

## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/16/05887/OUT</b>
<b>LOCATION</b>	<b>Land opposite The Lane &amp; Lombard Street, East of Marston Road, Lidlington, Bedford, MK45 2JQ</b>
<b>PROPOSAL</b>	<b>Outline planning application with all matters reserved except access for up to 40 residential dwellings (C3) with associated car parking and infrastructure; removal of redundant former scout hut and replacement with informal open space and associated green infrastructure improvements, habitat creation and landscaping</b>
<b>PARISH</b>	<b>Lidlington</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Morris, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>21 December 2016</b>
<b>EXPIRY DATE</b>	<b>22 March 2017</b>
<b>APPLICANT</b>	<b>Millbrook Proving Ground Ltd</b>
<b>AGENT</b>	<b>DLP Consultants</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This is a major application that would represent a departure from the Development Plan and to which the Parish council has objected.</b>

In addition, Cllr Morris requested that the application be determined by Development Management Committee in the event of a recommendation for approval for the following reasons:

- Not in line with existing local plan
- Loss of open countryside
- Unsustainable addition to small village with limited services
- Not in keeping with small village
- Increased traffic flow at dangerous junctions
- Insufficient parking
- Blight on the vista of Marston Vale

### **RECOMMENDED DECISION**

**Outline Application - approval**

### Reason for recommendation

Whilst the proposals would conflict with policies of the development plan, including those relating to development within the open countryside and landscape character, it would bring forward a number of important benefits. These include the provision of up to 40 homes within the five year period at a time when the Council cannot demonstrate an ability to meet its housing need and notable community green infrastructure enhancements in line with the objectives of the Lidlington Green Infrastructure Plan. Planning permission should only be refused where the adverse impacts associated with a development would significantly and demonstrably

outweigh its benefits. The weight that should be given to adverse impacts is reduced because policies that constrain the supply of housing are out of date.

In this case, adverse impacts would not significantly and demonstrably outweigh benefits and so planning permission should be granted.

### **Site Location:**

The site has an area of around 2.46ha and is located to the south of Marston Road. Its northern boundary is lined with mature trees. The site forms part of Millbrook proving Ground which is allocated as a Key Employment Site. The main body of the Proving Ground is located to the southeast of the site.

At the eastern part of the site is a Scout Hut and a pond and a bridleway runs northwards in to the site from Marston Road and up to the open countryside to the south. The site rises southwards, away from the road up to Marston Vale.

The main built area of Lidlington is to the north and northwest of the site, on the other side of the road. On the southern side of the road to the west of the site is a playground, then Lidlington Church and then shallow, linear residential development westwards along the Lane, which turns in to High Street.

The site falls outside of the Lidlington Settlement Envelope and is within the open countryside.

### **The Application:**

Outline Planning Permission is sought (with all matters reserved other than access) for up to 40 residential dwellings (C3) with associated car parking and infrastructure, the removal of the redundant former scout hut and replacement with informal open space and associated green infrastructure improvements, habitat creation and landscaping.

An indicative site layout plan has been submitted to show how 40 dwellings could be accommodated at the site. 35% of the units would be affordable homes.

Planning permission was refused in May 2016 (CB/16/00810/OUT) for a similar development at this site for the following reasons:

1. The development would result in the urbanisation of the open countryside, would have a poor relationship with the built up area of Lidlington and would cause significant harm to the character and appearance of the site, the area and the wider landscape. The development would conflict with Policies DM3, DM4, DM14, DM16, CS14, CS16 and CS17 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (2009), the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012) and the Council's Landscape Character Assessments (2007 and 2015). The adverse impacts of the development would significantly and demonstrably outweigh the benefits.
2. In the absence of a completed legal agreement securing the provision of affordable housing and financial contributions required to mitigate the impacts of the development on local infrastructure, the proposal would be contrary to

Policies CS2 and CS7 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (2009) and the National Planning Policy Framework (2012).

An appeal has been lodged against the Council's decision to refuse that application. The Planning Inspectorate has placed that appeal in abeyance pending a decision on this planning application.

The key differences between this scheme and the scheme which was refused outline planning permission are:

#### Wider economic and employment benefits

The applicant has with this application set out in greater detail how the development of this site would assist with progressing planned developments at the Proving Ground through providing a capital receipt that would help facilitate those projects.

Planning permission has been granted for Millbrook technology Park, which would provide up to 24,000m<sup>2</sup> of employment floorspace across four development sites. The applicant has set out that once operational; this development could create 1,231 additional direct, indirect and induced jobs of which 835 are estimated to be created directly at the Technology Park. In the region of 396 construction related jobs could be created and it is estimated that a total of £108.4m Gross Value would be added to the economy (directly and indirectly).

A number of smaller projects including Phase II of the Innovation Centre at the site, an emissions testing facility and a new three bay garage facility also have planning permission.

This development, the applicant has set out, would result in an injection of funds to kick-start some or all of these planned developments. As such, there would be a direct link between this development and the creation of local jobs and investment in the local economy.

#### Green Infrastructure enhancements

This application proposes to utilise land to the west of the site, which is currently occupied by a small, redundant Scout Hut by providing a range of green infrastructure and community enhancements in line with the aspirations of the 2011 Lidlington Green Infrastructure Plan. The land would become a publically accessible 'pocket park', providing a range of informal recreation and ecological enhancements, including:

- Removal of old Scout Hut – returning the land to a more natural state
- Enhanced pedestrian connectivity – providing a link to the proposed residential development to the north; existing children's play area to the south; and wider Greensand Ridge Trail
- Surface improvements to bridleway BW32
- Management of grassland areas - to provide wildflower meadow or similar
- Opportunities for public art provision, picnic area and benches
- Improvement of village pond area – to provide ecological habitat for newts and a visual feature

- Opportunities for education – through provision of boards providing information on ecology, Greensand Trail route maps etc.
- Native tree and shrub planting – to supplement existing vegetation, including hedge between BW32 and cemetery

The applicant had originally proposed to erect a new community building on this land. The consultation response from the Parish Council made clear that there was no local need for such a facility and so the scheme was amended to provide a benefit associated with the development in line with identified local aspirations in the form of the Lidlington Green Infrastructure Plan.

### Landscape Impact

The applicant has agreed to limit the extent of the development so that when an application is made for the approval of Reserved Matters, it would not show proposed built development on the highest ground, at the east of the site. This would seek to reduce the landscape impact of the development and would be controlled by planning condition.

### **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
CS9	Providing Jobs
CS10	Location of Employment Sites
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
DM11	Significant Facilities in the Countryside

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

Lidlington 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:**

CB/16/00810/OUT

Development of Land off Marston Road, Lidlington for up to 40 residential dwellings, associated infrastructure, land for habitat creation and areas for landscaping with all mattered reserved except for access

Refused: 25<sup>th</sup> May 2016

### **Consultation responses:**

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

Lidlington  
Council

Parish Objection for the following reasons:

- Outside of the Settlement Envelope
- The site is in the AONB and has great landscape value
- Highways safety improvements are required and none are proposed
- Existing on street parking is dangerous and this development would make that worse
- Utilities would become overloaded
- There is low water pressure in the area

- There are local springs around the site which are not referenced in the submission
- Headlights from cars emerging from the site would be disruptive
- The access is opposite a bus stop
- The retention of existing landscaping would make the site feel isolated from the village
- No self-build plots are proposed
- The density would be too high
- It would be inappropriate growth in a small village with limited infrastructure
- The village does not need another village hall
- The existing Scout Hut is derelict because it has been neglected
- Play areas referenced are not fit for purpose
- The site would not be sustainable and people would rely on the private car
- There are not enough health facilities in the village
- The Noise Assessment is potentially misleading
- There are a number of inaccurate statements in the planning application
- The development could lead to more flooding than the applications says is the case
- The development would cause landscape harm and would change the appearance of the village when viewed from distance

#### Neighbours

Two letters of objection were received, commenting as follows:

- The application is very similar to the last one, which was refused.
- Lidlington is a small village that cannot sustain growth
- The development would result in traffic problems
- Construction would be disruptive
- Housing is needed but it should take place on brownfield sites

#### Consultee responses:

Forest of Marston Vale

The development should contribute to the Forest of Marston Vale

Highways

No objection subject to conditions

Ecology

No objection subject to condition

Archaeology

No objection subject to condition

IDB

No comment

Waste Services	No objection subject to informatives
SuDS	No objection subject to conditions
Trees	No objection subject to conditions
Rights of Way	No objection
Pollution	No objection subject to informative
Landscape	Objection
Sustainable Growth	No objection subject to conditions
Natural England	No comment
Environment Agency	No objection
Anglian Water	No objection subject to conditions
Network Rail	Holding objection pending discussions relating to increased traffic using local level crossings. The applicant and Network Rail are in discussions, the outcomes of which will be reported in the Late Sheet.
Green Infrastructure	Supportive of the proposed 'Scout Hut Land' enhancements. Improvements needed to the GI provision at the main body of the site.

### **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 character and appearance of the site and its surroundings, the landscape impact and Green Infrastructure
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Heritage assets
7. Trees and hedgerows
8. Ecology and biodiversity
9. Land quality
10. Drainage
11. Energy efficiency
12. Planning obligations
13. The planning balance and conclusions

### **Considerations:**

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

The site falls outside of the Lidlington Settlement Envelope where Policy DM4 seeks to resist development like that proposed.

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).

The National Planning Policy Framework (NPPF) sets out that relevant policies for the supply of housing (including Policy DM4) should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para 49).

The Council cannot currently demonstrate an ability to meet its housing need for the next five years and so those policies should be regarded as out of date. That does not mean that no weight should be afforded to them. The weight that should be attributed to those policies is related to the extent of the ability of the local authority to meet its housing need. The Council can, at the time of writing, demonstrate an ability to meet around 4.88 years worth of its housing need and so weight can be attached to those policies that are currently regarded as out of date.

Paragraph 14 of the Framework sets out 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. This is how the presumption in favour of sustainable development should be interpreted for decision making in the Council's current housing supply context.

In order to establish whether planning permission should be granted for this development, it is necessary to determine whether the impacts arising from granting planning permission are adverse and whether they would significantly and demonstrably outweigh the benefits of that the development would bring forward.

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

### Employment

Millbrook Proving Ground is allocated as a Key Employment Site, which Policy CS10 states will be safeguarded for future employment use by the Council.

In this case, though, it is clear that the site, on account of its peripheral siting and proximity to existing and proposed dwellings in Lidlinton, could not reasonably be useful to the Proving Ground in their operations. It is highly unlikely that the site could generate employment associated with the Proving Ground and so the loss of this part of the Key Employment Site from an employment use would be acceptable in principle.

### Residential development in this location

The supporting text to Policy DM4 (Development within and beyond settlement envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only



particular types of new development will be permitted in accordance with national guidance. This includes residential development on Exception Schemes as set out by Policy CS7, or dwellings for the essential needs of those employed in agriculture or forestry, or that which reuses or replaces an existing dwelling. These criteria are reinforced by paragraph 55 of the NPPF. The main body of the policy text offers no support for development outside of the Settlement Envelopes.

The application site falls outside of any identified Settlement Envelope. The development would not constitute an exception scheme and would not meet any of the criteria set out in 11.1.5 of the supporting text to DM4 or paragraph 55 of the NPPF. As such, the proposed development would conflict with Policy DM4.

For the reasons set out above, a conflict with this policy does not mean that planning permission should be refused in the current housing supply context because Policy DM4 should be treated as out of date. As a result, in that context, a residential development on this site would be acceptable in principle.

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

#### The site

The site currently grassed, with mature trees along its northern boundary. It makes a positive contribution towards the appearance of the area. Building up to 40 dwellings on it would urbanise its character and would fundamentally alter it and its contribution to the local context.

The retention of the dense tree belt on the northern boundary of the site and proposed planting within it would assist to a degree and importantly, a planning condition that would prevent development on the highest part of the site, where buildings would be most prominent would further reduce the visual impact of the development on views of the site.

Even with those measures, the development would clearly introduce an urban character to this site, which is currently rural.

#### The area

The submitted indicative layout demonstrates that the development would significantly change the appearance of the area.

The urban area of Lidlington is located, for the most part, on the northern side of the road. Whilst there are some buildings on the southern side, these are further to the west of the site and have linear and loose-knit character. This development would not relate to that character, introducing built development on a site away from the built up area of the village and of a different layout to other buildings on the southern side of the road.

The playground to the west of the site currently forms a natural stopping point for buildings on the south of the road and this development would be located beyond that. The proposed recreation and green infrastructure enhancements to the Scout Hut land would assist because it would integrate that part of the site

with the village, linking the playground to the main body of the application site.

### The Landscape

In a wider landscape context, site forms an integral part of the landscape setting of the wider Millbrook Proving Ground site as well as forming a rural edge to this part of Lidlington.

The site is part of a wooded mosaic of screen planting, scrub, grassland and woodland planting, which creates a valuable component in the view, contributing to the wooded framework within this part of the Forest of Marston Vale. Some nearby homes have an outlook onto the wooded edge of the site.

The strategic landscape planting established around the Millbrook Test Track are already subject to partial removal as a consequence of the recent planning permission for employment use. The wooded triangle of land to the north of the application site will be partially cleared to enable the construction of a building and car parking.

The development would result in a further loss of greenspace, which has value in functioning as part of the Millbrook site, the rural edge to the village of Lidlington.

The site lies within landscape character area 5D - North Marston Vale. The landscape strategy is to enhance and renew the landscape, with guidelines for new development emphasising the need for planting to support the Forest. This development would result in built form extending east from Marston Road. There would be views of the roofscape and lighting from the elevated amenity land at Folly Wood.

This development would result in the loss of landscape structure which contributes to the Forest of Marston Vale and to the setting of the linear edge of Lidlington and as such development would detract from the landscape character.

The site rises quite steeply away from Marston Road and the higher land that forms part of the application site is more sensitive in landscape impact terms than the lower ground nearer to the road.

The submitted indicative layout shows development on that highest ground. Such development would cause the most landscape harm. A planning condition would prevent development at that part of the site so as to reduce the overall landscape impact of the development.

### Green Infrastructure

The application would provide for significant enhancements at the Scout Hut land to the west of the site. What is currently a largely redundant space would benefit from a scheme to significantly improve its local value for informal recreation, ecology and connectivity.

An indicative scheme has been submitted and it demonstrates how a number of the objectives set out in the Lidlington Green Infrastructure Plan could be

realised at the site. A final scheme and its delivery, management and maintenance would be secured through a legal agreement.

The planning benefits associated with these enhancements would be notable. It could provide a valuable local facility for existing and future residents of Lidlinton and would serve to connect the site with the village.

Green infrastructure provision at the wider site, including its relationship with the Scout Hut Land could be improved and any Reserved Matters application would need to consider how this could be achieved.

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

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

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.

A future layout could be secured that would have no harmful impacts on existing neighbours and that would provide an acceptable standard of accommodation for future occupiers of the site. The Parish Council has raised concerns over lights from cars causing disturbance for neighbours opposite as the leave the site but it is unlikely that such an impact would be of a scale sufficient to justify the refusal of planning permission.

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

##### Highways

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

The Council's Highways Officers are satisfied that the proposed access to the site would be safe and that local roads have capacity to accommodate the development.

The development would necessitate the provision of a pavement along the frontage of the site, a crossing on Marston road and the relocation of the existing bus stop and shelter opposite the proposed access point. These works would be secured by planning condition. A Construction Management Plan would be secured by condition.

Car and cycle parking and the internal highways network would be considered at Reserved Matters stage.

Network Rail has raised a holding objection pending discussions with the applicant other whether measures would be required to mitigate the impacts of the development on existing level crossings within the vicinity of the site. The outcome of these discussions will be reported in the late sheet.

## **6. Heritage Assets**

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

The site lies within the Medieval core of the settlement of Lidlington which is an asset of archaeological interest and is within the setting of two Scheduled Monuments.

A Heritage Statement has been submitted that properly evaluates the potential impacts of the development on those assets. Subject to a condition requiring a Written Scheme of Investigation, the impacts of the development on heritage assets would be acceptable.

## **7. Trees and hedgerows**

The application has been supported by a tree survey. It shows that the majority of the trees and hedgerows, including the important tree belt along the Marston Road boundary would be retained. A condition would require details of tree protection during and post construction.

Full details of landscaping would be secured at Reserved Matters stage.

## **8. Ecology and biodiversity**

An Ecological Appraisal and reports relating to protected species at the site have been submitted in support of the application. The site lies within the Greensand Ridge Nature Improvement Area.

The NPPF calls for development to deliver a net gain for biodiversity. The site is sensitive in biodiversity terms (newts have been identified at the site) and protection during construction would need to be carefully managed. Preventing development at the highest part of the site (which is particularly sensitive) and the green infrastructure enhancements at the land to the west would assist in ensuring protection and opportunities for enhancement at the site.

A condition would secure details of how this would be achieved.

## **9. Land quality**

The applicant has submitted a Geo-Environmental Survey which demonstrates that the site would not pose a risk to health.

## **10. Drainage**

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.

The applicant has submitted a Flood Risk Assessment and a Drainage Strategy which provides detail of how surface water could be managed at the site.

The Council's Drainage Engineers and Anglian Water are satisfied that, subject to planning conditions, an acceptable drainage scheme for the site could be secured. The IDB and the Environment Agency have raised no objection.

## **11. Energy efficiency**

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

These measures would be secured by condition.

## **12. Planning obligations**

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

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

The following heads of terms would be secured through a legal agreement:

### Affordable Housing

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

### Build Rate Timetable

All of the dwellings at the site would be delivered within a five year period from the date of planning permission being granted.

### Green Infrastructure

A Green Infrastructure Scheme, including its ongoing management and maintenance would be secured for the land at the west of the site (the 'Scout Hut Land'). The scheme would be based on the objectives of the Lidlington Green Infrastructure Plan (2011) and would enhance connectivity between the village and the surrounding countryside.

### Education

The following contributions towards local education provision would be secured:

£27,652.80 towards early years place provision at Thomas Johnson Lower School or other such projects to mitigate the impacts of this development.

£92,176.00 towards lower school place provision at Thomas Johnson Lower School or other such projects to mitigate the impacts of this development.

£92,751.36 towards middle school place provision at Marston Vale Middle School or other such projects to mitigate the impacts of this development.

£113,737.73 towards upper school place provision at Wootton Upper School or other such projects to mitigate the impacts of this development.

The total contribution towards education provision would be **£326,317.89**.

### Leisure

The following contributions towards local leisure facilities would be secured:

- £33,462 towards equipment at Flitwick Leisure Centre.
- £65,000 towards improvements to the recreation area in the village.
- £12,693 towards improvements to the sports pavilion in the village.

The total contributions towards leisure facilities (excluding the cost of the Green Infrastructure improvements at the 'Scout Hut Land' would be **£111,155**.

### Network Rail

Discussions between the applicant and Network Rail over whether mitigation would be required to reflect increased usage of existing level crossings in the area are ongoing. In the event that a contribution is sought, this would be reflected in the late sheet.

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

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

The Council cannot currently demonstrate an ability to meet its housing need for the next five years. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

This development would result in adverse impacts. There would be harm caused to the appearance of the site through its urbanisation. The development would not relate very well to the character of the area and there would be harm caused to the landscape. Those harms would be reduced to a degree by the provision of a 'pocket park' to the west of the built development which would improve the relationship between the site and the village and by a planning condition preventing development on the highest, most sensitive part of the site.

There would be a number of benefits associated with the development. The

delivery of up to 40 dwellings, including affordable housing within the five year period would be a significant benefit.

The applicant has demonstrated that the release of this site for housing would have a direct relationship with the delivery of projects at the Proving Ground and these will create jobs and result in a boost to the local economy. It has not been demonstrated that this development is the only way of funding those projects, though, and that should influence the weight afforded to this benefit.

The development would bring forward the provision of a new 'pocket park- for the area. This would deliver a range of informal recreation, ecological and green infrastructure enhancements in line with many of the objectives of the Lidlington Green Infrastructure Plan. This would represent a significant local benefit.

When compared with the last application at this site, which was refused, this scheme would result in reduced adverse impacts and increased benefits. It would no longer be the case that the adverse impacts would significantly and demonstrably outweigh the benefits. As such, in line with Paragraph 14 of the Framework, planning permission should be approved.

### **Recommendation:**

That Planning Permission is granted subject to the following conditions and the heads of terms set out in this report:

- 1      **No development shall commence at the site before details of the appearance, landscaping, layout and scale of the development (herein called "the reserved matters") 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 comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 2      An application or applications for the approval of all of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

- 3      This permission does not extend to the Indicative Masterplan (1459-27/PL01 rev A) or Indicative Outline Landscape Design (SK01 rev A) submitted with the application.

Reason: To avoid doubt.

- 4      **No development shall commence at the site before details of the junction between the proposed access road and the public highway**

**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.**

**Reason: In order to minimise conditions of danger, obstruction and inconvenience to users of the highway and of the proposed access road 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.**

- 5 No building at the site shall be occupied before details of the relocation of the bus stop and bus shelter on Marston Road opposite the site access including a timetable for their relocation have been submitted to and approved in writing by the Local Planning Authority. Their relocation shall be carried out in accordance with the approved details and the approved timetable.

Reason: In order to minimise conditions of danger, obstruction and inconvenience to users of the highway and of the proposed access road in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 6 Before the new access is first brought into use visibility splays shall be provided on each side of the new access at its junction with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The vision splays so described shall thereafter be kept free of all obstruction to visibility exceeding a height of 600mm above the adjoining carriageway level.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 **No development shall commence at the site before a scheme showing the provision of a 2.0m wide footway across the site frontage together with details of pedestrian crossing/s on The Lane/Marston Road have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the footway and crossing/s has been constructed in accordance with approved details unless otherwise agreed beforehand in writing by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.**

**Reason: In the interests of road safety and pedestrian movement 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 Any subsequent application for the approval of Reserved Matters shall include the following:

- a) Estate road design to geometric standards appropriate for adoption as public highway
- b) Cycle parking and storage in accordance with the council's standards applicable at the time of submission
- c) Vehicle parking and garaging, inclusive of visitor parking in accordance with the council's standards applicable at the time of submission
- d) A Construction Management Plan detailing the hours of construction work and deliveries, parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development and wheel washing facilities

Reason: To ensure that the Local Planning Authority is able to determine whether the highways and traffic implications of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 9 Any application for the approval of Reserved Matters shall be accompanied by an Ecological Design Strategy (EDS) addressing mitigation, compensation and enhancement.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial after care and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that ecology and biodiversity at the site is protected and enhanced 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).

- 10 **No development shall commence at the site before a Written Scheme of Archaeological Investigation that adopts a staged approach and includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved archaeological scheme.**

**Reason:** In accordance with the requirements of paragraph 141 of the National Planning Policy Framework to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the Framework, that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).

- 11 **Notwithstanding the submitted details, no development shall commence at the site before a detailed surface water drainage scheme for the site 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 in consultation with Anglian Water. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and a restriction in run-off rates to Qbar as outlined in the Drainage Strategy Report, as well as details of how the system will be constructed including any phasing of the scheme.**

**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.

- 12 **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 in consultation with Anglian Water. 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.

- 13 **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.**

- 14 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.**

**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.**

- 15 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.**

- 16 Any application for Reserved Matters shall include 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 the highway and properties on the northern side of Marston Road.**

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).

- 17 Notwithstanding the details shown on the submitted Indicative Masterplan, any application for the approval of Reserved Matters shall not show any built development proposed on land at the site at a level of 80.0 AOD or greater as shown on drawing number 150603-MPG-AIA-LJ (appended to the Arboricultural Impact Assessment).

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).

- 18 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:

1459-27/PL01 rev A, SK01 rev A, Acoustic Assessment reference RP01-16181 REV1, Great Crested Newt Report dated July 2014, Design and Access Statement dated December 2016, Heritage Statement dated 14th December 2016, Residential Travel Plan dated December 2016, Planning Statement dated December 2016, Preliminary Ecological Appraisal dated June 2015, Phase 2 Environmental Investigation dated September 2013, Transport Assessment dated December 2016, Protected Species Report dated December 2016, Flood Risk Assessment dated December 2016, Drainage Strategy Report dated December 2016, Arboricultural Impact Assessment dated June 2015 and Landscape and Visual Impact Assessment dated February 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.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

3. The applicant is advised that in order to comply with planning conditions attached to this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Contract team Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system.
5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Contract Team, Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
6. The applicant is reminded that it will be necessary to apply for an EPS licence from Natural England once planning permission is granted.
7. The Council's waste collection pattern for Lidlington is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy

Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

Wherever possible, refuse collection vehicles will only use adopted highways. If the access road is to be used, it must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at least 1 wheelie bin and a food waste caddy, in addition to 2 reusable garden waste bags. Waste vehicles will reverse a maximum of 15m to the point of collection.

8. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning

Authority to ensure that the site is made suitable for its end use.

**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 at the pre-application stage and 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.