

## Item No. 6

<b>APPLICATION NUMBER</b>	<b>CB/16/04658/FULL</b>
<b>LOCATION</b>	<b>Land North of Potton Road Biggleswade.</b>
<b>PROPOSAL</b>	<b>Erection of 227 dwellings including access, landscaping and public open space</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>14 October 2016</b>
<b>EXPIRY DATE</b>	<b>13 January 2017</b>
<b>APPLICANT</b>	<b>Bellway Homes Ltd &amp; Bloor Homes</b>
<b>AGENT</b>	<b>DLA Town Planning Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>This is a major application and its approval would constitute a departure from the Development Plan.</b>
	<b>Full Application - Grant</b>

### Reason for recommendation

The proposed scheme would conflict with Policy DM4 because the site is outside of the Biggleswade Settlement Envelope, within the open countryside. Policy DM4 should be regarded as out of date because the Council cannot demonstrate a five year land supply at present. The weight that can be afforded to that policy (and other housing restraint policies) is reduced. The benefits associated with this development, including the delivery of 227 homes (including affordable homes) within the five year period, would be substantial. Adverse impacts associated with the development would not significantly and demonstrably outweigh those benefits. When assessed against the three strands of sustainable development described in the National Planning Policy Framework, the scheme would be a sustainable development. Planning permission should be granted.

### **Site Location:**

The site has an area of approximately 8.5ha and is to the northeast of Biggleswade town centre. It is currently an undeveloped field last used for agriculture.

To the east of the site is a new housing development of 301 homes in an advanced stage of construction. To the south of the site are properties on Nursery Close, Mountbatten Drive and Sandy View (cul-de-sacs off of Potton Road). The Jubilee playing field is located between Sandy View and Mountbatten Drive (which is to the southwest of the site). 'King's Reach' a strategic urban extension to Biggleswade of up to 2,100 new homes begins on the opposite side of Potton Road. That includes a local centre that will provide some shops and services when completed. There is a primary school at that site and Edward Peake Middle School is on the opposite side of Potton Road.

There are bus links from near the site to the town and the train station, which

provides a regular connection to London.

The Eastern Relief Road begins to the northeast of the site and is designed to carry traffic towards the A1, avoiding Biggleswade Town Centre.

Bridleway BIG/9/10 runs along the eastern boundary of the site and footpath BIG/13/10 runs along its northern edge. Furzenhall Road (bridleway BIG/10BW/50) joins the north-western corner of the site. These footpaths mark the start of the Biggleswade Green Wheel, which provides a comprehensive recreational route through the countryside to the north which includes Biggleswade Common.

The site falls outside of the Biggleswade Settlement Envelope and is within the open countryside. Biggleswade is defined in the Core Strategy as a Major Service Centre. This means that it is amongst the most sustainable locations in Central Bedfordshire with good access to shops, services and transport links.

### **The Application:**

Full planning permission is sought for the erection of 227 dwellings at the site. 35% (79) of the dwellings would be affordable homes.

The mix of the dwellings proposed is set out in the table below.

	Market	Affordable	Total
1 bed flat		15	<b>15</b>
1 bed bungalow		3	<b>3</b>
2 bed flat	4	27	<b>31</b>
2 bed bungalow	2	3	<b>5</b>
2 bed house	5	18	<b>23</b>
3 bed house	69	13	<b>82</b>
4 bed house	68		<b>68</b>
<b>Total</b>	<b>148</b>	<b>79</b>	<b><u>227</u></b>

Vehicular access would be taken from an existing point on Potton Road which serves the development to the east.

The size of the buildings would range from bungalows to two and a half storeys and all would be provided with car parking and amenity space.

The site would be compressively landscaped, with planting along the northern, eastern and western boundaries of the site. A swathe of open space through the centre of the site would provide play and recreation facilities. It would link the Jubilee recreation area to the south of the site to the open countryside to the north.

The density of the development would be around 27dph.

The scheme has been amended to address concerns raised by officers. This has resulted in the number of units proposed falling from 248 to 227.

## **Relevant Policies:**

### National Policy and guidance

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

### Local Policy and guidance

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

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

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Central Bedfordshire Landscape Character Assessment (2015)

## Biggleswade Green Infrastructure Plan (2011)

### Development Strategy

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

### **Relevant Planning History:**

There is no relevant planning history at the site but planning permission was granted in 2015 for the 301 dwellings to the east of the site (CB/14/02013/FULL).

### **Consultation responses:**

Neighbours and the Town Council were written to and press and site notices were published. Neighbours and the Town Council were written to again when the proposed development was materially changed. The responses are summarised below:

Biggleswade Council	Town	No response received.
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Neighbours	Three petitions have been received that object to the application.
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The first contains 1,580 signatures and raises concerns over the following issues (summarised):

- A large amount of development has taken place in Biggleswade in recent years putting a strain on inadequate amenities and infrastructure. The development would be unsustainable.
- Local roads are inadequate and this development would make the situation far worse.
- Road access to the town centre is inadequate and this development would make that situation far worse.
- Pedestrian access along footpaths has become dangerous and this development would worsen the situation.
- Biggleswade has taken a disproportionate volume of development when compared to the rest of Central Bedfordshire.
- The character of the town is being destroyed by new development.
- The development would result in the loss of high quality agricultural land.
- The development would make queuing on the A1 worse.

- The site would be lost for recreation and habitats would be destroyed.
- The site is outside of the Settlement Envelope for Biggleswade.
- There are a lack of school places and GP appointments.
- Planning decisions are being made by people who do not understand the area and concerns are not be listened to.

The second contains 139 signatures. It raises the following concerns (summarised):

- Insufficient local infrastructure
- Too many new builds in the area
- Biggleswade is getting too big
- Biggleswade is getting over populated and is losing its identity
- The development would kill the countryside
- Roads are congested
- There would be a loss of views across the site
- There should not be buildings on good arable land
- The houses would be out of grasp for local first time buyers and will attract people from other areas
- There will no nowhere for dog walking or horse exercise
- Skylarks nest at the site

The third contained 12 signatures and was submitted because 'residents feel that there is not adequate infrastructure to support this development'.

224 individual responses were received (three of which were in support of the application with the rest objecting to it). The responses can be summarised as follows::

- There is not enough infrastructure (schools, health, dentists) to accommodate the development
- The development would result in the loss of the countryside. The Green Wheel is in danger.
- Petty crime is on the increase.
- The loss of countryside harms biodiversity.
- Greenfield land should not be built on.
- Local roads cannot accommodate further growth.
- Development should take place nearer to the A1.
- Cars park on the pavements which is dangerous.
- The road network would become dangerous.
- Agricultural land should not be built on.
- There would be a danger to pedestrians and other road users.

- The Eastern Relief Road is not being used.
- Roving domestic cats could harm RSPB initiatives. This development could result in around 500 additional cats.
- The site has wildlife and leisure value.
- The town would have grown disproportionately.
- The character of the town would be lost.
- The trains are too busy.
- Bus services are inadequate.
- Sewerage and surface water run off are bad during periods of heavy rain.
- There are not enough town centre parking spaces.
- The bridleway would be encompassed by development and a large number of cars would need to pass across it.
- The planning application is misleading in terms of the bridleway.
- Users of the bridleway would no longer be safe.
- No pre-application advice was sought from the Council.
- The applicant has acted deceitfully.
- The site was not deemed suitable for allocation in the 2009 Plan.
- The Retail Park carpark is always full.
- Not enough local consultation was carried out.
- There would be harm to living conditions through overlooking and loss of outlook.
- This development was concealed from local people.
- The Council was aware that an application was going to be submitted.
- The development would cause harm to the landscape.
- The development would conflict with the Biggleswade Green Infrastructure Plan (2010).
- Weight can be attributed to out of date policies and appeal decisions and delegated decisions support the refusal of this application.
- The development would conflict with various policies of the Development Plan.
- The access to the site would be inadequate.
- The development would be in the wrong place.
- The application contains various inaccuracies, including in the Transport Assessment and should not be relied upon
- New houses will bring customers to local shops and the retail park
- Construction jobs would be created
- There are a lot of people who need affordable housing and this site would provide that

- Potton Road has become dangerous to cross
- The town could become dormant

Alistair Burt MP

- The site is high quality agricultural land and better alternatives exist that are more suitable for development.
- There are concerns with vehicular access and there would be increased vehicle movements in the area.
- Planning officers are urged to recommend refusal.

### **Consultee responses:**

SUDS

Outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage, if the following planning conditions are included:

#### **Comments and recommendations**

- It is noted that drawing number JKK8849 \_SK10 has provided detail of highway drainage, levels, inclines and exceedance routes. However the key contains further detail pertaining to individual plot design that is not seen on the main map. This detail across the site map as well as plot pipe run details will fulfil the first condition.
- Details of the proposed construction, phasing of works, management and future maintenance requirements of the surface water drainage scheme should be provided with the final detailed design. This should fulfil the requirements set out in the “CBC Sustainable drainage supplementary planning document” and “Surface water advice note”. Adequate access to the surface water system should be provided in the sizing and layout of the scheme, with details of the proposed arrangements for maintenance.
- This would be a perfect opportunity to use permeable paving for the highway, this would save the cost of gullies and ground works connections. Where permeable paving is proposed we advise the design criteria is demonstrated in accordance with the ‘CIRIA RP992 The SuDS Manual Update: Paper RP992/28 Design Assessment Checklists for

## Permeable/Porous Pavement’.

### Recommended conditions:

- Condition: No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include pipe sizes and inclination details, positioning and type of any control structure / device and exceedance should any item fail, it should also include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of storage as outlined in the FRA by RPS ref AAC5309, 8thSeptember 2016. 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.

- Condition: No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a management and maintenance plan for the surface water drainage and that the approved surface water drainage scheme has been checked by them, has been correctly and fully installed as per the approved details. 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 that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written statement - HCWS161.



## Trees and Landscape

Site currently consists of flat arable land with a number of minor trees along the south boundary along with some areas of hedgeline. Supplied with the application is an Arboricultural Impact Assessment that identifies trees, hedges and retention categories. Trees to be retained should be protected throughout development using tree protection and detail as shown in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

The layout indicates that there will be a green corridor running south/north on the site which would appear to have good potential for planting and landscaping. We should look for suitable treatment of boundary along the north and west sides to continue native hedgelines and planting common to the adjoining site to the east and in particular because these boundaries still currently overlook open countryside and farmland.

## Highways

We are content that the traffic movements associated with the application for 233 dwellings will not result in an unacceptable impact on the surrounding highway network including the town centre and as such there is not highway objection to the principle of the development in respect of impact on the wider traffic impact or use of the accesses onto Potton Road.

## Pollution Team

Parts of the application site are situated in areas where the submitted Noise Assessment identifies that noise from traffic should be mitigated due to the potential for disturbance and harm to amenity with reference to shared standards. It will therefore be necessary to ensure as with any development that end users are protected from traffic noise so I recommend the following conditions to ensure that glazing and ventilation requirements are adequate.

Without prejudice to any decision you shall make should you be mindful to grant permission against the recommendations of Public Protection I ask that the following conditions are inserted on any permission granted.

As recommended by the Cass Allen Noise Assessment Report (Ref. RP01-15297) development shall not begin until a detailed scheme for protecting units 17-23 from road noise by means of upgraded ventilation has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and it shall be retained in accordance with those details thereafter.

Housing Development Officer      Whilst the tenure has deviated away from the policy compliant 73/27 split, with the inclusion of the more specialist niche units in the form of 1 bed wheelchair accessible ground floor flats, and the inclusion of category 2 affordable rented bungalows, I am happy to agree to the revised tenure split of 58.22% affordable rent and 41.78 intermediate tenure.

This scheme offers the opportunity to incorporate that and provide the more specialist units for those in need.

Ecology      Satisfied that the development would not result in a detrimental impact to protected species. I am pleased to see the inclusion of a central green corridor which links the open space to the south with open countryside to the north. The Ecological report recommends the inclusion of bat and bird boxes as enhancements and as the NPPF looks to development to deliver a net gain for biodiversity this is welcomed. I would ask that plots; 1-21, 45, 63-68, 76-79 and 230-241 all include integral bat and bird bricks at a ratio of one per unit to be fitted in accordance with BCT and RSPB guidelines. Where buildings are above 2 storeys, ie flats, I would ask that swift bricks are used.

I welcome the use of a wildflower mix and native hedge planting which will serve further to secure a net gain for biodiversity.

My only concern is associated with the attenuation pond in the NE which is shown on the plans to be bordered by parking bays. This is inappropriate in two ways; firstly through the risk of contaminants entering the pond from cars in the bays and secondly as SUDS should represent multi-functional opportunities beyond attenuation but for general amenity and biodiversity as well. Having parking in this position blocks the outlook to the pond and impedes its ability to act as a multi-functional greenspace resource.

NB. This was addressed in the revised submission.

Sustainable Growth      The proposed development must 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.

DM1 and DM2 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 must 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 must achieve 110 litres per person per day, closest standard to the Level 3 of the CfSH. This standard is easily achieved by installing water efficient measures such as low flow taps and dual flush toilets. Achieving a higher standard in water efficiency helps to address climate change impacts; especially that Central Bedfordshire is within area has been classified by the Environment Agency as area with a high water stress.

Policy CS13 requires that all development takes into account climate change and its impacts on the development. The development therefore must 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.

Supporting documents do not acknowledge requirements of policy DM1 and CS13. Policy DM2 is mentioned in the Planning Statement but no information is provided how policy requirements will be met.

To ensure that the requirements of the above policies are met I request following planning condition to be attached:

- Development to deliver 10% of its energy demand from renewable or low carbon sources and achieve the higher water efficiency standard of 110 litres per person per day;
- Development to include climate change adaptation measures to minimise risk of overheating in dwellings.

#### Green Infrastructure

The design of the scheme, with a central green corridor relates well to the existing green space at the recreation ground to the south of the development. This corridor has been designed to provide a range of benefits, which is welcomed.

However, the edges of the development also need to relate to existing green infrastructure assets. The Biggleswade Green Wheel goes around the northern and eastern edges of the site. The Design and Access Statement identifies these as a bridleway, but they are a key part of the strategic access and recreation network for

Biggleswade. In this context, the edges of the green corridors at the fringes of the site could be improved, particularly at the north-eastern corner, where the side aspect from properties limits the 'public realm' feel, and less overlooking could increase the likelihood of antisocial use.

The open space in the north-west corner is dominated by the attenuation pond, but particularly by parking. This edge is particularly important in a green infrastructure context, as it is the interface between the existing Biggleswade Green Wheel route, and the proposed development. The development, in order to deliver a GI gain, would need to enhance this edge, with a multifunctional green infrastructure corridor that enhances the Green Wheel route. This area should be designed to deliver a mix of recreational uses, with amenity benefits, accessible open space, and a range of habitats with permanently, seasonally and infrequently wet areas. The current proposals are dominated by extensive parking, and an attenuation pond that appears to have been designed to maximise attenuation volume in the smallest possible space, rather than to deliver a quality design. In order to be acceptable, the design of this northern edge should be redesigned.

The edge treatment of these corridors is not clear - where the frontage is designed to face existing development, or the open countryside, there needs to be no visually intrusive fencing, and the need to minimise barriers should be reflected.

In general, the site relies on an extensive network of highway drains. Surface conveyance, combined with source control should be demonstrated - this should be integrated within the detailed surface water drainage strategy requested by SuDS colleagues. The design of the attenuation pond in the north-west corner (to increase the amenity and biodiversity benefits of this area in the context of an accessible open space) should be amended and included in the strategy. The design of the SuDS should be reconsidered in order to be compliant with requirements in CBC's Sustainable Drainage SPD.

NB. These comments were addressed in the revised scheme.

## Archaeology

The proposed development site lies within an landscape that has produced multi-period archaeological remains, and in particular occupation activity dating from the prehistoric through to the Roman periods (for example HER 7842, HER 15079 and HER 13544). Under the terms

of the National Planning Policy Framework (NPPF) these are heritage assets with archaeological interest.

This application is accompanied by the results of an archaeological trial trench evaluation (MOLA report 16/68, issue 1, 14.04.16: Draft for Client Approval) which was undertaken at the site in March 2016. Fourteen trenches were excavated and a single post medieval ditch and a small number of undated features were recorded, all at the southern end of the site. There are a number of issues with the report which will need to be amended before the results can be made publicly available through the Central Bedfordshire Council Historic Environment Record. However, these are editorial issues and do not affect the conclusion that the features that were recorded are of limited scope and potential. I am satisfied that the archaeological trial trench evaluation has demonstrated that there is low potential for this site to contain prehistoric and Roman remains and as a consequence I have no objection to this application.

Landscape Officer

The latest revision ( F ) is a much improved scheme in terms of landscape content. The northern edge is the key boundary with the rural area and this now has a strengthened landscaped edge with tree planting, the Suds area and the new proposal for an amenity area at the eastern corner ,which will provide a feature beside the bridleway. This planting will extend visually from the mature trees and hedgeline on the northern edge of the adjacent development.

The revised scheme also provides enhanced landscaped areas along the eastern and western boundaries, which will aid mitigation and form a more attractive setting for the rights of way.

The removal of parking bays adjacent to the central greenway and the Suds area is also welcomed.

A detailed planting specification will be required, to update the previous drawings.

On the basis of the improvements, I withdraw the objection made on landscape grounds.

Rights of Way Officer

I am satisfied that the required revisions listed below have been met within the recent amendments.

1. An average width of 4 metres wide green corridor along the full length of the eastern boundary of the application site with bridleway No.9.
2. At least 4 well designed connections between rights of

way and the residential areas to be designed in (north, east and western boundaries)

3. Monies for improving surfacing of the Rights of Way to the north and eastern boundary as well as routes linking to the north at Furzenhall cottages will be met from within the Green Infrastructure Planning Obligations contribution made through this application.

Travel Plans

This travel plan has been submitted in support of the full application to provide phase 2 of the residential development at Potton Road Biggleswade.

There have been extensive discussions around transport issues on this site, and many of the measures designed to facilitate walking and cycling to and from the site have been negotiated as part of the first phase of the development.

IDB

No comment.

Anglian Water

No objection subject to details of foul water disposal being secured by condition

Education

No objection subject to contributions being secured to mitigate the impacts of the development

Leisure

No objection subject to contributions being secured to mitigate the impacts of the development

NHS

No objection subject to contributions being secured to mitigate the impacts of the development

**Determining Issues:**

The considerations in the determination of this application are:

1. The weight that should be afforded to the development plan
2. The principle of the development
3. The appearance of the site, the area, the landscape impact, ROW, GI and design
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Archaeology
7. Trees and hedgerows
8. Ecology and biodiversity
9. Drainage
10. Energy efficiency
11. Existing local infrastructure
12. The planning balance and conclusions

## **Considerations:**

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

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

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

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

The amount of weight that should be given to those out of date policies is influenced by the proximity of housing supply to housing need. At the time of writing, the Council is very near to being in a position to demonstrate an ability to meet its housing for the five year period (4.88 years) and so appropriate weight can be given to housing restraint policies.

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

### **2. The Principle of the development and housing delivery**

The site falls outside of the Biggleswade Settlement Envelope and Policy DM4 seeks to restrain development within the open countryside. The proposed development would conflict with that policy and appropriate weight can be given to this conflict on account of the current relationship between housing supply and need. Any harm resulting from this conflict should weigh against the approval of the development but a conflict with Policy DM4 does not render the proposed development unacceptable in principle.

Biggleswade is a Major Service Centre and has a range of shops, services and transport links. When compared against other settlements in Central Bedfordshire, it is an appropriate location for development of the scale proposed. The location of this site would be sustainable and the principle of locating 227 dwellings here would be acceptable in principle, in sustainability terms.

### **3. The appearance of the site and the area, the landscape impact, Rights of Way, Green Infrastructure and design**

#### Appearance of the site the area

The appearance of the site would clearly change significantly. It is currently an open field and it would be urbanised by the development. The impact of that change would be amplified by the rights of way network that borders the site and brings people past it regularly.

The scheme has been designed to mitigate that impact as far as possible, with extensive landscaping along the three edges of the site that abut the countryside. Over time, that landscape planting would soften the impact of the development on the appearance of the site but it would inevitably, change dramatically.

#### Appearance of the area

The site has a good relationship with the built up area of this part of Biggleswade. The development would represent quite a natural extension to the existing new housing scheme to the east. It would extend built development westwards, back towards the centre of Biggleswade. Views of the site from Potton Road would be limited by that development. There would be no serious harm caused to the urban form or built character of the area by the development.

#### Landscape impact

The development would be seen in long views back from the countryside to the north but these would be in the context of existing development around and to the south of the site.

Given the edge of settlement nature of the site and its relationship with the open countryside around it is important that the scheme responds properly to what is a sensitive setting. To that end, the applicants have worked closely with officers to enhance the landscaped edges of the site. This work has resulted in the removal of 21 dwellings, with the result being a well considered and successful relationship between the site and the open countryside around it.

Extensive landscape planting on the northern and western boundaries would soften the visual impact of the development when seen from distance. That landscaping would need to mature and so its effectiveness would increase over time.



The Council's Landscape Officer is satisfied that the scheme, as amended, would be acceptable.

### Green infrastructure

The proposed strategic planting through the centre of the site and its connection with the Jubilee recreation area to the south, the attenuation area in the northwest corner of the site and the countryside beyond it would ensure that opportunities for green infrastructure enhancement would have been maximised at this site.

### Rights of Way

The site is bound to the north, east and to an extent the west by public rights of way. These are well used because of they provide access to Biggleswade Common to the north. The experience for users of those rights of way (the bridleway on the eastern side of the site in particular) would change quite significantly. Users of the bridleway, who currently experience a view over the application site, would be travelling northwards between this site and the existing site to the east.

In order to seek to mitigate that impact as far as possible, the scheme has been amended to include substantial planting along all of its edges. Along the eastern edge, this would mean that when the landscaping has matured, the experience for users could be a pleasant one, although clearly different to the current situation.

A condition would require the introduction of seating and a way-finding board promoting the routes available for users of the rights of way network in the area. The extensive landscaped area through the site, with its connection to the recreation area to the south (providing that an existing gate was opened by the Town Council) would give users a new route from the town to the countryside.

Traffic entering the site would need to pass over the bridleway and a condition would secure details of that junction.

The Council's Rights of Way Officer is satisfied that the scheme, as amended, would be acceptable.

### Design

The scheme would be well designed and of a high quality. The layout would reflect a number of examples of the good practice promoted by the Council's Design Guide. Of particular importance to the success of the design of the scheme would be the central landscaped area, with properties located around it. The layout would be legible and a pleasant environment within which to live.

There would be a range of house types, of different design, scale and materials. All would be of an acceptably high standard. The design of the buildings would be of a similar standard to those built at the neighbouring site, which are successful.

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

Policy DM3 requires that new development to respect the amenity of neighbouring properties.

The Council's Design Guide sets out that in most cases, a back to back distance of 21m between habitable room windows will protect privacy.

There would be additional traffic using the existing access to the adjacent site and passing through it. That could result in increased noise and disturbance for residents at that estate but it would not likely be of a scale that could cause significant disruption.

The location of the site means that the neighbours that could be impacted by it are to the east (at the new development) and to the south.

The properties to the east would have a front to front relationship with the proposed dwellings, across the bridleway and the proposed planting. This relationship would be an acceptable one and would prevent harm being caused to living conditions there.

No 33 Nursery Close is the nearest dwelling to the site to the south and it fronts the application site. The two proposed properties to the north of it would be bungalows to prevent overlooking or a loss of light or outlook.

No's 25 and 27 Nursery Close would be located sufficiently far away from proposed properties to the north (a minimum of 27m) to ensure that living conditions there were protected. No 25 fronts Sandy View and would not have a direct view over the site apart from via a side facing window.

No's 23 and 21 Nursery Close would face the flank elevation of Plots 119-120 at a distance of 21m, which would be acceptable.

The distance between rear facing windows at 5 Rowlett's View would be 21m and so overlooking between that property and Plot 139 would be avoided. The distance between rear facing windows at No's 1-4 and proposed plots would be well in excess of 21m. The relationship between No 7 and proposed plots to the north of it would be acceptable because of the orientation of the buildings.

Plots 88-91 would be to the north of the nearest properties on Ashley Gardens (off Mountbatten Drive). The building would be two-storeys tall (with single storey additions for bike and bin storage). The flank elevation of the two-storey building would be around 10m from the boundary of the site with those gardens. The only side facing window would serve a hall and would be obscurely glazed to prevent overlooking. The building would be located generally centrally between the two gardens and so whilst a new building within that proximity would significantly change the outlook from rear facing windows and from those gardens, it would not severely compromise it or fundamentally undermine the enjoyment of those gardens. The relationship between that building and the two properties would be an acceptable one.

Residents who live on the roads to the south of the site currently enjoy an open view of the countryside, including the site to the north. That view would be fundamentally changed. The development would not, though, cause serious harm to living conditions at any existing property through loss of privacy, outlook, sunlight or daylight or through causing shadowing. The impacts of the development on existing neighbours would be acceptable.

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

The development would be designed to a high quality, with all properties being of a suitable layout and enjoying good levels of outlook, light and privacy. All of the properties would be served by an acceptable size and layout of amenity space.

The extensive provision of public open space within the site and the access to the rights of way network around it would make this a high quality environment within which to live.

A condition would manage road noise at properties where that might be problematic.

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

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

Access to the site would be taken through the existing development to the east. The application has demonstrated that the access could accommodate the additional traffic generated by this development.

An emergency (and pedestrian) access would be provided at the south of the site on to Nursery Close.

In many circumstances, predicted vehicular movements would be used in support of a planning application to demonstrate the impacts of a development on the existing highways network. In this case, in addition to that work, the applicants have carried out traffic survey work of the David Wilson Homes development on the other side of Potton Road. This site was chosen because its scale and location make it appropriate to draw conclusions from for this site and give a more realistic assessment of the likely impacts of the development.

The survey work demonstrated that the development would likely increase vehicular flows to / from Biggleswade in both the morning and evening peak periods, increasing the two-way flow in the AM peak by 52 movements and by 26 movements in the PM peak.

The applicant considered the impacts of that increase in traffic on the following junctions:

- Blackbird Street / Biggleswade Road priority junction
- Potton Road / Baden Powell Way roundabout junction
- Northern site access junction
- A1 Southern Biggleswade Roundabout
- Southern Site Access Junction
- Potton Road / Drove Road Priority Junction
- London Road / Drove Road Priority Junction
- Sun Street / Shortmead Street Mini Roundabout Junction
- Sainsbury's Access / Shortmead Street Roundabout Junction
- A1 North Biggleswade Roundabout Junction

This work demonstrated to that satisfaction of the Council's Highways Officer that the junctions could accommodate this increase in traffic and that the highways implications of the development would be acceptable.

Car parking and cycle parking at the site would be provided in line with the Council's Design Guide standards.

A number of sustainable transport enhancements were brought about by the development to the east, including contributions to the local bus service and a crossing point across Potton Road (which is pending delivery at the time of writing). Residents at this development could benefit from those enhancements. The local centre at King's Reach (when opened), and the shops and services in the town centre would all be within easy reach and the site would be sustainable for those not using a car.

Details of the junction of the access to the site and the bridleway would be secured by condition. Both the Council's Highways and Rights of Way Officers are satisfied that an acceptable scheme can be achieved.

## **6. Heritage Assets**

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

The applicant has submitted an Archaeological Assessment of the site and the County Archaeologist is satisfied that the development would not result in harm to heritage assets.

## **7. Trees and hedgerows**

The application has been supported by a tree survey which is satisfactory and a condition would seek to ensure that existing trees and hedgerows that it is proposed to retain were properly protected during construction.

## **8. Ecology and biodiversity**

An Ecological Survey has been submitted in support of the application. The NPPF calls for development to deliver a net gain for biodiversity and the County Ecologist is satisfied that subject to a planning condition, this would be the case here in line with policies CS18 and DM15 and the Council's Design Guide and the NPPF.

## **9. Flood risk and Drainage**

The site falls within Flood Zone 1 (low risk).

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

Conditions would secure details of a sustainable drainage scheme for the site in line with the advice from statutory bodies.

## **10. Energy efficiency**

Policy DM1 requires that developments achieve 10% or more of their own energy requirements through on-site or near site renewable or low carbon technologies unless it can be demonstrated that to do so would be impracticable or unviable. Policy DM2 requires that all proposals for new development should contribute towards sustainable building principles.

A condition would require details of energy efficiency measures.

## **11. Existing local infrastructure**

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

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

The following obligations would be secured through a s106 agreement:

### Build Rate Timetable

100% of the dwellings would be completed within a period of five years from the date of planning permission being granted.

### Affordable housing

35% (79) of the dwellings would be affordable. 58% would be for rent and 41% would be shared ownership. Whilst fewer rented units would be provided than would normally be required (73%), the Council's Housing Officer is satisfied that the range of units that would be provided, including bungalows and wheelchair

accessible ground floor flats, would justify a deviation from the normal policy position in this case.

### Education

The following contributions would be secured towards local education provision:

Early years: £171,447.36 towards new accommodation for rainbow pre-school

Lower school: £571,491.20 towards expansion at St Andrew's East Lower School

Middle School: £575,058.43 towards the expansion of Biggleswade Academy

Upper School: £705,173.91 towards the expansion of Stratton Upper School

The total contribution made towards education would be £2,023,170.91.

### Health

A contribution of £199,476 would be secured towards a proposed Biggleswade Hub for health facilities, which it is anticipated will commence in 2919/20.

### Leisure

A contribution of £76,333 would be secured towards the provision of a 3G playing pitch in Biggleswade.

A number of residents have raised concerns over dental services in the town and train services. These are not areas that the Council is able to secure contributions towards.

Subject to these contributions being secured, the impact of the development on existing local infrastructure would be acceptable.

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

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

The Council cannot currently demonstrate an ability to meet its housing need for the next five-year period. As such, Policy DM4, insofar as it prevents development outside of the Settlement Envelope, is out of date. That said, appropriate weight can be afforded to 'out of date' policies because the Council can demonstrate a five year land supply at present.

There is a presumption in favour of sustainable development set out in the NPPF. Where an ability to meet identified housing need cannot be demonstrated, the development would be sustainable if the dis-benefits of the development would not significantly and demonstrably outweigh the benefits.

This development would bring forwards significant benefits, most notably, the delivery of 227 homes (including 79 affordable homes) within the five year period. This would make a substantial contribution towards the Authority's ability to meet its identified housing need.

A number of bungalows and ground floor, wheelchair accessible flats would be provided. These would help meet the pressing need for accommodation for older people (including affordable housing need).

The scheme would be landscape led, and of a high quality. It would be in a sustainable location.

These benefits weigh very heavily in favour of the application being approved.

There would be adverse impacts associated with the development including the harm that would be caused to the site through its urbanisation in the open countryside. These harmful impacts would be mitigated to a degree by the improvements that have been made to landscaping provision at the site.

The development would result in the loss of Best and Most Versatile Agricultural land where it has not been demonstrated that such a loss would be necessary, contrary to the guidance contained within the NPPF.

In accordance, with the NPPF, taken individually or collectively, the adverse impacts of the development would not significantly or demonstrably outweigh the benefits, which would be significant, and so planning permission should be approved.

When assessed against the three strands of sustainability set out in the NPPF, the development would constitute sustainable development.

### **Recommendation:**

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

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

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

- 2 **No development shall commence at the site before details of the junction between the access to the site and Bridleway BIG/9/10 have been submitted to and approved in writing by the Local Planning Authority and no building at the site shall be occupied before that junction has been constructed in accordance with the approved details. The details shall include levels of the access road and the**

**bridleway, surface materials, detailed design and signage advertising which users have priority at the junction.**

**Reason:** In order to ensure that the relationship between the access road and the bridleway is an acceptable one in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.

- 3 Where it relates to a dwelling at the site, the following shall be provided in accordance with the approved details in advance of the occupation of that dwelling:

- Car parking
- Cycle parking
- Refuse storage and collection points

All visitor car parking and communal waste storage and collection points shall be provided in advance of the occupation of the last dwelling at the site.

**Reason:** To ensure that car and cycle parking and waste facilities are provided in accordance with the Central Bedfordshire Design Guide (2014) and Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 4 **No development shall commence at the site before a scheme for ecological enhancement at the site together with a timetable for its implementation and completion has been submitted to and approved in writing by the Local Planning Authority.**

**Reason:** To ensure that opportunities for ecology and biodiversity enhancement at the site are maximised in accordance with Policies CS18, DM3 and DM18 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the aims and objectives of the National Planning Policy Framework (2012). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.

- 5 **Notwithstanding the submitted details, no development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include pipe sizes and inclination details, positioning and type of any control structure / device and exceedance should any item fail, it should also include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of storage as outlined in the FRA by RPS ref AAC5309 dated 8<sup>th</sup> September 2016.**



**No building at the site shall be occupied before the scheme has been completed in accordance with the approved details.**

**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. The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.

- 6 No building at the site shall be occupied before a Maintenance and Management Plan for the surface water drainage system at the site, inclusive of any adoption arrangements and/or private ownership or responsibilities has been submitted to and approved in writing by the Local Planning Authority. The system shall be maintained and managed in accordance with the approved details.**

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

- 7 No development shall commence at the site before a foul water strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. No dwellings at the site shall be occupied until the strategy has been completed in accordance with the approved details.**

**Reason:** To ensure that foul water at the site is properly managed to prevent environmental and amenity problems arising from flooding in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.

- 8 No development shall commence at the site before details of how the development would achieve the following sustainability standards has been submitted to and approved in writing by the Local Planning Authority.**

- **That of the 10% energy demand of the development would be secured from renewable or low carbon sources;**
- **That the dwellings would be water efficient and achieve a standard of 110 litres per person per day.**
- **That the development would include climate change adaptation measures to minimise the risk of overheating in dwellings.**

**The development shall be carried out in accordance with the approved details.**

**Reason:** To ensure that the development achieves the sustainable objectives in accordance with policies CS13, DM1, DM2 and DM3 of the Central Bedfordshire Core Strategy and Development Management

**Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.**

- 9 No development shall commence at the site before Tree Protection Plan and Method Statement showing how retained trees and hedgerows at the site would be protected during and after construction has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that trees and hedgerows at the site would be properly protected in accordance with policies CS17, CS17, DM3, DM14 and DM16 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.**

- 10 No development shall commence at the site before details of existing and proposed site levels, slab, eaves and ridge heights of proposed buildings and cross sections through the site showing the relationship between the development and neighbouring properties have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the appearance of the development would be acceptable and that the scheme is designed to reduce the impact of it on the landscape in accordance with policies CS16, DM3 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.**

- 11 Notwithstanding the submitted details, no development shall commence at the site before details of materials to be used in the external surfaces of the buildings and details of means of enclosure at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.**

- 12 **No development shall commence at the site before a timetable for the implementation and completion of the landscaping and green infrastructure at the site and its ongoing management and maintenance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason:** To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The details that would be secured by this condition require approval prior to the commencement of the development because they are fundamental to the acceptability of the development overall.

- 13 Notwithstanding the submitted details, no dwelling shall be occupied at the site before revised details of play equipment the site together with a timetable for its provision have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be provided in accordance with the approved details and the approved timetable.

**Reason:** To ensure that suitable opportunities for play are provided at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 14 **No development shall commence at plots 17-23 before a detailed scheme for protecting those units from road noise by means of upgraded ventilation has been submitted to and approved in writing by the local planning authority. None of those dwellings shall be occupied until the approved scheme has been completed.**

**Reason:** To ensure that the quality of accommodation provided at the site would be satisfactorily high in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 15 No dwelling at the site shall be occupied before details of seating and a way-finding board promoting the recreational opportunities of the Biggleswade Green Wheel to be located in the north eastern corner of the site together with a timetable for their implementation and completion have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and the approved timetable.

**Reason:** To ensure that opportunities to enhance the public rights of way network around the site are utilised in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 16 Notwithstanding the submitted details, the first floor south facing window serving Plots 88-91 shall be obscurely glazed and non-opening below a height of 1.7m from first floor level.

**Reason:** To protect living conditions at neighbouring properties in

accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 17 Other than where expressly excluded by conditions attached to this permission, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans and reports:

100E, 101F, 102E, 103C, 104C, 105C, 107C, 108C, 109C, 121A, 125A, 126A, 138A, 139A, 140A, 141A, 142A, 143A, 144B, 160A, 161B, 164A, 165A, 166B, 171A, 172A, 173A, 174B, 175A, 176B, 177A, 178A, 179A, 180A, 181A, 182A, 120A, 190A, 191B, 192A, 193A, 194A, 203A, 204A, 205B, 206A, 207A, 208A, 208A, 212A, 215A, JYY8443-001 REV E, 210, 211, JBA 15\_292\_01 REVC, JBA 15\_292\_02 REV C, JBA 15\_292\_03 REV C, JBA 15\_292\_04 REV C, JBA 15\_292\_05 REV C, JBA 15\_292\_06 REV C, JBA 15\_292\_07 REV C, JBA 15\_292\_08 REV B, JBA 15\_292\_09 REV B, JBA 15\_292\_11 REV B, 106, 110, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 235, 236, 237, 183, 184, 185, 225, 226, 227, 228, 229, 220, 221, Design and Access Statement rev B dated September 2016, Planning Statement dated September 2016, Noise Assessment dated August 2016, Archaeological Evaluation and Assessment dated March 2016, Archaeological Written Scheme of Investigation dated March 2016, Phase 1 Habitat Survey dated November 2015, Transport Assessment dated September 2016, Travel Plan dated September 2016 and Flood Risk and Drainage Strategy dated September 2016

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.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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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