

Item No. 10

APPLICATION NUMBER	CB/15/04320/OUT
LOCATION	Land to the rear and side of East Lodge, Hitchin Road, Stotfold, Hitchin, SG5 4AA
PROPOSAL	Outline Application: 18 No. dormer bungalows on area of open land.
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	30 November 2015
EXPIRY DATE	29 February 2016
APPLICANT	P.J. Livesey Holdings Ltd
AGENT	P.J. Livesey Holdings Ltd
REASON FOR COMMITTEE TO DETERMINE	Proposal is contrary to development plan policy
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. The proposal would have an impact on the character and appearance of the area however this impact is considered to be limited given that the dwellings are proposed as dormer bungalows. 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.

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 west (single dwelling known as East Lodge) and east (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 dwellings. All matters are reserved but the application submission gives a number of indicative elements for consideration which include access gained from Eliot Way and all dwellings proposed are dormer bungalows.

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:

None

Consultees:

Fairfield Parish Council No objections to the proposal based on the information supplied

At a planning meeting to discuss the application residents

made FPC aware of the following concerns which we hope CBC will note and consider when further more detailed proposals are available.

- Concern regarding the access to the site. Eliot Way is very narrow, has little in the way of adequate street lighting or footpaths. Adequate car parking must be provided within the site as any overspill onto Eliot Way would be a huge problem.
- The provision of 18 bungalows would seem to be the correct density for the site and its location. However if the principle of residential is approved any change to the house type and increase in numbers would be unacceptable.
- Concern that the extending of the settlement boundary for this scheme is not just the start of further expansion in the future.
- Concern that any S106 agreement or individual agreement tied to the site is adequately worded in a way that is enforceable.
- Concern that the proposals noted in the ecological assessment are implemented.

In addition to our comments sent on 11th January 2016, Fairfield Parish Council wish to confirm that the transfer of the orchard land, following the grant of outline planning permission for the north entrance site, has been agreed in principle. This is seen as a significant community benefit by the Parish

Stotfold Town Council

Object on the grounds that the proposed development would be situated outside the settlement envelope of Fairfield in open countryside, in an elevated position beyond the tree-line surrounding Fairfield Park and as such, would be visible from a distance. The Planning Inspectors Inquiry 1998 for the proposed development of the Fairfield Park area (para 9.24) found that built development of the site proposed in this application would severely detract from the setting of the adjacent Listed Building, and notes that the same site proposed in this application is situated outside the line of trees enclosing open land. The proposed site is not considered to be brownfield as for most of the last century it has been used for agricultural purposes.

Highways

This proposal has been the subject of pre-application submission considered under reference CB/14/04880/PAPC and I am able to confirm that there is no fundamental highway reason to justify and sustain an objection to the principle of this proposal. However it is disappointing to note that the indicative layout still maintains individual pedestrian access to the properties fronting Hitchin Road which is something I specifically

requested be removed to avoid the possibility of indiscriminate parking on the main through road.

Furthermore and 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. 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.

Housing Officer	Development	I support this application as it provides for 6 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. The scheme proposes 4 affordable rent units and 2 intermediate tenure units (shared ownership) which complies with the requirement from the SHMA. I would like to see the affordable bungalows built to the Lifetime Homes Standard at the minimum. I would like to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. 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. I would also expect all units to meet all HCA Design and Quality Standards.
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Conservation Officer	The indicative proposed layout drawing plan 1 (Brewster Bye Architects)- shows a grid of If this sort of new development is possible in terms of general planning policy & you are satisfied that some form of residential development can be acceptable- then a re-think of the layout framework- more gentle curves & off-grid approach would be likely to be far more pleasant place to live in (near to Letchworth GC- which would certainly offer more interesting reference- rather than rigid formality of hospital layout!) & offer greater amenity to any future residents.
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Ecologist

The ecological appraisal identifies a reptile, badger and bird interest in the site. Cinnabar moth, a species of principal importance as recognised in the NERC Act, was also recorded on site.

A small population of common lizard was found though surveys were done in October which is not considered the optimum survey month and certainly not representative of a longer survey season.

Two badger setts were identified though unoccupied at time of survey in 2014. However, we are now almost in 2016 so updated surveys will be required and I would seek to condition these.

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 proposals need to deliver a net gain in Green Infrastructure, to be in line with policy CS17 of the Core Strategy for Central Bedfordshire (north).

Opportunities therefore need to be taken to deliver green infrastructure enhancements. The parish GI plans for Arlesey and Stotfold identify an aspiration to create a cycle route between Arlesey and Fairfield, along West Drive, and North Drive, meeting Hitchin Road. This runs along the southern edge of this proposed development site, but the development proposals do not take into account this aspiration.

The proposals also include the creation of a northern hedge bank, designed for ecological benefit. This is welcome, but the proposals also show that gardens will be backing onto this bank, separated by a post and rail fence. This negative interface is likely to damage the proposed hedge bank. The layout of the scheme, to have a more positive interface with this boundary should be considered. The need to protect the post and rail fence, and avoid it being replaced by high, close boarded fences by residents needs to be considered. This may require legal requirements on occupiers of the properties

Currently the design approach limits the extent to which green infrastructure opportunities will be delivered by the scheme, limiting the net green infrastructure benefit.

Sustainable Drainage.

As a major development, the NPPF states that sustainable drainage systems should be provided unless demonstrated to be inappropriate. Local Planning Authorities are further required to satisfy themselves that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing maintenance. In order to meet these requirements, the developer needs to provide information on how surface water will be managed. Central Bedfordshire Council requires that this takes the form of a Surface Water Management Strategy.

The level of information provided by the applicant does not provide the information required in the Surface Water Management Strategy - the only information on flood risk and surface water appears to be within the Design and Access Statement, and the information here does not provide what is required by Central Bedfordshire Council in its guidance on surface water management. No information is provided about the ongoing maintenance. Therefore the level of information provided means that the application is not in line with the NPPF, and should not be determined until further information is provided.

The applicant notes that attenuation chambers and piped conveyance would possibly be utilised. This is contrary to CBC's adopted Sustainable Drainage Guidance, which requires surface conveyance over pipes. A range of other SuDS features are mentioned, and this is welcomed - an application would need to demonstrate how surface water is treated across the management train - this involves source control measures, conveyance measures and attenuation measures.

The applicant should therefore be required to provide further information about surface water management in the form of a Surface Water Management Strategy, to demonstrate that the proposals meet the requirements of the NPPF and CBC's adopted Sustainable Drainage SPD, and shows of the SuDS have been designed as part of the green infrastructure network across the site, improving amenity and biodiversity through the creation of a multifunctional SuDS network.

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.

Rights of Way

I am aware that Fairfield parish, CBC Rights of Way and CBC Transport Strategy (Cycling) are seeking to create, on the inside (west side) of the arable field hedge parallel to Hitchin Rd, a cycleway to link Fairfield Parish and Stotfold via the underpass on the A507.

Hitchin Road's width gives a widened pavement to cycleway no chance of being created and therefore the intention is to create a route inside the field edge hedge with landowner consent.

This application will affect such aspirations. It would be wise to present the applicant with these intensions and perhaps the applicant will consider incorporating the route north within the application plan via one of the estate

roads.

Should this not be the case, I suggest the land outside the perimeter of the estate will incorporate the intended cycle route in due course.

I am sure a S106 contribution for such a surfaced route will be forthcoming from the applicant.

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. 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.

The Design and Access Statement refers to the northern bund and planting using contaminated on site soil that would then be capped with better quality soil. It also mentions the fact that this contaminated soil would be unsuitable for garden use. As it is also mentioned that the intention is to ensure that the bund and new tree/shrub planting will be managed by the new Parish council as part of grounds maintenance. The importance of this was emphasised in pre app comments as incorporating this bund and planting into private gardens has no guarantee of the longevity of this landscaping. eg it may well be removed in the future.

As also mentioned previously we will require a detailed Arboricultural Impact Assessment and Method Statement principally along the west boundary where mature TPO trees are located. Final layout should ensure that foundations and built areas do not encroach into the root protection areas identified.

Pollution Team

No objections subject to conditions.

Sustainable Growth

As advised in the pre-application advice the proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Sustainable Construction of New Buildings. The 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 water standard of 110 litres (including 5 litres for external use) per person per day.

Sustainable
Drainage

Urban The requirement for a surface water drainage strategy is set out in the local list and applies to all major applications.

As well as addressing the impacts for surface water and mitigation measures based on SuDS – it should set out the existing drainage arrangements of the site, its hydro-geological context and possible points of discharge.

We expect this to be proportionate to the nature and scale of the development proposed and that the final sizing, layout and operation of the system can be confirmed at the detailed design stage through planning conditions.

However I would strongly recommend against approving an application without any guarantee that there are suitable and viable means for disposing of surface water off site. I will leave this up to your judgement.

Other Representations:

Neighbours

10 letters have been received raising the following planning objections and comments:

- Site falls outside of the settlement envelope and could set a precedent for other sites outside.
- Areas within the envelope remain undeveloped.
- Eliot Way is a busy road with inadequate width for the current level of traffic.
- Cars will end up parking on Eliot Way and the number of units should therefore be halved.
- Insufficient infrastructure to support more dwellings and consent already granted for 100+ houses nearby.
- Drainage system struggles to cope.
- Schools and Doctors are oversubscribed.
- No environmental impact assessment undertaken.
- Site is a wildlife area
- Overlooking to East Lodge.

Comments relating to the applicant's previous works are

not relevant planning issues.

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 in 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 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to dismiss the appeal, in making her decision, the Inspector concluded that that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning 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.
- 1.3 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 help to screen the development on the approach from the north and this would significantly reduce the impact on the character of the area.
- 1.4 Weight is also given to the extant consent east of the site to redevelop the former Pig Testing Unit for residential purposes. The site benefits from an extant consent to construct 116 dwellings and a 70 bed care home granted in 2015 under CB/14/04048/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.

- 1.5 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.
- 1.6 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. Weight is also given to the fact that the scheme proposes dormer bungalow accommodation which is an uncommon housetype in new residential schemes.
- 1.7 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 however these are misleading as the scale of dwellings illustrated are not dormer bungalows but single storey structures. Nevertheless it has been possible to consider the scheme without the indicative illustrations. The scale of dwellings at 1.5 storey level will limit the visual extent of built form and the description of the application is such that it would limit the dwellings to dormer bungalows as per the proposal.
- 2.2 The dwellings would be visible on the southern approach to Fairfield from Stotfold. The boundary treatment 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.
- 2.3 The design of the scheme would be expected to take account of, and respond to, the edge of settlement location and provide an appropriate, lower scale, transition of built form to the open countryside in this location. 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 The Conservation Officer has 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. 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. Detailed design applications would ensure that the dwellings will not directly look into the site and a boundary condition can ensure suitable treatment is proposed. Overlooking concerns are not prominent with this application due to the single storey nature of the dwellings proposed and therefore no objection is raised to the impact on this neighbouring resident.
- 4.2 To the west are the dwellings formed through the conversion of the former isolation unit. The rear gardens of these properties back onto the western boundary of the application site. Their length provides suitable distance between these homes and the application site and this would be increased once garden

depths are established at reserved matters stage. It would be possible to establish a stronger boundary treatment on the western boundary to increase privacy and this can be secured by condition. As a result it is considered that there would not be any detrimental harm to the amenity of these neighbouring residents as a result of this scheme.

- 4.3 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 northeastern-most property and its adjacent neighbour which would need clarifying as part of any detailed scheme.
- 4.4 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 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.
- 5.3 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

Highway

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.

Transfer of Community Orchard.

The applicants have stated, and this is referred to in the Parish comments, that the Fairfield Community Orchard is to be transferred to the Parish Council as part of this scheme. This would ensure the retention of a designated community asset but, in planning terms, is not considered to be necessary to make the scheme acceptable in planning terms. The agreement is between the applicant and the Parish Council and, in considering the CIL Regulations, is not considered to be reasonable or lawful for the transfer of the orchard to form any part of the S106 agreement.

6.2 Drainage

Concerns have been raised through consultations over the lack of a solid Sustainable Urban Drainage scheme (SuDs). The application does briefly address drainage advising that a SuDs scheme is proposed. This is acknowledged by the Sustainable Urban Drainage Officer although caution is advised over approving the principle of development without greater detail. The concerns are acknowledged and the proposal should have been accompanied with a full drainage assessment and solution. However, in this instance, taking the case on its individual merits and drawing reference from the application documents, it is considered that a suitable SuDs scheme can be achieved at the site and this can be left as a reserved matter in this instance. 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 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.

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 comments from adjoining Stotfold Town Council are noted regarding the rejection of this site from the original development however circumstance have changed and significant weigh is given to the provision of housing and this is considered to outweigh the concern to the preserved trees. The development will need to respect these 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. Another benefit to the scheme is that the house types proposed are dormer bungalows which are not in abundance in this area. The scheme therefore contributes to a greater mix if 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.

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 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 council's 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 Revise 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 one and a half storeys with any first floor accommodation on a unit provided within the roofspace only.**

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 1106-01-1000-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 developer's 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 5, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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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