

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/17/05913/FULL</b>
<b>LOCATION</b>	<b>Land at Taylors Road, opposite Aspen Gardens, Stotfold, Hitchin, SG5 4AX</b>
<b>PROPOSAL</b>	<b>Demolition of existing industrial units and development of 32 residential dwellings (including 12 affordable homes), vehicular access, pedestrian links, car parking, drainage, public open space and associated works.</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>15 December 2017</b>
<b>EXPIRY DATE</b>	<b>16 March 2018</b>
<b>APPLICANT</b>	<b>Taylor Wimpey North Thames</b>
<b>AGENT</b>	<b>Bidwells</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application with Town Council Objection on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Loss of employment</b></li><li>• <b>Increased Traffic Generation</b></li><li>• <b>Affordable Housing not dispersed within the site</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval subject to the completion of a 106 agreement</b>

### **Reason for Recommendation**

The site represents the re-use of previously developed land within a sustainable location and therefore the principle of the use of the site for residential development is acceptable in accordance with policy DM4 of the Core Strategy for the North and the NPPF. In addition, the scale and design of the scheme seeks to harmonise with the prevailing character of the area in accordance with the principles of good design conveyed in policy DM3 of the Core Strategy for the North and the Central Bedfordshire Design Guide.

### **Site Location:**

The site is known as and occupied by Beta Engineering Stotfold Ltd, which consists of commercial industrial units and measures approximately 1.01 hectares. The site is flanked to the north by a larger residential development site known as Aspen Gardens, off Taylors Road, to the south by 4 Taylors Road and to the east by residential development in Silver Birch Avenue. The site is situated north of the town centre of Stotfold and within the towns settlement boundary.

### **The Application:**

Permission is sought in full for the demolition of existing industrial units and development of 32 residential dwellings (including affordable homes), vehicular

access, pedestrian links, car parking, drainage, public open space and associated works.

The overall density for the site would be approximately 32 dwellings per hectare over the developable area of the site.

In terms of the provision of dwellings, the scheme would provide the following accommodation mix:

Market Housing

8 x 3 bed homes

10 x 4 bed homes

2 x 5 bed homes

Total of 20 market houses

Affordable Housing

7 x 2 bed homes

5 x 3 bed homes

Total of 12 affordable units

A total of 37.5% affordable units has been provided for in excess of the 35% policy requirement.

The units proposed would consist of mix of two storey and two and a half storey. The materials schedule details that the external materials would comprise of a mixture of red and buff bricks and mix of rustic red and slate grey roof tiles. There would also be a variety in window treatments with a combination of varied window designs & detailing and porch canopy variations include both flat roof and mono pitch roof designs.

The majority of vehicle parking would be on plot, although there would be some displacement on street parking to avoid a triple tandem parking provision where possible. Where garages are proposed, these would meet the dimensions within the Councils Central Bedfordshire Design Guide. Visitor spaces are provided in most cases opposite locations where there is a perceived demand and where displacement parking is provided.

For recycling and refuse collection, the houses would have rear storage areas and access from rear gardens in order to bring bins to the front of the properties on collection day. Some of the occupants would have to bring their bins to a communal collection point on refuse and recycling collection days but the majority would receive kerbside collection.

The boundary treatment proposed between most plots would be 1.8m close boarded fencing with 1.5 metre high timber post and rail is proposed between individual plots and adjacent the open space areas.

A pedestrian link is proposed to be diverted from Silver Birch Avenue into the footway along the frontage of the new properties in Aspen Gardens to ensure appropriate connectivity.

The application is accompanied with the following statements:

- Planning Statement
- Design & Access Statement
- Marketing Assessment
- Statement of Community Involvement
- Transport Statement
- Ground Investigation Report
- Flood Risk Assessment & SuDs Strategy
- Ecological Appraisal
- Arboricultural Impact Assessment

*This application has been considered in relation to the EIA Regulations (2017) and a screening opinion was issued on 31st May 2017, which confirmed that the proposal did not constitute EIA development, on the basis of the scale of the development.*

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF) (March 2012) & NPPG**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections of the NPPF would be considered relevant to this application.

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 – Promoting healthy communities

### **Core Strategy and Development Management Policies - North 2009**

CS14 - High Quality Design

DM3 - High Quality Design

DM4 - Development Within and Beyond Settlement Envelopes

DM14 - Landscape and Woodland

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached pre-submission stage and is out for consultation in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 until 22<sup>nd</sup> February 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have not yet been subject to statutory public consultation. The following policies are relevant to the consideration of this application:

SP2: Sustainable Development  
H1: Housing Mix  
H2: Housing Standards  
T2: Highway Safety & Design  
T3: Parking  
EE2: Biodiversity  
CC5: Sustainable Drainage  
HQ1: High Quality Development

### **Supplementary Planning Guidance/Other Documents**

1. Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

**Application Number**    **CB/12/02503/FULL**

**Description**                      Erection of 118 dwellings and 5 x B1 business units (900sqm) including access, landscaping, parking, affordable housing and children's play space.

**Decision**                              Approved

**Decision Date**                      21.02.2013

### **Town Council:**

Stotfold Town Council  
(15/01/18) (*Verbatim*)-

Object - although the proposal is on a brownfield site, which is preferred under NPPF policy, we are also minded to note that under an earlier proposal for housing development, which included both the former motorola site and the adjoining beta engineering site, there was provision for replacement of some of the lost 15 acres of safeguarded employment land in Taylors Road.

This was included in the approved development of the Motorola site excluding the Beta Engineering site and was for B1/B2 use. This undertaking by Taylor Wimpey has not been fulfilled to date on that site.

In the interest of Sustainability, relative to continued new residential developments in the area, it has previously been concluded there is a commensurate need for employment land to go hand in hand with future housing developments. This is reiterated in the emerging Central Beds Local Plan where an employment site is lost, a replacement should be found. This should be geographical to Stotfold and within range of public transport provision.

Stotfold Town Councils opinion is that some employment

provision should be provided and safeguarded as part of any development permission in this area.

We note that the provision of affordable housing is in one area of the proposed development only, but our understanding is that NPPF policy dictates that there should be a "pepper pot" dispersal of these dwellings within the entire site.

Since Beta Engineering operated a metal plating business on the site, involving the use of several hazardous products, we query whether a full environmental assessment has been undertaken to deal with both that and the possibility of the elderly buildings containing hazardous materials, such as asbestos.

The additional vehicular traffic loading on to the recognized congested area of Taylors Road and Astwick Road, through to the Green, will add to traffic safety concerns of existing residents.

**Internal Consultees:**

CBC Public Art (02/02/18)-	Recommends a condition be imposed to secure public art.
CBC Trees & Landscape officer (10/01/18)	No Objection, subject to the imposition of a condition to secure a landscaping plan which includes the species, size and densities of the planting proposed.
CBC SuDs Engineer (11/01/18)-	No Objection, subject to the imposition of a condition to secure a foul water drainage scheme and a maintenance scheme for the SuDs strategy.
CBC Sustainable Growth (11/01/18)-	No Objection, subject to the imposition of a condition to secure energy/water efficiencies.
CBC Waste Services (12/01/18)-	No Objection, subject to the imposition of a condition to secure bin storage/collection arrangements.
CBC Ecology (12/01/18)-	<p>Disappointed that the prime existing tree planned to be retained is not in the public realm and therefore pressure placed on its retention.</p> <p>Notwithstanding this, no objection subject to the imposition of a condition to secure ecological measures contained within the ecological appraisal and a financial contribution towards a project for a toad crossing sign within the area.</p>
CBC Pollution (17/01/18) -	No Objection, subject to the imposition of conditions to secure a phase 2 Investigation report and validation report.

CBC Landscape  
(22/01/18)- Disappointed that the prime existing tree planned to be retained is not in the public realm and therefore pressure placed on its retention.

Recommendations for change to some species of planting proposed, but no formal objection.

CBC Housing  
Development Officer  
(03/01/18)- Supports, in excess of policy requirements.

CBC Highways Officer  
(05/02/18)- No Objection, subject to the imposition of conditions to secure visibility, parking provision and a construction management plan.

**External Consultees:**

Internal Drainage Board  
(10/01/18)- No Comments, seek Anglian Water advice also.

Beds Fire and Rescue  
(08/01/18)- Recommends that a condition to secure a scheme to agree locations of fire hydrants is applied.

**106 Sustainability Mitigation Obligations**

CBC Education Spending Officer Due to pressures on local school placements, a financial contribution to secure an extension to each tier would be required.

- EY: £33,183.36
- Lower: £110,611.20
- Middle: £111,301.63
- Upper: £136,485.27

CBC Rights of Way Spending Officer To procure the surfacing and upgrade of Footpath 7 in the interest of the use of future residents at a cost of £15,000.

CBC Housing Development Officer To secure 37.5% affordable housing in accordance with the heads of terms presented, in excess of the 35% policy requirement. Tenure split of 73% affordable Rent and 27% shared ownership.

CBC Community Halls Spending Officer To secure a financial contribution of £52,497 towards enhancement to a pre-existing hall in Stotfold.

CBC Ecology To secure a financial contribution of £3,000 to a ecological mitigation project for a toads crossing along Taylors Road.

**Other Representations:**

39 Silver Birch Avenue  
(15/01/18)-

Broadly support subject to the following considerations:

- Pleased to see amendment to plot adjacent to their home
- Boundary fencing missing in places
- Concerns over asbestos management
- Concerns over sewage/drainage proposals

7 Aspen Gardens  
(13/01/18)

Broadly support subject to the following considerations:

- Additional parking provision on Aspen Gardens
- Contributions to play
- Two storey only on Aspen Gardens due to concern for loss of light
- Additional parking at St Marys School

**Determining Issues:**

The main considerations of the application are;

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

**Considerations****1. Principle**

- 1.1 Stotfold is identified as a Minor Service Centre, and policy DM4 states that within the Settlement Envelopes of Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre.
- 1.2 The site has a historic commercial use however whilst in past authority local plan documents (i.e Mid Beds Local Plan) this site was allocated as a safeguarded employment area, the current core strategy for the North does not identify this site as a safeguarded employment area and therefore Policy E1 of the Core Strategy for the North is not considered a relevant policy in the determination of this application. In addition, whilst only limited weight can be applied to the policies contained within the emerging local plan, it is relevant to note that this site is also not identified as a safeguarded employment site within this plan. Notwithstanding this, the loss of employment use is a material consideration.
- 1.3 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. In such situations, the NPPF advises that applications for alternative uses should be treated on their own merits having regard to market signals and the relative need for different land uses to support

sustainable communities. The pre-existing Beta Engineering site occupiers, due to difficult market conditions have been forced to wind down the business and as such, no longer viable for them to retain. In addition, a marketing strategy was supplied providing evidence that the existing commercial units are deteriorating and, along with those approved under planning permission CB/12/02503/FULL referred to in the site history of this report, are not commercially viable and have no realistic prospect of being occupied by an alternative business nor being delivered.

- 1.4 Whilst concerns have been raised by the Town Council in respect of the loss of employment, that there are a number of safeguarded employment sites within Stotfold which contribute to economic sustainability of Stotfold including that of Fen End Industrial Estate, Arc Progress of Mill Lane and Land south of Stotfold. In addition the Councils recent Economic Market Assessment and Employment Land Review Studies confirm that there is sufficient existing supply of sites to meet local business growth.
- 1.5 Paragraph 49 goes further to advise that housing applications should be considered in the context of presumption in favour of sustainable development and in accordance with paragraph 111 of the same document, consideration should be given to the re-use of previously developed land. Policy DM4 supports schemes for residential development with the settlement of Minor Service Centres, subject to the proposal making the best use of the available land and that the scale of the development would reflect the scale and character of the existing settlement in which it is located. The streetscene is dominated by modern housing and the proposed plots would generally accord with the general pattern of development.
- 1.6 A residential re-use would make a positive contribution towards urban regeneration and the supply of land for housing and is therefore considered acceptable in principle and accords with national advice and Local Plan housing policies. It is also accepted and agreed that the site is previously developed land and within a built up area so the principle of the use of the site for residential development is therefore acceptable, subject to other considerations such as design, amenity and highway which are considered later in this report.

## **2. Effect on the Character and Appearance of the Area**

- 2.1 Local Plan Policy DM3 & CS14 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.
- 2.2 The overall density for the site would be approximately 32 dwellings per hectare which is fairly representative of the density of residential within the immediate vicinity of the site.
- 2.3 Cues have been taken from the surrounding pattern of development and regard has been had to established building lines. The scheme also provides for an appropriate mix of detached and attached houses with varying heights of two and two and half storey which seeks to reinforce the prevailing character of the



area. Materials and fenestration of the dwellings proposed are not dissimilar to that on the previously recently developed residential development of Aspen Gardens which further seeks to reinforce the established character of the area.

- 2.4 Opportunities have been realised to maintain existing important landscape features including that of the Maple Tree which is located adjacent to the access junction off Taylors with Aspen Gardens. This tree has been protected and relocated in the public realm to better ensure its long term retention in accordance with the Councils Landscape and Biodiversity Officers advice, in the interest of visual amenity and biodiversity mitigation. In addition, landscape species have been revised in accordance with the Councils Tree and Landscape Officers to ensure an appropriate variety and more robust planting that would seek to soften the urban form.
- 2.5 In addition to the trees and planting scheme, a parcel of amenity space has been provided in a central location with the scheme that could be utilised for recreation and provides a positive contribution to green infrastructure. This is reasonably connected to the surrounding existing residential developments and as such could be utilised by existing and future occupiers.
- 2.6 Boundary treatment details have been provided which demarcate the public and private realm. The variation of boundary treatments, landscaping and surfacing provides for greater legibility around the site. The scheme would therefore provide for an appropriate standard of urban design in accordance with the Councils adopted design guide. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Neighbouring Amenity**

#### **3.1 Existing Residents**

Adequate separation is proposed back to back between existing and proposed dwellinghouses in accordance with the Councils technical design guidance.

- 3.2 In addition plot 1 provides a 4 metre separation on the boundary from the existing dwellinghouse of 4 Taylors Road, in excess of the 1 metre separation on the boundary recommended within the Councils Technical Design Guidance. Due to this adequate separation and the position of plot 1 at an angle relative to the existing dwellinghouse, it is considered that the proposal would not give rise to a loss of light or overshadowing to an unacceptable degree.
- 3.3 Some plots are proposed to be positioned such that they would flank existing residential properties. Whilst there is no prescriptive design guidance on separations in those sceneries, the separations distances proposed are in excess of 15 metres and is considered sufficient to not result in amenity harm in relation to overbearing impact or overlooking.
- 3.4 **Future Occupiers**  
The layout demonstrates that 32 dwellinghouses have been sited such that there would be no resultant impact on future occupiers in terms of loss of light/overshadowing nor privacy concerns.

- 3.5 In terms of amenity space for future occupiers, each bedroom space meets either the minimum standards which are conveyed within the Central Bedfordshire Design Guide or statutory limitations under the Housing Act. Furthermore, the garden space for each dwellinghouse would meet external standards conveyed within the same technical planning guidance.
- 3.6 Whilst bin storage and collection points have not been identified on the indicative plan, the Councils waste officer is satisfied that there is sufficient spaces within the site to accommodate such facilities and as such is satisfied that this could be secured by condition. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

#### **4. Highways Considerations**

##### **4.1 Access and Traffic Generation**

The site has the benefit of planning consent for 5 commercial units (B1 office use of 900sqm) along side the residential planning permission secured under planning permission reference CB/12/02503/FULL. The proposal also includes the existing commercial (B2 general industry use of 3320sqm) site.

- 4.2 The B1 element of this proposal would have seen 17 arrivals in the am peak and 15 departures in the pm peak. The B2 element would have according to the TRICS database would have seen 15 arrivals am peak and 16 departures pm peak. The proposed new residential C3 use would have 13 departures in the am peak with 13 arrivals in the pm peak.
- 4.3 The modal shift of travel movements is that the commercial uses would attract inwards movements in the am peak and outward movements in the pm peaks, whereas residential would be vice versa, departures in the am peak and arrivals in the pm peak.
- 4.4 A change to residential for the consented B1 and existing B2 uses would reduce the level of trips on the highway network. This is demonstrated as being a reduction of 20 trips in the am peak and 20 trips in the pm peak within the Transport Statement. The removal of the B2 use would also remove any large commercial traffic associated with such business use.

##### **4.5 Visibility and Internal Layout**

The visibility splay for plots 1 and 2 onto Taylors Road is 2.4m x 25m and this access is within the 20mph zone, the main site access is 2.4m x 43m for a 30 mph area and therefore compliant with Manual for Streets. The shared surface road has 2m wide footways leading into a shares are of 8.8m for the carriageway/service margins which are also present around the turning head. The road layout therefore complies with the Design Guide.

##### **4.6 Rights of Way**

A footway that runs through the proposed development site is part of the public highway and would need a stopping up order or application through the Town and Country Planning Act which can be secured through condition.

In addition, a public right of way currently runs directly through to the rear of the site (footpath no 7) which is proposed to be diverted slightly north of its current

position, along Aspen Gardens which would better seek to support connectivity for existing and future residents. This diversion would be secured through a footpath scheme which can be secured through condition.

#### **4.7 Parking**

Parking for the development is in accordance with the Design Guide and whilst it shows some that triple tandem parking for the 4 and 5 bedroom dwellings does demonstrate that one space can be provided on street and thus unallocated. There are also 7 dedicated visitor parking bays. Car parking on the whole therefore can be considered acceptable for residents and visitors alike. Cycle parking is not detailed and as such this would require a condition to secure this provision.

- 4.8 No objections have been raised to this proposal by the Councils Highways Officer for the reason identified above and as such, it is considered that it would not be prejudicial to highway safety. Therefore the proposal would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

### **5. Other Considerations**

#### **5.1 Affordable Housing Provision**

Under Policy CS7 of the Core Strategy, 35% of all developments for four dwellings and above should be provided as Affordable Housing units. The proposal for 32 units would qualify for Affordable Housing provision and 35% would equate to 11 units. The applicant has proposed a 37.5% affordable provision equating to 12 units across the development and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such the proposal would comply with and exceed the requirements of Policy CS7.

#### **5.2 Ecology**

The NPPF calls for a net gain in biodiversity. The application is supported by an ecological appraisal which includes ecological enhancement proposal. The Councils Ecologist has no objection to the proposal subject to the imposition of a condition to secure enhancements included in this document and also to include a financial contribution towards a Council project for a toad crossing on Taylors Road which would be secured through a legal agreement if Members resolved to approve. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

#### **5.3 Climate Change**

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1. The Councils Sustainability Officer would wish to encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand

and smaller renewable energy installation to satisfy the requirement of policy DM1. If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies DM1 & DM2 of the Core Strategy for the North and Section 10 of the NPPF.

#### **5.4 Contamination**

The historic industrial use of the site includes potentially contaminating industries, particularly the electroplating business. The applicant has submitted a Rolton Group Ground Investigation Report Summary dated 15th December 2015 ref 14-0087 XL002. The initial investigation has identified on site (and also potentially off site) contamination from Trichlorethene (TCE), Diclorethene (DCE), Vinyl Chloride (VC), Nickel and Zinc. The report concludes that further investigation of the extent of contamination is required particularly in the vicinity of the electroplating business. A land contamination investigation, remediation and validation condition is required to ensure that the contamination is effectively remediated to ensure the site is suitable for residential use.

#### **5.5 Fire Hydrants**

The Bedfordshire Fire Service has identified that new residential developments should allow for the provision of fire hydrants and appropriate access. This is a matter that could be designed into the layout and the details can be controlled by condition prior to commencement.

#### **5.6 Flood Risk & SuDs**

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

From 6<sup>th</sup> April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. The Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as to limit any flooding potential and as such has not wished to raise any objection to this proposal subject to the imposition of conditions to control its provision. In addition, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this application, subject to conditions of control of the provision as suggested by the Councils SuDs officer. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

#### **5.7 Financial Obligations**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National

Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, Spending Officers were consulted and comments returned from Education , Community Halls, Rights of Way and Ecology and the details are highlighted in the **106 Sustainability Mitigation Obligations** of this report. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. As such, it is considered that the proposal would conform with policy CS2 of the Core Strategy for the North.

#### **5.8 Public Art**

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council. The Councils Public Art Officer has raised no objection to the granting of this permission, subject to the imposition of a condition to secure an art strategy. However it is considered that a public art strategy is not necessary to make a scheme of this scale acceptable.

#### **5.9 Human Rights issues**

The proposal raises no Human Rights issues.

#### **Equality Act 2010**

The proposal raises no issues under the Equality Act.

#### **Recommendation:**

That Planning Permission be APPROVED conditional on the completion of a 106 agreement and subject to the following:

#### **RECOMMENDED 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 The materials to be used for the external walls and roofs of the development as shown on drawing no. LSD181-04 Rev D shall be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 3 **No development shall take place until details of hard and soft landscaping (including details of the species, sizes and densities) together with a timetable for its implementation have been submitted to**

and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

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

- 4 No dwelling hereby approved shall be occupied, until a Landscape and SuDs Maintenance and Management Plan for a period of ten years from the date of its delivery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping and SuDs shall be maintained and managed in accordance with the approved plan following its delivery.

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

- 5 The positioning of the protective fencing details as supplied in support of the application, shall be erected to protect the natural canopy spread and root protection areas of the trees proposed to be retained. The protective fencing shall then be fully implemented before the commencement of any site construction works, and the approved fencing shall remain firmly in place throughout the entire course of development.

Reason: To ensure that a satisfactory standard of landscape protection is fully implemented in the interests of maintaining the health and natural canopy spread of the protected trees. Failure to secure these details prior to commencement of development could result in the unreasonable loss of a trees and landscaping that adds amenity value. (Policy CS16 of the Core Strategy and Section 7 of the NPPF).

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

**Reason: This condition is pre-commencement as the efficiencies could affect the construction or materials of the dwellings which will require to be ordered prior to commencement and In the interests of sustainability.  
(Policy DM2 of the Core Strategy for the North & Section 10 of the NPPF)**

- 7 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.**

**Reason: This condition is pre-commencement as the ground works for connectivity will need to be considered prior to construction in order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.**

- 8 Development shall not commence until a scheme for the diversion of the public right way including a timeframe for its implementation and the improvements to public rights of way (FP7) including appropriate connections and enhancements to surfacing and drainage arrangements where deemed appropriate, has been submitted and approved by the Local Planning Authority. The scheme shall then be carried out in full in accordance with the approved scheme.**

**Reason: This condition is pre-commencement as a diversion will need to take place so that existing occupiers can gain appropriate access throughout the development phase and to ensure that public rights of way within the site are protected, enhanced and promoted as part of the development.**

- 9 All ecological measures shall be carried out in accordance with the details contained in Part 6 of the May 2017 Ecological Appraisal.**

**Reason: To ensure all impacts from development are taken into account and mitigated.**

**(Section 11, NPPF)**

- 10 No development shall take place until details of the method of disposal of foul and surface water drainage (which shall include a copy of the correspondence with Anglian Water regarding permission to discharge in to the public surface water sewer including the rate of discharge Anglian Water will allow) have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: This condition is pre-commencement as ground works will be required prior to construction to ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**

**(Section 10, NPPF)**

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

**A Phase 2 investigation report as recommended by the previously submitted Rolton Group Ground Investigation report summary dated 15th December 2015 ref 14-0087 XL002 along with a Remediation Method Statement should the Phase 2 discover the need for remediation.**

**Reason: This condition is pre-commencement as it relation to ground works and remediation to ensure that the site is suitable for its end use**

**and to protect human health and the water environment.  
(Section 11, NPPF)**

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

A Validation Report by means of which the effectiveness of the remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority (to incorporate photographs and depth measurements).

Any unexpected contamination discovered during works should be brought to the attention of the Planning Authority.

Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.  
(Section 11, NPPF)

- 13 The dwellings hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.  
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 14 No building shall be occupied until the junctions of the proposed vehicular access points with the highway has been constructed in accordance with the approved details. No other part of the development shall take place until the visibility splays at the junction of the accesses with the public highway shown on the approved drawing have been provided. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: In order to minimise danger and to provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 15 Before any vehicular access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 2m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate pedestrian/driver intervisibility between the highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF).



- 16 **No development shall take place, including any works of demolition, until a Construction Traffic Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:**
- **The parking of vehicles**
  - **Loading and unloading of plant and materials used in the development**
  - **Storage of plant and materials used in the development**
  - **The erection and maintenance of security hoarding / scaffolding affecting the highway if required.**
  - **Footpath/footway/cycleway or road closures needed during the development period**
  - **Traffic management needed during the development period.**
  - **Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.**

**The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.**

**Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF).**

- 17 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Section 7, NPPF)**

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LSD181-01T (Site Layout Plan), LSD181-05B (Site Layout Plan), LSD181-04D (Materials Plan), LSD181-01 Rev T (Parking Strategy), 10E (Landscape Masterplan), Planning Statement, Design & Access Statement Rev A, Market Assessment Report (May 2017), House Type Pack Rev A (All House Types), JKK8224\_1 Rev B & 02 Rev A (Topographical Survey), Energy Statement Rev C, Statement of Community Involvement May 2017, Transport Statement Dec 2017, Flood Risk Technical Note Rev B & Preliminary Drainage Strategy Rev D, Ecological Appraisal Rev A, Arboricultural Impact Assessment and Method statement Rev A & Twnt20184-03A (Tree Protection Plan), Landscape Design**

Statement May 2017 & Geophysical Report Issue 1.

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

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

4. 1/The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2/ The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including

run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .

5. Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.

**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.

**DECISION**

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