

Item No. 7

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

Reason for Recommendation

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however at this time the Council can not demonstrate a 5 year housing supply and therefore developments should be considered in the context of Sustainable Development. 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 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. 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 consists of a site area of 0.67 hectares of paddock land located on the eastern edge of the town of Stotfold. The site is currently being used as pasture for horses. The site is flanked to the north by 22 & 24 Rock Tree Lane, to the south by St Marys Lower School and Caretakers House and to the east by part agricultural land and part land which is proposed to be used in conjunction with the schools future plans for play area/wildlife conservation activities in mitigation to the schools recent expansion approved under planning permission reference CB/14/03601/FULL.

The site is located outside the settlement envelope of Stotfold and is designated as falling within an Area of Archaeological Interest.

The Application:

The application is to establish the principle of residential development on the site up to 15 dwellings. The application is submitted in Outline with all matters reserved expect for access. An indicative plan has been supplied demonstrating how the number of units could be facilitated on the site alongside amenity, parking and landscaping.

The application is accompanied with the following statements:

- Planning Statement
- Design & Access Statement
- Arboriculture Implications Assessment and Method Statement
- Heritage Statement – Archaeology
- Ecological Appraisal
- Ground Investigation
- Contamination Risk Assessment
- Transport Statement

The site and development has been considered in relation to the EIA Regulations (2011) as amended April 2015 and is below the threshold for the requirement of an ES.

N.B. During the life of the application, the unit numbers were reduced from 17 to 15 and a landscape buffer was indicated on the indicative layout.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 – Promoting healthy communities

Section 10 - Meeting the Challenge of Climate Change & Flooding

Section 11 - Conserving the Natural Environment

Core Strategy and Development Management Policies - North 2009

CS2: Developer Contributions

CS3: Healthy and Sustainable Communities

CS4: Linking Communities – Accessibility and Transport

CS5: Providing Homes

CS7: Affordable Housing Provision

CS14: High Quality Development

CS16: Landscape & Woodland

CS18: Biodiversity & Geological Conservation

DM1: Renewable Energy

DM2: Sustainable Construction of New Buildings

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape & Woodland

DM15: Biodiversity

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

1. Planning Obligations Strategy, 23 October 2009
2. Central Bedfordshire Design Guide (March 2014)
3. Central Bedfordshire SuDs Guidance (April 2014)
4. Building for Life 12 (April 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/12/03191/FULL
Validated:	24/09/2012	Type:	Full Application
Status:	Decided	Date:	15/11/2012
Summary:		Decision:	Full Application - Refused
Description:	Erection of one detached dwelling		

Whilst previous planning permissions have been referred to on this site from 1974 - 1990s due to the passage of time and the variation to planning policies since these previous refusals, that are not considered material to the determination of this current application.

Town Council

1. Stotfold Town Council Objects on the following grounds (verbatim):
(29/04/16) & (25/05/16) -

Overdevelopment

The proposal is an overdevelopment relative to its setting and will be detrimental to the street scene.

The proposed development falls outside of the defined Settlement Envelope of the town.

There should therefore be a presumption for refusal?

The 'Planning Support Statement' by Woods Hardwick Planning Ltd states under 2.5 "There is no planning history for the site that is relevant to this planning application." This is not true – The most recent application, for a single bungalow on the site, was **CB/12/03191/FULL** which was refused by CBC as 1) The proposed development, **by nature of its location outside the Stotfold Settlement Envelope**, would have a detrimental impact on the visual appearance and rural character of the locality contrary to the objectives of Policies DM3, DM4 of the Central Bedfordshire Core Strategy and the National Planning Policy Framework. The CBC Refusal Notice for this application lists on page 2 the Planning History for this site as:

MB/90/01193 Erection of one dwelling house. Refused 04/01/91. Appeal dismissed.

MB/83/00793: Erection of 10 dwellings on infill between existing dwellings. Refused 31/07/84. Appeal dismissed.

MB/75/01051A Outline: Erection of dwelling. Refused 2/03/79.

MB/75/01051/OA :Outline: Residential development. Refused 23/09/75. Appeal dismissed.

The Refusal Notice for CB/12/03191/FULL, under 1. **Considerations** confirm that under Policy DM4 "only particular types of new development will be permitted in accordance with National guidance (PPS7, Sustainable Development in Rural Areas. – now replaced by NPPF). Section 55 of the NPPF states that "local planning authorities should avoid new homes in the countryside unless there are special circumstances." – **This proposal does not fall under any of the exceptions listed!**

The Support Statement puts forward the site as 'scrub land'. It is in fact paddock land and in use as such to the present day. The Refusal Notice for CB/12/03191/FULL, under 2. **Character and Appearance of the Area** states; Nevertheless, the proposed dwelling (*singular!*) would alter the character and openness of this part of Rook Tree Lane. The paddock currently provides an important area of open space within an otherwise built up area on the edge of the settlement. As such it is considered that the proposal, if permitted, would result in an increase in the built up area

resulting in an adverse impact upon the character and appearance of the area to the detriment of the street scene and the locality in general. This is considered to be unacceptable and contrary to the aims and objectives of Policy DM4 of the Core Strategy and the NPPF.

Traffic Impact (pedestrian safety)

A Traffic Impact Assessment has been submitted where 'good bus route connections' are claimed to show 'sustainability' advantages for the site. Of the four listed services it must be noted that only the N0.97 is a regular service, the others are once daily or only one day per week so provide no amenity for full time workers – The No.97 runs until only 8:00pm during the week, 7:00pm on Saturday and none on Sundays – No evening recreational use outside of Stotfold is provided for. The nearest railway station at Arlesey is confirmed as only a 5k cycle ride away – very unlikely to be the first or regular choice of transport for suited commuters to office jobs in London or elsewhere nor family groups?

The Impact Assessment (5.3) predicts 10 X 2 way trips being generated during peak hours based on National averages – The condition of Stotfold as a 'dormitory town' due to lack of local employment opportunities results in an average of over 2 vehicles per family household across the town, a more realistic prediction of vehicle movements would be 10-30 during peak hours. The upper end of this would require a Full Transport Assessment to be carried out and should include monitoring of the current number of traffic movements along Rook Tree Lane, this should be done before CBC Councillors consider this application – Such an assessment must include moving and stationary traffic during timespans when pupils are going to and from the school. Similarly, when CBC Councillors pay a site visit this should be during a school day including morning or afternoon periods when the school is at its most active.

The proposed site is adjacent to St Mary's CofE Academy in Rook Tree Lane and therefore on a main 'route to school' as well as being on a main bus route through the town. **The school was doubled in size in 2015** and is not yet operating at full capacity but there is already a problem with stationary and moving traffic on this narrow road causing congestion and difficulty of access to nearby residential properties along with associated safety concerns for both motorists and pedestrians. The pupil intake will be increasing rapidly over the next few years and these problems will grow! This problem was recognised by CBC Highways Department, within the

limitations of the existing road and pavements layout, carrying out modifications to the School Safety Zone (SSZ) outside the school in 2015 to improve but not cure the situation. As part of the proposal there is a new entrance road shown within the SSZ area and virtually opposite Brayes Manor entrance on a bend in the road where visibility is already 'difficult' in both directions.

Archaeological survey

The preliminary survey reported found quite a number of historic remains which may be of significance to local records. It is noted however that the exploratory trenches were dug some distance from Rook Tree Lane itself. Historically this road was one of the main routes through Stotfold between the market towns of Baldock And Biggleswade and, as such, could be expected to have most domestic or other buildings fronting on to the road itself rather than at such a distance back. A fuller exploration should be required covering a larger and possibly more viable part of the plot prior to any development being considered?

We request that CBC Development Committee REJECT this application in its entirety.

Neighbour Representations:

125 registered Neighbour Objections from the following addresses (some of which were duplications from the same address point):

4, 12, 21, 40, 42 Common Road

4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25 Brayes Manor

1, 1a, 2, 21, 22, 23, 25, Home Close

6, 27 Holme Close

2, 3, 4, 13, 15, 17, 19, 20, 21, 23, 24, 25, 49a, St Marys CE Academy, Caretakers House Rook Tree Close,

Objections received in summary:

- Previous planning permissions refused for units outside the settlement envelope
- Cumulative impact on the Town
- Highway safety concerns (visibility & parking)
- Three access points will reduce amount of available on street parking
- Unsustainable traffic generation during school pick up/drop off times
- Lack of appropriate school crossing – pedestrian safety concerns
- Impact on infrastructure services (drainage & sewage)
- Impact on local services (school, convenience stores, health services, emergency services)
- Adverse impact on rural character and setting
- Safeguarding implications - School children
- Loss of green open space
- Cramped form of development
- Lack of design detail
- Questionable history of developers credentials
- Restriction of access to rear gardens of Brayes Manor due to unacceptable parking

13, 35, 50, 71, 99
Silverbirch Avenue

37 Brook Street

1, 10, 14, 19 Regent
Court

10, 38-40 Regent Street

26, 74a, 143 Vaughan
Road

21, 35, 45 Mowbray
Close

27, 32 Alexander Road

3, 24, 30 Willowherb Way

16, 44 Astwick Road

34, 90 Hitchin Road

5, 25 High Street

2 The Vines

1 Juniper Mead

23 Hawthorn Croft

53, 56, 58, 81, 91, 93
Valerian Way

5, 32 Heron Way

22 Champion Avenue

24a, 88 Hyde Avenue

7, 9 Kingsway

45, 54 Aspen Gardens

57 The Avenue

2, 28 Trinity Road

51 Comfrey Road

- Loss of horses which are enjoyed by local school children – issues in relation to cognitive development
- Flooding concerns
- Noise/disturbance by way of construction
- Privacy Concerns
- Overshadowing Concerns
- Accessibility concerns for disabled, due to the number of additional kerbs to negotiate
- Reduction in house numbers have no negated impact

5 Old Brewery Close

50 The Mixies

2 Prince William Close

56 Valerian Way

18,19 Saxon Avenue

4 Margoram Road

2 Francis Close

6 St Marys Avenue

13 Highbush Road

2 Poppy Walk

11 Marigold Way

121 Arlesey Road

Addresses outside of
Stotfold:

12 Harrier Mill, Henlow

1x (County Limerick)

27 Kenton, Harrow

Petition received
containing 241 signatures

Consultees:

1. CBC Housing Officer Supports the application on the basis of adequate affordable housing provision.
Development (06/04/16) -

2. Environment Agency No Objection
(12/04/16) -

3. CBC Sustainable Growth Officer No objection, subject to the imposition of a condition to secure 10% energy demand from renewable sources and water efficiency.
(12/04/16) & (19/05/16) -

4. CBC SuDs Engineer No Objection, subject to the imposition of conditions to secure the implementation of the SuDs scheme and a long term maintenance plan.
(19/04/16) & (23/05/16) -

5. CBC Trees & Landscape Officer (21/04/16) & (26/05/16) - No Objection, subject to the imposition of conditions to secure the indicated tree protection measures, landscaping and boundary treatment.

Landscape buffer welcomed.

6. CBC Strategic Landscape Officer (25/04/16) & (03/06/16) - Objects on grounds of insufficient information and impact on landscape character and insufficient landscape contribution along the boundaries of the site.

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Revisions for the reduction of units and landscape buffer welcomed. Recommends the provision of additional trees along the buffer. Concern expressed about the long term management of the landscaping however recommends the imposition of a condition to control this matter. Maintains concern for loss of views however raises no objection as acknowledges that the improved scheme will allow for channelled views through a tree lined access road which will make an attractive focus for views.

7. Internal Drainage Board (26/04/16) - No objection, subject to the imposition of an informative in relation to satisfactory construction of soakaways.

8. CBC Pollution Officer (26/04/16) & (26/05/16) - Concerns expressed in respect of potential noise disturbance to future residents. However no objection, on the basis this matter could be controlled at the Reserved Matters stage and on the imposition of conditions in respect of site ground investigations.

9. CBC Ecology (27/04/16) & (02/06/16) - Concerns expressed in respect of the lack of biodiversity gain.

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No objection raised on the basis of the revisions, however suggests that a lower density scheme would allow for improved biodiversity gain and connectivity to the open space beyond.

10. CBC Waste Services (29/04/16) & (31/05/16) - Provides prescriptive advice on the size of bin stores and location of collection points which would need to be considered in the event of a full or RM application, which can be controlled by condition. Furthermore any forthcoming detailed application should be accompanied with a swept path analysis which also can be controlled by condition.

11. CBC Archaeologist (29/04/16) & (01/06/16) - No Objection, subject to a condition to secure an archaeological investigation prior to development.

12. CBC Highways Officer (03/05/16) & (24/05/16) - No Objection, subject to the impositions of conditions to secure an appropriate access.

Further to the receipt of a transport statement, highways concluded that the results were creditable and retained its position to raise no objection subject to the imposition of conditions to secure appropriate access.

13. CBC Rights of Way No Objection.
Officer (04/05/16) -

14. Anglian Water No Objection, the network has the capacity for the additional flows. Requests the imposition of an informative notifying the applicant of their responsibility to take into account the accommodation of Anglian Waters assets in construction.
(06/06/16) -

106 Sustainability Mitigation Obligations

1. CBC Education Spending Officer Due to pressures on local school placements, (26/04/16) & (24/05/16) - a financial contribution to secure an extension to each tier would be required.

Determining Issues:

The main considerations of the application are;

1. **Principle of Development**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

Considerations

1. Principle of Development

1.1 The site lies outside of the settlement envelope of Stotfold and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Stotfold is designated as a Minor Service Centre where Policy DM4 limits new housing development to small scale housing development only. 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 Further to a recent appeal decision at Henlow, at the time of writing this report, the Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The NPPF (paragraph 14) advises that where the development plan is absent, silent or out of date that permission should be recommended for grant unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

1.3 The site is adjacent to the Stotfold Settlement Envelope. The north of the site directly adjoins existing residential development and to the south, built form by

way of the existing lower school. The proposal will see the encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site. Furthermore the eastern boundary of the site would see the introduction of a landscape buffer which would appropriately demarcate the end of the built form of Stotfold with the prevailing landscape. There would be some harm in developing the land, but this would be limited given the surrounding pattern of development.

1.4 A number of local residents have referred to a recent refusal of one dwelling house on the site under planning reference CB/12/03191/FULL. At the time of that decision, significant weight was given to the our housing policies however due to the council not having a 5 year housing supply, less weight can be attributed to this policy at this time. Furthermore, the benefits of 1 dwelling house with no contributions to sustainable development, would not outweigh any associated harm. However in accordance with recent case law, the closer the Councils gets to substantiating a 5 year supply, greater weight can be attributed to these policies.

1.5 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.

1.6 Economic

The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 15 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Stotfold provides some employment opportunities including public houses, local convenience stores, schools, health facilities, library, churches and community based facilities and groups. Furthermore there are a number of allocated employment areas including the Fen End Industrial Estate and ARC progress Bury Farm. Furthermore is in relatively close proximity to Arlesey & Shefford which also constitute Minor Service Areas which has access to a range of facilities and services which would provide local employment opportunities. On the basis of this the town is considered to be a sustainable location.

1.7 Social

The provision of housing is a benefit of the scheme which should be given significant weight, including the provision of 5 affordable housing units. Furthermore Stotfold is regarded as a Minor Service Centre which has access to a number of services which has been iterated in the above paragraph. The town is also served by a bus service which stops directly opposite the application site. Therefore the village can be regarded as a sustainable location and it is considered that the settlement offers services and facilities that can help to

accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents. The town council and residents alike has raised concerns that the local school is near to full capacity and the Councils Education Officer has supplied evidence in support of this comment however the schools have the capacity to expand and the contributions can be sought by way of a S106 agreement and have been agreed upon in mitigation. On the basis of this the town is considered to be a sustainable location.

1.8 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologist is satisfied that the proposal would allow for retention and enhancement of more boundary habitat features and can secure additional biodiversity gain by the reinforcement of the landscape buffer. The development site would result in the loss of Grade 2 good quality agricultural land whereby paragraph 112 of the NPPF recommends that Local authorities consider the long term implication of the loss of good quality agricultural land in the interest of sustainable growth. The site is not used in this capacity at present and the land is too small for modern farming methods. Notwithstanding this however, the proposal would not constitute significant development or loss of agricultural land. Furthermore the encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. The site abuts built form on two sides and is not considered to be an isolated site. Furthermore the site would be demarcated by an appropriate landscape buffer without wider impact on the prevailing flat topography landscaping directly adjacent to site which constitutes agricultural land. The impact of developing this site adjacent the settlement envelope is therefore not considered to result in significant and demonstrable harm.

- 1.9 As such it is considered that the benefit to the Councils Housing Supply and presumption in favour of Sustainable Development outweighs any identified visual harm to the character of the area given that the landscape proposals would constitute a reinforced landscape buffer which would appropriately demarcate the built form with the prevailing landscape. The proposal therefore would accord with the Section 1 and 6 of the NPPF.

2. Affect on the Character and Appearance of the Area

- 2.1 Local Plan Policy DM3 & CS14 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.

- 2.2 The site has existing built form on two sides and the east side of the site overlooks an area of agricultural land. As part of this current proposal it is suggested that the eastern boundary will be improved through the planting of a 5 metre wide buffer of additional tree and landscaping which will continue the full length of the boundary and would provide a suitable buffer and distinction from the built form and prevailing landscape.

- 2.3 The proposed development would result in a density per hectare of approximately 30 which doesn't constitute high density and is representative of the density levels within Stotfold.
- 2.4 Whilst the layout is indicative, consideration appears to have been given to the building lines established by adjacent dwelling houses and the footprints proposed are fairly representative of other properties of a similar occupation within the area. The plan indicates that the scale of dwellings will be 2 storeys throughout the scheme. This is also considered acceptable as a reflection of the character of the area. This parameter can also be secured by condition to ensure an appropriate maximum scale is achieved. Further consideration would need to be given to plots directly adjacent to the main highway, to ensure that there are appropriate active frontages within any formal Reserved Matters application. An acceptable scheme would be expected to create a frontage to the highway and to avoid the presence of physical boundaries.
- 2.5 Whilst concerns have been expressed by local residents about the loss of a parcel of open space and views into the open countryside, the three access points proposed would provide focused vantage points into the open countryside which could be reinforced at the detailed application stage. The Councils Strategic Landscape Officer has withdrawn their objection to the proposal on the basis that the revised scheme allows for channelled views through a tree lined access road which will make an attractive focus for views. Furthermore the land itself is inaccessible by the general public and therefore for the most part not used in a recreational capacity. A right of way runs along the eastern boundary of the site which would be retained which provides linkages to the open countryside beyond.
- 2.6 As such, the indicative layout suggests that a development of 15 units on the site could be comfortably accommodated and that a scheme can be designed that would reinforce and be sensitive to the character of the area. All matters pertaining to scale, layout and design however would be addressed by way of a Reserved Matters application. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

3. Neighbouring Amenity

3.1 Existing Residents

On the basis of the indicative site layout plan, dwellings have been sited to ensure that there is a separation in excess of 20 metres back to back between the existing and proposed dwelling houses for the most part however careful consideration to the scale of dwellings on plots 5 through to 8 would need to be given in order to secure that provision at the detailed stage. In addition in excess of 10 metres side to back are proposed in accordance with the accepted distances contained within the Councils adopted design guidance. As such, it is concluded that on the basis of these distances, the proposed development would unlikely rise to an unacceptable loss of privacy to existing residents in terms of mutual overlooking.

- 3.2 Whilst concerns have also been expressed on the basis of loss of light and overshadowing, it is acknowledged that there may be some resultant loss of light to garden spaces of existing residents, however given the length of the garden spaces of adjacent dwelling houses, the development would unlikely result in the harmful overshadowing of the garden spaces. In any event this would be controlled as part of any reserved matters application.
- 3.3 Future Occupiers
The indicative layout demonstrates that 15 dwelling houses could be sited such that there would be no resultant impact on future occupiers in terms of loss of light/overshadowing nor privacy concerns.
- 3.4 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter that would be addressed at the Reserved Matters stage. However on the basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.
- 3.5 Concerns have been expressed about the potential noise impact on residents from the adjacent school car parking area and access drive. Furthermore residents may also suffer noise from other school activities such as sports tournaments and school discos and performances. However as the worst noise sources are located on the other side of the school to the proposed development, the Councils Public Protection Officer concluded it would be possible to consider noise mitigation at the reserved matters stage when the detailed layout and plans are submitted.
- 3.6 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, the Councils waste officer is satisfied that there is sufficient spaces within the site to accommodate such facilities and as such is satisfied that this could be secured by condition as part of a planning permission. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

4. Highway Considerations

4.1 Highway Safety

A Site Access Drawing – Drawing No. 17570-ROOK-5-500 has been submitted with the application which shows the provision of a 4.5m wide access to serve the private driveway and the provision of a 5.5m wide minor access road with 2.0m footways on either side.

4.2 2.4 x 43m visibility splays are shown to be available at each access location. The location of the crossover serving Plots 1 and 2 is not shown on this drawing but it is considered that 2.4 x 43m visibility splays will be available at the location shown on the illustrative layout. The proposed access arrangements can therefore be considered acceptable in principle from a highways aspect.

4.3 Rook Tree Lane can be described as a local distributor road serving primarily a residential area. It is also a bus route and in the vicinity of the site it is subject to a

20mph speed limit. The Transport Statement contains a review of the TRICS database and suggests that a mixed development of this scale would generate 10 two-way vehicle movements in each of the traditional peak hours (8:00am to 9:00am and 5:00pm to 6:00pm). Furthermore the Councils Highways Officers undertook a review of the 10 year accident data available on Crash Map for the period ending 31st December 2014 for the area around the proposed development and would confirm that there have been no personal injury accidents recorded on Rook Tree Lane in the vicinity of the site during that period.

4.4 Subject to the site access junctions being formally laid out to the standards and requirements of the Council as local highway authority, it is considered that such flows can be satisfactorily accommodated and will not result in a detrimental impact in terms of the performance or safe operation of the local highway network.

4.5 Whilst a number of residents have suggested that a School Crossing should be implemented in the interest of safety, the Councils Principal Highways Officer has stated that a School Safety Zone has been installed on Rook Tree Lane as part of the expansion of the lower school. As part of this it has informal crossing points on desire lines to facilitate pedestrians wanting to cross. It is all in a 20mph zone and there are School Keep Clear markings, single yellow lines to restrict parking and enhance the visual splay for pedestrians looking to cross the road. All trips to school are accompanied journeys and therefore would not meet the criteria for a request for a crossing.

4.6 Parking

On the basis of the indicative layout, it would appear that two off road parking spaces are proposed for smaller units which are likely to be 2/3 bedroom units and 3 spaces for larger units which are likely to be 4 bedroom units. Visitor spaces are dispersed throughout the site. This provision would be consistent with the Councils Parking Standards and this matter would be fully addressed through a reserved matters submission.

4.7 As such it is considered that the proposal would not be prejudicial to highway safety and would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

6. Other Considerations

6.1 Flood Risk & SuDs

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. As such, no objections have been raised by the Environment agency.

From 6th April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. A drainage strategy was supplied for consideration as part of

the application and the Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential and as such has not wish to raise any objection to this proposal subject to the imposition of conditions to control is provision at the reserved matters stage.

Whilst many residents have raised concerns relating to flooding potential, evidence has been supplied by the agent that it is possible to design a scheme that would discharge water at a flat rate for all storm events or at a varied rate for individual rates which has assured the Councils SuDs Officer that a suitable scheme can be approved that would not result in further implication on the Rook Tree Road. In addition, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this application, subject to conditions of control of the provision as suggested by our SuDs officer. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

6.2 **Archaeology**

The Heritage *Statement* considers the significance of the archaeological remains the site contains and concludes that they are of low to medium significance which can be translated into local to district level importance. The proposed development site contains extensive archaeological deposits of medieval settlement. The significance of these remains is enhanced by their relationship to the complex settlement development of Stotfold and the excavated remains found elsewhere in the settlement. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70). Therefore, the Councils Archaeologist concludes that the archaeological remains within the development site should be considered to be of regional significance.

Intrusive groundworks required in the construction of the proposed development are identified in the *Heritage Statement* as having a damaging impact on the archaeological remains the site is known to contain. This impact is described as resulting in “ a permanent loss of this resource...”. This is a reasonable summary of the impact of the proposed development on the archaeological remains the site contains and the significance of the heritage asset with archaeological interest they represent.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). The proposed development will have a negative and irreversible impact on the archaeological deposits that are known exist within the proposed development site and, therefore, upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets.

This can be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, the Councils Archaeologist has recommended a condition be imposed to secure this. As such, it is considered to conform with policy DM13 of the Core Strategy for the North and Section 12 of the NPPF.

6.3 **Ecology**

The Councils Ecologist has not contested the results of the submitted ecological appraisal, however the NPPF calls for development to deliver a net gain for biodiversity and therefore the Councils Ecologist has raised concerns of the lack of opportunities proposed by the submission. Revised plans have been supplied which provide a 5 metre landscape buffer which would provide some opportunity for biodiversity gain. Whilst concerns were raised by the Councils Ecologist about the density of the scheme potential restricting the opportunities for biodiversity gain, the proposal is for up to 15 dwelling houses and further features can be incorporated at the detailed stage. This can be controlled by condition requiring the provision of a biodiversity method statement which will include details of ecological enhancements and how they will be incorporated into the development proposal. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

6.4 **Climate Change**

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. 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. The Councils Sustainability Officer would wish to 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. If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies DM1 & DM2 of the Core Strategy for the North and Section 10 of the NPPF.

6.5 **Contamination**

The submitted geo-environmental & geotechnical desk study report October 2015 document reference P15-071pra has indicated that there is the need to undertake an intrusive investigation of the site to determine localised sources of contamination. The Council's Pollution Officer raises no objections to the proposed development. A condition is suggested for any unsuspected

contamination found through site investigation, excavation, engineering or construction works to ensure this is identified and remediated.

6.6 **Rights of Way**

The existing public right of way that runs along the rear boundary of the site would not be affected by the proposal and therefore no objection has been raised by the Councils Right of Way Officer in respect of the granting of this proposal.

6.7 **Financial Contributions**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, Spending Officers were consulted and comments returned from Education. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such, it is considered that the proposal would conform with policy CS2 of the Core Strategy for the North. Education:

Early Years	£10,269.80
Lower	£34,566.00
Middle	£34,781.76
Upper	£42,651.65

6.8 **Affordable Housing Provision**

Under Policy CS7 of the Core Strategy, 35% of all developments for four dwellings and above should be provided as Affordable Housing units. The proposal for 15 units would qualify for Affordable Housing provision and 35% would equate to 5 units. The applicant has proposed that 5 units across the development be affordable and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such the proposal would comply with the requirements of Policy CS7.

6.9 **Child Safeguarding**

Concerns have been expressed by a number of residents in respect of the potential impact on the school children's safety. It has been raised that the land directly rear of the application is proposed in part to be used by the school as an extension to their existing play area. The application site is proposed to be demarcated by a sufficient landscape buffer and therefore there will be limited risk of access to the proposed extension to the school. Furthermore, it is reasonable to conclude that any forthcoming application submitted by the school for this play area extension would contain appropriate and secure boundary treatment. In terms of residential accommodation it is not uncommon for it to be placed next to school environments. Furthermore residential accommodation close to school environments can provide a sense of security and well being to the school children. Whilst it has also been raised that the loss of the horse grazing on this land would be detrimental to children's

learning or behaviour, no objection has been raised in this regard by the Councils Education Officer and it is accepted that the school itself is responsible for ensure an adequate provision of external space for development. Furthermore, whilst the land itself is being used in a grazing function at present, the land is registered as agricultural and could be utilised in any such function which would constitute agricultural purposes without any planning permission and we could not substantiate a reason for refusal in this regard.

6.10 Cumulative Impact on Town

Whilst concerns have been expressed by local residents in respect of the cumulative impact on Stotfold due to the number of residential development proposals in recent years, planning applications can only be determined on the basis of their individual merits and therefore this is not a material consideration.

6.11 Construction impact

Objections have been raised on these grounds however it is given little weight as a material consideration given that it is a temporary impact and one that is apparent on any grant of planning permission.

6.12 Impact on Services

Whilst concerns have been expressed by local residents about the impact of the proposed dwelling houses on the existing water and sewage connections, the Internal Drainage Board and Anglian Water has not raised any objections or concerns in this regard.

6.13 Inaccuracies in supporting information

The supporting information was updated during the life of the application in accordance with the comments raised by the Parish Council and local residents.

6.14 Human Rights issues

The proposal raises no Human Rights issues.

6.15 Equality Act 2010

Accessibility concerns have been raised by local residents about the number of kerbs that would require negotiation, however appropriate lowered kerbs to provide suitable access would be a requirement of the Highways Officer during a detailed application stage and therefore this is not considered to be an overarching concern. The proposal therefore raises no issues under the Equality Act but an informative to advise of the responsibilities of the applicant is attached.

Recommendation:

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

RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

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

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

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

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

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

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

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

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

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

management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.

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

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

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

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

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

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

- Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus 30% allowance for climate change;
- Full details of flow control measures to be used, demonstrating

that runoff rate and volume will not exceed greenfield rates;

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

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

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

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

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

- 11 **In the event that contamination is found at any time when carrying out the approved development, it is recommended to report this in writing immediately to the Local Planning Authority. An investigation and risk assessment should then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land**

Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing, to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

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

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

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

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

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

- 14 **No development shall take place until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)**

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

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

- 16 **No development shall begin until the detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

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

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

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

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

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

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

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

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

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

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country

Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. The applicant is advised that in order to comply with Condition 14 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)
7. No materials or vehicles associated with the development should be left on or near the public footpath which may cause a hazard or inconvenience to users. The applicant must ensure that there is no encroachment beyond the property's legal boundary onto the width of the public footpath. However if a footpath closure is needed this will require at least six weeks notice.
8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this

into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

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

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

DECISION

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