

## Item No. 9

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| <b>APPLICATION NUMBER</b>                | <b>CB/15/04872/OUT</b>   |
| <b>LOCATION</b>                          | <b>Land rear of 43 to 91 Silver Birch Avenue South of Alder Green and Aspen Gardens, Aspen Gardens, Stotfold</b> |
| <b>PROPOSAL</b>                          | <b>Outline application for the development of up to 100 houses with all matters reserved except for access.</b>  |
| <b>PARISH</b>                            | <b>Stotfold</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>Nikolas Smith</b>   |
| <b>DATE REGISTERED</b>                   | <b>21 December 2015</b>  |
| <b>EXPIRY DATE</b>                       | <b>21 March 2016</b>   |
| <b>APPLICANT</b>                         | <b>Taylor Wimpey Strategic Land</b>  |
| <b>AGENT</b>                             | <b>DLP Planning Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>This is a major application to which the Town Council has objected</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - approval</b>  |

**Reason for recommendation:** The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement envelope of Stotfold which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. 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. Financial contributions to offset local infrastructure impacts would be sought for education, highways and rights of way. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

### **Site Location:**

The site has an area of approximately 4.4ha and is to the north of the Riverside Recreation Ground, to the south of the 'Beauchamp Mill' housing development. To the west are houses on Silverbirch Avenue. The River Ivel is to the east.

An area outside of the application site, to the east of it is designated as falling with Flood Zones 2 and 3. This land is within the control of the applicant.

There are a number of public rights of way around the application site.

The site is adjacent to but outside of the Stotfold Settlement Envelope.

### **The Application:**

Outline planning permission with all matters reserved except access is sought for up to 100 dwellings at the site. 35% of the units would be affordable. Access would be taken from the existing road from Taylors Road through the Beauchamp Mill site.

### **Relevant Policies:**

#### National Policy and guidance

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance (NPPG) (2014)

#### Local Policy and guidance

Central Bedfordshire Core Strategy and Development Management Policies - North (2009)

|      |  |
|------|--|
| CS1  | Development Strategy                               |
| CS2  | Developer Contributions                            |
| CS3  | Healthy and Sustainable Communities                |
| CS4  | Linking Communities – Accessibility and Transport  |
| CS5  | Providing Homes                                    |
| CS6  | Delivery and Timing of Housing Provision           |
| CS7  | Affordable Housing                                 |
| CS13 | Climate Change                                     |
| CS14 | High Quality Development                           |
| CS15 | Heritage   |
| CS16 | Landscape and Woodland                             |
| CS17 | Green Infrastructure                               |
| CS18 | Biodiversity and Geological Conservation           |
| DM1  | Renewable Energy                                   |
| DM2  | Sustainable Construction of New Buildings          |
| DM3  | High Quality Development                           |
| DM4  | Development Within and Beyond Settlement Envelopes |
| DM9  | Providing a Range of Transport                     |
| DM10 | Housing Mix  |
| DM13 | Heritage in Development                            |
| DM14 | Landscape and Woodland                             |
| DM15 | Biodiversity                                       |
| DM16 | Green Infrastructure                               |
| DM17 | Accessible Green Spaces                            |

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Mid-Bedfordshire Landscape Character Assessment (2007)

Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

### 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.

### **Relevant Planning History:**

There is no recent and relevant planning history relating to the site. Planning permission was granted for 118 dwellings at Beauchamp Mill under reference CB/12/02503/FULL in 2013.

### **Consultation responses:**

Neighbours were written to and press and site notices were published. The responses are summarised below:

Stotfold Town Council

Objection for the following reasons:

- The site is outside the Settlement Envelope and the Council can demonstrate an ability to meet housing need
- The site is Grade II agricultural land and other sites should first be considered
- Historic applications for development have been refused
- There is not sufficient local infrastructure
- The submitted traffic data is inadequate
- The site is at risk of flooding
- There could be noise problems

Neighbours

66 letters of objection were received (including one from the Campaign for the Protection of Rural England). In addition, a petition signed by 498 individuals has been submitted in opposition to the proposed development. Comments made can be summarised as follows:

- The site is greenfield and outside the settlement envelope
- The development would diminish a green corridor between the A1 and Stotfold
- The site is in a flood zone
- There is not enough local infrastructure

- There would be a loss of local amenity
- There would be a loss of farmland
- There would be harm to local wildlife
- The application uses old data
- The site is not sustainable
- There would be increased traffic congestion
- There could be harm to heritage assets
- There would be harm to living conditions at nearby properties
- There have been enough developments in Stotfold
- Employment growth does not match new housing delivery
- The junction would be dangerous
- There is not enough school places
- Construction would be disruptive
- The Council does have a five year housing land supply
- The submitted LVIA is inadequate
- There are limited bus services through Stotfold
- There are other, more suitable sites in the area
- Open space within the flood zone cannot be relied upon
- The site cannot accommodate 100 dwellings
- Gas, electricity and water services cannot cope
- There would be environmental and noise pollution
- The roads are already dangerous
- The development would not be in-keeping
- There would noise and loss of light and privacy
- The development would be too dense
- The indicative layout is inadequate
- Trees have been removed from the site
- There would be no community benefits
- There are not enough facilities in Stotfold for young people
- The site is used for walking

### Consultee responses:

Archaeology

Response pending

Pollution Control

I have now had the opportunity to consider the report and the proposed noise mitigation of a southern barrier block using the quiet façade principle along the boundary with the MUGA and based on the submitted monitoring data this should achieve CBC noise standards at the proposed dwellings with respect to the MUGA noise. I note that the Skate park is 130m away from the proposed dwellings (beyond the MUGA) and therefore is not a significant noise source in this case, mitigation measures for the MUGA will also reduce skate park noise anyway. I would therefore suggest that a condition requiring a noise scheme to be submitted at reserved matters stage such as the

following condition;

*Development shall not begin until a scheme for protecting the proposed dwellings from noise from the Riverside recreation ground adjacent to the proposed development has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.*

*Reason: to protect the amenity of future occupiers of the proposed dwellings and to safeguard the use of the recreation ground facilities.*

I also raised concerns regarding light pollution impact from the MUGA floodlights. Do you have any additional information in this respect? Are you in discussions to relocate the MUGA with the Town Council? I have noted that you propose non habitable rooms facing the MUGA for properties with a direct line of sight on the Southern boundary to mitigate noise, this will also reduce light impact on those properties in living rooms and bedrooms but I would suggest that light impact on the dwellings is also carefully considered at reserved matters stage.

In conclusion, based on the submitted noise assessment and proposed noise mitigation including layout changes, I would be happy to withdraw my earlier objection to the proposed development subject to a noise scheme condition being attached to the outline permission and additional details on noise and light being submitted at reserved matters stage.

Environment Agency

No objection

Trees

The existing site is arable land with a number of trees and hedgeline features located around the boundaries either within the red line of the site or just outside it.

Supplied with the application is a tree survey that identifies trees on and offsite that could be affected by the proposals, looking at the supplied information including the Indicative Masterplan, Design and Access Statement and the Landscape Statement it would appear that the intention is to be to retain these boundary features and incorporate into the new development.

Landscaping and boundary treatment would be conditioned and we would look for extensive use of native tree and shrub planting suitable for the landscape character of the area. Landscaping around the drainage attenuation areas should take full advantage of the opportunities for water loving species.

Adult Social Care

There is a need for older people's housing in Central Bedfordshire and in the area and a proportion of these units would be appropriate to help meet that need

## Sustainable Transport

## Amendments required to Draft Travel Plan

### Landscape

Landscape Character/ Visual Impact 15/04872 : this development would increase the urbanisation on the northern edge of Stotfold but also has the potential to significantly increase accessible greenspace in the Ivel Valley corridor. The site lies within the landscape character area 4C - the Upper Ivel Valley .Development guidelines for this area include the need to safeguard the rural character and qualities of the Ivel corridor and seeking to enhance low key informal access to the river. It is also important to resist development which results in the loss of hedgerows and hedgerow trees.

I do not have landscape objections to the development, but am concerned that a number of the trees on site have not been given sufficient weight for their amenity value. e.g. the trees illustrated in the Arboricultural Report numbers T8-12, which have screening value , and particularly Group 36 . I would like to liaise with Pat Longland to gain his views on trees to be retained.

The Landscape Scheme and Indicative Masterplan illustrate a sympathetic, ecologically rich treatment of the open space. I would like to see an increase in tree planting to provide clumps of trees within the development red line area . This would still allow views out from properties but provide a more filtered edge.

I would also like to see a stronger gateway feature at the entrance to new development from Aspen Gardens as although a two pairs of trees are shown - either additional planting or an appropriate structure would provide local identity - otherwise this small space may be dominated by what appears to be car parking slots.

Additional planting would also be beneficial along the southern edge of the site to aid separation and screening between the existing playing fields and footpath.

I also have concerns about the space for trees within the Shared Surface Streets - and would like to see the detailed drawings for tree planting in due course.

By Condition, a fully detailed planting and management plan will be required. I would like this to be based on native species, including within the development, to reinforce the sense of place within the river valley. Landmark trees would also be highly desirable where space permits .

### Sustainability

The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Sustainable

## Construction of New Buildings.

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1.

I would encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the requirement of policy DM1. Energy demand can also be lower by application of the Passivhaus design principles.

The development should be design with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

I note that a significant proportion of dwellings have east-west orientation which has a higher risk of unwanted solar gains that leads to overheating. I would recommend that solar gains are considered in more detail and measures are put in place to control unwanted solar gains. Risk of overheating can be minimised through passive design and use of shading measures such as such as overlarge eaves and canopies, brise soleil or solar control glazing. Shading can be achieved by planting of appropriate deciduous trees which would provide shade in summer and allow light and heat to penetrate dwellings in the winter months when heat gain is beneficial. Tree planting must be taken into consideration at the initial planning stage of the development to ensure that the spreading roots and canopy with not cause damage to the properties and underground services when the tree reaches maturity. I would advice a consultation with a tree officer to select the most appropriate tree species.

In terms of water standard, the development should achieve water standard equivalent to CfSH level 3/4 requirement. The nearest new technical standard is the

higher water efficiency standard of 110 litres per person per day. This standard can be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit each of the dwellings with garden water butt.

The Planning Statement argues that the Core Strategy and Development Management Policies have been adopted prior the National Planning Policy Framework and therefore they have to be considered with regard to their compliance with the Framework.

Policies DM1 and DM2 are in compliance with the Framework. The core planning principles in paragraph 17 state that planning should 'support the transition to a low carbon future in a changing climate (...) and encourage the use of renewable energy'. Paragraph 93 says: 'Planning plays a key role in helping shape places and secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' Paragraph 94 of the framework states that 'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, (...) and water supply and demand considerations.' The above paragraphs clearly show that requirements of policies DM1 and DM2 are compliant with the Framework and should be attributed their full weight.

Should the planning permission be granted I would expect the following condition to be attached:

- 10% energy demand of the development to be secured from renewable or low carbon sources;
- The dwellings should be water efficient and achieve standard of 110 litres per person per day.

SuDS Team

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

Please also note, compliance must be shown to the in accordance with the 'Non-statutory technical standards for sustainable drainage systems (Defra, 2015). Where surface water is to be infiltrated on site a detailed infiltration assessment will be required, particularly at the location of any intended infiltration device, and infiltration rates should be no

lower than  $1 \times 10^{-6}$  m/s. Groundwater level monitoring must ensure that the infiltration surface is at least 1m above the maximum anticipated level. Appropriate pre-treatment (i.e. silt/sediment removal systems) will also need to be demonstrated at the detailed design stage. The final submitted design to manage surface water will need to take account of the construction, long term operation and maintenance requirements of both surface and sub-surface components of the system; a management and maintenance plan should be provided for the surface water drainage system, proportionate to the size and nature of a development.

#### Green Infrastructure

The site has the potential to deliver a net green infrastructure benefit, in line with policies CS17 and DM16 of the Core Strategy for Central Bedfordshire (north).

The proposed development is located on a site identified (among several) by the Stotfold Parish Green Infrastructure Plan as one where creating community woodland is identified as a priority aspiration by the local community.

The opportunity to include community woodland within the public open space (potentially together with SuDS features through the use of wet woodland habitats) should be considered. This could include proposals for land and habitat enhancement on adjacent land within the applicant's control.

The applicant would need to demonstrate, at the reserved matters stage, that consideration had been given to the design of the open space, taking on board aspiration's in the Parish GI plan, along with guidance on green infrastructure design within CBC's Design Guide.

The Sustainable Drainage Strategy shows features within the green space part of the site. However, little information is provided on how surface water would be collected, treated and conveyed within the residential area. Sustainable drainage proposals should be integrated throughout the development site, and should demonstrate at surface conveyance and treatment of surface water, as well as attenuation. Central Bedfordshire Council's adopted Sustainable Drainage SPD sets out a series of requirements for the design of SuDS. A condition could be used to require provision of drainage design information in line with Central Bedfordshire Council's adopted Sustainable Drainage SPD. This would need to demonstrate how the design of the drainage was integrated throughout the development, and with the design of the landscaping and open space part of the site.

#### Public Art

No objection subject to condition

Housing Development  
Officer  
Leisure

No objection

Contributions required.

## Highways

The principle of residential development on this site, albeit for a lesser number was accepted in the recent pre-application submission. This latest proposal is supported by a Transport Assessment to identify the traffic implications. I am content that the TA is realistic and provides an accurate analysis and that as such there is no fundamental highway safety or capacity reason to justify a highway related objection to the principle of the proposal. However given the outline nature of the application I have not assessed the supporting indicative layout to ensure compliance with Design Guide standards.

I note that the submission suggests that the applicants would be willing to make a financial contribution toward measures to discourage drivers from using Taylors Road as an access to and from the A1 Trunk Road in line with my comments made at the time of the pre-app. In this respect I suggest a figure of £20000 (based on a maximum of 100 dwellings) would be appropriate to provide physical measures and any Traffic Regulation Order as necessary.

With regard to any subsequent reserved matters planning application I would expect the site layout to be fully Design Guide compliant in terms of road layout together with vehicle parking, garaging as well as cycle provision.

In these circumstances the following highway conditions and advice notes are recommended should the grant of planning permission be considered.

## Ecology

I have read through the submitted documents and offer the following comments;

- The ecological assessment identifies protected species as potentially present, these include; badgers, bats, water vole, otter, grass snake and other reptiles.
- Kingfisher are an identified receptor though no bird survey has been undertaken and I would expect a number of bird species to be associated with the site including farmland and wetland birds.
- The report makes recommendations which include a pre-commencement badger check, consideration to lighting impacts, retention of hedgerow and tree corridors for foraging / commuting bats. I would advise a Construction Environment Management Plan be conditioned as follows;

*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) Identification of “biodiversity protection zones”.*
- b) 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).*
- c) The location and timing of sensitive works to avoid harm to biodiversity features*
- d) The times during construction when specialist ecologists need to be present on site to oversee works.*
- e) Responsible persons and lines of communication.*
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- g) Use of protective fences, exclusion barriers and warning signs.*

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

- Opportunities for enhancements to the biodiversity value of the site in line with the NPPF are also proposed which include integrated bird and bat bricks in the built fabric of the new dwellings and kingfisher tunnels along the lvel. I would expect to see these identified within a Reserved Matters application.
- Amphibians are discounted as ecological receptors but there is a known toad breeding pond within 500m of the red line boundary. Toads are known to travel up to 2km to get to their breeding ponds so there is every possibility that they could hibernate in the field boundaries of the site or in the gardens of Silver Birch Ave. A toad crossing sign is on Taylors road and I would expect provision to be made for further toad habitat and hibernation opportunities within the open space of the development.
- The Heads of Terms document includes a reference to a contribution or commuted sum towards the maintenance/mitigation of new and/or existing Green infrastructure, including Neatherd Moor. This is not within the local area and instead consideration should be given to supporting the Stotfold Mill Local Nature Reserve. The ecological report acknowledges a rise in visitor numbers from the development could increase pressure on the habitats within the reserve.

- In addition to this, although the report recognises additional pressure on the LNR there will also be increased pressure on the immediate environment and hence, whilst the amount of open space included within the development together with that contained in the blue line allows significant opportunities for habitat mitigation the level of overall enhancement achieved could be limited.
- I welcome the inclusion of proposed wildflower and wetland meadow habitat along the River Ivel corridor but would also raise a concern over the loss of the boundary vegetation along the western edge of Silver Birch Avenue. Here the vegetation is well established where urban meets rural and there is a natural uncropped edge which in turns adds to the interest of this corridor which will be used by mammals, birds, amphibians and invertebrates. The proposed layout appears to indicate new buildings right up to this boundary, thereby losing this corridor, replacing it with minimal garden length. Instead I would wish to see this edge enhanced to become a wider green link between existing and new homes where properties front the corridor which would be in the public realm.

#### Countryside Access

The application site is affected by three issues.

1. A current diversion application to the Beauchamp Mill (Taylor's site) to the north which incorporates Aspen Gardens. See attached Diversion Plan for expected rights of way outcome.
2. The Stotfold Parish Green Wheel Initiative (called the Etonbury Green Wheel in the area)
3. Countryside Access Service standard rights of way network enhancement in peri-urban planning situations.

As a result of the forces brought to bear from the above three issues, I attach a plan illustrating the main contributions required for access and connectivity with regard to the application site.

Diversion Plan immediately below and the Rights of Way Plan outlined there under. Note that a contribution must be sought for the enhanced surfacing of a public footpath which runs south of the planned application, through the recreation ground to Malthouse Lane. This section of path has a sub base but I will seek a contribution to upgrade to a metalled Bitmac surface = 364metres of surface upgrade.

Internal Drainage Board No objection

#### Determining Issues:

The considerations in the determination of this application are:

1. The weight that should be afforded to the development plan
2. The principle of the development
3. The appearance of the site, the landscape impact, Green Infrastructure and countryside access
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Heritage assets
7. Trees and hedgerows
8. Ecology and biodiversity
9. Land quality
10. Drainage
11. Energy efficiency
12. Planning obligations
13. The planning balance and conclusions

### **Considerations:**

#### **1. The weight that should be afforded to the development plan**

S38(6) of the Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) (2012) set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para 11).

At the heart of the NPPF is a presumption in favour of sustainable development. Local planning authorities should positively seek opportunities to meet the development needs of their area. Local Plans should meet objectively assessed needs. For decision making this means that planning permission should be granted where the development plan is absent, silent or out-of-date (para 14). Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para 49). There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (para 47).

Recent appeal decisions have found that the Council does not have a five year housing land supply and insofar as a number of the Council's policies are concerned with the supply housing, they should be considered out of date. Policy DM4, where it prevents development outside of Settlement Envelopes, is one such policy.

Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.

It is first necessary to consider whether the site can be considered sustainable and so benefiting from the presumption in favour of its development.

It is necessary then to determine whether the impacts arising from granting planning permission are adverse and whether they would significantly and demonstrably outweigh the benefits of that permission in addressing the housing shortfall.

## **2. The Principle of the development**

In the current land supply context, whether or not the principle of the development would be acceptable relies upon whether or not the site can be considered sustainable rather than whether or not it falls within the Settlement Envelope.

The site immediately adjoins existing properties to the north and west and the Riverside Recreation Area is to the south.

Stotfold is defined by Policy CS1 as a Minor Service Centre and provides a range of facilities. The range of shops is not extensive but those that exist can meet the day to day needs of Stotfold residents. The largest food store in Stotfold, the Co-op, is around a 20-minute walk (approximately 1 mile) away from the site. Whilst some might walk that journey, others might cycle or drive.

The site is sufficiently sustainable to benefit from the NPPF presumption in favour of its development.

The development would deliver up to 100 homes, 35% of which would be affordable. A clause in a s106 agreement would require compliance with a Build Rate Timetable. This would ensure that all of the units at the site were delivered within five years of the planning permission being granted.

The development would make a meaningful and significant contribution towards meeting housing need in Central Bedfordshire. This should be attributed significant weight in the planning balance.

A number of residents have raised concern that the development would result in the loss of agricultural land. The NPPF does seek to ensure that the best and most versatile agricultural land is not developed without sufficient justification. That justification has not been sufficiently provided and that weighs against the approval of the application in the planning balance.

Whether or not planning permission should be granted depends on whether any harm caused by the development significantly and demonstrably outweighs the benefits.

## **3. The appearance of the site and its context, the landscape impact and Green Infrastructure**

### Appearance of the site and its context

Whilst the application is submitted in Outline with all matters reserved but for access, the applicant has submitted an indicative layout plan to show how the

development might be accommodated.

Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The pre-ambles to Policy CS16 states that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development.

When considering the impact of the development on the appearance of the site and its immediate context, its green rural character would be lost to an extent and replaced by an urban one. The green space that would be provided within the site would lessen that impact.

### Landscape impact

Landscape Character Assessments (LCA) are nationally recognised tools to help protect the essential character of defined types of landscape and enhance landscapes of lesser quality. Policy DM14 reinforces these policy objectives.

This site falls within the Ivel Valley Landscape Character Area as defined by the LCA which is recognised as being visually sensitive to change.

The urbanisation of the site would be intrinsically harmful and the fact that there are a number of public rights of way in the area would make the site easily visible from public viewpoints.

The development would, though, be seen from the east in the context of the existing Beauchamp Mill development and that housing would limit views of the proposed housing from the west.

### Green Infrastructure and countryside access

Green Infrastructure is strategically planned and managed networks of green spaces, access routes, wildlife habitats, landscapes and historic features which meet the needs of existing and new communities.

Policies CS17 and DM16 require development schemes to provide a net gain in green infrastructure through the protection and enhancement of assets and the provision of new green spaces.

A number of residents have set out that access to the site is currently possible because the landowner is comfortable with people walking through it. That is an informal arrangement, however, and could change.

This development would formalise public access to the site which is beneficial because of the riverside setting and the wildlife and plant life in the area. There would be a direct and formal link between the north of the site and the Riverside Recreation Area to the south. A contribution would be secured towards the enhancement of rights of way in the vicinity of the site, including the introduction of footbridges across the ditch at the south of the site.

These enhancements would represent a significant benefit associated with the development and would mitigate the harm that would be caused to the landscape by it.

#### **4. The impact on neighbours and future living conditions**

Policy DM3 requires that new development to respect the amenity of neighbouring properties. The neighbours most likely to be affected by the development are those on Silverbirch Avenue. Additional traffic would also be passing through Beauchamp Mill. The layout of the development would be reserved for subsequent approval. It is clear at this stage that a scheme could be designed of up to 100 dwellings that would not cause unacceptable harm to living conditions at neighbouring properties in accordance with the Council's Design Guide.

Policies CS14 and DM3 seek design that is of a high quality. That includes complying with the current guidance on noise. The Council's Design Guide reinforces the objectives that new residential development is of a high quality that provides an acceptable standard of living accommodation for future occupiers.

Activity associated with the Riverside Recreation Ground could result in noise and disturbance for future residents of the development. A noise report has been submitted that provides potential design solutions. The Council's Pollution Control has recommended a condition to address this issue as the layout of the development is advanced.

#### **5. Access to the site and other highways implications**

##### Highways

Policies CS14 and DM3 require that developments incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport and that they provide adequate areas for parking and servicing. The Council's Design Guide provides further detailed technical standards that should be applied to new residential development.

The proposed access to the site would be in the same location as that which exists from Taylor's Road through Beauchamp Mill. The Council's Highways Officer is satisfied that this access is safe and could accommodate the additional traffic associated with the proposed development.

A contribution would be secured toward measures to seek to prevent drivers from using Taylor's Road as a link to the A1.

Subject to internal road layouts and parking provision that could be controlled at Reserved Matters stage, and planning conditions that would have been imposed in the event of an approval, the highways implications of the development would be acceptable.

##### Sustainable Transport

The application is supported by a Travel Plan, which would require amendments in order that it could be considered acceptable. A condition would ensure that this was achieved to ensure that sustainable transport measures were maximised.

## **6. Heritage Assets**

Policies CS15 and DM13 seek to protect, conserve and enhance the district's heritage assets, including archaeology.

The applicant has submitted an Archaeological Assessment of the site and the County Archaeologists comments will be reported in the Late Sheet.

## **7. Trees and hedgerows**

The application has been supported by a tree survey which is satisfactory. A scheme for hard and soft landscaping across the site would be secured at reserved matters stage. The weight being attached to public access to the site in the planning balance reinforces the requirement that such a scheme would be of a very high standard.

## **8. Ecology and biodiversity**

An Ecological Survey has been submitted in support of the application. The NPPF calls for development to deliver a net gain for biodiversity. An acceptable scheme for the net gain for biodiversity and a scheme for biodiversity protection during construction would be secured by condition in line with policies CS18 and DM15 and the Council's Design Guide and the NPPF.

## **9. Land quality**

The applicant has submitted a Geo-Environmental Survey. Conditions would ensue that any contamination at the site would not cause a risk to human health.

## **10. Flood risk and Drainage**

Whilst Flood Zones 2 and 3 are near by the site does not fall within them. Land within the Flood Zones to the east is within the ownership of the applicant and would be given over as additional public recreation space. The Environment Agency and the Internal Drainage Board have not objected to the application.

Policy DM3 requires that new development complies with current guidance on water. The Central Bedfordshire Sustainable Drainage Guidance SPD (2014) contains current guidance on how water should be managed within development sites.

Conditions would secure details of a sustainable drainage scheme for the site.

## **11. Energy efficiency**

Policy DM1 requires that developments achieve 10% or more of their own energy requirements through on-site or near site renewable or low carbon technologies unless it can be demonstrated that to do so would be impracticable

or unviable. Policy DM2 requires that all proposals for new development should contribute towards sustainable building principles.

A condition would require details of energy efficiency measures.

## **12. Planning obligations**

Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency.

Policy CS7 states that on all qualifying sites, 35% or more units should be affordable.

35% of the units at the site would be affordable homes (73% of those would be for rent and 27% would be shared ownership).

A contribution of £815,794.72 would be secured towards local education provision.

£20,000 would be secured towards the relocation of and supplies at Stotfold Library.

Around £36,000 would be secured towards enhancements to the rights of way network in the area.

The transfer or management of open space at the site would be controlled through a legal agreement.

The applicant has agreed to comply with a Build Rate Timetable that would see all of the units delivered within 5 years of planning permission being granted.

## **13. The planning balance and conclusions**

Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Council cannot currently demonstrate an ability to meet its housing need for the next five-year period. As such, Policy DM4, insofar as it prevents development outside of the Settlement Envelope, is out of date.

There is a presumption in favour of sustainable development at paragraph 14 of the NPPF. The development would be sustainable.

Significant weight must be given to the delivery of up to 100 homes (including affordable homes) at the site over the next five-year period.

There are no harmful impacts associated with the development that would significantly and demonstrably outweigh that benefit, and the other benefits of the development, including Green Infrastructure and connectivity enhancements.

## **Recommendation:**

That Planning Permission is approved subject to the successful completion of a legal agreement reflecting the terms set out above and the following conditions:

## **RECOMMENDED CONDITIONS / REASONS**

- 1 AN application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
  
Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.
- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.  
  
Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 **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 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

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

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

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

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

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

- 7 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (Project Ref: 32219, Report Title: Doc Ref: 32219 FRA, December 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. The scheme shall include provision of attenuation for the 1 in 100 year event (+30% for climate change) and restriction in run-off rates as outlined in the FRA. The scheme should also include details of a site specific ground investigation report (in accordance**

**with BRE 365 standards) to determine the infiltration capacity of the underlying geology and ground water level, as well as details of how the scheme shall be maintained and managed after completion.**

**Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system, in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.**

- 8 **No development 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 6 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 6.**

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

- 9 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a management and maintenance plan for the surface water drainage, and confirmation that the approved surface water drainage scheme has been checked by them and correctly and fully installed as per the approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved; in accordance with the DCLG Ministerial Statement HCWS161.

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

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 11 **No development shall commence at the site before a scheme for protecting the proposed dwellings from noise and lighting from the Riverside recreation ground adjacent to the proposed development has been submitted and approved by the local planning authority. None of**

**the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: to protect the amenity of future occupiers of the proposed dwellings and to safeguard the use of the recreation ground facilities in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 12 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**A Phase 2 intrusive Geoenvironmental Ground Investigation as recommended by the previously submitted Peter Brett Associates Phase 1 Ground Condition Assessment (Ref: 32219/3501) of August 2015, along with any necessary Remediation Method Statement(s) for the mitigation of plausible pollution pathways thereby identified. Works shall be undertaken by competent persons and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'.**

**No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**A validation report that demonstrates the effectiveness of all remediation measures implemented by any approved Remediation Method Statement(s). Works shall be undertaken by qualified professionals and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'.**

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

- 13 Prior to commencement of development full engineering details of the vehicle and pedestrian access arrangements shown for indicative purposes on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works, have been implemented.**

**Reason: To ensure the provision of appropriate access arrangements and associated off-site works in the interests of highway and pedestrian safety in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 14 Any subsequent reserved matters application shall include the following;**

- Estate roads designed and constructed to a standard appropriate for**

adoption as public highway.

- Pedestrian and cycle linkages to existing routes as required
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
- Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
- A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
- Materials Storage Areas.
- Wheel cleaning arrangements.
- A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

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) Identification of “biodiversity protection zones”.**
  - b) 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).**
  - c) The location and timing of sensitive works to avoid harm to biodiversity features**
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.**
  - e) Responsible persons and lines of communication.**
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.**
  - g) Use of protective fences, exclusion barriers and warning signs.**
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that biodiversity is properly protected at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

16 **No development shall commence at the site before a scheme for Biodiversity Enhancement to the site have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be carried out as approved.**

**Reason: To ensure compliance with the biodiversity objectives of the National Planning Policy Framework (2012).**

- 17 Other than where specifically required by a condition attached to this decision the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and reports referenced T.0298\_02 rev J, Landscape Statement, , Arboricultural Survey, Impact Assessment and Protection Plan, Design and Access Statement, Phase 1 Ground Condition Assessment, Report on Five Year Housing Land Supply, Draft Heads of Terms, T.0298\_01 rev C, Planning Statement, Transport Assessment, Residential Travel Plan, Outline Waste Audit, Statement of Community Involvement, 32219/2001/501 rev A, Ecological Appraisal, Noise Impact Assessment, Archaeological Evaluation, Flood Risk Assessment and Drainage Strategy

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

### **INFORMATIVE NOTES TO APPLICANT**

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed 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.
2. 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 Local Authority in writing.
3. Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

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

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency

should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

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

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

**Reason for recommendation:** The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement envelope of Stotfold which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. 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. Financial contributions to offset local infrastructure impacts would be sought for education, highways and rights of way. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

**DECISION**

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