

Item No. 13

APPLICATION NUMBER	CB/17/05966/VOC
LOCATION	Former Pig Testing Unit, Hitchin Road, Fairfield
PROPOSAL	Removal of Condition No. 16 of planning permission ref: CB/15/03182/FULL dated 18/12/15
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	20 December 2017
EXPIRY DATE	21 March 2018
APPLICANT	Crest Nicholson Chiltern
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Call in from Councillor Dixon <ul style="list-style-type: none">• Too early to conclude there is no demand• There is significant demand from within Fairfield for these units.
RECOMMENDED DECISION	Variation of Condition - Recommended for Approval

Reasons for Recommendation:

The applicant has demonstrated, through an acceptable period of marketing that there is very little demand for the occupation of the permitted apartment block by residents aged over 55 and therefore the removal of the condition is considered to be appropriate in the interests of realising the full number of residential units approved and the provision of homes. The proposal is therefore acceptable in light of policies DM3 and DM10 of the Core Strategy and Development Management Policies 2009.

Site Location:

The site is situated on the east side of Hitchin Road, between Stotfold and Fairfield Park which is located opposite to the west. The site lies within the Parish of Fairfield but is outside the Settlement Envelope boundary and therefore within open countryside.

It is currently a construction site providing a development of 131 dwellings. A separate care home facility is being provided immediately adjacent to this site as well. The area subject of this application concerns the approved apartment block which sits at the frontage area of the site facing onto Hitchin Road.

The Application:

This application seeks the removal of an existing condition on the decision notice. Condition 16 requires the occupation of an apartment block of 19 residential units by over 55s only and reads as follows:

‘Each unit within the apartment block hereby approved shall be occupied only by:

- a) persons aged 55 or older; or*
- b) a widow or widower of such a person or persons, or*
- c) any resident dependant or dependants of such a person or persons, or*
- d) a resident carer of such a person or persons.*

Reason: In view of the limited amenity space provided with the apartments and given the need or elderly accommodation in the area and in accordance with the NPPF.’

The applicant notes in its submission that the condition requires occupation by over 55s in perpetuity and that the apartments themselves, as originally approved, had not been designed to any particular specification that would make them desirable to older occupants.

Following marketing and a lack of interest in the units the applicant seeks to remove this condition to enable it to be marketed for sale on the open market.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS5 - Providing Homes

DM3 - High Quality Development

DM10 - Housing Mix

Local Plan

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 22nd 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:

H1 - Housing Mix
H2 - Housing Standards
H3 - Housing for Older People
HQ1 - High Quality Development
T3 - Parking

LDF Site Allocations (North) April 2011

MA7: Land at Former Pig Development Unit, Hitchin Road, Stotfold
Site Area: 5 ha

Land at the former Pig Development Unit, as identified on the Proposals Map, is allocated for mixed-use development providing 5 replacement dwellings and B1, B2 and B8 employment land. The site will be developed in accordance with its approved planning permission.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

There is an extensive planning history for this site however the application which includes the condition to which this current submission relates is as follows:

Application Number	CB/15/03182/FULL
Description	Erection of 131 dwellings with access, parking, landscaping, open space and associated works.
Decision	Approve
Decision Date	18/12/2105

Consultees:

Fairfield Parish Council Object to the application stating:

Fairfield Parish Council is unable to see any reason to amend or remove condition 16. The evidence provided can be seen that restriction to over 55s is being well received to potential purchasers. There has been no change in distance and facilities since this site and original application was made. A need for this type of development for those wishing to downsize is required and the residents of Fairfield Hall is evidence of this.

Housing Development Officer Raised no objections.

Adult Social Care The Meeting the Accommodation Needs of Older People Team (MANOP) raises no objections

Other Representations:

Neighbours 1 letter of objection received raising the following grounds:

- Allowing non over-55s to occupy these apartments would place yet more strain on the traffic in Hitchin Road.
- Younger people occupying the apartments will add to the demand for school places
- Consideration of the previous application specifically mentioned the need for housing for the over-55s.
- Condition 16 of the planning permission clearly states that the over 55 provision is required because of the limited amenity space provided with the apartments and given the need for elderly accommodation in the area.
- Original MANOP letter dated 8/10/15 clearly states the need for accommodation for older people in the area.
- The previous application stated the apartment block towards the front of the site was specifically designed for the older generation yet the application states they are not.
- It is difficult to see how, little more than two years later, the situation of need has changed over 2 years.
- In order to remove the age restriction there must therefore clearly be a requirement for more amenity space. That is not proposed in these plans.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Marketing and Evidence
3. The Impact of The Removed Condition
4. Other Matters
5. Decision Making

Considerations

1. Principle

- 1.1 The proposal seeks to vary conditions relating to an existing consent and therefore the principle of the development is already established. The mechanism to apply for the variation of conditions can be proposed under S73 of the Planning Act TCPA 1990.
- 1.2 In terms of the principle of the entire development consideration is given to the extant consent on the site for the same quantum of development. The site is designated by the Core Strategy Proposals Maps however the Site Allocations Document (2001) allocated the application site for 18,000 sq m of B1, B2 and B8 employment land together with 5 replacement dwellings under Policy MA7.
- 1.3 The original application (CB/15/03182/FULL) was submitted against the backdrop of a previous consent (CB/14/04048/FULL) on the site which granted approval for residential development with obligations secured to provide monies

towards a new lower school south of this site which has since been approved and is under construction. A principal difference between the two is that the revised proposal included the apartment block for occupations for over 55s which included a lift to the upper floors.

- 1.4 It is therefore considered that the principle of development can be considered acceptable. What will be required is suitable evidence to demonstrate that the condition can be removed.

2. Marketing and Evidence.

- 2.1 The applicant submitted a number of marketing materials with the application. The apartment units have been marketed since April 2017 and at the time the application was submitted accounted for a period of 8 months. Having previously contacted that Council in respect of concerns over the take up of these units the applicant was advised by Officers that marketing should be carried out for a minimum of 6 months.
- 2.2 The apartments provide a mix of 2 or 3 bed units and have been advertised on 'rightmove' and the Crest Nicholson website. The units were also marketed in The Comet newspaper that covers Hitchin and Letchworth. A sales building at the site was installed in July 2017. During the marketing the applicant has secured reservations for the units for 3 of the 19 apartments. By way of comparison, sales on the wider site have happened at a rate of nearly 1 unit per week. Furthermore the applicant advises that another of their developments in Hitchin providing 85 units has also sold at nearly 1 unit per week. The applicant has also advised that enquiries were limited into the apartments with a log submitted showing 17 enquiries made over the marketing period with all but the reserved three choosing not to follow up initial interest. Of these 14 enquiries that were not followed through 7 were made asking if the occupancy condition would be removed.
- 2.3 It is considered that comprehensive marketing of the over 55s apartments has taken place. This is a view which is shared with the Council's Housing Development Officer and the MANOP team. The results of the marketing carried out demonstrate that there is not a reasonable demand for the over 55s on this development. That is not to say however that there is not a demand for such accommodation in general. It is acknowledged that there is a demand for over 55s accommodation in Central Bedfordshire but in this instance the interest for this development is not apparent. The applicant has commented that the apartments as approved are not purpose designed for older occupants aside from the inclusion of a lift and notes that there are other purpose built retirement schemes in Hitchin Letchworth and Stevenage which offer such accommodation. Access to private garden space is only available to a minority of the units proposed. The MANOP team has commented that the location of the development some distance from amenities such as shops and the lack strong public transport links mean that its appeal to older people may be limited.
- 2.4 The objections received relating to the length of time for marketing and the views that there is demand for such accommodation are noted and as stated the application does not suggest that there is no demand for accommodation for over 55s in the area. The details demonstrate that there is not the demand for these specific apartments. Enquiries were made from people in the area seeking

such accommodation however these have not been pursued. A period of six months is considered appropriate and the apartments are still being marketed which means that it will have taken place for 10 months. The objections are acknowledged however on the basis of the information provided and the views of Council Officers it is considered that in this instance the demand for occupation of these units by residents aged 55 or over is not forthcoming.

3. The impact of the removed condition.

- 3.1 The removal of the condition would allow for the possibility to sell the apartment units without restriction. The applicant argues that the condition is unreasonable in that it restricts accommodation in an age where there is a national housing shortage in a scenario where the dwellings can be otherwise occupied.
- 3.2 It is considered that retaining the condition in light of there being no interest from over 55 occupiers would not be beneficial in respect of housing delivery. It should be made clear however that at the time of making the original decision the Council considered that this condition was necessary to make the scheme acceptable in planning terms. The applicant (which was not the current applicant) considered it necessary by way of proposing the accommodation type to the Council in their scheme. Furthermore the condition was not appealed by the applicant once the decision was issued. The condition, and the securing of such accommodation, is not therefore considered unacceptable in planning terms however in this instance the demand is not shown and the flexibility of the planning system allows for a review of this through the application process.
- 3.3 Removal of the condition would allow for the units to be sold which would realise the full extent of residential accommodation approved with this scheme which can be considered positively. Removal of the condition does not preclude the occupation of the apartments by over 55s which would mean that the three reserved plots can still be sold on this basis.

4. Other Issues

- 4.1 Objection is received on the grounds that if the apartments were to be occupied without age restriction that there would be increased strain on the highway and school places in the area. It is presumptuous to suggest that residents over 55 would have less car use as a rule. Occupiers could still be working and making daily trips by car. The highway is being upgraded as part of this scheme to account for the increased traffic and therefore is considered to be a negligible difference when taking account of the whole 131 unit development and therefore there is no harm to the highway network. In respect of school places this is an acknowledged concern however a new primary school is currently under construction and it is considered that the pupil yield from the 19 apartments can be accommodated at the lower school level. The middle and upper school level would accommodate what is considered to be a small increase in school place requirement from the removal of this condition.
- 4.2 Impact on the character of the area.
This application does not introduce any additional built form into the area. In considering the original application the Council determined that while there would be a material change to the character and appearance of the area the change would not be significant to the extent that it would result in detrimental

harm. There has been no material change to this position with this application and therefore the development would not harm the character and appearance of the area.

5. Decision Making

5.1 Conditions

The practice for S73 applications is to produce an entirely new consent with the amended conditions and all previous conditions that remain relevant. Since the original grant the applicant has had pre-commencement condition details approved in accordance with proposals that reflect the originally approved scheme. Therefore the conditions that form the recommendation are worded to reflect the details previously approved to ensure consistency in decision making and to ensure the scheme continues to be developed as approved.

5.2 Legal Agreement

A deed of variation would be required on the existing S106 for the original consent to ensure that the revised decision notice is subject to the previously agreed obligations.

Human Rights issues

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

Recommendation:

That the removal of Condition 16 be granted and a new decision notice issued subject to the conditions detailed below and the completion of a deed of variation to the S106 agreement.

RECOMMENDED CONDITIONS

- 1 The development shall be carried out in accordance with the approved external materials schedule and details approved under the original consent CB/15/03182/FULL which are:
 - Materials Schedule 16/10/2016
 - Ibstock Leicester Multi Cream Stock facing brick
 - Ibstock Dorset Red Stock feature brick
 - Amber Precast Portland drycast stone
 - Marley Eternit Rivendale Blue/Black roof slate
 - Marley Eternit Riven Edgemere smooth grey roof tile

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 2 Prior to and during demolition and construction works, all tree protection measures and working method procedures shall be carried out in strict accordance with the Haydens Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A) and plans 4820-D/2/rev A, 4820-D/1 rev A,

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with policies contained within the Core Strategy and Development Management Policies Document (2009)

- 3 The approved scheme shown in drawing numbers 5990/ASP1.0 Rev A, 990/ASP1.1 Rev A, 5990/ASP1.2 Rev A, 5990/ASP1.3 Rev A, 5990/ASP1.4 Rev A, 5990/ASP2.0 Rev A, 5990/ASP2.1 Rev A, 5990/ASP2.2 Rev A, 5990/ASP2.3 Rev A and 5990/ASP2.4 Rev A shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 4 The scheme detailing on-site equipped play provision and details of the arrangements for the future maintenance of the play equipment in Drawing Number: 5990/ASP3.0 Rev B and Drawing Number: 5990/ASP3.1 Rev D shall be implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 5793/001, 5793/004, 5793/002C, 5793/007, 5793/008, 5793/003A, 070, 071, 072, 5793/006B, P440/001 rev B, 5793/056, 5793/055, 5793/054, 5793/053, 5793/052, 5793/015/01A, 5793/015/B, 5793/033/B, 5793/033/01A, 5793/032/B, 5793/032/1B, 5793/031/B, 5793/031/1A, 5793/027/A, 5793/027/1, 5793/026/B, 5793/026/1, 5793/025/A, 5793/025/1, 5793/024/A, 5793/024/1, 5793/023/A, 5793/023/1, 5793/022/A, 5793/022/1, 5793/021/A, 5793/021/1, 5793/020/A, 5793/020/1A, 5793/0196, 5793/0196/1, 5793/0195, 5793/0195/1, 5793/0193/1, 5793/0193, 5793/0194, 5793/0194/1, 5793/0192, 5793/0192/1, 5793/016A, 5793/016/1, 5793/017/A, 5793/017/1, 5793/018/A, 5793/018/1A,

5793/019/1, 5793/019/A, 5793/0191, 5793/0191/1, 5793/034, 5793/035/A, 4820-D EXTRACT, P440/SK002A, P440/SK001, P440/SK003

Flood Risk Assessment ref 1377 FRA September 2015, Capacity Analysis Report September 2015, Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A), 4820-D-1/A, 4820-D-2/A, Updated Ground Investigation ref BRD1534-OR3-A, BG_1035_01A rev A, Transport Assessment ref: 406.05741.00003, Heritage Asset Assessment 2014/007 Version 1.0, Phase 1 Desk Study BRD1534-OR1 version B July 2012, Phase 2 Site Investigation BRD1534-OR2 version B September 2012, Preliminary Ecological Appraisal December 2013, Final Ecological Appraisal October 2015,

BRD Initial Remediation Method Statement Ref BRD1534-Let13
BRD Additional Ground Investigation and Remediation Strategy Ref BRD1534-OR5-A
BRD Remediation Verification Report Ref: BRD1534-OR6-A
Asbestos Removal Close Out Report from Mick George Environmental Reference MGL-1479

Drawing Number 14663/3200 Rev T1
Drawing Number 14663/3201 Rev T1
Drawing Number 14663/3202 Rev T1
Drawing Number 14663/3203 Rev T1
Drawing Number 14663/3204 Rev T2

AE Designs LTD Flood Risk Assessment Ref: 1377 FRA dated September 2015 to be taken in conjunction with AE Designs LTD Flood Risk Assessment Addendum 2 Ref 1377 FRA Addendum 2 dated October 2016.
Withers Design Associates Ltd Sustainable Urban Drainage Maintenance Statement V1 dated 23 January 2017
Withers Design Associates Ltd Surface Water Management Plan V1 dated 23 January 2017
Drawing Number 14663/3800 T1

Drawing Number: 5990/ASP1.0 Rev A
Drawing Number: 5990/ASP1.1 Rev A
Drawing Number: 5990/ASP1.2 Rev A
Drawing Number: 5990/ASP1.3 Rev A
Drawing Number: 5990/ASP1.4 Rev A
Drawing Number: 5990/ASP2.0 Rev A
Drawing Number: 5990/ASP2.1 Rev A
Drawing Number: 5990/ASP2.2 Rev A
Drawing Number: 5990/ASP2.3 Rev A
Drawing Number: 5990/ASP2.4 Rev A

Crest Nicholson Waste Strategy
Email from Susie Hartas (Crest Nicholson) confirming cost of bin provision will be covered by the developer sent 24 February 2017.

Drawing Number: 5990/ASP3.0 Rev B
Drawing Number: 5990/ASP3.1 Rev D

Drawing number 12971-1-A (clarification on spill provided in an email from Kelly Heath, DW Windsor, on 7 February confirming lux spill lines are within the application boundary)

Hodkinson Energy Statement dated October 2016

Residential Travel Plan by Markides Associates dated November 2016

Drawing Number 14663/3010 Rev T1

Drawing Number 14663/3011 Rev T1

Drawing Number 14663/3012 Rev T1

Drawing Number 14663/3013 Rev T1

Dunton Environmental Construction Environmental Management Plan Ref

DTR 16529 dated December 2016

Wheel Cleaning Method Statement

Traffic Management Plans 1, 2 and 3

Reason: To identify the approved plan/s and details approved pursuant to conditions on the original consent CB/15/03182/FULL to ensure development is implemented as approved 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. 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 Core Strategy and Development Management Policies Document (2009)
3. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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 without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be

approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

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 Development Control Group, Development Management Division, Central Bedfordshire Council, 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.

All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Central Bedfordshire Design Guide A guide for designing high quality new developments" and the Department for Transport's "Manual for Streets", or any amendment thereto. Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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