

Item No. 9

APPLICATION NUMBER	CB/16/01455/OUT
LOCATION	Land East of Hitchin Road and South of the Former Pig Testing Unit, Hitchin Road, Stotfold
PROPOSAL	Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access)
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	13 April 2016
EXPIRY DATE	13 July 2016
APPLICANT	Lochailort Fairfield Ltd
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Parish Council objection to a Major application.
RECOMMENDED DECISION	Outline Application - approval recommended

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 boundary of Fairfield 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 and would result in the loss of agricultural land however this impact is not considered to be of such significance that it is demonstrably harmful when considered against the benefits of the scheme. The applicant is committed to delivering a new lower school as part of overarching development in this area which will provide much needed school places. The proposal would provide affordable housing and the whole scheme would make a significant contribution towards the Council's 5 year housing supply as a deliverable site within the period. The proposal is also considered to be acceptable in terms of highway safety, including providing improved pedestrian links on Hitchin Road, 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). 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 forms an area of arable land located to the east of the Fairfield settlement. To the north of the site lies the former Pig Development Unit which is has planning permission for residential redevelopment, and immediately west and south west of the site there are a number of semi detached dwellings. The surrounding field parcels are mainly grassland. They are defined by hedgerows and extend as far south as the sewage works which falls within the neighbouring Hertfordshire boundary. To the east there are further arable fields with boundaries marked by hedgerows.

The site would be accessed via an existing roundabout on Hitchin Road which currently serves the Fairfield development and the four semi detached houses to the north.

The site lies within the open countryside but not within designated Green Belt.

The Application:

Outline planning permission is sought for a mixed use development comprising the following:

- 180 dwellings of which 10% will be affordable homes with tenure either shared ownership or starter homes.
- New commercial unit with flexible use capable of accommodating A1 (retail), A3 (Café/Restaurant), B1 (Offices) or D1 (restricted to Doctor's surgery).
- Open space including a green square, green links, equipped areas of play, informal kick-about area and informal open space next to Pix Brook at the eastern boundary.
- Off site highway works including relocated 30mph speed limit signs, two new gateway features with carriageway markings, three new signalised pedestrian crossings over Hitchin Road, continuous pavement on the east side of Hitchin Road.

All matters are reserved aside from access which is proposed from the existing roundabout serving Hitchin Road and Eliot Way.

The extent of access includes a road network within the site. This extent of road is relative to a second application submitted by this applicant reference CB/16/01454/FULL proposing a two form entry lower school at a site immediately south of this. This application is also on this agenda.

Although all matters are reserved the application was submitted with an illustrative masterplan to show how development could be laid out on site.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Sustainable Drainage Guidance SPD (May 2015)

Relevant Planning History:

Application Number	CB/15/01355/OUT
Description	Outline Application: new lower school (All matters reserved).
Decision	Approve (At the Committee meeting of 22 July 2015)
Decision Date	21/08/2015

This application was submitted alongside the following application which is also on this agenda and referred to in this report:

Application Number	CB/15/01454/FULL
Description	Erection of 2-form entry Lower School and nursery with access, parking, all-weather pitch with changing facility, landscaping and associated works
Decision	Recommended for approval and also on this agenda
Decision Date	-

Immediately north of this application site:

Application Number	CB/15/03182/FULL
Description	Erection of 131 dwellings with access, parking, landscaping, open space and associated works.
Decision	Approve (At the committee meeting of 9/12/2015)
Decision Date	18/12/2015

Consultees:

Parish/Town Council

The Parish Council objects to the proposals on the following grounds.

- The proposals represent inappropriate and unsustainable greenbelt development, outside of the current settlement envelope
- The application is premature with respect to the emerging Neighbourhood Plan
- Insufficient information has been provided to analyse the extent of highway impacts and any mitigation required
- Impact upon highway safety, particularly at the Eliot Way roundabout
- Inconsistency between plans submitted by the applicant and those within the supporting reports
- Waste / effluent management systems in the vicinity are inadequate and the proposals will intensify the issues
- Development within area of Flood risk

Further detail on each of these items follows:

Inappropriate & Un-Sustainable Greenbelt Development

The proposals sit outside of the current development envelope and on greenbelt land. The NPPF includes a presumption in favour of sustainable development, however this site cannot be considered as sustainable, certainly on the grounds of transport, not being within walking distance of a local train station or of employment opportunities and being served by very limited bus services, which CBC has been considering reducing further. The proposals would therefore inevitably require future residents to rely upon the private car for the majority of journeys, contrary to the aims of government guidance at a local and national level.

Paragraph 49 of the National Planning Policy Framework concerning the presumption in favour of sustainable development is being heavily relied upon to justify the proposed development but the presumption is only valid for sustainable development.

Policy TP1A of the CBC Core Spatial Strategy requires developers to show how developments will reduce the need to travel and reduce reliance on cars; the proposal fails on both counts and should be refused accordingly.

Policy DPS19 requires developments to be “readily accessible by public transport, cycle and on foot...”, however the proposal site is served by limited public transport and is beyond a ‘reasonable’ walking distance from the local train stations as well as the major employment areas in Letchworth & Hitchin. Cycle routes to and from the nearest major urban areas are also sub-standard.

We believe this site is not sustainable on economic grounds. With no Community Infrastructure Levy in place there will be no contribution being paid directly to the parish to mitigate the effects of the development. Currently, for economic reasons, it is the policy of CBC to use the New Homes Bonus to support the provision of front line services across Central Bedfordshire, and not directly in support of areas affected by development. Provision has already been made towards a new school building following the granting of permission for the development of the former Pig Testing Unit site.

Prematurity With Respect to Emerging Neighbourhood Plan

Given that Fairfield Parish is a designated Neighbourhood Planning area and that the Neighbourhood Plan is in the process of being completed, it is considered that this application is premature and its approval would undermine and be prejudicial to the neighbourhood planning process. This is of particular importance given the significant the scale of development when considered in the context of the existing number of dwellings in the Parish. Precedent has been set for this in decisions by planning inspectors and the communities secretary in decisions such as that for a residential development in Rother District Council in March 2014 (appeal decision) and early 2015 (decision upheld by communities secretary).

Highway Impacts & Conflicting Information

The proposals provide junction capacity analysis based upon traffic surveys undertaken in 2013. At the time of these surveys only a relatively small proportion of the new homes at the ‘south of Stotfold’ (Greenacres and adjacent developments) were completed / occupied and in the meantime the majority of dwellings have been completed and occupied, therefore in order to provide a true and accurate analysis, updated survey data must be obtained. In addition to the junctions currently analysed by the applicant’s consultant, the triple mini-roundabout junction to the south of the site between Stotfold Rd, Arlesey New Rd, Wilbury Hills Road and Bedford Road

should be analysed, as we are aware that significant peak hour queues (over 20 vehicles on the southbound approach) and delays occur at that junction and the application proposals would have an impact upon the junction.

With regard to highway safety, we have concerns with the design / alignment and use of the Eliot Way roundabout, via which the proposals will be accessed. The eastern arm of the roundabout is currently only utilised by a small number of dwellings and those residents have voiced significant concerns over the difficulty of exiting onto the roundabout. While there is no adverse safety record at the junction, the proposed increase in traffic using the junction is significant. We ask that the applicant is required to submit an independent road safety audit for the new junction arrangements, prior to any planning decision being made. This should also account for the impact of the proposed new pelican crossing, just south of the Eliot Way junction. This crossing will be heavily utilised during peak hours, due primarily to the location of the new school and as such, queues will build across the roundabout, potentially blocking vehicle traffic seeking to enter / exit the school and the new dwellings / shop etc.

There are conflicting plans within the submissions, particularly the revised site / master plan and the plans within the Transport Assessment. The conflicts relate in particular to the proposals to provide a new footway along the eastern side of Hitchin Road, from a point just south of the Eliot Way to the junction with Dickens Boulevard, plus a proposed pelican crossing to the north of the Dickens Boulevard junction. These items are relied upon and set out in the Transport Assessment, however appear to have been removed from the latest site plans.

Vehicle trip rates for the school and the dwellings are based upon generic Bedfordshire and national rates, which can only provide very rough approximations, which we believe to be under estimating the volume of new traffic. With the development replicating the existing split of land uses within the 'main' Fairfield development, it would appear far more sensible and accurate to utilise trip rates derived from surveys of traffic generated by the existing housing / convenience store at Fairfield and traffic / modal splits based upon the existing Fairfield Lower School.

Waste / Effluent Management & Associated Health Issues

The proposals are within approximately 150m of a

sewage treatment works plant and the additional dwellings, as well as those recently permitted at the 'Pig Farm' scheme (a total of 310 dwellings), will all rely upon the use of that plant. There is a history of issues with the plant and associated odour issues impacting residential amenity, including very recent and in fact current intensification, ensuing complaints to CBC and NHDC. The proposals have the potential to make this situation significantly worse and with the new dwellings in such proximity to the plant, new residents would be affected as well as existing residents.

Flood Risk

Residents of nearby Stotfold have experienced flooding from the Pix Brook twice in the last 2 years. The site is bordered by the Pix Brook on the Eastern side. The site itself slopes towards the Brook, which is recognised as being in Flood Zone 3 along this edge and run off from a further 180 houses is likely to cause increased risk of such flooding. Sewage overflow is also reported as having occurred on the proposed site. The proposals could therefore result in increased flooding risk for existing and new residents.

Highways

Fundamentally this proposal has been the subject of pre-application discussion and I am able to confirm that the current submission accords with those discussions and agreement in principle therefore there is no overriding highway objection to the development. The application is supported by a robust Transport Assessment detailing the traffic generation and distribution that confirms that the access and surrounding highway network has sufficient capacity to accommodate the traffic movements from the new development.

With regard to accessing the site the submitted plans indicate a junction arrangement onto Hitchin Road that is compliant with design standards together with off-site footway linkages along and controlled pedestrian crossings of Hitchin Road in order to provide sustainable connections with the main Fairfield settlement.

Pollution Team

Noise impact

The proposed flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices)) is likely to be detrimental to the amenity of the proposed residential accommodation above and adjacent occupiers with customer noise, plant noise, deliveries and odour from extraction systems. Insufficient information is provided on the intended future use to comment in detail on the potential impact. This should be considered carefully at

the reserved matters stage. I have therefore recommended noise conditions to be attached to any permission for plant noise, opening hours, delivery hours and a noise scheme for adjacent and attached residential premises.

I am concerned that the proposed Multi Use Games Area (MUGA) for school and community use has been located adjacent to the boundary of existing residents in Hitchin Road. Noise from the use of multi purpose sports areas can be significant with the impact of balls on the hard surfaces, kick boards, people noise from players and spectators, noise from impacts with hockey sticks, whistles etc. The applicant proposes to site the multi purpose sports area very close to existing residential boundaries and no noise mitigation measures are proposed. No noise assessment has been submitted. The previously approved School site (CB/15/01355) was located significantly further away from existing houses on Hitchin Road and the playing pitches were shown to the far east of the site much further away from existing residential properties and partially screened by school buildings to the north of the site. Pollution will be objecting to the revised school application CB/16/01454.

I understand that the Gastropub has been removed from the application therefore I have not commented upon this proposed use. If that is not the case please request additional comments from the pollution team

Odour

The proposed residential development may be adversely affected by odour from Letchworth Sewage Treatment Plant to the south of the proposed development. Justified sewage odour complaints were investigated by Central Bedfordshire Council in 2009 and we are currently investigating odour complaints. The proposed dwellings will experience sewage odour from the treatment works. However I note that the proposed dwellings are located further from the sewage treatment works boundary than a small number of existing properties on Hitchin Road. I would suggest that Anglian Water are consulted on the proposed development.

Land Contamination

A land contamination condition was attached to CB/15/03182/FULL Condition 3 Pig development units, Hitchin Rd, Stotfold and I understand that a remediation plan has been submitted and agreed in principle for that development. The proposed development is adjacent to the former Pig Development unit and therefore there may

be also contaminants at the proposed site. I would therefore ask that a land contamination condition is attached to any permission granted.

Landscape Officer

Many thanks for the opportunity to comment on this outline application regarding landscape; having considered the proposals and documents supporting the application I have serious concerns regarding the proposed inclusion of 3 storey development of @ 12ms high on more elevated portions of the application site.

The application site is within the setting of the existing Fairfield development which is integrated well especially along the Hitchin Road in part due to the treed hedgerows along the western application site boundary. The original hospital towers form iconic landmarks above the treed edges and are highly distinctive in local and longer distance views.

The application proposals are in effect an extension of permitted development of the northern Pig Unit site, extending development south along the west of the Pix Brook corridor. Plus the existing urban edge of Letchworth Garden City is visible to the south east which increases concerns on the cumulative visual impact of development and visual coalescence.

The approved development at the adjoining Pig Unit site adjacent to the north appears to include 2.5 storey development along the southern site area and boundary and not 3 storey, taller development on the Pig Unit site is shown as an apartment block to the north west corner of the approved layout. I understand the proposed Care Home to the south west corner of the Pig Unit site is to be 2 storey.

I was able to find any detail on or plans showing existing topography or any proposed changes in levels, the Landscape and Visual Statement describes changes in levels on site from 52ms AOD at the Pix Brook boundary rising to 63ms AOD at the Hitchin Rd site boundary - levels rising @11ms.

Landscape mitigation / integrating development in to the landscape is described in the D&AS as utilising hedgerows to site boundaries, providing trees in streets and green spaces and providing space for significant scale trees but the capacity of the landscaped areas shown in the master plan to accommodate significant trees / tree planting to screen or at least assist in integrating 12ms tall development on rising ground is not

explored or assured.

- Therefore more information is required describing existing topography on and off site and proposed height of built form in plan form and via long sections. Detail needs to include heights of existing development at Fairfield and approved development at the Pig Unit and describe proposed landscape mitigation and effectiveness in integrating development - especially in relation to views to the north east, east and south east.
- Photo montages would be useful describing changes in views , including summer and winter time views, and screening effect of landscape mitigation over time, e.g. @ Yr1, Yr7, Yr 12.

Considering the master plan and proposed landscape structures the treatment of the Pix Brook landscape corridor is acceptable in principle but more is required on how SuDS will be integrated in the landscape design.

- The proposed central green corridor link from the Pig Unit site down through the centre of application site needs to be more direct and 'greener' in terms of scale and landscape character and extended all the way through the application site to the southern green space.
- The footpath link along the northern site boundary needs to vary more in width to avoid a narrow linear corridor and be of a scale to include native shrubs and trees including tree species which can mature to become significant trees.
- The transition at the central north - south green corridor and the east-west green corridor on the northern site boundary needs to be redesigned as a green node, potentially as a small POS with built development orientated facing onto an informal pocket park.

Confirmation on the design of the development interface with the proposed 2 form entry lower school is also required.

Green Infrastructure

Generally the proposed development is well thought through in terms of green infrastructure opportunities.

The green corridor along the Pix Brook relates positively

to the adjacent residential area. The management of this corridor for ecological benefit will be key in ensuring it functions as designed.

The green corridor at the south of the site also appears to be well designed, delivering a range of functions.

However, the integration of green infrastructure within the residential / built part of the development could be improved.

An improved green corridor at the northern part of the site is needed to link effectively to the footpath and square / 'node' area proposed in the northern parcel. The link to this is currently solely along a footpath along the side of individual residential properties. This is not likely to create a legible access corridor, or allow space for effective ecological connectivity. This corridor should be broadened, and redesigned into the layout, with this corridor clearly being in the public realm, and offering a clear, multifunctional connection to proposed green infrastructure in the northern portion of the site.

Sustainable drainage does not appear to be well integrated into the built part of the development. Although surface conveyance is suggested in the Surface Water Management Plan (which is very welcome, as CBC's local requirements for SuDS require surface conveyance over pipes), this is not shown in the site plan.

The water treatment train relies on physical treatment (e.g. filtration through membranes). Bio-filtration would be preferable, as this would deliver amenity and biodiversity, as well as water quality benefits. This should be integrated into the design of the drainage scheme as the planning application progresses, and demonstrated more fully at the full application stage.

Trees and Landscape

Proposal is for mixed development of this site to include up to 180 dwellings, landscape and associated infrastructure.

A pre application meeting was held to discuss various aspects of the proposals and layout.

The site currently consists of grass field with features primarily around the boundaries, north boundary has a mature native hedgeline which forms the south boundary of the approved Pig Testing development site the intention is to retain this hedgeline. During discussion it was agreed that this hedge should be within the public

realm and not included within grounds of private dwellings. This is to ensure that it is retained in good order during development and provide a continuous wildlife corridor. As a continuation of the north/south wildlife corridor on the approved development to the north of the site the suggested approach was to continue this corridor as a feature down to the Green Square and Green Link shown on the illustrative Master Plan. This seems to have been done at least in part but the northern end of this corridor is fairly narrow and constricted and does not really lend itself as a corridor with this current layout.

East side of the site includes Pix Brook which is to be retained primarily as it currently is, a mixture of scrub, grassland and trees, this is to be managed and enhanced as an ecological and wildlife corridor with this as its emphasis.

West boundary consists of scrub, small trees and larger mature trees that complement tree cover on the east boundary of Fairfield Park. Landscape and Visual Statement comments that a number of trees will be removed and then additional planting put in place. This is feasible but as part of this application we do require an Arboricultural Impact Assessment (AIA) and Method Statement identifying all tree and hedgeline features on site, including features/trees to be removed, overlaid on final layout plans and showing root protection areas, lines of tree protection fencing, ground protection etc as detailed in BS5837 2012 trees in relation to Design, Demolition and Construction. Recommendations.

Landscape detail must emphasise the enhancement of existing hedgelines and native tree and shrub planting outside of the formal areas. The Pix Brook Corridor is of great importance as an existing feature and its enhancement is of great importance. Landscape detail will include species, sizes and densities of planting along with timings of planting and a suitable management plan of areas within the public realm including maintenance schedule for retained hedgelines.

Ecology

Having read through the submitted documents for this outline application I do not object to the proposals but offer the following observations / comments;

- looking at the masterplan layout it is evident that dwellings to the south of the central hedgerow back onto this corridor. Given the strong nature of this connective tree line / hedge I would want to see more made of the corridor placing it in the public realm with

homes facing it. The layout demonstrates this well where homes look onto POS in the East.

- On looking at the D&AS an artist's impression is shown on p.30 of the Eastern boundary street scene, whilst I understand this is purely indicative I am concerned that there is very little natural habitat buffer indicated and the impression shows a heavily urban context.
- On the same subject, the Masterplanning statement shows 'Pix Brook Valley Park', whilst I welcome this it must be remembered that the primary purpose of this buffer is for ecology, to support biodiversity networks, acknowledging the Brook as a Habitat of Principal Importance. Protecting /enhancing the brook corridor and ensuring a net gain for biodiversity in line with the NPPF. The Open Space strategy appears to identify this as a key access route and I do not feel that a 10m easement will be sufficient to accommodate public access whilst still delivering ecological gains, hence I would advise that this is widened to 15m at a minimum.
- The illustrative and overall masterplan layouts do not tally. The ecological appraisal notes that the development should deliver a net gain for biodiversity which will be supported by .35Ha of wildflower grassland along the eastern corridor, the IMP shows a LEAP and an area of open space to the south also which would further add to the natural habitats retained on site however the OMP shows a 'kickabout plateau' and the LEAP.
- I note the all weather pitch and I would seek an assurance that this will not be floodlit, now or in the future. The intrusion from floodlighting to the river corridor area and connective habitats would be detrimental to biodiversity.
- I welcome the proposals in section 5 of the Ecological Appraisal for the SUDS which will bring multifunctional benefit and for the inclusion of integrated bat and swift boxes. However the latter do not appear to have been included in the build design details and as such I would like to ensure these are provided via condition.

Sustainable
Drainage

Urban We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

The final detailed design including proposed standards of operation, construction, structural integrity and ongoing

maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to the Pix Brook, and details of this provided with the full detailed design.

Internal Drainage Board

Please note that the watercourse on the boundary of, or passing through the site is under the control of the Board. In accordance with the Board's byelaws, no development should take place within 7 metres of bank top, without the Board's prior consent, this includes any planting fencing or other landscaping.

Also as there are existing flooding issues associated with development downstream of this location the Board will not accept any direct discharges of unbalanced storm water to Pix Brook. Although the applicant has indicated that the flows will be restricted, this will be subject to obtaining the Board's prior consent and the rate of discharge cannot be agreed at this stage.

The Board therefore suggests that planning permission should not be granted without conditions requiring the applicant's storm water design and construction proposals are adequate before any development commences.

However, comments made in reference to the school application, CB/16/01454/FULL were pertinent to this application which read:

The proposal is part of a larger development which is shown on the plans provided. However this shows a flood

storage area to be located within the Board's byelaw strip and Floodzone 3 which is not acceptable. Although the surface water discharge rate can be agreed with the Board prior to obtaining its consent and can be covered by condition the location of development within its byelaw strip and Floodzone 3 cannot.

The Board must therefore object to this application until revised plans are provided showing this area clear of all development.

Environment Agency

We have no objection to this application.

Flood Risk / Surface Water Drainage

Please consult the LLFA.

Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13

Anglian Water

Section 1 – Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Section 2 – Wastewater Treatment

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

Section 3 – Foul Sewerage Network

3.1 Development may lead to an unacceptable risk of flooding downstream as details of the final connection manhole point have not been provided alongside details of whether the flows require pumping and the proposed pumped rate. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

Section 4 – Surface Water Disposal

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

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

Section 5 – Trade Effluent

5.1 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent.

Leisure Officer

No comments received

Rights of Way

I have one material concern regarding this application.

There seems to be only a single untimed crossing point to Fairfield and the retail shopping, school and rights of way network and attractions of the Blue and Green Lagoons indicated on the master plan.

Please can there be more crossings as well as timed crossings as part of this application.

Education Officer

The school organisation forecast is showing the need for additional lower school places from September 2016:

The forecasts were produced in summer 2015 and do not include the expected impact from this development, or

the application for 131 additional dwellings at the adjacent former pig testing unit. The need for additional lower school places in this area is driven by the impact of housing development and steps have been taken to provide additional lower school capacity in light of the demand for places. Fairfield Park lower school was expanded to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form of entry for September 2013 and an additional form of entry has been provided at Roecroft Lower School from September 2015.

Development at the former pig unit will create further demand for places and the sites of all the existing local lower schools cannot accommodate any further expansion. Providing a new lower school as part of the Pig Unit development would prevent the need to seek school places further afield and transport very young children across the authority, which would incur revenue costs for the authority and is likely to be highly unpopular.

Public Art Officer

Many thanks for the opportunity to comment on this outline application regarding Public Art; Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Key requirements are:

- Public Art be integrated in the development design process and be addressed in Master plans and Design Codes.
- Where possible artists should be appointed as part of the design team at the earliest design stage.
- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Artists can include:

Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

Given the scale and character of the proposed development, and site context, I suggest there are many exciting opportunities to include Public Art within the residential and commercial developments.

If the application were to be approved I request a Condition be applied with suggested wording but await your advice on this:

No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority . Installation of Public Art shall commence on site prior to occupation of 50% of dwellings. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

The Central Bedfordshire Design Guide, Section 4 Public Realm is available on the CBC website and offers comprehensive advice on the integration of Public Art within development and features in parts Public Art within the Fairfield development, illustrating how Public Art can enhance sense of place, community and quality in the environment

Sustainable
Officer

Growth

The proposed development should comply with the requirements of the development management policies: DM1: Renewable Energy; DM2: Sustainable Construction of New Buildings; and Core Strategy policy CS13: Climate Change. The policies require all new development of more than 10 dwellings to meet CfSH Level 3 and deliver 10% energy demand from renewable or low carbon sources. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources. In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage).

The non-residential element of the proposed development is below the threshold of policy DM1 and DM2 and therefore there is no planning obligation to achieve BREEAM excellent or source 10% of its energy demand from renewable sources. However, I would encourage the developer to ensure that the commercial development is designed to high sustainability standards and seek to be energy and water efficient and take advantage for renewable energy generation wherever possible.

I welcome the applicant's fabric first approach to develop energy efficient dwellings. This approach will ensure that the dwellings have low energy demand throughout their lifetime. However the policy DM1, which is not mentioned in the Design and Access Statement, asks for the developments above threshold of 10 dwellings to deliver 10% of its energy demand from renewable or low carbon sources. The fabric first approach will ensure that energy demand will be reduced and therefore the installation of renewable or low carbon technology will be smaller to satisfy the policy requirement.

If the developer prefers, the 10% energy demand saving can be delivered through more energy efficient fabric. In such case, all dwellings' Fabric Energy Efficiency (DFEE) must be 10% below Target Fabric Energy Efficiency (TFEE) determined by the 2013 Part L of the Building Regulations.

I note that the Design and Access Statement states that water efficient fittings and water butt will be installed, however the Statement doesn't mentioned what standard will be achieved. The nearest equivalent to the Level 3 Code for Sustainable Homes is the higher water efficiency standards set by the Part G of the Building Regulations. The Building Regulations require that where a higher water efficiency standard is applicable this must be set as a planning condition.

Policy CS13 requires that all development takes into account climate change and its impacts on the development. The development therefore should be designed 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 would like more information on how policies' requirements will be met to be submitted with the full planning application. The information should cover: energy and water efficiency, renewable energy contribution, climate change adaptation measures to minimise risk of overheating in dwellings and proposed ventilation strategy.

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

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres (including 5 litres for external use) per person per day.

NHS England

No comments received.

Housing development
Officer

This application provides for 18 affordable homes (10%) which is not in accordance with our current affordable housing requirement. I would expect to see 35% affordable housing or 63 affordable units. The supporting documentation indicates the 10% affordable housing will be a mix of shared ownership and discounted homes for first time buyers. This proposal goes against Central Bedfordshire Council's tenure requirements. The Strategic Housing Market Assessment (SHMA) has a tenure split requirement from sites meeting the affordable housing threshold as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 46 units of affordable rent and 17 units of intermediate tenure (shared ownership) from the proposed development. In the current proposal the scheme does not benefit those in the greatest housing need with no provision of affordable rent.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. If these comments are taken on board, I would support this application.

Travel Plan Coordinator Thank you for consulting me on the above application. The information provided in the Transport Assessment relating to a travel plan for the site is of sufficient detail for an outline application, but if possible I would like a condition as per the suggested wording below to ensure that an approved travel plan for the whole site (with the exclusion of the school which has it's own plan) is secured before any works commence on site, to tie in with the timetable for implementing sustainable transport measures and promotion detailed in the Transport Assessment.

Waste Services At the next planning stage, we will need to see a full swept path analysis demonstrating that the development is accessible by our vehicles.

Further details of the proposed location of the bottle bank will need to be provided to ensure that there is sufficient space surrounding the site and that we can access via our waste collection vehicle. In addition, consideration will need to be given to the anticipated noise disturbance to surrounding housing.

It is not clear if any of the residential buildings are flats. If so, bin store plans will need to be submitted to assess they have sufficient capacity for waste provision, and they are in a suitable location for our refuse collection vehicles to empty. Where roads do not have space for our refuse collection vehicle to turn, or are unsuitable for vehicles, such as block paving, a suitable bin collection point will need to be provided on the highway, and we will require plans that demonstrate sufficient space for this purpose. We charge developers for the cost of communal bins at £350 VAT per 1100l Eurobin.

CPRE Bedfordshire The withdrawal of the CBC Development Strategy and the lack of a 5 year housing supply, has resulted in many opportunistic applications being brought forward under the NPPF Presumption in Favour of Sustainable Development. This is such an application and falls outside of the Village Envelope - the applicant already has permission for an adjacent development on brownfield land and seeks to extend this into an area of twice the size in open countryside.

CPRE believe the Council has a duty to protect those areas unsuitable for development for policy reasons that are likely to feature within its new Local Plan and in line with the stated aims of the NPPF.

The new Plan for Central Bedfordshire is in the process

of both a Call for Sites and a consultation on the Assessment Criteria for sites brought forward by this process. There is no reason why this site could not have been put forward and assessed once that criteria had been set.

The Planning Statement accompanying this application refers to the recent Gladman Appeal Decision for Henlow – although correct in stating that this confirmed the lack of a 5 year land supply, this neither means that this area lacks sufficient housing supply to meet local need nor that planning permission should be granted. The presumption in favour relied upon applies only to sites considered to be sustainable in line with the requirements of the NPPF. An adjacent brownfield site in the same ownership as this one, already has planning permission for 131 new homes.

Residents of nearby Stotfold have experienced flooding from the Pix Brook twice in the last 2 years. The site is bordered by the Pix Brook on the Eastern side. The site itself slopes towards the Brook, which is recognised as being in Flood Zone 3 along this edge and run off from a further 180 houses is likely to cause increased risk of such flooding. Sewage overflow is also reported as having occurred on the proposed site.

The lack of an approved Community Infrastructure Levy (CIL) scheme will also result in a further detriment for those communities affected by granting of such planning permissions at this time.

Objections in relation to Mid Beds Local Plan 2005, Core Strategy & Development Management Policies 2009.

Fairfield is a village created in a unique setting and reflecting the character and form of the former Fairfield hospital buildings. The Parish is in the process of creating a Neighbourhood Plan. Although in the early stages, the decision has been based on the strong wish of the residents to maintain the unique character and feel of the Village. Development of this site will not meet that aim as it represents over development of the area, as a further 180 houses and other buildings added to the 131 already given planning permission, will inevitably alter the status and character of the village.

The site proposed is outside of the Village Envelope and so would not be allocated for market housing under Policy DM4 of the Mid Beds Local Plan. Housing outside

of the village envelope is only deemed permissible for Exception Sites, Policy CS8 Exception Schemes, to meet a village's identified housing need. We also note Exception Sites are not to be used to meet a shortfall in the 5 year housing supply within Central Bedfordshire and is in contradiction of the intention to prevent such expansion, according to the Council's Core Spatial Strategy.

The Henlow appeal was in fact rejected on Environmental sustainability grounds and the Inspector stated

(38) The proposal would cause harm to adopted policy objectives which seek to restrict development in the open countryside. However, the objectives of CS Policies DM4, DM14 and CS16 remain broadly consistent with those in the Framework which requires decision makers to recognise the intrinsic nature character and beauty of the countryside. To the extent that the policies are concerned with these matters I consider that they continue to attract due weight.

The applicant has submitted a planning statement in which at 3.3 it is stated.

Policy DM4 "Development within and beyond settlement envelope boundaries"

Policy DM4 ostensibly applies but is patently out-of-date within the meaning of Framework paragraph 14, relying as it does on a number of revoked or superseded national policy documents as the basis for decision making outside settlement envelopes.

3.5 Furthermore, this is not a location where "the countryside needs to be protected from inappropriate development."

This is clearly contrary to the opinion and interpretation of the Inspector as shown in the above paragraph which refers to Policy DM4. Should planning permission be granted for this site on the basis of such claims, it would be allowing a precedent to be set in relation to the many hostile and inappropriate planning applications coming forward at this time, and set outside of settlement envelopes in open countryside - designated or otherwise.

Policy DM3: High Quality Development, requires developments to be appropriate in scale to their setting. The proposed development is clearly not in scale, particularly as further housing has already been agreed

for this village.

Paragraph 49 of the National Planning Policy Framework concerning the presumption in favour of sustainable development is being heavily relied upon to justify the proposed development but presumption is only valid for sustainable development.

We believe this site is not sustainable on grounds of transport – Policy TP1A which requires developers to show how developments will reduce the need to travel and reduce reliance on cars; the proposal fails on both counts and should be refused accordingly. Policy DPS19 requires developments to be “readily accessible by public transport, cycle and on foot...”

A higher number of Fairfield residents than average for Bedfordshire, currently commute to work by car or train and this is very likely to be replicated within the new housing development proposed. The number of car journeys made to employment, schools and major shopping centres will increase in line with the number of new homes. If this site was to be given planning permission alongside that already granted, there would be a further 311 homes as well as a shop, a cafe, a GP or offices, a care home and a school. For economic reasons, the proposed employment provision on site is highly unlikely to make a significant difference to the numbers who will be commuting.

Currently the bus service is not heavily used with residents stating that one of the factors for this being the case, is the high cost of travel by bus. The walk to train stations and major service areas are of distances likely to be prohibitive for many residents.

We believe this site is not sustainable on economic grounds. With no Community Infrastructure Levy in place there will be no contribution being paid directly to the parish to mitigate the effects of the development. Currently, for economic reasons, it is the policy of CBC to use the New Homes Bonus to support the provision of front line services across Central Bedfordshire, and not directly in support of areas affected by development. Provision has already been made towards a new school building following the granting of permission for the development of the former Pig Testing Unit site.

We believe the application should be refused as the detriments to the area clearly outweigh the benefits of the

development proposed and it conflicts with the sustainability objectives of national planning policy.

Other Representations:

Neighbours

Letters received from:
157, 159 Hitchin Road

44, 52 Bronte Avenue

14 Nightingale Way

8 East Wing, Fairfield
Hall

61 South Wing, Fairfield
Hall

61 Heathcliffe Avenue

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

- Development is out of scale and out of character with the Parish.
- Object to the allocation of a 'gastro-pub' on land outside of the application site currently occupied by 4 dwellings. [this has since been removed from the masterplan]
- Location of proposed shop/commercial unit will harm the amenity of existing residents through noise and disturbance and a loss of privacy and overbearing impact from the scale of building.
- Proposed store location would affect access to existing dwellings.
- Proposed dwellings will overlook 159 Hitchin Road.
- Questions whether adequate flood risk carried out.
- Existing sewerage cannot cope and would have problems accommodating the new development.
- Has development considered the existing pylons and will it affect electricity?
- Hitchin Road and existing dwellings would suffer increased traffic. Road is already busy and congested at peak times.
- Public transport provision is limited.
- Development would harm the environment and visual amenity of the countryside.
- There should be a commitment from a GP to occupy the site before the application is determined.
- Leisure facilities are limited and would be further strained.
- The proposal includes a lower school but no provision for upper and middle school facilities and the development will add to education problems.

Comment relating to misleading information by the application prior to submission, extent of consultation are not matters that can be taken into account when assessing the merits of an application.

Determining Issues:

The main considerations of the application are;

1. Principle

2. Effect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
6. The Planning Balance and Sustainable Development

Considerations

1. Principle of Development

- 1.1 The site lies outside of the settlement envelope of Fairfield and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Fairfield is designated as a large village where Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 At the time of drafting this report the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing (including DM4, DM14, and CS16 of the Core Strategy and Development Management Policies 2009) must be regarded as 'out-of-date', and that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.

However, recent case law and legal advice advises that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.

At the time of writing the Council can demonstrate a supply of 4.76 years, this equivalent to 95% of the five year requirement and is a shortfall of 467 dwellings. The Council is confident that there is sufficient development coming forward in the short term to make up this shortfall. In this context it is reasonable to afford Policy DM4 a level of weight proportionate to this supply when considering the planning balance

- 1.3 The site is adjacent to Fairfield Settlement which lies to the west on the other side of Hitchin Road. Adjacent to the site to the immediate west there is existing residential development comprising of a ribbon of semi detached homes fronting Hitchin Road. The proposal would extend the built form eastwards and there will be a material effect on the character of the landscape in this area. There would be a loss of open countryside and loss of Grade 3 agricultural land and this impact will have to be weighed and balanced against the benefits of the application.
- 1.4 Fairfield is a new settlement that has a number of services available to residents including a lower school, shop, gym and spa facilities and a regular bus service

that can take residents to Hitchin and northwards into the district. Fairfield as a settlement is considered therefore to be a sustainable location in principle.

1.5 Affordable Housing

Adopted policy CS7 requires 35% affordable housing to be provided. In addition the Housing and Planning Act 2016 now places a duty on Local Planning Authorities to promote the supply of starter homes, which are to be provided to first time buyers at a discount of 20% of market value. The intention is that development proposals should provide 20% of the affordable dwellings as starter homes as set out in a government consultation document on Starter Home Regulations, March 2016. There are no formal Regulations in place as yet although it is acknowledged that they are forthcoming.

1.6 The original proposal for this site was 10% affordable housing to be provided on site in the form of starter homes. The Council's Housing Development Officer objected to this. The applicant sought to justify the under-provision in a viability statement, which has been independently assessed.

1.7 Following review of the viability information it was considered that the affordable housing proposal could be improved. During the application process an agreement for an additional financial contribution has been secured for the provision of off-site affordable housing. This contribution would enable the applicant to provide a minimum of a further 10% affordable housing elsewhere in a location of recognised need with a tenure that reflects the needs of that area.

1.8 The provision of just 10% starter homes on site reflects that fact that pre-application discussions and submission of this application took place before the Housing and Planning Act 2016 came into force and it is therefore a transitional application. The other affordable housing tenure types will be provided off site because it is envisaged that it may be difficult to secure a Registered Provider for this site given its location. This is supported by the findings of the independent report on the applicant's viability statement. The additional contribution provides a significant improvement to the scheme and largely reflects the Council's housing needs.

1.9 Although it is apparent that the Council can apply some weight to policy DM4, which seeks to restrict development in open countryside locations, it is acknowledged that this scheme will make a significant contribution to establishing a deliverable 5 year land supply. In terms of the principle of development the considerations with this scheme are such that the proposal is considered acceptable.

2. Impact on the character and appearance of the area.

2.1 Development of the site will result in the permanent loss of open countryside and would visually spread the extent of the Fairfield settlement to the east of Hitchin Road which to date acts as boundary definition to the eastern edge of the settlement. The field itself is largely screened from the public realm and provides no individual significance in terms of the setting of the village although clearly contributes cumulatively with the surrounding landscape. Its loss is considered to result in harm to the character of the area however it is noted that there are no

objections raised by the Landscape Officer over the impact on the character of the landscape itself. Therefore while there is a harmful impact on the character and appearance of the area in this edge of settlement area, the impact will need to be balanced against the benefits of the development, including the contribution the development makes to the Council's 5 year housing land supply.

- 2.2 Detailed design considerations will be left for any subsequent reserved matters layout. An indicative layout was submitted with the application which shows a development of mixed dwelling types within the site. It shows a frontage created to Hitchin Road acting as an entrance to the site leading to the other dwellings located further in. An acceptable detailed scheme is expected to create a frontage to the existing highway and the road network within the site and to avoid a predominant presence of physical boundaries in frontage areas. The indicative layout shows a scheme that creates active frontage with its dwelling layout
- 2.3 The indicative layout also shows a strong structural landscaping within the site in the form of a green square with link routes to the former pig unit site to the north and the proposed school (CB/15/01454/FULL) to the south, and open space to the south and east of the site. The landscaping elements of the proposal provide a positive green infrastructure to the scheme and soften its built impact given its large scale.
- 2.4 The scale of buildings is indicated to be mixed and there are opportunities to provide interest through design. It is expected a detailed reserved matters proposal would take account of the strong character of the existing Fairfield settlement and the advice within the adopted Design Guide.
- 2.5 On the basis of the considerations made above the scheme is considered to have a harmful impact on the character and appearance of the area in terms of the setting of the existing settlement. The proposal would cause built form to spread eastwards of Hitchin Road in an area where it is limited at present. However the significance of this impact is considered to be limited given the lack of objection from Landscape Officers and the open space areas proposed with the scheme increasing the accessibility to open space provision in this location. The impact is therefore not considered to result in significant and demonstrable harm. It is noted that the indicative layout suggests that a development of 180 residential units on the site and non-residential uses could be comfortably accommodated within the site area and that the proposal would sit comfortably next to the proposed school (CB/16/01454/FULL also on this agenda).and the proposal is therefore considered acceptable in light of the policies of the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009.

3. Impact on neighbouring amenity

- 3.1 As stated, detailed design considerations are a reserved matter and specific impacts on neighbouring properties would be considered as part of a detailed reserved matters application. There are a number of existing residential dwellings on the east side of Hitchin Road either adjacent to or close to the application site.

- 3.2 The indicative layout shows that the development proposals have largely taken into account the relationship of the site with the neighbouring properties and the indicative layout shows that a layout can be achieved without causing direct overlooking, loss of light or overbearing impacts on existing residents although formal judgement on this would be made at reserved matters stage.
- 3.3 Objection was raised by an adjacent occupier over the impact of the proposed commercial/retail unit which was indicatively shown adjacent to their property. In response to this objection the indicative layout was amended to show the proposed non-residential use located away from existing dwellings which would reduce any impact on noise and disturbance to these as a result. There are therefore no overriding concerns in respect of its location although it is acknowledged that an amended indicative layout remains indicative and such detail would be left for a reserved matters application, where the adjacent neighbours would be invited to comment again on the detail.
- 3.4 Considering the wider impact on the non-residential floorspace proposed the indicative layout has labelled the space as a shop with potential doctor's surgery above. The application specifically proposes this as flexible use comprising retail (shop), A3 (café or restaurant), B1 (offices) and D1 (surgery). Consideration has to be given to the nature of use classes cited. As an unrestrictive use class a B1 use could include light industry and a D1 use, defined as non-residential institutions, includes a wide range of uses including museums, churches and training centres. In light of the residential predominance of the site and the close relationship of units to the non-residential unit that would likely occur at detailed design stage, not all of the potential uses would be appropriate. The scheme has been considered in light of the proposed uses set out in the description, i.e. surgery and offices, and these are considered acceptable in this scheme. In order to ensure the appropriate use or uses would occupy the unit a condition should be included limiting the types of use to those proposed only, requiring any other use to be subject to a future planning application.
- 3.5 The Pollution Team has reviewed the proposal and recommended a number of conditions relating to neighbouring amenity. Conditions requiring details of noise abatement, plant and any kitchen equipment are considered to be reasonable. A restriction of opening hours is also considered appropriate given what would be a predominantly residential area. However a condition restricting delivery times has not been included as this is not considered to be enforceable and therefore fails the necessary tests for acceptable planning conditions. This issue relies on the operator of the commercial unit to be considerate in their operations.
- 3.6 In terms of providing a suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents.

4. Highway Considerations

- 4.1 The scheme would be accessed from the existing roundabout adjacent the site on Hitchin Road. The roundabout and surrounding road network is considered to

be able to accommodate the scale of development proposed here and also traffic movements associated with the new school proposed south of the site. No objections have been raised by the Highway Officer subject to conditions to ensure the access is appropriately constructed and to detail future information required in a reserved matters scheme.

- 4.2 In terms of parking provision, this is a matter that would be considered at reserved matters stage. Needless to say it will be expected that a detailed design scheme will provide parking levels, including visitor spaces, that are compliant with the recommendations set out in the adopted Design Guide.
- 4.3 Detailed reserved matters would need to consider highway details in relation to the proposed commercial use. Parking is shown on the indicative layout but details will need to demonstrate how the movement and parking of service and delivery vehicles can be accommodated within the development without harming highway safety and convenience or residential amenity. It is an issue for reserved matters and much will depend on the proposed use and occupier. The indicative plan shows that the amended location for this unit would remove any highway concerns regarding access to existing dwellings owned by neighbouring residents which is considered to be an improvement of the scheme.
- 4.4 The development proposes a number of off site highway works including a continuous footpath on the east side of Hitchin Road and 3 signalised crossing points. These works are considered to provide a significant benefit to integrate the development with the existing settlement and will allow for pedestrians to cross what is a busy road safely and conveniently. These works will be secured through S106 agreement which is considered below.
- 4.5 The concerns of the Parish Council and residents are noted however the proposal is not considered to harm highway safety and convenience to such an extent that it would warrant a reason to refuse planning permission.

5. Deliverability, links to CB/16/01454/FULL and the S106 agreement

- 5.1 The applicant for this application is the same for the application south of this site for a new lower school, CB/16/01454/FULL. The same applicant is also the applicant and imminent developer of the consented redevelopment of the former Pig Unit north of the site, CB/15/03182/FULL. It is the intention of the applicant to fully develop the new lower school, if consented so that it is open and operational by September 2017. To this end they have agreed to enter into a legal agreement not to occupy any more than 50 homes on the former pig unit site prior to the school being practically complete and in a position to be transferred to the Council. It is not reasonable through the planning system to impose a completion date for development.
- 5.2 In granting the consent for the redevelopment of the former pig unit the applicant previously committed to a large education contribution. Under this current application, the cumulative development would see that contribution effectively embodied as part of the applicant's build cost for the new school. The build would also cover the education contribution required as a result of this scheme. To enable this, as part of this application, the S106 obligations for that adjacent development would be included in a new agreement associated with this

application and effectively transferred to a new agreement which covers both sites.

- 5.3 On the assumption that the affordable housing proposal would be considered acceptable in principle the scheme would, as is normally the case, be secured through the S106 agreement. The off site highway works are also proposed to be secured through the agreement. The obligation will be to provide the measures proposed via a S278 agreement under the Highways Act 1980, rather than make financial contribution.
- 5.4 In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the legal agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be first agreed with the Council. Failure to agree such a timetable would result in refusal of the application.
- 5.5 Therefore the following heads of terms will form obligations in the Section 106 agreement:
- On-site affordable Housing scheme and delivery.
 - Off-site affordable housing contribution to provide additional affordable housing.
 - Restriction on the number of dwellings to be occupied on this site and the former pig unit site until the school site is at a state of completion.
 - Off site highway works
 - Build rate timetable.
- 5.6 As the Council is the landowner it is not possible to obligate itself with a S106 agreement. National Planning Practice Guidance does set out that in exceptional circumstances it is possible to use a Grampian style condition to require an applicant/developer to enter into a S106 agreement. The importance of the S106 agreement to this case and the delivery of the adjacent school is such that it is considered appropriate to include such a condition. The Council has previously used this approach in the residential development at Flitwick Leisure Centre, Ref: CB/14/02174/REG3.

6. Other Considerations

6.1 Public Art

A contribution of public art has been requested as part of the scheme. The comments from the relevant Officer are noted however it is considered that, while potentially positive, public art is not required to make the scheme acceptable in planning terms and is therefore not considered reasonable to secure such a commitment either by condition or S106 agreement. Furthermore the provision of public art could further affect the viability of the scheme and in this instance significant weight would be given to the provision of 180 residential units.

6.2 Flooding and Drainage

Objection has been received on this ground. The Internal Drainage Board has commented to both raise objection and request conditions in relation to surface water drainage matters. A condition requiring details of the drainage scheme is considered to be reasonable and also requested by the Council's Sustainable

Urban Drainage Officer. The objection raised relates to the development proposing works within 10 metres of Pix Brook. Since the objection was received the applicant has been in discussion with the Internal Drainage Board to resolve the matter and at the time of drafting the Board has not withdrawn its objection. The proposal seeks to incorporate sustainable urban drainage solutions and no objection is raised from the Council's relevant Officer. Explicit detail is proposed to be secured through condition and it is considered that the site is capable of accommodating its surface water run off without detrimentally affecting the watercourse.

6.3 The Board's concerns regarding the location of the pond are noted and relevant however the application is in outline form and layout, including pond location, would be a reserved matter. These concerns will be taken account of when considering any reserved matters submission in the future.

6.4 Sewerage

The comments regarding sewerage and the treatment facility are noted. Anglian Water have considered the scheme and provided comments. They conclude that there is no objection subject to a condition relating to foul water, which is included in the recommendation.

6.5 Pylons

Details submitted with the application show that the applicant is aware of overhead lines that cross the site. Development would be proposed taking account of these and it would be the responsibility of the applicant to ensure electricity supplies are not affected. A reserved matters application would confirm the relationship between the scheme and the overhead lines.

6.6 Doctor Commitment

One resident letter stated that a commitment of a doctor at the surgery unit should be confirmed before permission is granted. These concerns are noted however it is not considered to be a reasonable request. Provision for occupation is proposed as part of this scheme but it is noted that a surgery is just one of the uses proposed as a flexible use and it is likely that this would only be apparent if a GP is available to occupy it in the future.

6.7 Neighbourhood Plan

In reference to the Parish Council's intention to pursue a neighbourhood plan for Fairfield. This is acknowledged however no draft document has been produced to date and the neighbourhood planning process is very much in its infancy. As a result little weight is given to this concern. As the plan progresses greater weight can be applied to it as a material consideration but the intention cannot be used as a reason to delay the determination of development proposals submitted to the Council.

6.8 Loss of agricultural land

In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site

is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land for the school would not result removal of excellent or very good agricultural land. The loss of the agricultural land need to be balanced against the benefits of the school place provision.

6.9 Humans Rights/Equalities

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

7. **Whether the scheme is Sustainable Development**

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

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

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given some weight as it is noted that recent case law advises that the nearer an Authority gets to having a deliverable supply, the greater weight can be applied to policies such as DM4. This has been considered and in this instance the benefit of providing housing through this scheme, making a significant contribution towards the completion of a deliverable 5 year housing land supply is considered to outweigh the fact that the site is outside the settlement envelope.

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

7.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the impact is not considered to be of such significance that it would

warrant a reason to refuse planning permission. It will sit adjacent to existing residential properties and also sites with extant residential consent and while materially altering the character of the area will not appear isolated and it is considered that this is an instance where the impact of developing adjacent the settlement envelope does not result in significant and demonstrable harm.

Some weight can be given to what is an indicative strong landscape proposal which would provide accessible open space and biodiversity enhancements to the scheme and while this is subject to detailed design can be given some weight as a benefit at this stage.

7.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing although lesser weight is given to this given that the provision is less than required to be policy compliant. Further advice on the planning balance applied to affordable housing will be given once the viability assessment is completed and reported. Both of these considerations are regarded as benefits of the scheme.

Consideration is also given to the link between this application and the one also on this agenda (CB/16/01454/FULL) for the provision of the new lower school, referred to throughout this report. The provision of a new school would provide school places in an area of demand and is considered to be a benefit.

The report has detailed that Fairfield is regarded as a sustainable settlement and it is considered that it offers the services and facilities that can accommodate the growth from this scheme. Furthermore the application proposes non-residential floorspace as part of the scheme which also contributes to the social strand.

7.5 Economic

The economic benefits of construction employment are noted. The provision of non residential floorspace would accommodate a proposed use or uses that contribute to the economy through spending and job creation which is considered to be a benefit.

7. Planning balance.

- 8.1 In this case, the provision of housing and the provision of some affordable housing units would be a significant benefit by contributing to the 5 year supply. The scheme provides another benefit in the intention to implement (if approved) a consent for a new lower school to be open for the 2017 school year which would provide significant public benefits of school places in an area of demonstrable need within a timeframe that would unlikely be realised if developed by the Council. Other benefits include the provision of non-residential floorspace, off site highway works to improve safety and pedestrian movement and accessible open space. These would outweigh the adverse impact on the character of the area that would occur from developing land in the open countryside. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

That Outline Planning Permission be granted subject to the completion of a S106 agreement and the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

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

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

- 4 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).

- 5 **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.

- 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 take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of the delivery of the landscape scheme 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

- 8 **No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Sustainable Drainage Strategy (FRA, April 2016) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted 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 shall also include details how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final 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 para 103 NPPF.

- 9 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 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 Policy DM2 of the Core Strategy and Development Management Policies 2009 and the advice within the National Planning Policy Framework

- 11 **No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:**

- **A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
- **Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
- **Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before the use hereby permitted commences. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination 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.

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).

- 12 The flexible use commercial unit hereby approved shall not be brought into use until full details of Equipment to be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation have been submitted to and approved by the Local Planning Authority. Details shall include the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation and the equipment shall be effectively operated for so long as the commercial food use continues. The approved equipment shall be installed and in full working order prior to the use hereby permitted commencing.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 13 The kitchen ventilation system approved in accordance with condition 13 above, shall be so enclosed, operated and/or attenuated that noise arising

from such plant shall not exceed a noise rating level of -5dBA when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Prior to their installation, details, including acoustic specification of any fixed plant, machinery and equipment to be used by reason of the granting of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

Reason: to protect the amenity of future occupiers in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 15 No works to the construction of the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposals to integrate bat and bird boxes into the development hereby approved and construction of the dwellings shall be carried out in accordance with the approved details.

Reason: To ensure the development provides an enhancement and net gain to biodiversity in the interests of the policies within the National Planning Policy Framework.

- 16 **No development shall take place until a site wide travel plan has been submitted to and approved in writing by the council. Such a travel plan will set the context against which future travel plans for individual uses will be developed once occupiers are know. Such a travel plan to include details of:**

- **Proposed land uses across the site.**
- **Predicted travel to and from the site and targets to reduce car use.**
- **Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.**
- **Preliminary proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.**
- **Timetable for implementation of measures designed to promote travel choice.**
- **Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.**
- **Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.**
- **Details of site specific marketing and publicity information, to include:**

- **Site specific travel and transport information,**
- **Incentives for sustainable travel**
- **Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.**
- **Copies of relevant bus and rail timetables.**
- **Details of the appointment of a travel plan co-ordinator.**

No part of the development shall be occupied prior to implementation of those parts identified in the travel plan [or implementation of those parts identified in the travel plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

- 17 **No development shall take place until a scheme for protecting proposed dwellings from noise from the proposed flexible use commercial unit hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and shown to be effective before any permitted dwelling is occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the amenity of future occupiers in the interests of protecting residential amenity in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 18 **The flexible use commercial unit shall not be used except between the hours of 0700 to 2200 Monday to Saturday and 1000 to 1800 Sundays, Bank or Public Holidays without the prior agreement of the local planning authority.**

**Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Section 7, NPPF)**

- 19 **No development shall take place until full engineering details of the access arrangements and off-site highway works shown for indicative purposes on plan 101 have been submitted to and approved by the Local Planning Authority and no building 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 highway works in the interests of highway safety in the interests of Policy DM3 of the Core Strategy and

Development Management Policies 2009.

20 The details required by Condition 2 above 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
- 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 Travel Plan for each element of the developments as necessary

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

21 The 'flexible use commercial unit' shall be used for a shop (A1), cafe (A3), surgery (D1) and/or offices (B1) and no other purpose (including any other purpose falling within Classes A, B or D of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land/building(s) in view of the special circumstances of the case in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

22 **No development shall take place until a Section 106 agreement has been entered into to secure affordable housing scheme provision and contribution (including a pre-implementation review of development viability), provision of the adjacent school approved under CB/16/01454/FULL, financial contributions towards local infrastructure, open space maintenance, a timetable for the delivery of residential units and off site highway works substantial on the form of the draft attached hereto.**

Reason: To secure appropriate contributions towards the maintenance and running costs of the social and community infrastructure needs of the local community.

- 23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Drawing Numbers 17530-1021, 100, 101, 102, 103 and 104.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. The final detailed design shall demonstrate that the surface water drainage system is designed in accordance with the standards detailed in the 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015). This shall include but is not limited to:
 - Detailed information relating to the site and site investigation results (including any site specific soakage tests and ground water monitoring shown in accordance with BRE 365).
 - Details of the final proposed development, peak flow rate and storage requirement, with full calculations and methodology.
 - A detailed design statement for the entire surface water drainage system. Details of permeable surfacing are to be provided in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
 - Integration with water quality, ecological and social objectives.
 - A method statement detailing construction of the drainage system..
 - Maintenance requirements and responsible parties.
 - Details of any additional consents or permissions required.
 - Detailed plans and drawings of the final detailed design and locations of drainage infrastructure (to an appropriate scale and clearly labelled).

3. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

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.

4. 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.

DECISION

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