainable location and therefore would meet the NPPF objective of the presumption in favour of sustainable development.
- 1.7 The proposed development is within an area which is experiencing a high level of demand for school places across all three phases of education. The development would fall into the catchment area for Fairfield Lower School, Etonbury Middle and Samuel Whitbread Upper. Fairfield Lower School has been expanded to 2 forms of entry and has a high number of 0-5 year olds already living within the catchment. Fairfield Lower School cannot be expanded further due to the constraints of the site and in neighbouring Stotfold, St Mary's lower school has been expanded and Roecroft Lower School has also been relocated and expanded, in light of the increasing number of lower school pupils in the local area.
- 1.8 The local schools continue to be popular and 273 applications were made for the 270 reception places currently available at Gothic Mede (Arlesey), Fairfield Park, St Mary's Lower and Roecroft for September 2015. Fairfield Park, Roecroft and Gothic Mede are particularly oversubscribed. Pupil forecasts are indicating continued high demand for school places.
- 1.9 Therefore a 1.4ha lower school site would be required to make the proposal for additional 131 dwellings in this location acceptable in terms of sustainable development.
- 1.10 During the consideration of the previous application CB/14/04048/Full, the applicant submitted a separate application for a new lower school site on 1.4ha of land immediately adjacent to the application site. The land is owned by Central Bedfordshire Council, however the applicant agreed to contribute significantly to the cost of building a new lower school in this location (a £3million contribution). The suitability of the site for a school was considered by Development Management Committee at the meeting dated 22 July 2015 and subsequently granted permission under application CB/15/01355/OUT.
- 1.11 This revised application includes the same provisions for the school funding which will be secured via a new S106 Agreement. The redevelopment of the former Pig Unit site with residential properties will facilitate the provision of the new school which is a material consideration and a significant benefit to the wider community.
- 1.12 Affordable Housing  
Policy CS7 requires 35% of Affordable Housing from all new residential development. The revised proposal fails to provide any affordable housing units and is therefore contrary to Policy CS7.

In the previous application the applicant stated that, with the contribution

1.13 towards a new school, highway works and decontamination works to the existing site, the development would not be viable if they were to increase the number of affordable units on the site. The proposal was approved with 5 affordable housing units and a £600,000.00 commuted sum. At the time the weight attributed towards the provision of a much needed Lower School or the provision of affordable housing units was considered to weigh in favour to a significant reduction in affordable housing provision in order to allow the provision of the school.

1.14 Previous Information received from the Housing Officer states that at present there are 4 applicants on the housing waiting list for Fairfield Parish and 24 in neighbouring Stotfold. While the Affordable Housing policy is district wide and not limited to the need of each Parish, in this case there are significant wider benefits to the community from the proposed scheme.

1.15 This current application does not offer any affordable housing provision, however it does provide a specifically designed apartment block for the ageing population who may wish to downsize. It also provides a commuted sum of £1.2million towards affordable housing elsewhere in the district where there may be a greater need. Within the Fairfield Parish it is considered there is a greater need for lower school places which weighs in favour of the development being supported without affordable housing.

#### Conclusion

1.16 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.17 The site allocation (MA7) is outside of any Settlement Envelope, however at the time the provision of employment land was considered to outweigh the harm to the character and appearance of the countryside. The land was previously used for research purposes and has remained unused since despite previously approved planning consents for B uses and a lengthy marketing campaign.

1.18 The proposal would not be in compliance with site allocation Policy MA7, however the previously approved application identified need for the provision of residential care places for the elderly and established the principle of residential use of the site. Furthermore the proposal for 131 residential dwellings would be instrumental in the provision of a much needed new lower school for the Fairfield catchment and surrounding areas as the residential use of the site would allow the development to offer significant funding to CBC for the school construction.

1.19 Whilst the proposal is contrary to Policy CS7 in that it would not provide the required level of affordable housing, the developer has agreed a commuted sum of £1,200,000 towards affordable housing provision elsewhere within Central Bedfordshire where there may be greater need. The reduction in Affordable Housing at this site allows the developer to provide the £3million contribution towards the construction of the new school therefore in this case, an offsite contribution towards affordable housing elsewhere is felt to weigh in

favour of wider benefits of the development. The proposal would also add to the Council's 5 year housing supply. Furthermore the proposal includes apartments specifically designed for the ageing population for which there is an identified need.

- 1.20 As the proposal would result in significant benefits to the local economy in terms of additional housing and school place provision together with funding for the construction of the school from the developer, these benefits are considered to be material and in this particular case outweigh any harm to the character and appearance of the countryside and the non-compliance with Policy MA7, Policy CS7 and DM4 of the Core Strategy. The development is therefore considered to be acceptable in principle.

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

- 2.1 The proposed development takes its design cue from the adjacent Fairfield development with high quality materials and Victorian design features. The overall layout of the development is felt to be acceptable and provides a good residential layout with green spaces and an acceptable relationship between the buildings.
- 2.2 The general principle and layout of the site was accepted under the previous planning permission for the care home and 116 dwellings.
- 2.3 The rear of the site slopes down towards the stream therefore the dwellings would lie on the lower land levels. The area immediately adjacent to Pix Book is to be retained as open space and a play area. Landscaping is proposed along the northern and southern boundaries of the site to screen the development from the open countryside beyond details of which can be secured by a condition. Landscaping also includes a woodland boardwalk linking the site to the proposed school land to the south of the site.
- 2.4 The existing character of the site is commercial, with a number of buildings that are falling into disrepair. The reuse of the site for residential purposes is considered to be an improvement given the overgrown unused condition of the site resulting in a visual enhancement of the site and the surroundings in general.
- 2.5 The proposed apartment block is positioned to the front of the site. The building would be over four floors, the fourth floor being within the roof space of the building. Given the scale of the building it would be visible and quite prominent from within the surrounding landscape which would result in a visible impact to the countryside, however as the site gently slopes downwards from Hitchin Road, the three storey building would appear at a lower ground level than the road and therefore less dominant from along Hitchin Road. It would be designed similar to the approved care home and incorporates the Victorian features of Fairfield Hall development opposite.
- 2.6 Whilst the scale of the building would be clearly visible from the surrounding countryside, is it not an unpleasant design and would form part of the larger residential development to the rear of the building. Therefore the resulting

impact from the scale of the building would be limited and is therefore not considered to be significant harm, particularly given the need for additional housing for the over 55's.

- 2.7 Taking into account the existing buildings and use of the site together with the site allocation and previously granted planning permission for commercial use of the site, overall the current proposal is not considered to result in harm to the character and appearance of the area. The proposal would therefore comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

### **3. Neighbouring amenity**

- 3.1 The application site is adjacent to a pair of residential properties to the south of the site (approximately 10m away) and The Lodge, a detached dwelling to the west separated from the development by Hitchin Road. About 140 metres further to the west is the north eastern edge of Fairfield Park.
- 3.2 The area surrounding the development is open fields with no neighbouring residential properties, except those highlighted above. In light of the location of the site, the scale and height of the proposed development, taking into account the topography of the land, would not result in any adverse impact due to visual or overbearing impact.
- 3.3 It is accepted that there would be an element of additional noise and disturbance from the proposed development given the current situation. However having regard to the proposed employment use of the site which included consent for B2 and B8 uses, these uses are more likely to create noise from potential HGV traffic than that associated with a residential development.
- 3.4 The proposal is not considered to result in unacceptable harm to the amenities of the neighbouring properties and as such would be compliant with Policy DM3 of the Core Strategy and Development Management Policies (2009).

### **4. Highway considerations**

- 4.1 The site is to be provided with two dedicated access points, one for the care home (which does not form part of this application )and one for the residential estate road. This principle is supported by Highways. In terms of highway safety, trip generation and the impact on the existing highway infrastructure, there are no objections to the development subject to conditions.
- 4.2 Car Parking Provision  
The proposal complies with the parking standards as set out in the Councils Design Guide and the proposed garages meet the size requirements to be counted as a useable parking space.
- 4.3 As there are no objections to this proposal from a highway safety point of view

therefore the proposal is considered to accord with Policy DM3 of the Core Strategy and is therefore acceptable in this respect.

## **5. Other relevant issues**

### **5.1 Flooding/Drainage**

There are no objections from the Environment Agency to the development however the IDB have raised an objection to the increase in the impermeable areas on the site. The applicant is currently in discussions with the IDB with the view to providing a betterment from the site. Members will be updated with the results of the discussions however consideration has to be given to the previously granted consent where the IDB raised no objection.

5.2 The existing private dwellings to the south of the site do not have mains foul drainage connections. As an added community benefit the applicant has agreed to enter an agreement with these houses and connect them to the new mains drainage system required for the site.

### **5.3 Archaeology**

There are no objections to the development from an archaeology perspective.

### **Planning Obligation Strategy**

5.4 The Planning Obligation Strategies that have previously been used to inform the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL) which is expected towards the end of 2015.

5.5 All contributions sought will need to comply with the three tests set out in Regulation 122(2) of the CIL Regulation 2010 (as amended). While the development will have an impact on other areas, such as open space provision and cycle network etc, it is felt that the education contribution is of greater importance in this location and given the scale of the contribution towards the new lower school and the affordable housing commuted sum no other contributions towards specific projects will be sought from this development.

### **Human Rights/Equalities Act**

5.6 Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

## **Recommendation**

That planning permission be granted subject to the following conditions and the completion of a S106 Agreement

## **RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No construction of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used in the construction of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 3 **No development (other than that required to be carried out as part of an approved scheme of remediation) shall take place until conditions (a) to (c) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (c) has been complied with in relation to that contamination.**

**(a) Submission of a Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

**(b) Implementation of Approved Remediation Scheme**

**The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.**

**Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.**

**(c) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (b).

**Reason:** Required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Core Strategy and Development Management Policies Document (2009).

- 4 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 accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 No construction works shall commence until a detailed surface water drainage scheme, based on the agreed Flood Risk Assessment ref 1377 FRA September 2015 has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall include a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the approved details.

**Reason:** To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with the National Planning Policy Framework and Environment Agency Groundwater Protection: Principles and Practice (GP3) and in

**accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 6 Prior to and during demolition and construction works, all tree protection measures and working method procedures shall be carried out in strict accordance with the Haydens Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A) and plans 4820-D/2/rev A, 4820-D/1 rev A,

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with policies contained within the Core Strategy and Development Management Policies Document (2009)

- 7 **Prior to the commencement of any construction works of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a landscaping scheme, to include all hard and soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.**

**Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 8 **Prior to the commencement of any construction works for the development hereby approved (which for the avoidance of doubt excludes any demolition works), a detailed waste collection strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.**

**Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy WSP5 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014) and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).**

- 9 Prior to the commencement of any construction works on the site a scheme

detailing on-site equipped play provision and details of the arrangements for the future maintenance of the play equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 10 **Prior to the commencement of construction work hereby approved (which for the avoidance of doubt excludes any demolition works) details of any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.**

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 11 **No construction work on the buildings hereby approved shall commence before details of how the development will achieve a reduction in carbon emissions of at least 10% more than required by current Building Regulations through the use of on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: Required prior to commencement to ensure the development is energy sufficient and sustainable in accordance with Policy DM1 and DM2 of the Core Strategy and Development Management Policies Document (2009).

- 12 No part of the development shall be occupied until a site wide travel plan has been submitted to and approved in writing by the council, such a travel plan to include details of:
- Baseline survey of site occupants in relation to these current/proposed travel patterns;
  - 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.
  - Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
  - Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible

- Plans for monitoring and review, annually for a period of 5 years.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
  - a) site specific travel and transport information,
  - b) details of sustainable incentives (e.g. travel vouchers)
  - c) maps showing the location of shops, recreational facilities, employment and educational facilities
  - d) details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
  - e) copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
  - f) 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 promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network in accordance with Policy DM3.

- 13 **Development shall not begin until the detailed plans and sections of the proposed road(s), 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 in accordance with Policy DM3.**

- 14 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of**

**delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

**Reason: Details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.**

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 16 Each unit within the apartment block hereby approved shall be occupied only by :
- a) persons aged 55 or older; or
  - b) a widow or widower of such a person or persons, or
  - c) any resident dependant or dependants of such a person or persons, or
  - d) a resident carer of such a person or persons.

Reason: In view of the limited amenity space provided with the apartments and given the need or elderly accommodation in the area and in accordance with the NPPF.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 5793/001, 5793/004, 5793/002C, 5793/007, 5793/008, 5793/003A, 070, 071, 072, 5793/006B, P440/001 rev A, 5793/056, 5793/055, 5793/054, 5793/053, 5793/052, 5793/015/01A, 5793/015/B, 5793/033/B, 5793/033/01A, 5793/032/B, 5793/032/1B, 5793/031/B, 5793/031/1A, 5793/027/A, 5793/027/15793/026/B, 5793/026/1, 5793/025/A, 5793/025/1, 5793/024/A, 5793/024/1, 5793/023/A, 5793/023/1, 5793/022/A, 5793/022/1, 5793/021/A, 5793/021/1, 5793/020/A, 5793/020/1A, 5793/0196, 5793/0196/1, 5793/0195, 5793/0195/1, 5793/0193/1, 5793/0193, 5793/0194, 5793/0194/1, 5793/0192, 5793/0192/1, 5793/016A, 5793/016/1, 5793/017/A, 5793/017/1, 5793/018/A, 5793/018/1A, 5793/019/1, 5793/019/A, 5793/0191, 5793/0191/1, 5793/034, 5793/035/A, 4820-D EXTRACT, P440/SK002A, P440/SK001, P440/SK003

Flood Risk Assessment ref 1377 FRA September 2015, Capacity Analysis Report September 2015, Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A), 4820-D-1/A, 4820-D-2/A, Updated Ground Investigation ref BRD1534-OR3-A, BG\_1035\_01A rev A, Transport Assessment ref: 406.05741.00003, Heritage Asset Assessment 2014/007 Version 1.0, Phase 1 Desk Study BRD1534-OR1 version B July 2012, Phase 2 Site

Investigation BRD1534-OR2 version B September 2012, Preliminary Ecological Appraisal December 2013, Final Ecological Appraisal October 2015,

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. 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 Core Strategy and Development Management Policies Document (2009)
3. The applicant is advised that in order to comply with 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that no highway surface water drainage system designed as part of a new 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.

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, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways 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.

All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council’s publication “Central Bedfordshire Design Guide A guide for designing high quality new developments” and the Department for Transport’s “Manual for Streets”, or any amendment thereto.

Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

The applicant is advised that parking for contractor’s vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council’s Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

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

**DECISION**

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