

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

**This meeting
will be filmed.***



**Central
Bedfordshire**

please ask for Helen Bell
direct line 0300 300 4040
date 17 March 2016

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 30 March 2016 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, I Shingler and J N Young

[Named Substitutes:

D Bowater, Mrs C F Chapman MBE, I Dalgarno, Ms C Maudlin, P Smith, B J Spurr and T Swain]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.

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AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 2 March 2016.

(previously circulated)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Formal Action Report	7 - 14

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider
the planning applications contained in the
following schedules:**

Item	Subject	Page Nos.
6	<p>Planning Application No. CB/14/02348/OUT</p> <p>Address: Land at Station Road, Harlington</p> <p>Outline: Redevelopment up to 45 residential units with associated amenity space, landscaping and parking provision. Demolition of existing bungalow.</p> <p>Applicant: Co Koopmans Property Asset management</p>	15 - 50
7	<p>Planning Application No. CB/15/03706/OUT</p> <p>Address: Land off Bedford Road and rear of Duck End Close, Houghton Conquest, Bedford MK45 3NP</p> <p>Outline: The erection of up to 52 dwellings with all matters reserved except for access.</p> <p>Applicant: Templeview Developments Ltd</p>	51 - 78
8	<p>Planning Application No. CB/15/04226/OUT</p> <p>Address: Land between Astwick Road & Taylors Road, Stotfold</p> <p>Outline Application: Development of 0.84 hectares to provide bungalows and additional residential accommodation and other associated works.</p> <p>Applicant: Larkwood Design Limited</p>	79 - 104
9	<p>Planning Application No. CB/15/04081/OUT</p> <p>Address: 7 – 37 Barton Road, Gravenhurst, Bedford MK45 4JP</p> <p>Outline: Residential development of up to 24 dwellings with ancillary works. All matters reserved except access.</p> <p>Applicant: The RonCon Trust</p>	105 - 128

- 10 **Planning Application No. CB/15/04320/OUT** 129 - 154
- Address:** Land to the rear and side of East Lodge, Hitchin Road, Stotfold, Hitchin SG5 4AA
- Outline Application: 18 No. dormer bungalows on area of open land.
- Applicant:** P. J. Livesey Holdings Ltd
- 11 **Planning Application No. CB/15/04299/OUT** 155 - 178
- Address:** West Orchard, Fairfield Park, Stotfold, Hitchin
- Outline: 2 No. Dormer bungalows on the area of vacant land in the northern part, to the south of West Drive at Hardy Way; of the former orchard to the west of Fairfield Hall.
- Applicant:** P. J. Livesey Holdings Ltd
- 12 **Bi annual update of Development Management Performance** 179 - 184
- To receive and consider a bi annual update on Development Management Performance.
- 13 **Site Inspection Appointment(s)**
- Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections will be undertaken on 9 May 2016.

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Meeting: Development Management Committee
Date: 30th March 2016
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Regeneration and Business
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

Advising Officer: Director of Regeneration and Business
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

Background

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 30th March 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	A presentation to CMT on 03/02/16, re options (Injunction to revoke permissions, or CPO) was positively received and a report will go to PFMT in March.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Prosecution successful		Not complied	Garage remains. Luton Magistrate found the defendant guilty of an offence on 02/03/16. Fined £6000 and with CBC costs, etc, total payment due of £24,420. Enquiries by CBC to achieve the removal of the garage to continue.
3	CB/ENC/12/0174	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal dismissed	09-Apr-16		Internal site inspection required in April 2016 to ensure property has been returned to a single dwelling house.
4	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				A presentation to CMT on 03/02/16, re options (Injunction to revoke permissions, or CPO) was positively received and a report will go to PFMT in March.
5	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				No compliance. Legal advice being sought as to next steps.
6	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16	Appeal decision 07/03/15	07-Mar-17		Appeal decision - Enforcement Notice upheld but compliance period extended to 12 months - (07/03/17). All unauthorised extensions to be demolished.
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal received 05/08/15			Appeal site visit scheduled for 15/03/16, decision will follow.
8	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Assessment to be made regarding breach of condition notice.

Planning Enforcement formal action (DM Committee 30th March 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Planning permission granted for a replacement horticultural building, with condition requiring removal of all skips & containers prior to the building being brought into use.
10	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	A presentation to CMT on 03/02/16, re options (Injunction to revoke permissions, or CPO) was positively received and a report will go to PFMT in March.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice -Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Planning application ref: CB/15/03057/FULL to retain the walls, gates & piers granted permission on 08/10/2015 with a condition that within 2 months of the date of the decision the boundary wall, piers, and gates shall all be reduced according to the detail shown on the approved revised drawing. Site visit to be made to ascertain if notice has been complied with.

Planning Enforcement formal action (DM Committee 30th March 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed	Aug-15		Residential use returned to site in non compliance with requirements of Notice. Prosecution action being considered.
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 - Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials. 1X Enforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15 12-Aug-15 12-Aug-15 04-Feb-16	12-Sep-15 12-Sep-15 12-Sep-15 07-Mar-16	12-Nov-15 12-Nov-15 12-Nov-15 07-May 16 07-June-16				Enforcement Notice 1 has not been complied with. Enforcement Notice 2 has been complied with. Enforcement Notice 3 has been part complied with. Enforcement Notice served on rear of land. Check compliance 07/05/16 and 07/06/16.
14	CB/ENC/13/0607	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal received 30/6/15	15-Sep-16		Appeal decision - Enforcement Notice upheld with corrections. Compliance is extended to 6 months.
15	CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16	Appeal received 07/01/16			CBC Enforcement appeal statement submitted to Planning Inspectorate Feb 2016.

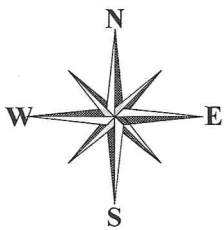
Planning Enforcement formal action (DM Committee 30th March 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
16	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Sale of the property has been agreed, awaiting confirmation of when sale will be completed.
17	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Discussions regarding costings for a full structural survey and associated scaffolding to enable this to be carried out currently the the Council's Asset's Team awaiting further instructions
18	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcment Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15		31/03/2016		Following further discussions an extension has been agreed for the removal of the mobile home until end of March 2016. Should the mobile home not be removed by this date then prosecution proceedings will commence to ensure its removal.
19	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal received 7/12/15			Appeal submitted 7/12/15, awaiting appeal site inspection and decision.
20	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection.	19/10/2015	19/10/2015	18/11/2015				Notice being complied with.
			Breach of Condition Notice - Condition 14 Transport Assessment details	09-Feb-16	09-Feb-16	09-May-16				Further Breach of Condition Notice served, check compliance 09/05/16.
			Breach of Condition Notice - Condition 15 Works to Harbrook Lane	09-Feb-16	09-Feb-16	09-May-16				Further Breach of Condition Notice served, check compliance 09/05/16.
21	CB/ENC/15/0349	Erin House, 171 Dunstable Road, Caddington, LU1 4AN	Enforcement Notice - Unauthorised instabllation of open swimming pool	28-Jan-16	01-Mar-16	01-Jun-16	Joint planning and enforcement appeal submitted.			Joint planning and enforcement appeal submitted to Planning Inspectorate March 2016.

Planning Enforcement formal action (DM Committee 30th March 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
22	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site. Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal received 27/12/15			Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Enforcement and Planning appeals received 27/12/15. Appeal statements being finalised for submission to the Planning Inspectorate.
23	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10/09/2016 10/10/2016	Appeal received 09/03/16			Appeal received 09/03/16
24	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and structures.	18/02/2016	18/03/2016	18/04/2016				Check compliance 18/04/16
25	CB/ENC/16/0033	Kingswood Nursery, Dunstable Road, Tilsworth, LU7 9PU	Temporary Stop Notice - Unauthorised works to develop the site, not in accordance with details approved under planning permission CB/12/01271/Full	04/03/2016	04/03/2016					Notice ceases to have effect on 01/04/16
26	CB/ENC/16/0080	Land to the North of, Woodside Caravan Park, Hatch	Injunction served 19/02/16 - Prevention of interference with protected trees, use the land for siting of caravans/mobile homes or undertaking development including the laying of hardcore or creation of hardstanding.	19/02/2016	19/02/2016					Monitor compliance with injunction.

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Date: 28:September:2015

Map Sheet No

Application No:
CB/14/02348/Out

Scale: 1:1250

Land at Station Road, Harlington

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Item No. 6

APPLICATION NUMBER	CB/14/02348/OUT
LOCATION	Land at Station Road, Harlington
PROPOSAL	Outline: Redevelopment up to 45 residential units with associated amenity space, landscaping and parking provision. Demolition of existing bungalow.
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Lisa Newlands
DATE REGISTERED	13 June 2014
EXPIRY DATE	12 September 2014
APPLICANT	C/o Koopmans Property Asset Management
AGENT	CGMS Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development with Parish Council objection
RECOMMENDED DECISION	Outline Application - Approval subject to the completion of a satisfactory S106.

Summary of Representation:

The proposal would involve the redevelopment of a vacant brownfield site, within the settlement envelope. The redevelopment of brownfield sites is seen as acceptable within the NPPF and as the site is within the settlement envelope with no detrimental impact on the character of the area, it is therefore considered acceptable in principle.

The application has demonstrated that an acceptable layout could be achieved on the site although this would be the subject of future reserved matters applications.

The only considerations within the application at this stage are the principle of development and the access. As stated above the principle is considered to be acceptable and the Highways Officer has confirmed that subject to conditions the proposed access would be acceptable. It is therefore recommended that planning permission be approved.

Site Location:

The site is an area of land some 0.77 hectares, situated adjacent to Harlington Railway Station. The site is brownfield land, previously used as a trailer yard, with hardstanding still present and a modest bungalow located at the site's access point.

The site is bounded to the west by Harlington Station and railway line, to the north by Station Road, which provides the access point to the site and to the east by residential development. Dwellings to the south-east are to some extent screened from the site by an existing tree belt, which is to be retained.

The Application:

Outline consent is sought for the redevelopment of the site for up to 45 dwellings. Consisting of a mix of 1 and 2 bedroom apartments, with the provision of associated parking and amenity space. All matters are reserved except access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1: Development Strategy

Policy CS2: Developer Contributions

Policy CS5: Providing Homes

Policy CS7: Affordable Housing

Policy DM2: Sustainable construction of new buildings

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM9: Providing a range of transport

Policy DM10: Housing Mix

Development Strategy for Central Bedfordshire 2014

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number MB/05/00262/FULL

Description Construction of 60 space car park

Decision Granted

Decision Date 13/02/2008

Application Number MB/03/00982/FULL

Description Construction of car park (175 spaces) following demolition of existing workshop and office.

Decision Granted

Decision Date 13/02/2008

Consultees:

Harlington Parish
Council

Re-consultation response: Objection on the following grounds:

- the number of houses should be reduced to enable an increase in parking;
- the proportion of affordable housing is considered low considering the number of units planned;
- concerns that the costs for remediation work on the site could result in the loss of affordable housing;
- major concerns regarding water supply, sewage and surface water;
- the ingress/egress is considered insufficient to accommodate 2 way traffic and a footpath;
- the existing footpath into the village cannot be widened and is already unsafe and incomplete along Station Road;
- the vision splays are considered insufficient;
- the Parish Council are paying for a parking and safety audit to be carried out throughout the village and the results from this should be taken into account;
- The GP and Schools are already oversubscribed and yet no CIL will be charged to mitigate these issues;
- Positive point - it is a brownfield site and a good use for it.

Original response: No objection in principle but felt that serious consideration needed to be given to more parking and an appropriate design for ingress and egress, with S106 money being used to improve the safety of Station Road, and for a bridge to be considered from the site into the Station.

Affordable Housing
Officer

This application provides for 11% affordable housing which is not in accordance with our current affordable housing requirement. However, I do support this application as the proposal now incorporates an element of affordable housing provision (5 units) which is a step in the right direction as the original application proposed zero affordable units based on site viability issues. Since the original application discussions have taken place between the applicant and the Council which has resulted in the inclusion of affordable housing within the development.

The Strategic Housing Market Assessment (SHMA) indicates a required tenure split from developments meeting the affordable threshold as being 63% rent and 37% intermediate tenure. This would make a requirement of 3 units of affordable rent and 2 units of intermediate tenure from the proposed development. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. I would also expect all units to meet all HCA design and quality standards.

It may be worth considering incorporating a review

mechanism into the S106 agreement which reviews the financial viability again upon completion. If this viability indicates that the scheme has delivered a greater return than that indicated by the developer then we can request a financial contribution to be made in lieu of the onsite provision of affordable housing over and above the 5 units delivered on the site.

Rights of Way

Harlington Footpath No.24 runs adjacent to the site. This footpath is very narrow and ideally I would like to make the path wider (where possible). The surface of the path is in desperate need of some attention and will need re-surfacing (approx 300m long). This path also attracts use from cyclists so some low level bollard lighting may be appropriate.

The footpath must remain open and available for use at all times, unless a closure is applied for. We will need 6 weeks notice prior to any closure.

Ecology

I have read through the submitted ecological scoping survey and I am satisfied that the proposed development would not have a detrimental impact on a protected species. Thorough surveys have been undertaken and a comprehensive suite of mitigation measures are proposed. The planning statement suggests in 4.51 that these are conditioned. As the measures are so detailed cover the construction phase as well as enhancement measures I would recommend that a **condition** is placed on planning permission requiring the submission of a Construction Environmental Management Plan which can include the necessary details for mitigation from chapter 4 of the ES.

Conservation Officer

Although not situated in the conservation area and not immediately visible it is located next to an important group of cottages and any development needs to reflect the urban grain of the village and the immediate street scene.

The outline planning application has responded positively to the pre-application advice given. The revised proposals have taken into consideration the domestic scale of the village with its interspersed semi, detached and small groups. The requirement to break up a previously terraced development has been addressed satisfactorily. The revised layout is supportable.

Public Protection

The application is accompanied by a revised acoustic assessment prepared by Sharps Redmore which indicates that it is technically feasible to develop the site for residential purposes subject to certain mitigation, including glazing, ventilation and an acoustic fence.

Internally noise levels will be controlled by enhanced glazing and mechanical ventilation, meaning that residents in order to seek respite from excessive noise will require windows to be kept shut. Indeed the internal

layout has been designed to minimise noise intrusion into habitable rooms. One of the outstanding matters previously was that the applicant had not considered the railway tannoy system and its potential impact on receptors. They now acknowledge that such remains an issue and advise that the tannoy system is clearly audible across the whole site. However, once again they fail to deal with the intrusive element of this in their mitigation conclusions and therefore this matter will be subject to further assessment requirements. The likely solution will be to ensure that all appropriate windows are fixed shut to ensure that noise from the tannoys is inaudible at night.

In terms of outdoor amenity space a fence is required along the boundary with the railway line extending to a height of 3m. Even with this in place not all amenity areas will comply with the World Health Organisations noise criteria of 55dB(A) which is considered to be a limit which if exceeded will result in serious annoyance daytime and evening. Having discussed this in detail with you I suggest that this is not sufficient grounds for objection.

I am willing to recommend approval of the proposal subject to the imposition of an appropriate condition. I propose a different wording to that proposed by the application given both the outline nature of the application and the need for further assessment of tannoy noise and its impact across the site. I don't believe that it is simply sufficient to suggest that only windows with direct line of sight require treatment but such assessments can be dealt with at the reserved matters stage. There is also an element of post completion testing required as part of this condition given the sensitive nature of the site.

"Any reserved matters application shall include a detailed assessment and subsequent scheme for protecting the proposed dwellings from noise from the railway (including noise from the railway station public address system). Prior to any development commencing the final scheme shall be submitted to and approved in writing by, the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Contaminated
Officer

Land Due to the previous use of the site please attach the following conditions to any permission granted:

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:

1. *As shown to be necessary by the Phase 1 RSK report of 2010, a Phase 3 detailed **remediation scheme** with measures to be taken to mitigate risks to potable water and building materials. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any **permitted building** is occupied.*
2. *The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a **validation report** (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.*

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

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

Reason: To protect human health, building integrity and the environment

Minerals and Waste

Thank you for consulting the Minerals and Waste Planning team on application CB/14/02348/OUT. As the site does not fall within a Mineral Safeguarding Area the development is unlikely to lead to the sterilisation of minerals.

I note that the development involves the redevelopment of brownfield land and the demolition of an existing bungalow and I therefore suggest that there may be considerable scope to reuse and recycle the construction and demolition waste generated from the development. Reuse and recycling is supported in the MWLP:SSP (2014) and MWLP (2005) policy W5 "Management of wastes at source: Waste Audits". I therefore request for a waste audit to be submitted which demonstrates how the production of waste will be reduced and how waste recycling and recovery rates will be maximised. Please include an appropriately worded condition which requires the submission and approval of a waste audit, if you are minded to recommend approval.

Useful information on waste audits is available in the SPD – "Managing Waste in New Developments" which is

available from the CBC website here:

<http://www.centralbedfordshire.gov.uk/planning/minerals-and-waste/supplementary-planning-document.aspx>

Waste

Finally, please note, the Minerals and Waste Local Plan: Strategic Sites and Policies 2014 (MWLP:SSP) policy WSP5 “Including waste management in new built developments” requires all new development to include sufficient and appropriate waste storage and recovery facilities in their design and layout. I suggest that this matter could be dealt with at the reserved matters stage. No objection subject to the following being considered at reserved matters stage.

- Each block will need a specific built bin store, this will need to be located a maximum of 10 metres from the road side
- the bins stores will need to be adequate in size to accommodate recycling, domestic waste and food waste bins
- In front of each bin store there will need to be dropped kerbs
- Full tracking of the site using our vehicle specifications
- is the access road to be adopted
- Provide details of the turning location, again to be tracked.

Archaeology

The proposed development site is on the western edge of historic core of the medieval village of Harlington (HER 17007). Harlington is recorded in the Domesday Survey of 1086 AD and is, therefore, likely to have its origins in at least the late Saxon period. Archaeological investigations to the east have shown that deposits relating to the medieval village survive. The medieval settlement is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*. The site is also in an area of considerable archaeological potential. There is evidence of Roman and Saxon occupation (HER 101) to the west, including Roman buildings and Roman and Saxon cemeteries and to the south west there are remains of a early-middle Iron Age farmstead (HER 12811). This evidence suggests that the site is located within an archaeological landscape which has not been extensively investigated and has the potential to contain archaeological remains dating from the later prehistoric onwards. There are records of a substantial though uncharacterised earthwork immediately to the west of Harlington Station opposite the site.

The application includes an *Archaeological Desk-based Assessment* (CgMs June 2014) which describes the archaeological context and potential of the site and utilises geotechnical information to examine the level of

ground disturbance that may have occurred at the site. The *Assessment* concludes that the site has moderate to low potential to contain archaeological remains of the Roman and medieval periods and low potential for all other periods. It is suggested that any remains that the site may contain are likely to be relatively isolated finds or features or land division features considered to be of local interest. I think that this rather under plays the potential of the site. There is evidence of substantial Roman and Saxon occupation in the area and the site is close to the historic core of the village of Harlington where archaeological deposits relating to the medieval period are known to survive. Therefore, I believe the site has the potential to contain remains of Roman, Saxon and medieval occupation which have been identified as regional research priorities in the published regional archaeological research frameworks.

The *Assessment* suggests that former uses of the site including construction of the railway and associated sidings and the former trailer yard will have had an impact on the survival of archaeological remains. Geotechnical information shows that there is up to 1.5m of made ground over parts of the site above glacial deposits. The previous uses of the site are likely to have had some impact on any archaeological remains the site contains. However, the glacial deposits are superficial, overlying the Gault formation, it is the glacial deposits into which any archaeological features will have been cut. Any recent made ground will also overlie archaeological remains and could provide some measure of protection for the deposits. It is now well proven that archaeological deposits can and do survive in areas where there have been successive periods of development and redevelopment. Therefore, despite any ground disturbance that may have occurred as a result of former uses of the site there is good potential for archaeological remains to survive at the site.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (Revised Pre-submission Version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the following condition to any permission granted in respect of this application.

“No development shall take place until 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 said development shall only be implemented in full accordance with the approved archaeological scheme.”

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.

This request is in line with the requirements of Chapter 12 of the *NPPF* and policy 45 of the *Development Strategy for Central Bedfordshire* (Revised Pre-submission Version, June 2014).

Network Rail

We are pleased to see that some of our comments from our previous response of 14 July 2014 have been taken into account with the revised site plan, however, we still require a Swept Path Analysis be undertaken to determine if one of our low loader vehicles would be able negotiate the site to reach and enter the adjacent railway access point safely and unobstructed.

Given the nature of the railway maintenance and the essential need for 24/7 access to the railway at this site, additional signage should be provided at appropriate locations within the development at the developers cost, to warn residents to leave the access clear and unobstructed at all times and to advise that it is a railway

Below are some further requirements that must be met,

Two Metre Boundary

From the plans provided the first building at the northern entrance to the site off Station Road appears very close to the railway boundary. Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

3. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
4. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
5. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
6. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within

3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or

damaged. We note from the plans that a 3m high fence is proposed for the site which would help satisfy this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. We note that the proposals include the addition of a 3m acoustic fence which would help mitigate this problem.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of

the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

I would advise that given the issues relating to the site we would urge that the plans are carefully considered in the light of our established access and the need not to fetter the ability of the railway to carry out essential maintenance. However, should the development be approved we would wish to see that the **drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Tree and Landscape Officer

I refer to my original site visit on the 29th May 2013 and my subsequent comments made in respect of Pre App CB/13/01135/PAPC, where concern was expressed regarding the boundary trees .

The Tree Survey undertaken by Ian Keen Limited has not been supplied with a plan that relates to the positions of the trees, but clearly a plan had been produced when the survey was undertaken, as the report refers to one. This plan should be submitted, and will allow us to clearly see those trees being indicated for removal, and the value of each tree surveyed.

Also, any final design and indications of housing density, should be based on a Tree Constraints Plan where the designer can refer to Root Protection Areas and other constraints such as shading and canopy spread, to enable a satisfactory juxtaposition of buildings to those trees being retained. The final design should be then accompanied by an Arboricultural Method Statement and Tree Protection Plan.

Transport Strategy

Policy Summary

It is clear from the elements of the policies above – that development should contribute towards an improve transportation network. This over-arching policy is supplemented by a detailed assessment in the Local Area Transport Plan for the area (detailed below).

Harlington Local Area Transport Plan

Harlington, like all areas of Central Bedfordshire has a specific Local Transport plan which is an evidence based plan which looks at the particular issues that affect the area.

There are high levels of car ownership in this area which are reflected in how people travel to work, with 80% of people driving to work in their car (which is higher than the National or CB average). Reflecting the close

proximity of Harlington railway station, a relatively high percentage of residents take the train to work (16%). There is also a significant level of out-commuting, where 69% of commuters commute from the area to nearby major urban areas.

Harlington Station is the main public transport infrastructure facility in the area. Access between platforms is provided by way of a footbridge over the railway. With the exception of Platform 4 and the ticket office, there is no step-free access between the platforms. The station currently does not operate to its potential as an effective transport interchange. The station is served by few, infrequent bus services, and both bus stops for the station are unmarked on the side of the highway. The 127-space station car park is also often full, with resulting car parking problems on nearby streets. Due to its popularity with commuters, the car park at Harlington Rail Station is at or close to capacity by 9am on most weekdays. This leads to issues with station users parking on local residential streets that are not subject to parking restrictions, as well as discouraging some off-peak travel by train. Parking charges, and the availability of car parking after the peak periods, also result in local people driving to other stations, such as Flitwick and Legrave, to catch a train.

Public and Stakeholder Responses to the LATP

Integrating local transport modes, particularly public transport, was seen as key to getting people to travel more sustainably. For public transport, there was a desire to provide services based on demand as opposed to running routes as they always have done.

In Harlington the station parking issue is linked to a much bigger issue at the station. Local people and stakeholders highly value their local station and see it as a significant community asset, with a number of local people using it to commute to work, but it does not live up to its potential as an effective transport interchange. A lack of local buses serving the station, combined with poor stop quality, is a particular issue. An issue that was consistently raised by local people and stakeholders was that of all-day on street parking close to the train station, owing to high parking prices at the station and an often-full car park. As well as causing inconvenience, inconsiderate parking also acts as a barrier for pedestrians and cyclists.

Site Specific Comments

The proposed development is on a site that was previously identified (and granted planning permission) for extra car parking for the Station. As detailed above the provision of station parking and consequences for on

street parking is a concern and therefore the building of housing on this site would absolutely remove the possibility of providing increased public car parking in the vicinity of the station. In order to mitigate against this lost opportunity the development should look to improve the design to incorporate measures that could improve access to the station.

Policy dictates that developments should contribute to improved transport infrastructure. However, this development seeks to 'exploit' its location next to the station – rather than contributing to the improvement of the station and wider transport infrastructure.

In general terms the development has not come up with a design solution that fully addresses some of the issues evidenced in the LATP. There are existing pressures and deficiencies in Harlington and this development would put extra pressure on the local network.

A fundamental element that would improve the scheme would be to provide an access point onto the eastern platform of the station and an 'interchange' arrangement.

The eastern platform is the platform for southern departures towards Luton and London and is the busiest. However, this platform can only be accessed via steps and therefore provides a significant barrier for those with mobility concerns. The applicants should therefore provide an access point into the eastern station platform which should be step free and form an integral part of the design of the scheme.

The access to the station platform is something that the applicants should progress with Network Rail and I would expect the applicants to make all reasonable endeavours to progress this and incorporate it into a revised design.

Earlier design iterations showed a design that encompassed an 'Arrival Square' in the northern part of the site – which has now been shown to be located in the central southern part of the site. This 'Arrival Square' could be located to the north of the site - so that it provides an access point into the station complex and provide an area for cycle parking and potentially a mini 'station interchange' which could provide a bus lay-by and car drop off area (subject to highway design approval).

Further improvements should be made to the access arrangements for cyclists and pedestrians into and through the site. The public footpath that runs along the eastern edge of the site should be improved and widened along its entire length to provide a safe, off road, cycle link from Pilgrims Close to the south. There is an existing hedge separating the path from the site, however, this hedge could be replaced with a higher quality mixed

native species hedge – once the path is widened.

Harlington Station is one of the oldest operational stations in Central Bedfordshire (built in 1868) and although the site falls outside the conservation area for the village – the design should sympathetically reflect the history of the station and the scale of the buildings should not overly dominate the setting of the station.

Other Representations:

Neighbours

Objections received from:

9 Station Road

- safety of the access;
- excessive speed and volume of traffic entering and leaving the village;
- the blind corner entering the village over the railway bridge;
- proximity of Station access which causes queues of traffic at peak times;
- the cars parked outside the station cottages would obscure the vision of drivers exiting the proposed development and turning right onto Station Road;
- insufficient parking provided for the proposed development that will result in on street parking in surrounding areas;
- Access is unsafe for normal vehicle use;
- vehicles coming over the bridge will not see vehicles being held up behind a vehicle waiting to turn right into the proposed site;
- traffic calming measures are required to make the access to the site safe for use;
- Restricted vehicles continue to use Station Road because of inadequate signage in a westerly direction and lack of restriction enforcement.

13 Station Road

- traffic calming measures are required along the length of Station Road;
- possibility of changing Station Road into a one way system;
- road either side of the bridge is sinking, added traffic and a busy new road junction will not help the situation;
- the footpath across the bridge is already poorly lit and narrow and this will lead onto the new junction;
- residents parking for the Station Road cottages - contention between existing residents and commuters parking;
- vehicles coming over the the rail bridge in an easterly direction will not see vehicles held up behind a vehicle

- wanting to turn right into the proposed access;
- vehicles travelling in a westerly direction down Station Road will not get a clear view of vehicles emerging from the proposed access and wanting to turn right;

23 Wren Close

- The site was granted planning permission in 2007 for a 235 space car park to supplement the existing railway station car park on the other side of the line - given the continuing difficulties with the adequacy of railway station car parking generally, plus the failure to deliver the new railway station at The Wixams, it is not considered sensible for this latest (outline) planning application to be allowed;
- Consent should only be given by a renewal of the former 2007 car parking permission;
- land has largely been unused since Newton Haulage/ Newton Trailers moved;
- has been used by Network Rail for access and storage for their track and electrification materials required for the construction of the new Sundon freight loop;
- it is important that the internal layout of this proposed residential development allows reasonable access for a new entrance/ exit to Harlington Railway Station - on the London bound slow-line platform - most Thameslink stations are now double-sided and Harlington should be like these;
- a pedestrian and cycle access route should be incorporated giving access to the southbound direction platform.

7 Christian Close

- the number of units being proposed is too many for the site and surrounding areas;
- the proposal will cause traffic problems with exiting onto Station Road;
- sufficient parking should be provided for the proposed dwellings;
- negative impact on the amenities of properties that will be next to the site, and this will include overlooking, loss of privacy, noise and late night activities;
- the layout and density of this proposed site is inappropriate for such a narrow space and one that must allow for full access for the railway.

8 Christian Close

- the number of units is inappropriate to the size of the site;
- would wish to have assurances that all trees on the bridle way are safeguarded;
- Christian Close is in very close proximity to proposed units and the buildings are on an elevated site

overlooking houses - what privacy measures are proposed?

Letters of support received from the following:

49 Park Leys - in favour of the development

30 Pilgrims Close - Fully in support

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. Affordable housing;
3. Layout, scale and character;
4. Residential Amenity
5. Transport Issues
6. S106 Contributions
7. Any other matters

Considerations

1. The principle of development

- 1.1 The application site is a brownfield site within the settlement envelope of Harlington. Harlington is defined as a large village. Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that in the rural part of the district new development will be limited in overall scale. Policy DM4 of the same document expands on this further stating that within settlement envelopes in large villages, small-scale housing and employment uses, together with new retail and service facilities to serve the village and its catchment will be permitted.
- 1.2 The residential development of the site is therefore acceptable in principle subject to detailed planning considerations. The proposal whilst being inside the settlement envelope for Harlington, will also provide further housing and assist in achieving a robust 5 year housing supply.

2. Affordable housing

- 2.1 The proposal was submitted with a viability assessment, which concluded that the scheme would be unviable with affordable housing provision and required reduced S106 contributions.
- 2.2 Following discussions with the applicant, the scheme has been revised and whilst it has been demonstrated unviable with affordable housing provision and contributions; the applicant has agreed to provide an element of affordable housing. The scheme is now providing 11% affordable housing which results in the provision of 5 units within the scheme. It is considered that this would be an acceptable level given the viability issues and ensure a sustainable form of development.

- 2.3 A review mechanism will be included in the S106 to ensure that if the scheme has delivered a greater return than indicated that we can request a financial contribution to be made in lieu of the onsite provision of affordable housing over and above the 5 units delivered onsite.

3. Layout, scale and character

- 3.1 The application is for outline consent only, with all matters reserved except access. However, the application is for up to 45 units and therefore there needs to be consideration in terms of whether the site could adequately accommodate this number of units and whether development of the scale proposed would be considered acceptable in terms of the character and appearance of the area.
- 3.2 The indicative layout shows the provision of 6 blocks of 1 and 2 bed apartments arranged linear across the site. In addition there are three coach-house style dwellings to the front. There are some amenity areas proposed around the blocks which will be adjacent to the railway line and parking/ main access road to the east of the site (curving round to the west of the site (adjacent to the railway line) at blocks 2, 3, 4, 5, and 6.
- 3.3 The proposed development would have a density of up to 58dph, and given the indicative layout would almost entirely fill the developable part of the site.
- 3.4 The character of the area is one of residential dwellings with a mix of cottages, terraces and semi-detached and detached dwellings within cul-de-sacs/ residential areas.
- 3.5 Consultation responses highlighted issues in relation to providing access to Harlington Station from the proposed development. Network Rail have confirmed that there is no immediate plans to provide access to the Station from this side of the bridge and cannot provide any information in terms of future plans that may come forward. The indicative layout ensures that there is a safeguarded link available through the access road/ car parking area to the platform if required. This could be conditioned on the grant of any planning permission and would need to be shown in any future layout submitted as part of a reserved matters application. This is considered acceptable and would not compromise the future provision of a link to the Station through the development if required.
- 3.6 Given the introduction of coach houses towards the front of the site and reduction in the number of units from that original submitted, it is considered that an acceptable form of development could be achieved on the site. The indicative layout shows how the units could be dispersed across the site and it is considered that this would be acceptable. Further details would be submitted at the reserved matters stage in order to assess the proposal in further detail.

4. Residential Amenity

- 4.1 The residential use of the site in itself would not be incompatible with existing residential uses to the eastern boundary. The layout, which would be assessed at reserved matters stage would need to demonstrate that the living conditions of existing neighbours would not be harmed through the loss of privacy, or by creating an oppressive or overbearing impact.

- 4.2 The proposed indicative layout shows that the access road would be adjacent to the existing footpath and existing properties on the eastern boundary of the site, for the first 95m. The indicative layout shows that the potential coach houses/ and block 1 would be some 12 metres from the side boundary of the eastern properties. Given this separation distance it is not considered that the proposal would result in any overbearing impact. The detailed design of the buildings at reserved matters stage would ensure that there would be no detrimental loss of privacy to these eastern properties.
- 4.3 Towards the rear of the site in relation to blocks 2 - 7, there is substantial screening that is to be retained and further details of this will be provided at the reserved matters stage. It is considered that this screening would prevent any loss of amenity to the existing residential properties in this area.
- 4.4 Despite the screening provided on site, the nearest block on the indicative layout would be some 10m at block 2, increasing to some 30m at block 6. This is considered to be an adequate separation distance and would ensure a satisfactory level of residential amenity.
- 4.5 In terms of future occupiers, any detailed reserved matters application would have to demonstrate that the layout/ scheme was designed in accordance with the Council's adopted Design Guide. This would ensure that a suitable level of amenity would be provided for new residents.
- 4.6 Given the illustrative layout plan and the information within the application, it is considered that the proposed site could accommodate up to 45 dwellings without any detrimental loss of amenity to the existing neighbouring residents.

5. Transport Issues

Access

- 5.1 The application is for outline consent with only detailed consideration of the access at this stage. The Council's Highways Officer has considered the application, and has raised no objection subject to conditions.
- 5.2 The Parish Council and a number of residents have raised some concerns regarding the access in relation to visibility on to Station Road, and the width of the access. The Highways Officer has confirmed that the removal of the existing brick built structure will assist in improving the access.
- 5.3 A robust Transport Assessment has been submitted with the application and shows that the appropriate visibility splays can be achieved at the access. The Highways Officer has stated that the visibility splays are Manual for Streets compliant. In terms of the visibility splay towards the bridge, whilst the perception may be that they are not sufficient due to the bend in the road, they are compliant and considered acceptable.
- 5.4 It is also noted that the proposal for residential would give rise to less of a traffic impact than the previous commercial uses.

Transport Strategy

- 5.5 Representations have been made by both residents, Network Rail and our

Transport Strategy team in terms of the possibility of access to the Station from the development site and any future aspiration to have access to the southbound platform on this side of the station.

- 5.6 Network Rail have confirmed that there are currently no future plans to introduce an access to the southbound platform and no scheme in place, that the applicant can facilitate/ address. Without a scheme in place, it would seem impractical for the development to be stalled on this basis. The illustrative layout shows a potential link through to the platform from the application site, this would be access from an internal road and would not result in any loss of amenity for future residents. This link would be safeguarded through a condition on the grant of any planning application and further details would be submitted at reserved matters stage in terms of the final layout and design of the link.
- 5.7 It is considered that given the comments from Network Rail in terms of any future plans/ aspirations the safeguarded link would ensure that should any future plans be developed for access on to the southbound platform that it is secured through the development and would therefore not compromise any future plans.
- 5.8 The Transport Strategy consultation response discusses the potential for the site to be some form of interchange and that they would like to resist the loss of the land. The applicants have demonstrated through the Transport Assessment that there is sufficient parking provision within the existing railway car park and that there is no requirement for car parking provision on this land. The issue of the S106 obligation/ previous permission for a car park will be discussed in section 7. It is considered that the provision of car parking on this site would be unviable given Network Rail's comments in terms of no future plans for access onto the southbound platform.

6. S106 Contributions

- 6.1 A viability assessment was submitted with the application and assessed by our Housing Development Officer. The scheme proved to be unviable with policy compliant affordable housing provision and S106 contributions. The applicant has entered into negotiations and 11% affordable housing units have been secured on the site (this equates to 5 units). As mentioned previously a review mechanism will be built in to the S106 that will enable us to review viability and if it is found that the site becomes more viable then we could seek a financial contribution towards off site provision.
- 6.2 In addition to this a sum of £12,000 has been secured towards parking restrictions measures within Harlington, this would assist in overcoming some of the parking issues within Harlington and direct the railway users to the official railway car park.
- 6.3 In addition to this a contribution has been sought from Leisures Services of £39,000 from the development to be used towards a project to replace the existing metal containers which are currently used by Harlington Junior Football Club and Cricket Club for changing and refreshment purposes with a sports pavillion. This was requested fairly late in the process and has been put to the applicant. An update of their response will be included in the late sheet.

7. Any other matters

Noise

Public Protection have raised concern regarding the proximity to the railway and the impact of noise on future occupiers. Where possible the indicative scheme shows that amenity areas, with the required noise levels can be achieved through design, as in using the buildings as blocks and re-orientation. They have also submitted indicative floor plans of the blocks closest to the railway line to show how habitable/ noise sensitive rooms could be orientated away from the railway line, with the non-habitable rooms such as kitchens and bathrooms fronting the railway line elevation and forming a sound block. Public Protection are content that through the detailed design acceptable noise levels can be achieved. There may be some instances where window detailing will need to be considered, but these will be minimal if the design is appropriate. Public Protection have therefore not objected to the application and have requested a condition.

Contamination

In terms of contamination, there has been no objection from Public Protection on this basis. A Phase 1 report was submitted with the application, this indicated that a Phase 3 survey would be required. A condition has been requested to ensure this is undertaken should planning permission be granted.

Previous Section 106 obligations on the site

The site became vacant when Newton Trailers moved to a site in Ridgmont. To facilitate the move, this site was offered as a car park to serve Harlington and the station. Planning permission was granted for a car park, however, this was not implemented due to lack of interest from Network Rail for a link to the southbound platform and lack of need. The provision of the car park was secured in the S106 agreement for the Ridgmont site. Following legal advice, it is considered that the obligation within the S106 is unenforceable and given that the permission has now lapsed for the car park, the car park could not be delivered through the provisions of the legal agreement.

Pre-application advice was sought from Officers and it was considered that given the circumstances of the S106 agreement and that the obligation could not be enforced that a residential use of the site would be acceptable in this instance.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development [and any other details required i.e. the landscaping adjoining it] within that area (herein called "the reserved matters") has been obtained in writing**

from the Local Planning Authority. The development shall be carried out in accordance with the approved details. Page 41

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 Application for the approval 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 **No development shall take place until 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 hereby approved shall only be implemented in full accordance with the approved scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development (and to secure that protection and management of archaeological remains preserved in situ within the development).
(Section 7, NPPF)**

- 4 The plans to be submitted in accordance with Condition 1 of this permission shall include a tree survey carried out in accordance with BS5837 2012 which shall identify the location of all trees on the land, together with the species of each tree, those to be retained and any tree protection measures to ensure their retention.

Reason: To enable the layout of roads and the siting of buildings to be considered in relation to the existing trees.
(Section 7 & 11, NPPF)

- 5 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:

1. As shown to be necessary by the Phase 1 RSK report of 2010, a Phase 3 detailed remediation scheme with measures to be taken to mitigate risks to potable water and building materials. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
2. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling),

unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

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

Reason: To protect human health, building integrity and the environment

- 6 No development shall commence on the construction of the buildings until full engineering details of the access arrangements shown for indicative purposes on the submitted plan shall be submitted to and approved by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety. (Policy DM3, CSDM & NPPF)

- 7 Any subsequent reserved matters application shall include the following;
1. Off-site highway improvements to facilitate the movement of pedestrians between the site and Harlington Lower School.
 2. Estate roads designed and constructed to a standard appropriate for adoption as public highway.
 3. Pedestrian and cycle linkages to existing routes
 4. Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
 5. Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
 6. A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
 7. Bin storage and collection points (to accommodate recycling, domestic waste and food waste bins)
 8. Scheme for the widening of the adjacent footpath - Harlington Footpath No. 24
 9. Appropriate access through the site for the vehicles used in the maintenance of the railway line
 10. Materials Storage Areas.
 11. Wheel cleaning arrangements.
 12. A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times. (Policy DM3, CSDM & NPPF)

- 8 The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and its surrounding area and the impact on the safe operation of the railway.
(Section 7, NPPF)

- 9 **No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted and approved by the Local Planning Authority.**

The CEMP shall include details of:

- a) Updated bat survey undertaken of the buildings and trees on site;**
- b) Details of measures for the safeguarding of protected species and their habitats;**
- c) Site Waste Management Plan;**
- d) Construction traffic routes;**
- e) Details of site compounds, offices and areas to be used for parking for construction workers and for deliveries and storage of materials;**
- f) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- g) Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).**

All construction activities including protective fencing and warning signs shall be implemented and maintained in accordance with the approved details and timing of the plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period, to protect the amenity of neighbouring properties, in the interests of maximising waste re-use and recycling opportunities, protect habitats, and in order to minimise danger, obstruction and inconvenience to users of the highway and within the site in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009). Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.

- 10 Any reserved matters application shall include the safeguarded link through the site to the boundary with the railway as indicated on plan number 061204-KOOP-01 Rev B. This route shall be safeguarded in perpetuity through the design of the site to ensure an appropriate link should future access be permitted on to the southbound platform of Harlington Station.

Reason: For the avoidance of doubt and protect future connections of the Station with Harlington Village. (Policy DM3, CSDM & NPPF)

- 11 There shall be no more than 45 residential units on the site.

Reason: To ensure that the site is not overdeveloped.

- 12 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and approved in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: To ensure appropriate waste provision on the site (Policy DM3, CSDM & NPPF)

- 13 No development shall commence until a scheme to mitigate noise from the railway (including tannoy noise) has been submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be implemented in full and proven to be effective before any residential units are occupied and thereafter maintained in full throughout the life of the development.

Reason: To ensure that all measures are considered in terms of noise and the amenities of future occupiers are protected. (Policy DM3, CSDM & NPPF)

- 14 **No development shall take place until details of the method of disposal of foul and / or surface water drainage (which shall include) 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: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.
(Section 10, NPPF)**

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement Addendum July 2015; Design and Access Statement Addendum July 2015; Transport Statement; Tree Survey; 0654-SK-01A; Archaeological Desk Based Assessment; Statement of Community Involvement; Geotechnical & Geoenvironmental Report; Ecological Scoping

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. **Any Reserved Matters Applications should take account of the following requirements from Network Rail:**

Two Metre Boundary

From the plans provided the first building at the northern entrance to the site off Station Road appears very close to the railway boundary. Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working

adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged. We note from the plans that a 3m high fence is proposed for the site which would help satisfy this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement

will have to be entered into. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail’s Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant’s land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access

to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. We note that the proposals include the addition of a 3m acoustic fence which would help mitigate this problem.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters

Access to Railway

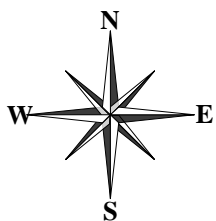
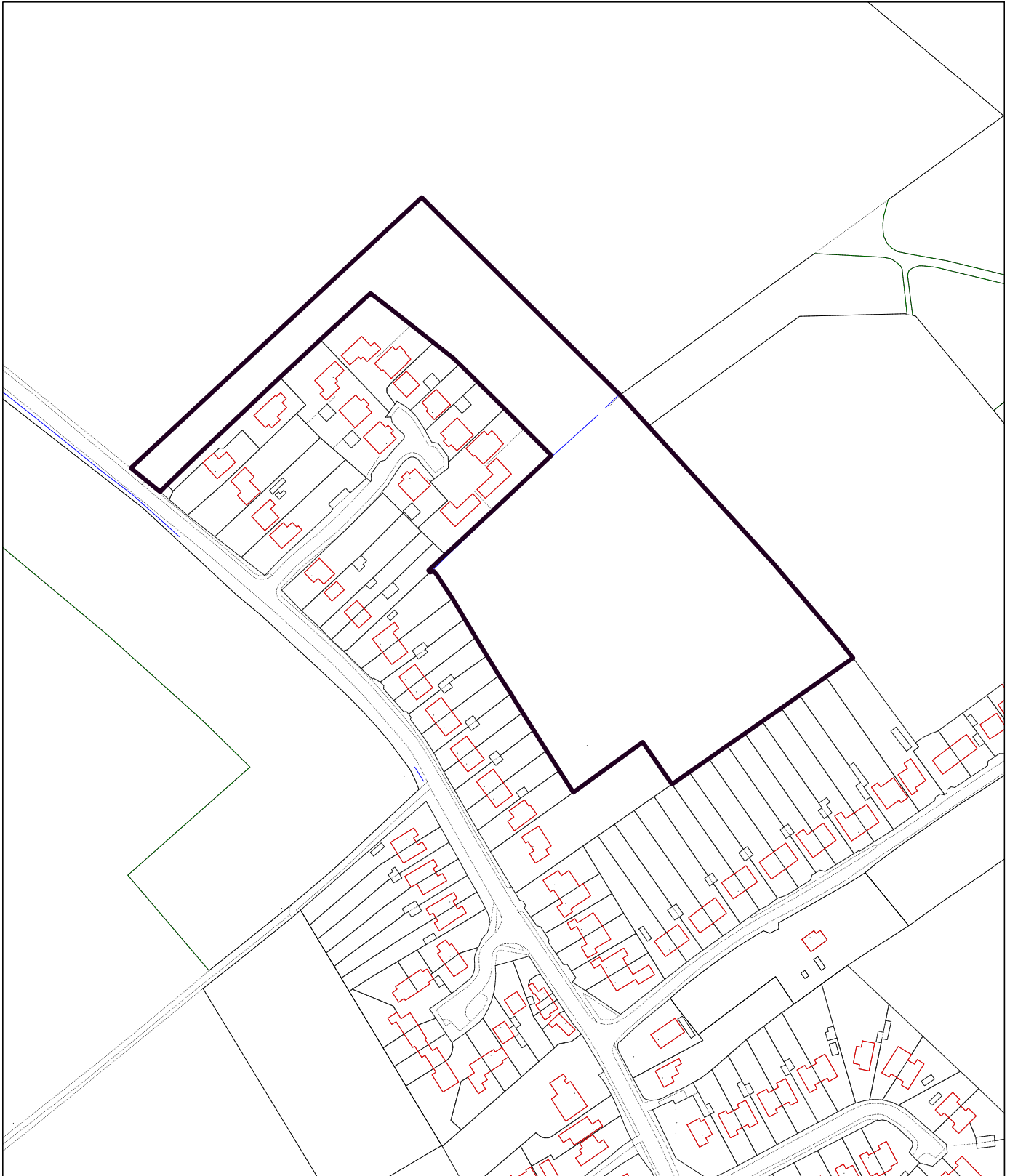
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

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 off site highway and pedestrian safety 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
4. 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 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.
5. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant 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.



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Date: 14:March:2016

Map Sheet No

Application No.
CB/15/03706/OUT

Scale: 1:2500

Land off Bedford Road and rear of Duck End Close, Houghton Conquest,
Bedford, MK45 3NP

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Item No. 7

APPLICATION NUMBER CB/15/03706/OUT
LOCATION Land off Bedford Road and rear of Duck End Close, Houghton Conquest, Bedford, MK45 3NP
PROPOSAL Outline: The erection of up to 52 dwellings with all matters reserved except for access
PARISH Houghton Conquest
WARD Houghton Conquest & Haynes
WARD COUNCILLORS Cllr Mrs Barker
CASE OFFICER Alex Harrison
DATE REGISTERED 29 September 2015
EXPIRY DATE 29 December 2015
APPLICANT Templeview Developments Ltd
AGENT DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE Called in by Cllr Barker

- Outside Settlement Envelope
- Settlements would be merged and too close to Wixams.
- Access is not safe proposing only one way in and out to Bedford Road.
- Layout too cramped and loss of green space and does not interlink.

RECOMMENDED DECISION Outline Application - approval recommended

Reason for Recommendation

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Houghton Conquest which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area and would result in the loss of agricultural land however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education, leisure and highways. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site is located outside of the settlement envelope. The site is approximately 2.5 ha in size and forms part of a larger parcel of land leading from an 'arm' of land that wraps Duck End Close. The site is in arable agricultural use. The site sits adjacent to the boundaries of existing dwellings in Duck End Close, Bedford Road and Mill Lane. Its northern and eastern boundaries are adjacent to

the open countryside. The site is located to the northern extent of the village and abuts the highway at Bedford Road.

The Application:

Outline planning permission is sought for the construction of up to 52 dwellings on the site. All matters are reserved aside from access. Access is proposed to be gained from Bedford Road in the form of a priority junction. The access would follow what is the 'arm' of the application site that surrounds Duck End Close.

The application has been submitted with the inclusion of indicative layout details to demonstrate how residential development would be achieved. The application has been amended since its original submission with the applicant submitting a revised landscape masterplan.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

- CS1 Development Strategy
- CS2 Developer Contributions
- CS3 Healthy and Sustainable Communities
- CS4 Linking Communities - Accessibility and Transport
- CS5 Providing Homes
- CS6 Delivery and Timing of Housing Provision
- CS7 Affordable Housing
- CS13 Climate Change
- CS14 High Quality Development
- 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
- DM10 Housing Mix
- DM14 Landscape and Woodland
- DM15 Biodiversity
- DM16 Green Infrastructure
- DM17 Accessible Green Spaces

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	MB/00/01866/OA
Description	Residential development (all matters reserved except means of access)
Decision	Refused, appeal dismissed
Decision Date	02/01/2001

Consultees:

Houghton Parish Council	Conquest	The Parish Council objects to this application on the following basis:
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The proposed development is outside the village envelope.

Planning Statement section 5.6 states ‘ the entrance road will lead to a row of bungalows suitable for the elderly.’ Although the plans are just indicative, the bungalows appear to be detached properties of the type that command a premium sale price and are often occupied by families and subsequently extended. Suggesting this housing provides suitable housing for an ageing village population is misleading.

In the Planning Statement section 7.37 the applicant mentions the large proposal off Chapel End Road which has now been granted, stating that their application would represent a more sustainable form of development, and quoting emerging policy 29A that when there are 2 competing proposals the ‘best available planning application’ should be approved. As the applicant has stated these are competing applications and the Chapel End Application has been granted. Therefore this application now appears by its own admission to be surplus to requirements.

This development is not sustainable, taking into account the strain on facilities & amenities that the village infrastructure will need to cope with once the 125 homes have been built close by off Chapel End Rd.

The only matter not reserved is access, however no consideration has been given to the traffic calming measures already approved and due to be installed in December. There is a chicane being installed directly in front of the proposed entrance, making the entrance point completely inappropriate.

The access proposal does not make any attempt to mitigate the speed of approaching traffic on what is a 60mph limit road.

There is only one proposed access point to be used for pedestrians & cyclists as well as vehicular access. This would mean that children going to the lower school, or to the village centre to pick up school buses, would have to walk this long way round to reach these locations.

No further comments as objection already submitted.

Highways

The application proposes the residential development of land at Bedford Road and to the rear of Duck End Close, Houghton Conquest. The application is in outline form with all matters except means of access reserved for subsequent approval.

It is stated in the Planning Statement that:

“Whilst this application seeks approval for access this only relates to the point of access from the main highway. The internal circulation routes are indicative at this stage.”

I have therefore reviewed the proposed application on that basis.

The development proposal was subject to a pre-application consultation and it was suggested that the proposed means of access should take the form of a mini-roundabout in order to assist reducing vehicle speeds on the approach to the village.

However the applicant's transport consultants have reviewed and revised the Council's proposed traffic calming scheme for Bedford Road which originally showed a chicane immediately adjacent to the proposed access location. Therefore it is proposed to relocate this chicane some 75m to the north-west, relocate the speed limit gateway further to the northwest and introduce a raised table adjacent to No. 72 Bedford Road to ensure continuity/regularity of the speed reducing devices within the proposed scheme.

These revisions are acceptable in principle and will be subject to detailed design and approval in due course. As the works involved can all be accommodated within the public highway and/or on land under the applicant's control, these measures can be secured by condition.

The proposed access is shown to be laid out in the form of a priority junction with 6m radii and 2.4 x 43m visibility splays available in either direction. Splays in excess of this distance can be achieved to the north-west where the

approaching speeds will be higher than 30mph.

The form of the junction can therefore be considered acceptable.

The internal access road is shown to be 5.5m in width with a 2.0m footway on the south-eastern side of the road and a 2.0m margin on the north-western side. The footway will link into the existing footway on the north-eastern side of Bedford Road.

The proposed internal access road can therefore be considered acceptable to serve the scale of development proposed.

The application is accompanied by a Transport Assessment which includes a framework for a Residential Travel Plan.

The Transport Assessment assesses the impact of the development on the local road network for the Design Year of 2020 and concludes that it will be negligible. I have reviewed the methodology contained in the Transport Assessment and would confirm that the conclusion is acceptable.

Sustainable
Drainage

Urban We consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage; subject to an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plans being submitted at the detailed design stage.

We therefore recommend conditions be applied as below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

We are pleased to see that use of overland sustainable drainage systems (SuDS) is promoted onsite and the ecological, hydraulic and amenity value advantages of these have been favoured over sub-surface storage, including the use of wetlands, ponds and detention basins, swales, permeable paving and water re-use on site. This is in keeping with national and local policies (NPPF 103, NPPG 051, CBC 'SuDS SPD' 2014). We encourage that these components be used as part of a site wide management train that maximises the provision of amenity areas and open spaces within the site. The location of SuDS conveyance paths, storage and treatment areas must be outlined spatially in the final detailed design with appropriate justification and details of

Indicative BGS data shows there may be opportunities for bespoke infiltration on the site and this should be considered as the priority means of disposing from surface water. Site specific infiltration testing and ground water monitoring should be undertaken to assess this viability of infiltrating surface water to the ground, in accordance with the BRE 365 standard. Please note that infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality or surrounding infrastructure, and that these will drain down sufficiently.

We endorse the use of permeable paving as proposed to minimise runoff and provide upstream storage and treatment of surface water. Subject to infiltration testing it will need to be made clear whether water will infiltrate into the ground or stored and then transferred into the next element of the SuDS train. Full details with drawing/s should be submitted at the detailed design stage to demonstrate exactly how these areas will be located, surfaced and drained in accordance with best practice (i.e. Interpave, Ciria SuDS Manual). Opportunities to provide water re-use should also be considered in order to manage run off at source, this may integrate with permeable paving solutions.

Subject to ground investigations, we would endorse the discharge of surface water to the IDB maintained drainage ditch along Bedford Road, subject to discharge being restricted to an agreed rate with the IDB (which does not exceed the greenfield run off rate for the site), and confirmation of land ownership of all land required for drainage. Access for maintenance to all elements of the drainage system must be provided for in the final design and layout of the site and surface water outfalls should be provided and designed so that they are not liable to siltation or blockages.

The detailed design must ensure that frequency of discharge rates volumes of runoff from the new development is, wherever possible, equal to the frequency of discharge rates that would be discharged under equivalent greenfield conditions. Full calculations and methodology to demonstrate this will be required at the detail stage and must replicate what is shown on any submitted plans/drawings. This includes provision for the management of flows that exceed the design standard of the drainage system.

Further to this, it is noted in the outline proposal that the

proposed discharge rate of 4.1l/s has been calculated based on the proposed permeable area of the site. This is not representative of the pre-development greenfield run off rate, and must therefore be amended with the detailed design with storage calculated revised accordingly (see Non-statutory technical standards for sustainable drainage systems, Ref: PB14308 2015).

The proposed outfall is to an IDB maintained drainage ditch however no correspondence with the IDB has been provided, this will be required with the full detailed design in order to verify the proposed discharge rate and structural integrity and functionality of the receiving drainage system, and to ensure compliance with any IDB byelaws and/or requirements for land drainage consent under the Land Drainage Act.

No details of the proposed maintenance requirements or responsible body for the proposed surface water system has been provided with the application CB/15/03706/OUT. Please note that under the Ministerial Statement (ref HCWS161), it is a requirement that clear arrangements are in place for ongoing maintenance of a surface water system over the lifetime of the development. Details of this must therefore be provided at the detailed design stage. Provision of management and maintenance details must be set out in writing in a site specific maintenance manual (relative to the nature and scale of the proposed drainage components) and will be required before the development is completed.

Ecology

Having read through the submitted information I am satisfied that the proposals would not have a detrimental effect on protected species or habitats of principal importance. The ecological assessment makes a number of recommendations which are welcomed and in addition I would add the following;

A landscaping scheme should utilise locally native species with nectar and berry rich planting. The creation of a community orchard in a public area would be welcomed.

Areas of open space and swales should be seeded with species rich wildflower seed mixes. The provision of a management plan should be conditioned to ensure ecologically appropriate mowing regimes.

5.8 of the Planning Statement acknowledges the desire to retain hedgerow which is welcomed however, 5.3 of the Design & Access Statement contains a diagram of section A-A showing a retained hedgerow within a very tall close boarded fence. This is not acceptable as it puts the hedge at risk from household dumping over the fence.

Instead a post and rail fence should be used to allow vegetation to grow through as referred to in 6.3.3 of the ecological assessment.

Looking at the illustrative masterplan I welcome the inclusion of attenuation features and the continuation of the NE-SW green corridor through the centre of the development by the ditch. Whilst it is acknowledged that the ditch needs to be crossed by the road I would question the need for a culvert and ask that a bridge is considered. This could become a feature in itself as a gateway to the next part of the development and could better support connectivity of the corridor.

In accordance with the NPPF the development aims to deliver a net gain for biodiversity but I would like to see this extended from areas within the public realm to individual households through the inclusion of integrated bird / bat boxes at a ratio of 1 box per dwelling.

Fences between gardens should ideally have cut outs or 'hedgehog holes' at the base to allow connectivity across the site.

Landscape Officer

This development of 52 homes will increase the density of Houghton Conquest village and I am concerned about the visual impact for the existing residents of this backland development.

The scanned DAS is extremely hard to read - and I would like to see the hard copies to check the detail of the landscaping proposals.

At present I consider the boundary screening to be inadequate considering the location within the Community Forest. I would also like to see more planting to safeguard the amenity of the existing properties. At present I feel the proposals do not meet the standards expected from Policy 16.

The Forest of Marston Vale request a planted approach of 30% to help meet the aims of the Forest Plan, which is supported by CBC.

A more creative rural edge, with a significantly wider planting belt would help to make the development acceptable in landscape terms. The access road would become the gateway to the village - and as such a gateway feature would be appropriate, possibly extending to include detail on the opposite side of Bedford Road.

In terms of the internal landscape, I feel that the play area is poorly sited and would also suggest that if a play area is required, this has a more natural character.

I welcome the proposals for SUDS - Houghton Conquest

has high quality hay meadows (SSSI) and it might be possible to source seed for low maintenance areas from the Houghton Conquest Meadows.

I would also like the native planting to be sourced from local provenance seeds: the Community Tree Trust raises stock from seed collected in the Vale.

In conclusion - I do not think the landscape proposals are adequate but if an increase in planting could be secured I would have no objections to this development.

The revised Indicative layout does strengthen the boundary screening, particularly for the integration of the access road.

I would prefer a broader band of planting, but withdraw my objections to the scheme.

By Condition, a detailed planting plan and specification will be required. I would like this to address points previously made by myself and the ecologist.

Green Infrastructure

The Parish Green Infrastructure Plan for Houghton Conquest identifies an aspiration to preserve this area as open space / farmland between the village and Wixams. However, much of the surrounding area is also identified as a community aspiration for the same purpose, it is not specific to this development site.

In order to retain a degree of separation between the village and Wixams, including a green buffer along the whole of the north-eastern boundary would be beneficial.

The link across the proposed development site, connecting to the planted woodland is important. Culverting the existing ditch would be contrary to CBC's approach to SuDS, which seeks to retain existing drainage features, and would limit the potential connectivity. Including a bridge where the road crosses the existing drainage feature would be preferable, and this crossing should be designed to maximise ecological connectivity, as well as aesthetically creating a green link.

The inclusion of the attenuation ponds within the green space is welcome. However, these ponds would need to be designed to be an accessible part of the green space network, so designed with safe access principles in mind, in order to enhance both amenity and ecology value.

Similarly, the proposed integration of the play area within

the green space is welcome in principle, but the exact location proposed is not ideally located for natural surveillance, being surrounded on two sides by the backs of existing properties, and next to the proposed pumping station on the third side. The design and location of the play area should be considered in terms of how it can be part of the green open spaces, yet be overlooked by residential units or paths, in order to be an attractive, safe part of the open space network.

If the need for a pumping station could be removed, this would be beneficial. CBC's Sustainable Drainage SPD includes a local requirement that seeks to avoid relying on pumped drainage solutions. The developer should therefore be required to demonstrate why this pumped solution is required. It is suggested that this is worked into conditions relating to drainage conditions suggested by Alys Bishop.

Internal Drainage Board

Housing Officer	Development	<p>I support this application as it provides for 18 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. From this proposed scheme that would make a requirement of 11 affordable rent units and 7 intermediate tenure units (shared ownership). The supporting documentation indicates that 8 of the affordable units will be provided in the form of bungalows which will be suitable for the elderly or disabled. This form of unit is welcomed by the Council. Can I ask for clarification as to what standard the bungalows will be built to – Lifetime Homes/mobility standard/wheelchair accessible standard?</p>
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I would like to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet all HCA Design and Quality Standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Sustainable Officer	Growth	<p>The development should deliver 10% of energy demand from renewable sources.</p>
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I would encourage the developer to achieve a high energy efficiency standard first (possibly going beyond the standard prescribed by the Building Regulations) as energy efficient fabric leads to lower energy demand and

smaller renewable energy installation to satisfy the policy requirement. High energy efficiency will ensure that energy demand and carbon emissions are low throughout the life time of dwellings and not just dependant on renewable energy installation.

Energy demand can also be lower by application of the Passivhaus design principles. Dwellings should be orientated to maximise solar passive gain and avoid summer overheating. Houses with westerly and southerly facing rooms should have measures (such as overlarge eaves and canopies or solar control glazing) designed to shade them from sun and prevent solar gain and therefore risk of overheating in summer months.

Shading can also be achieved by planting of appropriate deciduous trees which would provide shade in summer and allow light and heat to penetrate dwellings in the winter months when heat gain is beneficial. Tree planting must be taken into consideration at the initial planning stage of the development to ensure that the spreading roots and canopy will not cause damage to the properties and underground services when the tree reaches maturity. I would advise a consultation with a tree officer to select the most appropriate tree species.

Solar gains can lead to overheating in summer months and therefore risk of overheating should be assessed. Risk of overheating should be assessed using projected temperatures over next 30 years rather than last 30 years to ensure dwellings resilience to future changes in temperatures.

In terms of water efficiency, the development should achieve 110 litres per person per day (allowing for 105 litres per person per day for internal use plus additional 5 litres per person per day for external use). This standard can be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit each of the dwellings with a garden water butt.

The development should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

Planning conditions

Should the planning permission be granted I ask for the following planning conditions to be attached:

- 10% energy demand of the development to be secured from renewable sources;
- Water efficiency standard to be 110 litres per person per day.

Forest of Marston Vale

The proposed development boundary is located within the Forest of Marston Vale and therefore triggers the above Central Bedfordshire Council policy regarding the 30% woodland cover target. Delivering 30% of woodland or canopy cover could be achieved by any or a combination of the options below:

1. plant a single, discrete area of new woodland of the required size;
2. plant several areas of new woodland totalling the required size;
3. integrate extensive individual and group tree planting into the development, over and above normal landscaping requirements and sufficient to ultimately yield >30% canopy cover utilising:
 - e) street trees
 - f) substantial tree planting to public realm/open space, including creation of woodland belts and trees within landscaping schemes
 - g) planting of new hedgerows with hedgerow trees
 - h) creation of woodlands as part of sustainable drainage (e.g. wet woodlands)
 - i) creation of community orchards

NHS

Consideration has had to be made with regard to other localised developments in and around this development, which has an impact on health. Developments such as Wixams.

The following surgeries are most affected by the increase in the number of dwellings:

- Oliver Street Surgery, Ampthill which has reached its capacity at 20.99 patients per square metre.
- Houghton Close Surgery, Ampthill is currently under capacity at 16.75 patients per square metre.
- Greensand Surgery, Ampthill is deemed to be constrained at 35.40 patients per square metre.

‘Constrained’ means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. Practice in this situation would usually need to be re-

configured, extended or in exceptional circumstance even relocated to absorb a significant number of new registrations. Page 65

Financial contribution requested.

Other Representations:

Neighbours

In all, 36 letters have been received raising the following summarised planning issues and objections:

- Plans do not show what would actually be built.
- Houghton Conquest would cease to be a village.
- Public transport links in the village are poor.
- Increase in flooding in the area.
- Roads are already congested and would be worse. Houghton Conquest will be used as a cut through to the A6 from Wixams.
- Overlooking impact to existing residential properties.
- New trees would block light to existing houses.
- Garages are shown too close to existing houses as well as parking areas creating noise and disturbance.
- Noise and disturbance resulting from the proposed play area, parking areas and the access road to adjacent existing dwellings.
- Will the speed limit sign require moving?
- Water main does not have capacity to accommodate the development.
- Houghton Conquest has had too much housing development in recent years including 125 houses at Chapel End Road and some 1500 to the north.
- Proposal does not integrate with the existing village.
- Will result in harm to wildlife in the area some of which has not been picked up in the Ecological Assessment.
- Area is known to flood and will make matters worse.
- The village does not have the services and amenities to accommodate the proposed growth.

Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle of Development

- 1.1 The site lies for the most part outside of the settlement envelope of Houghton Conquest and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Houghton Conquest is designated as a large village where Policy DM4 limits new housing development to small scale developments. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to dismiss the appeal, in making her decision, the Inspector concluded that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.3 The site is adjacent to the Houghton Conquest Settlement Envelope. The areas south and west of the site form the edge of the existing residential development. The proposal will amount to an encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site. It is acknowledged that there is a Committee resolution to approve 125 dwellings at a large edge of settlement site off Chapel End Road elsewhere in the village subject to the completion of a S106 agreement
- 1.4 Looking at Houghton Conquest as a settlement, the village and immediate area provide a number of facilities including, Lower school with early years provision, shop with post office, public house, village hall, Park/play equipment/Sports pitches/Skate park, allotments and access to a bus route. Consideration should also be given to the proximity of the village to the Wixams development and in particular the future Rail Station, local centre and employment possibilities
- 1.5 The above list shows that the village itself provides a number of facilities and nearby catchments can accommodate in areas where the village itself does not provide. It is not considered correct to conclude that Houghton Conquest is a sustainable location capable of accommodating growth on the basis of the list above. In order to be regarded as sustainable the village would need to be able to support the infrastructure needs of the existing and the projected population and this is not the case. However, at the same time, taking account of the close location of facilities and infrastructure services it is also considered that it would not be justified to argue that Houghton Conquest is so remote and short of

facilities that it would be so unsustainable that it could not accommodate growth to the extent that the impact would be demonstrably harmful.

1.6 Affordable Housing

The proposal would provide 35 % Affordable Housing in accordance with Policy CS7. Of the 18 affordable units provided, 11 would be tenured at affordable rent and 7 at shared ownership which is considered acceptable. The proposal is therefore considered acceptable in this respect. The applicant has confirmed that the scheme is to provide bungalow accommodation as part of its housing mix. 8 bungalows are proposed amounting to 5% of the overall housing numbers. Of these 3 units will contribute to the affordable housing stock and the applicant is happy for the remainder being provided as over 55s accommodation.

- 1.7 In terms of the principle of development significant weight is given to the Council's housing land supply position. On this basis residential development in this location is considered to be acceptable in principle. It is necessary for the scheme to be regarded as sustainable development in the eyes of the NPPF which will be discussed further in this report.

2. **Affect on the Character and Appearance of the Area**

- 2.1 The development of the site would encroach into the open countryside. Currently the site is as an arable area of land with a hedgerow boundary to part. The indicative layout shows the majority of new housing in the larger parcel of the site. The development of the site will result in an impact and material change to the character of the area. However it is noted that the site is located closely to the edge of the settlement and closely to existing residential curtilages. The developed site would not sit as an isolated pocket of built form and would relate acceptably to the nature and density of the surrounding area. It is therefore considered that the impact on the character of the area, in principle, will not be substantial to the extent that permission should be refused.
- 2.2 Concern is raised that the development would reduce the gap that was established between Houghton Conquest and the forthcoming Wixams development. The site is within the field that provides this gap and the distance will be reduced however the main parcel for development relates more to the existing village than it would the future Wixams development. It is not considered to sprawl towards this area and by virtue of its location is considered to have a negligible impact in this respect. The scale of development can reduce the impact of the scheme, for example the aforementioned bungalows would be expected to be located at parts of the site that abut the open countryside as this would create a more appropriate transition from countryside to built form. This is a matter for detailed design stages but can be given weight as an 'in principle' factor at outline stage.
- 2.3 Landscape proposals will also contribute to addressing the impact and the revised landscape masterplan submitted by the applicant shows significant landscaping at the boundaries of the site which would soften the impact of the development. A detailed application would need to demonstrate that landscaping proposed aids the scheme in integrating into the character of the area and is not solely proposed as a purpose planted screen for the development as this latter scenario could have a retrograde impact on the area. The masterplan also indicates the retention of the existing boundary hedgerow that runs along part of the northern boundary of the site. In terms of principle, in the absence of detailed

information, the landscaping masterplan shows new planting and the retention of existing features could be used positively at the proposal and not harm the character of the area.

- 2.4 On the basis of the considerations above, it is considered that detailed design proposals, through reserved matters, would be able to achieve a scheme that does not have a detrimental impact on the character and appearance of the area.

3. Neighbouring Amenity

- 3.1 Detailed design matters are reserved and therefore a definitive assessment of the merits of the application and impact on neighbours cannot be made. The relationship of the site to the existing settlement is such that a designed scheme is likely to have development or curtilages immediately adjacent to the existing garden areas of dwellings on Duck End Close, Bedford Road and Mill Lane. Development is likely to have a visual impact although it is noted that there is no right to a view.
- 3.2 The indicative layout shows that it would be possible in principle to develop the site for the quantum of units shown without detrimentally harming the amenity of neighbouring residents. Having said that the layout would need to be reviewed in light of the relationship created between proposed plot 52 and the existing dwelling 50a Bedford Road, the relationship between existing dwellings and the indicated open car park at the southern end of the site and consideration would need to be given to the relationship between the proposal and no's 4-9 Duck End Close.
- 3.3 Objections have been received on the grounds of impact of noise from numerous parts of the indicative layout on existing residents. The concern is acknowledged however it is not considered that the scale and nature of the proposal is one that would lend itself to increased noise impacts that would significantly harm existing amenity. It is certainly not considered to be an unneighbourly use but it is acknowledged that aspects raised would increase noise levels if submitted as a detailed proposal. Therefore it is recommended that a condition be included requiring the applicant demonstrate how noise impacts will be addressed accommodating, among other things, the access road, car parks and any proposed play area.
- 3.4 At reserved matters stage, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide including the recommendations that seek to ensure suitable amenity levels are provided. Therefore it is considered that a suitable level of amenity could be provided for new residents.

4. Highway Considerations

- 4.1 The access proposal takes the form of a priority junction onto Bedford Road and the extent of consideration is shown on the indicative layout to be the junction itself only. The access then runs along the arm into the site although would require a different arrangement to the one indicated in the interests of traffic calming. The Highways Officer has reviewed the proposal and raised no objection to this. The applicant was previously advised that a mini-roundabout would need to be constructed on Bedford Road to accommodate the traffic but the application details have demonstrated that a priority junction would be

appropriate. The access arrangement is therefore acceptable.

- 4.2 Since the submission of the application traffic calming works have taken place on Bedford Road. The access proposal is affected by the works that have taken place to the extent that, to be provided, the existing works would need to be moved or relocated. Any works that would be required to the highway to accommodate the access will have to be done at the applicant's own expense, through financial sums for a Traffic Regulation Order to facilitate the works. This can be secured as part of a 106 agreement should Members of the Committee resolve to grant consent.
- 4.3 In terms of parking provision the indicative layout suggests that each dwelling would have sufficient parking spaces provided through garages, driveways and/or open courtyard arrangements to comply with the standards within the Design Guide. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision. It is noted that no visitor parking provision is provided for in the layout and that this scheme would be required to provide 13 spaces.

5. Other Considerations

5.1 S106 agreement matters

Spending Officers were consulted and comments returned contribution requests from Education. The following projects have been identified and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent. At the time of drafting this report amounts are not known and Members will be updated when they are.

Education:

Financial contributions will be sought for the following projects:

Early Years Contribution	£35,948.64
Lower School Contribution	£119,828.80
Middle School Contribution	£120,576.77
Upper School Contribution	£147,859.05

Leisure

Financial Contributions will be sought for the provision of new play equipment at the village recreation ground.

Highway

Financial contributions will be sought to fund a Traffic Regulation Order to carry out works to the highway regarding the traffic calming measures that would require alteration to accommodate the proposed access. The contributions would also cover an Order to relocate the 30mph speed limit signs to accommodate the access.

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

5.2 Agricultural Land

Development of the site results in a loss of agricultural land. This is an acknowledged impact and the NPPF advises that development should be directed to the areas of poorer land. The loss of land is an impact of the development and forms part of the considerations into the planning balance. In this instance there is a clear need for housing land and the benefit of housing development should be given significant weight. It is considered that the benefit of the housing outweighs the impact of the loss of this agricultural land in this instance.

5.3 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.

6. **Sustainable Development and the Planning Balance.**

6.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted**

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given little weight.

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

6.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the land abuts residential development and the site is in such a location that it cannot be regarded as being isolated. The landscape masterplan submitted with the application shows that the proposal would include planting to soften and screen the impact of the development. The impact of developing adjacent the settlement envelope is unfortunate but in light of considerations into the impact on the character of the area, it is not considered to result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. Furthermore the applicant has confirmed that the scheme includes the provision of 8 bungalows, 3 of which are envisaged as part of the affordable housing provision and the remaining 5 being provided as accommodation for the over 55s. This is considered to be a benefit that can be attributed weight. The scheme is considered to contribute to a greater mix of housing overall.

The report has detailed that Houghton Conquest is regarded as a sustainable location and it is considered that the settlement offers services and facilities that can accommodate the growth resultant from this scheme. The development will impact on local infrastructure and as a result the applicant is required, to offset these impacts, to enter into a S106 agreement to provide financial contributions for education, highway works and to provide play equipment to be installed within the village.

6.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site and new play equipment to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

6.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

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

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

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

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

- 4 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 **No development shall take place until a detailed surface water drainage scheme and associated construction and management/maintenance plans for the site, based on the principles within the agreed 'Drainage Strategy, BE1665-3T/DS' and 'Flood Risk Assessment, BE1665-3T/FRA and a detailed and site specific assessment of the hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system, in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 8 **No development shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.**

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 9 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

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

- 10 **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.**

Reason: In the interests of sustainability.

- 11 No development relating to the construction of the dwellings pursuant to this permission shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of noise mitigation that demonstrates how acceptable amenity levels will be maintained for existing residents as a result of the development hereby approved. The works shall be carried out in accordance with the approved details and shall be in place prior to the occupation of the dwelling to which each works relate.

Reason: To ensure suitable levels of amenity are provided for residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

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

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

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

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

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

Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 13 **No development shall take place until details of the junction between the proposed access road and the highway including the provision of**

traffic calming features on Bedford Road have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details and the traffic calming features have been installed.

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

- 14 No dwelling shall be occupied until visibility splays have been provided on each side of the junction of the access road 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 road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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.

- 15 **No development shall take place until the detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved in writing by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 1665-PL01.

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 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.

3. 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
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. 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 developer's 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.
6. 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.
7. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

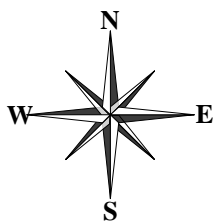
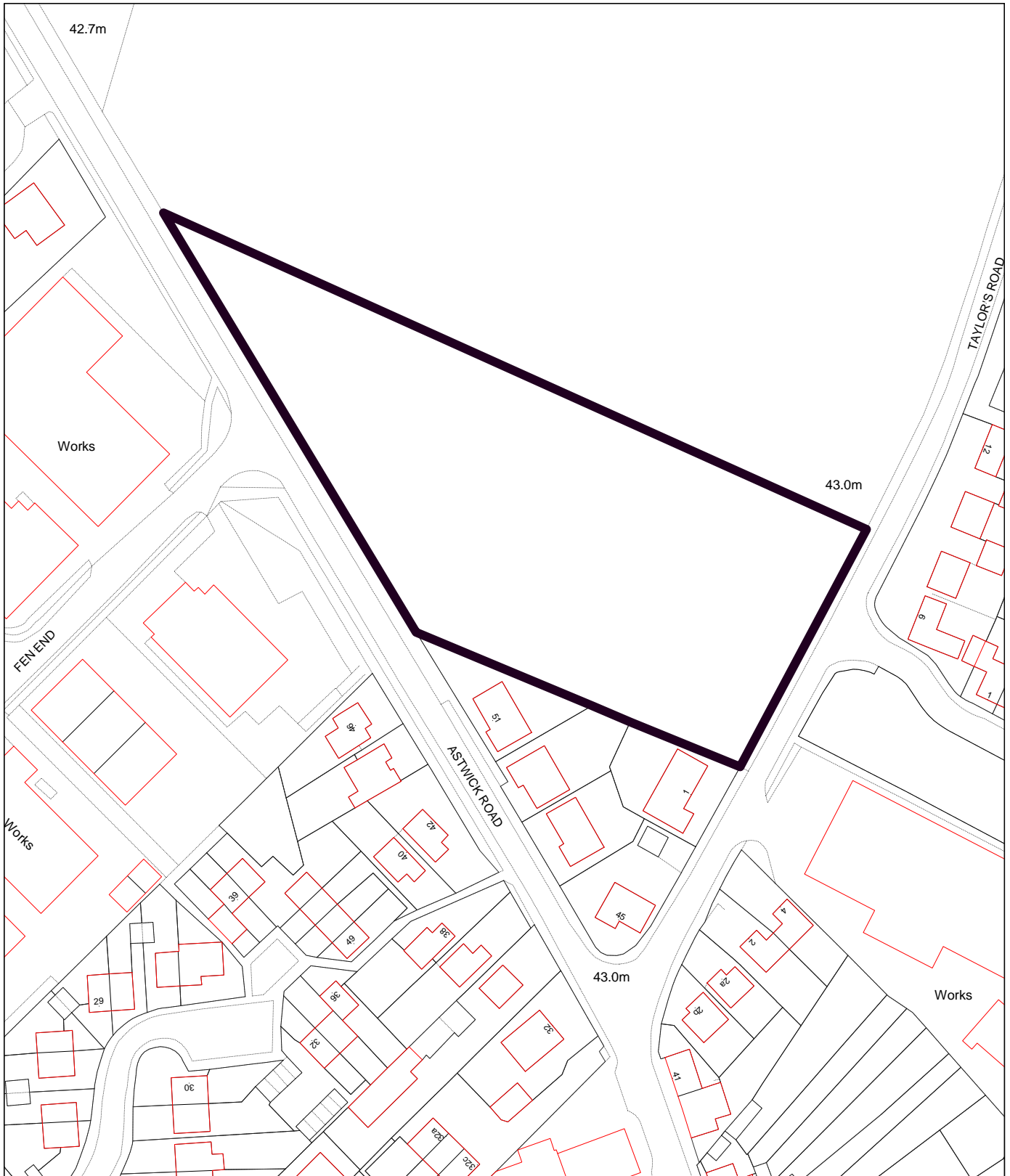
Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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Date: 14:March:2016

Map Sheet No

Application No.
CB/15/04226/OUT

Scale: 1:1250

Land between Astwick Road & Taylors Road, Stofold

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Item No. 8

APPLICATION NUMBER	CB/15/04226/OUT
LOCATION	Land between Astwick Road & Taylors Road, Stotfold
PROPOSAL	Outline Application: Development of 0.84 hectares to provide bungalows and additional residential accommodation and other associated works
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	06 November 2015
EXPIRY DATE	05 February 2016
APPLICANT	Larkwood Design Limited
AGENT	hd planning
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Brian Saunders <ul style="list-style-type: none">• Outside of settlement envelope• Through road creates a roundabout effect.• Land is open field and will impact on landscape towards Astwick• Area not suitable for elderly accommodation.
RECOMMENDED DECISION	Outline Application - Approval recommended

Reason for Recommendation

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Stotfold which is considered to be a sustainable location. The proposal would have an impact on the character and appearance of the area and would result in the loss of agricultural land however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site forms a triangular parcel of arable land located at the northern extent of Stotfold. The site lies outside of the settlement envelope for the town but adjacent its limits. It is regarded as an open countryside site. The site sits adjacent

to both Astwick and Taylors Road and abuts a small grouping of dwellings to the south. The northern side of the site sits adjacent arable farmland.

To the east of the site sits the recent redevelopment scheme known as Aspen Gardens and a number of dwellings front Taylors Road and look onto the site. To the west is a mixture of residential properties and an employment area.

The Application:

Outline planning permission is sought to develop the site for residential use. All matters are reserved aside from access. Two access points are proposed, one from Astwick Road and the other from Taylors Road and both are proposed as priority junction arrangements. No specific number of residential units has been proposed. However the application forms have stated there are 26 units proposed in total and the transport assessment submitted has assessed the impacts of a scheme for 35 units. The consideration of this application has been done on the basis of a maximum of 26 dwellings.

The application was accompanied with an indicative block plan which provides no layout detail per se but illustrates a mix of housing types including bungalows, chalet bungalows and two storey dwellings.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None

Consultees:

Stotfold Town Council

We understand Central Bedfordshire Council has now fulfilled its 5 year land goal and therefore this parcel of land falls outside the development envelope, and for this reason the application should fail.

The parcel of land is designated by ALC as grade 2, described as very good agricultural land. The extract below is from NPPF (2012):-

11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

protecting and enhancing valued landscapes, geological conservation interests and soils

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

On this basis we feel the application should fail in favour of less well graded agricultural land

The application suggests a strong bias towards providing accommodation for the elderly, however, the developer has no control over who purchases property, thus no provision can be guaranteed for elderly residents of Stotfold wishing to downsize.

If it is intended to provide accommodation for the elderly, the siting is wholly inappropriate. The plot is set between two works with many HGV movements. If the design is adopted the through road will create an effective "roundabout" that could be used by HGV's to turn around, not conducive to quiet accommodation with safe pedestrian access. Further, although only one personal injury RTC is reported in a 5 year period the amount of damage done to footways and bollards protecting pedestrians, by HGV's, in the area is high. Regrettably these incidents are not reported to the police.

The application makes mention of sustainability however,

the following inaccuracies are noted:

- Public Transport – there are no buses serving The Green on Sundays, as suggested in the application thus isolating elderly residents every week.
- Access to Arlesey Station by bus only occurs in the rush hours, to travel there during the bulk of the day requires the use of a car.
- There is a totally inadequate (non-existent) bus service to either Bedford hospital or Lister Hospital, again of vital importance for accommodation aimed at the elderly.
- The application suggests “close proximity to two bus stops allowing convenient access to the town centre, Hitchin, Stevenage and other nearby settlements.” Convenient is defined as “fitting in well with a person's needs, activities, and plans; involving little trouble or effort; situated so as to allow easy access to” - clearly the report writer has not used the sparse bus services available which are in no way convenient.

In respect of the two storey properties that may attract families, the application mentions lower school availability, however, Stotfold has a continuing shortage of lower school places, even after the expansion of both lower schools. Recent other developments have created problems for parents wishing to send children to local schools and places being offered out of area. This application can only exacerbate the problem.

We are concerned to see that water run-off and foul water discharge are not to be offered for adoption and to be maintained by the developer/residents. With such proximity to agricultural land the possibility of contamination must be considered a hazard.

Highways

Despite the relatively small nature of the development this application is supported by a Transport Statement based on a theoretical development of 25 dwellings. Not surprisingly the TS suggests that there should not be any highway grounds to oppose the scheme. I can confirm that that is indeed the case although I do have concerns with respect to the suggestion that the site could be accessed from both Taylors Road and Astwick Road especially with the prospect of an adoptable carriageway forming a link between the two. Nevertheless there is no objection to the principle of the access arrangements in either or both locations.

I note that the accesses are shown to be just outside the

20mph zone and whilst this is acceptable it may be prudent to extend the lower limit to beyond the access points. In this respect I have suggested in my conditions that the reserved matters application should make provision for a traffic regulation Order to extend the speed limit.

Sustainable
Drainage

Urban We have concerns over the use of soakaways and shallow infiltration components at this location. While the superficial deposits of sand and gravel have indicated good soakage rates, the layer of clay at 1.25m below ground level effectively prevents water from draining any further. Ground water levels may therefore be close to the surface which has the potential to reduce the capacity of any soakaways constructed onsite. This should be investigated further through site specific ground investigations to determine the infiltration capacity of the underlying geology and the ground water level. Any adverse effects likely to occur as a result of water soaking into the ground should also be fully evaluated before determining the extent to which infiltration can be used on a site.

In the event that infiltration tests show that infiltration is not possible, or the proposed surface water mitigation cannot be delivered in accordance with the outline proposal (see Stotfold SUDS Statement, 2015), alternative proposals for discharge should be provided so demonstrate the site can still be effectively drained.

There must be sufficient space onsite to attenuate the surface water prior to infiltration/discharge, we therefore do not accept the report findings that swales, infiltration basins and other SUDS devices are unsuitable due to constraints associated with small sites and limited land availability (see Table 3: Site-Specific Sustainable Drainage Techniques, Stotfold SUDS Statement, 2015). These components should be utilised to convey run off between different stages of a SuDS Management Train to reduce flow rates, runoff volumes and pollution in a sequential manner. This is in keeping with the SuDS Local Requirements set out in the Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015).

We strongly encourage that the use of SuDS be appraised in the public open spaces and amenity areas of the site, to provide additional temporary storage treatment and biodiversity gains.

Also, given the high density of the proposed development (0.84ha, 110 residential homes), we will require that

compliance with The Building Regulations is demonstrated; *“Infiltration devices should not be built within 5m of a building or road or in areas of unstable land”*.

We also have concerns regarding the long term operation of the proposed surface water drainage system. We note that it will be the responsibility of the residents to manage the permeable paving on private driveways and individual rainwater harvesting systems or rain gardens. Given that the maintenance of these components will be crucial to the overall performance of the system, we require that ownership and maintenance responsibilities of private owners are made clear and that this is passed to any future occupier in a clear and concise way (i.e. through the title deeds of any property). To mitigate future maintenance issues, careful landscaping and design of areas adjacent to components should be provided to ensure permeability will not be reduced. Competent construction and correct installation of all surface water drainage systems should be ensured.

We appreciate that as the application is outline a fixed scheme has not been confirmed at this stage, and the information in the submitted report will be used to inform the detailed drainage design at a reserved matters stage. We therefore require details of the following to be demonstrated and confirmed with the final detailed design.

- Confirmed total area of hardstanding and proposed layout, with revised run off calculations, and a clearly labelled plan indicating the location of individual surface water drainage components, attenuation volumes and flow controls.
- Further investigation into the possibility of surface water sewers or land drains in the vicinity which would allow an attenuation strategy to be utilised, in correspondence with the IDB.
- Further ground investigation, to determine whether clay identified in the infiltration test was a small pocket of clay, a final infiltration rate and ground water levels. To be carried out by a suitable qualified engineer in accordance with BRE 365. In support of this, a completed CIRIA Paper RP992/19 Infiltration Assessment should be provided.
- That pathways for contaminants will not be created through the proposed drainage measures for the proposed development and mitigation of this is provided, in correspondence with the EA. This is critical where permeable paving is designed to

accept the overflow from the roof areas in extreme rainfall events.

- Details of the structural and hydraulic design and performance to be provided of the entire surface water drainage system. Where permeable paving is proposed it will be designed by a suitably competent engineer after a thorough investigation of the site and assessment of the needs of the proposed development, in accordance with industry best practise including BS 7533:3 (2005 ed.), CIRIA's Suds Manual, and Interpave's guide to Permeable Pavements.
- Details of the finalised maintenance and management arrangements for the surface water drainage system to ensure it will continue to function as designed for the lifetime of the development.
- Details of landscaping and design of areas adjacent to surface water drainage and SuDS components.
- Details of any blockage mitigation in the system and proposed management for exceedance flows in the event of system failure or extreme rainfall. This also applies to overflow management of infiltration systems.
- Compliance with national and local legislation relating to surface water management, including the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015).

Internal Drainage Board The applicant has stated in the accompanying Sustainable Drainage Statement their preferred method of surface are drainage is by infiltration/soakaways. Tests carried out to date by the applicant have shown this method may not be suitable.

If the method of storm water disposal is to be by way of soakaways then it is essential that the ground conditions be investigated and if found satisfactory the soakaways constructed in accordance with the latest BRE Digest 365.

If infiltration/soakaway is found to be unsuitable any discharge to the nearby watercourse will require the Board's consent.

The Board therefore suggests that planning permission should not be granted without conditions requiring that the applicant's storm water design and construction

Trees and Landscape
Ecology

proposals are adequate before any development commences.

I have read through the Habitat Survey and note that no further surveys are recommended, should development not proceed within 2 years of this survey updated information would be required. The site is predominantly arable with some lengths of hedgerow. Ecological receptors were noted to be birds and potentially amphibians. An annual toad lift takes place on Taylors Road each year so it is likely that toads would be using the hedgerows for cover and connectivity to their breeding pond.

The NPPF calls for development to deliver a net gain for biodiversity and opportunities for enhancement should be considered. The indicative scheme is limited in detail but consideration should be given to maximising ecological benefits. Positioning of SUDS should consider multi functionality and ensure habitat enhancement for amphibians.

The inclusion of integrated bird and bat bricks within the fabric of buildings on the external edges of the development. Existing boundary features should be retained within the public realm to ensure their appropriate management. Often features which become consumed within the curtilage of a dwelling are at risk of being lost. Nectar and berry rich wildlife areas/amenity grassland would achieve biodiversity gains.

Landscape Officer

I am very concerned about the visual impact this development will have on the surrounding rural landscape. At present the Indicative layout does not show sufficient space allocated for either internal landscape, SUDs or boundary screening. I am also very concerned that the indicative planting suggests the potential of the access being extended into a further development.

The site lies within LCA 4C - the Upper Ivel Clay Valley. This landscape is vulnerable to increasing urbanisation - the level topography of the river valley means that even domestic scale buildings can impact on the sensitive river corridor. Two of the key positive landscape features include sense of place, landscape and nature conservation value of the river valley and the setting of Astwick, with its surrounding pattern of small fields and distinctive historic character.

I do not object to this development, but consider it falls short of the design quality required to meet the Policy objectives within Dm Policy 14- this particularly mentions the need to seek landscape enhancement in the Ivel Valley.

The guidelines for new development for LCA 4C include

- 4C.1.19 - safeguard the rural character and qualities of the Ivel corridor..
- 4C.1.20 - create further connections between the villages and floodplain eg through tree planting or wetland habitat creation.
- 4C.1.22 - enhance landscape boundaries at exposed urban edges.
- 4C.1.25 - safeguard the distinctive character of Astwick, with its historic pattern of small fields.

I would like a revised scheme with an appropriate scale of mitigation which would help to integrate this development and provide screening as this is an open landscape, with only the roadside hedge of value in this respect. Structural planting to the north and east would help to safeguard the important views from the riverside and the Mill. The roadside hedge might be described as "species poor" but it is a valuable feature for both landscape and wildlife; it would be important that this hedge is maintained as a rural feature and maintained to a height of at least 1.5m.

A full Landscape Plan would be required.

Sustainable Growth

Policy DM1 requires all new development of more than 10 dwellings to meet 10% energy demand from renewable or low carbon sources. The proposed development is above the policy threshold and therefore all dwellings should have 10% of their energy demand sources from renewable or low carbon sources.

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 current Building Regulations. All new development should therefore as minimum comply with the 2013 Part L of the Building Regulations and deliver 10% of their energy demand from renewable sources.

I would encourage the developer to achieve a high energy efficiency standard first (possibly going beyond the standard prescribed by the Building Regulations) as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the policy requirement. High energy efficiency will ensure that energy demand and carbon emissions are low throughout the life time of dwellings and not just dependant on renewable energy installation.

Energy demand can also be lowered by application of Passivhaus design principles. Dwellings should be orientated to maximise solar passive gain and avoid

summer overheating. Excessive solar gain can be minimised through installation of shading measures such as brise soleil, overlarge eaves and canopies or solar control glazing.

Shading can also be achieved by planting of appropriate deciduous trees which would provide shade in summer and allow light and heat to penetrate dwellings in the winter months when heat gain is beneficial. Tree planting must be taken into consideration at the initial planning stage of the development to ensure that the spreading roots and canopy with not cause damage to the properties and underground services when the tree reaches maturity. I would advice a consultation with a tree officer to select the most appropriate tree species.

Solar gains can lead to overheating in summer months and therefore risk of overheating should be assessed. Risk of overheating should be assessed using projected temperatures over next 30 years rather than last 30 years to ensure dwellings resilience to future changes in temperatures.

In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage, equivalent to the CFSH Level 3 standard). This standard can be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit houses with garden water butts.

The development should be designed with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

I would like a Sustainability Statement to be submitted with the detailed planning application that covers:

- Energy efficiency,
- Renewable energy contribution,
- Water efficiency,
- Climate change adaptation including overheating and ventilation in dwellings.

To ensure that the requirements of policies DM1 and DM2 are met, I request the following planning condition to

be attached, should the planning permission be granted:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- All dwellings to achieve water efficiency standard of 110 litres per person per day.

Housing Officer Development I support this application as it provides for 9 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. The scheme proposes 6 affordable rent units and 3 intermediate tenure units (shared ownership) which complies with the requirement from the SHMA. The supporting documentation indicates some 4 bed units within the affordable element. Internal waiting list information indicates a small requirement of 4 bed units for affordable rent in and around the Stotfold area. I would like to see at least one 4 bed property for affordable rent.

I would like to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. I would also expect all units to meet all HCA Design and Quality Standards.

MANOP Team The proposed development falls within the Ivel Valley locality and the Stotfold and Langford ward. Ivel Valley has a total population of 84,900 and 5,800 of these residents are aged over 75 years. This is forecast to rise to 10,180 by 2030.

Delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.

In 2013 the Stotfold and Langford ward had 13,900 and 16% of its population was over 65 years old. For the same area 10.3% of households consist of one person of 65 years of age and over and 8.9% of households have all occupants aged 65 and over. In 2011 13.8% of the population in this ward were retired, which is similar to the average for Central Bedfordshire (13.5%) and England (13.7%)³.

The number of older residents in this ward and the

substantial predicted rise in the people over 65 in the Ivel Valley area demonstrates that there is likely to be significant demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Stotfold and Langford 4.6% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and 8.0% of residents were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

The proposed development is not an appropriate location or size to accommodate specialist accommodation for older people. However, it would be beneficial that a reasonable proportion of the dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations. We note that the proposal is for largely bungalow accommodation and therefore welcome it from that perspective.

Design and layout

With good design, mainstream housing can be suitable for older people at little or no additional cost to the developer. Indeed where housing is designed to be specifically for older people it may be acceptable to have reduced provision in some aspects such as outdoor amenity space.

The following design characteristics are based on national research and local practitioners' views and are what older residents look for in a new home:

- The ability to live on the ground floor and avoid the use of stairs. If stairs are unavoidable then residents need provision for a future stair lift or space for a platform lift.
- Smaller homes that are easy to manage, with a minimum of two bedrooms and outdoor amenity space that is accessible but small and easy to maintain.
- En-suite bathrooms and/or an easy route from the main bedroom to the bathroom.
- Level access throughout the ground floor.
- Layout, width of doors and corridors to allow for wheelchair access and turning circles in living

- rooms.
- Walls able to take adaptations such as grab rails.
- Sockets, controls etc. at a convenient height.
- Low window sills to maximise natural light levels and so that people in bed or a wheelchair can see out.
- Sufficient sized parking space with the distance to the parking space kept to a minimum.
- Bathrooms to include easy access shower facilities.
- Level or gently sloping approach to the home and an accessible threshold.
- Energy efficient and economical heating system to help to keep energy costs as low as possible.

Summary

Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would strongly support a significant proportion of houses in the scheme to be suitable for older people. Whilst the proposal for a significant proportion of bungalows is welcomed we would further request that these dwellings be made as attractive as possible to older people by incorporating some or all of the design features mentioned above.

Other Representations:

Neighbours

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

- Site is greenfield and not brownfield
- Increase traffic which could cause accidents
- There are not enough school places and the doctors is oversubscribed. Stotfold lacks the amenities for the development.
- Two storey buildings on a site adjacent to bungalows is incompatible with the existing developed area.
- Results in a connecting route through the site resulting in increased traffic which is not desirable for a residential development.
- There are already sites in Stotfold identified for housing and these should be prioritised.
- Loss of prime agricultural land.
- Site has been a habitat for common toads.
- Development will exacerbate flooding in the area and sewerage systems struggle to cope.
- Noise disturbance to proposed homes through activities at the adjacent industrial areas.
- Poor location for elderly accommodation.

- Loss of privacy to 51 Astwick Road

Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle of Development

- 1.1 The site lies outside of the settlement envelope of Stotfold and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Stotfold is designated as a minor service centre where Policy DM4 allows for new residential development within the settlement envelope only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to dismiss the appeal, in making her decision, the Inspector concluded that that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.3 The site is adjacent to the Stotfold Settlement Envelope. The southern boundary of the site directly adjoins existing residential development. The limits of the application site where they sit adjacent to a highway are also noted to have a direct relationship with the built form of the settlement on the other side of that road. There are prominent dwellings on the eastern side of the site and a mixture of buildings and uses to the west. The proposal will see the encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site.
- 1.4 Stotfold is a minor service centre which has a number of services including a post office and convenience store, public house, lower school, village hall, playing fields, doctor's surgery and a church. The settlement is served by a bus service with a number of stops. On the basis of these Stotfold is considered to

be a sustainable location.

1.5 Affordable Housing

The proposal would provide 35 % Affordable Housing in accordance with Policy CS7. The proposal is therefore considered acceptable in this respect. It is expected that the affordable housing mix would be policy compliant. The applicant has also stated that the bungalow accommodation proposed could cater for the elderly population and could have the benefit of an onsite warden and shared facilities. Having sought clarity on this aspect of the scheme the applicant has advised this is an option for detailed design and would be dependent on scheme viability. It is therefore given little weight in terms of considering the benefits of the scheme.

- 1.6 In terms of the principle of development significant weight is given to the Council's housing land supply position. On this basis residential development in this location is considered to be acceptable in principle. It is necessary for the scheme to be regarded as sustainable development in the eyes of the NPPF which will be discussed further in this report.

2. Affect on the Character and Appearance of the Area

- 2.1 The development of the site would encroach into the open countryside. Currently the site is as an arable parcel with hedgerow boundaries adjacent to the highways. The southern boundary abuts a small grouping of dwellings but in the main the site is open and contributes to the setting of the settlement when viewed and arriving from the north. Its development will result in an impact and material change to the character of the area. However consideration is given to the recent development east of the site which has seen new residential properties erected which has also affected the character of the area, increasing the extent of built form. The existing extent of built form on both Astwick Road and Taylors Road are such that the limits of this application site will not sit as an isolated or contrived expansion of the settlement. It is therefore considered that the impact on the character of the area, in principle, will not be substantial to the extent that permission should be refused.
- 2.2 The impact on the character and appearance of the area can be mitigated against through the high quality detailed design. The indicative block plan submitted shows two storey dwellings adjacent the northern boundary however this would not be acceptable and is given little weight in considering the application. In this location it will be necessary to create an appropriate transition from the open countryside to the settlement and this would be achieved by lower scaled built form at the northern extent of the site. The scheme proposes bungalows as part of its housing mix and it is considered that these should be sited to create this transition which would limit the extent of built form at the entrance to the settlement. This is a matter that would be addressed through a detailed design reserved matters proposal.
- 2.3 Landscape proposals will also contribute to addressing the impact and a reserved matters proposal is expected to use robust structural landscaping at the northern boundary to soften the impact. It is expected that some if not the majority of the existing hedgerows fronting the highways would be removed in order to create a development frontage. The loss would be compensated through the provision of new landscaping as part of the detailed scheme.

2.4 On the basis of the considerations above, it is considered that detailed design proposals, through reserved matters, would be able to achieve a scheme that does not have a detrimental impact on the character and appearance of the area.

3. Neighbouring Amenity

3.1 Detailed design matters are reserved and therefore a definitive assessment of the merits of the application and impact on neighbours cannot be made. The relationship of the site to the existing settlement is such that a designed scheme will need to take account of a possible impact on the dwellings south of the site served by both Astwick and Taylors Road. This is considered to be an issue that can be addressed through detailed design and boundary landscaping.

3.2 The other nearest dwellings are on the other side of the adjacent roads and it is not considered that there are suitable distances between these residential properties and the application site.

3.3 Concern was raised over an impact of noise from the neighbouring industrial areas meaning the suitable levels of amenity could not be achieved for proposed residents. The concern is acknowledged however it is noted that the industrial areas already coexist with residential properties. As a result there is no objection in principle on this ground however a condition will be included requiring the applicant demonstrate how noise impacts will be addressed.

3.4 At reserved matters stage, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide including the recommendations that seek to ensure suitable amenity levels are provided. Therefore it is considered that a suitable level of amenity can be provided for new residents.

4. Highway Considerations

4.1 The site is proposed to be accessed at two points, one from Taylors Road and one from Astwick Road. Both arrangements are to be priority junctions and no objection has been raised by the Highways Officer to this layout. Likewise there is no objection in terms of the capacity of the existing road network to accommodate the increased traffic levels that would result from this scheme. Concerns are raised that the double access would create a rat run style through road and this is acknowledged. No layout is proposed and it is therefore a presumption at this stage. A through route would not be desirable and it is considered that a detailed design scheme will require a layout that discourages this which could include solutions such as traffic calming features within the development.

4.2 No indicative layout is provided to ascertain the possible parking layouts and levels for the scheme. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision. Visitor parking will be required and a scheme for 26 dwellings will require 7 visitor spaces.

4.3 The block plan is illustrated to show that footway extensions will be provided at the access points. The footways appear to be within the public highway and the

applicant will be required to provide them in the interests of integration of the development to the settlement. The provision of the footpaths can be secured through the S106 agreement and the scheme is considered to be acceptable in this respect. Furthermore, increasing the built form along Astwick Road will necessitate the relocation of the existing 30mph signs further along the road. This can also be secured through the S106 agreement.

5. Other Considerations

5.1 S106 agreement matters

Spending Officers were consulted and comments returned with financial contributions requested from Education. The following items would form the initial heads of terms for an agreement, on which discussions would be based if Members of the committee resolve to grant consent.

Education:

Financial contributions will be sought for the following projects:

- Early Years Contribution – £18,665.64
- Lower School Contribution – £62,218.80
- Middle School Contribution – £62,607.17
- Upper School Contribution – £76,772.97

Highway

Financial contributions will be sought to fund a Traffic Regulation Order to carry out works to footway extensions from the proposed accesses. The contributions would also cover an Order to relocate the 30mph speed limit signs to accommodate the access.

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

5.2 Agricultural land

Objections have been received on the grounds of loss of agricultural land. This is an acknowledged impact and the NPPF advises that development should be directed to the areas of poorer land. The loss of land is an impact of the development and forms part of the considerations into the planning balance. In this instance there is a clear need for housing land and the benefit of housing development should be given significant weight. It is considered that the benefit of the housing outweighs the impact of the loss of this agricultural land in this instance.

5.3 Ecology.

Objection was raised on the grounds that the Ecological survey did not identify the presence of Common Toads at the site. The assessment was considered by the Council's ecologist who has raised no objections in this respect and has commented that a good SuDs proposal could be an enhancement for amphibians. There is no reason to believe that there is an omission from the assessment and on the basis of the information submitted, no objection is raised.

5.4 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.

6. Sustainable Development and the Planning Balance.

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

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

As such the development must accord with the development plan to be approved. In this case it is considered the development is contrary to policy DM4 of the Core Strategy and Development Management Policies and this policy is up to date as the Council considers that it has a deliverable 5 year supply of housing land.

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

6.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. It abuts residential development and has a visual relationship with existing development to the east and west of the site. This demonstrates that the site is not isolated. The site does not fall under any landscape designation that would infer its protection and is not considered to be a valued landscape although it is acknowledged that it contributes to the entrance setting to Stotfold when arriving from the north. The impact of developing adjacent the settlement envelope is not considered to result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. The report has confirmed that Stotfold is regarded as a sustainable location and it is considered that the settlement offers the services and facilities that can accommodate the growth resultant from this

scheme.

There the development will impact on local infrastructure, the applicant will be required, to offset these impacts by entering into a S106 agreement to provide financial contributions for education, footway provision at the site and monies to extend the settlement speed limit.

6.5 Economic

The economic benefits of construction employment are noted. There s a small economic impact resulting from the loss of agricultural land however this is not considered to outweigh the benefit of housing provision. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

- 6.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

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

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

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

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

- 4 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and**

management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 8 No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage Statement (September 2015), sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved detailed design before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent the increased risk of flooding both on and off site, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 9 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

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

- 10 **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.**

Reason: In the interests of sustainability.

- 11 Any subsequent reserved matters application shall include the following;
- Estate roads designed and constructed to a standard appropriate for adoption as public highway.
 - Pedestrian and cycle linkages to existing routes

- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
- Cycle parking and storage in accordance with the Councils standards applicable at the time of submission.
- A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
- Materials Storage Areas.
- Wheel cleaning arrangements.
- A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times.

- 12 **No development shall take place until full engineering details of the access arrangements shown for indicative purposes on the submitted plans have been submitted to and approved in writing by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works, including the provision of 2.4m x43m visibility splays, clear of all obstructions, have been implemented.**

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

- 13 No development relating to the construction of the dwellings pursuant to this permission shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of noise mitigation the demonstrates how acceptable amenity levels will be achieved for new residents in light of neighbouring industrial uses in Stotfold. The works shall be carried out in accordance with the approved details and shall be in place prior to the occupation of the dwelling to which each works relate.

Reason: To ensure suitable levels of amenity are provided for residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 **No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:**
- a. A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
 - b. Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
 - c. Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to**

mitigate any risks to human health, groundwater and the wider environment.

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

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

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

Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

15 There shall be no more than 26 residential units at the site.

Reason: To ensure the site is not overdeveloped.

16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers HD0049-03, SK01 and SK02

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 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.

3. 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 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.

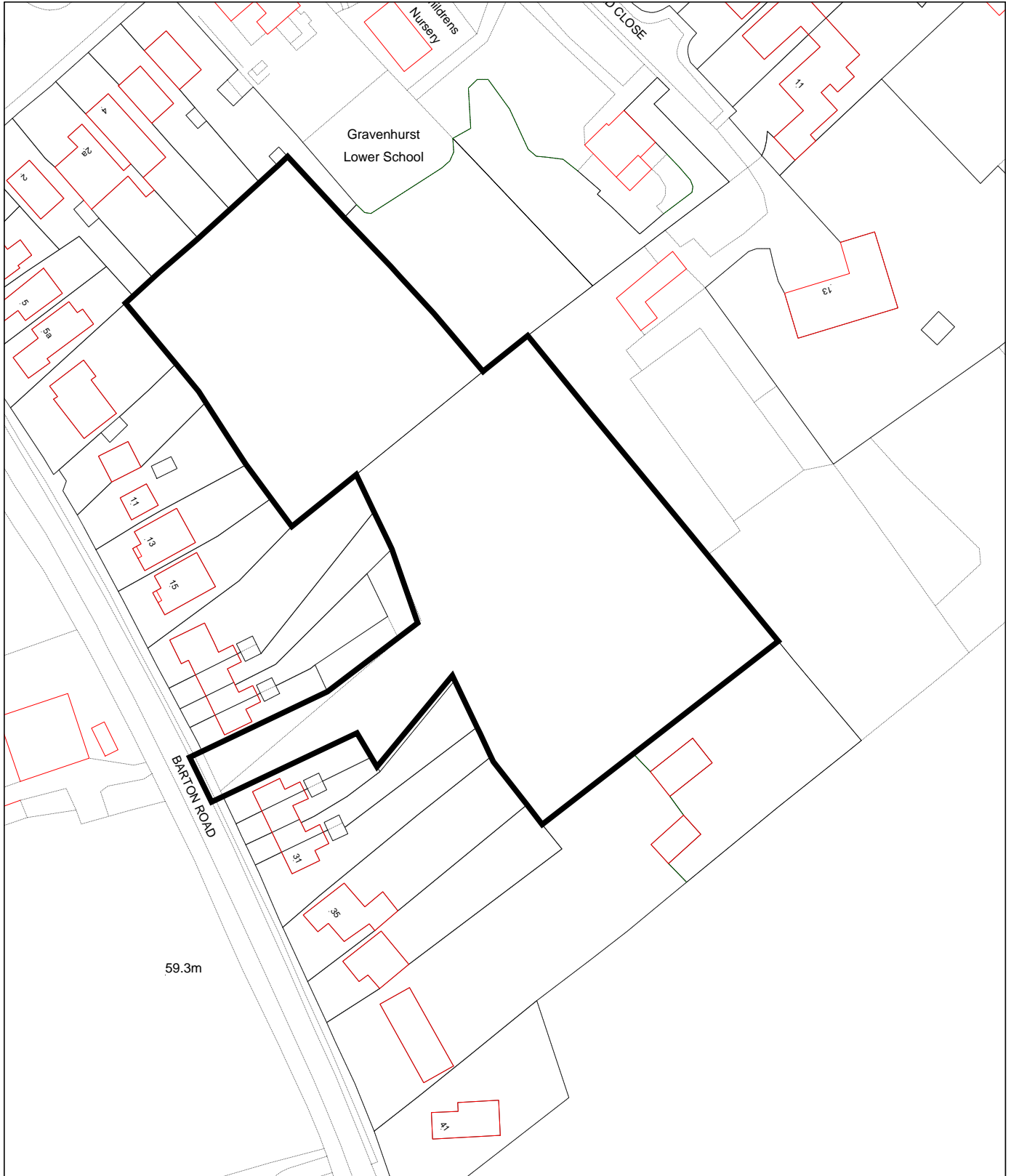
4. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway 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.

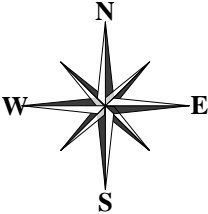
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/15/04081/OUT
	Date: 14:March:2016	
	Map Sheet No	
Scale: 1:1250	7-37 Barton Road, Gravenhurst, Bedford, MK45 4JP	

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Item No. 9

APPLICATION NUMBER	CB/15/04081/OUT
LOCATION	7-37 Barton Road, Gravenhurst, Bedford, MK45 4JP
PROPOSAL	Outline: Residential development of up to 24 dwellings with ancillary works. All matters reserved except access.
PARISH	Gravenhurst
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Alex Harrison
DATE REGISTERED	29 October 2015
EXPIRY DATE	28 January 2016
APPLICANT	The RonCon Trust
AGENT	Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Call in by Councillor Graham <ul style="list-style-type: none"> • Not infill development as set out in DM4 • Loss of amenity to neighbouring residents • Gravenhurst not a sustainable location • Flood risk to Barton Road residents.
RECOMMENDED DECISION	Outline Application - Approval recommended

Reason for Recommendation

The proposal for 24 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement boundary of Upper Gravenhurst which is considered to be a sustainable location. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site consists of an undeveloped plot located adjacent to the settlement envelope of Upper Gravenhurst. Access can be gained from an existing arrangement off Barton Road. The site contains a number of trees and other vegetation and in recent years has been subject to clearance works resulting in the removal of what was previously an orchard. The site abuts residential gardens on its southwestern and northwestern boundaries. A lower school is located to the north.

The Application:

Outline planning permission is sought the construction of up to 24 dwellings with associated works. All matters are reserved aside from access. The access proposal is to upgrade the existing arrangement off Barton Road which would run into the site.

Indicative details have been provided with the application to demonstrate how a residential layout could be achieved. The layout includes the provision of amenity space and parking spaces and shows a sustainable urban drainage scheme within the site. The applicant states that dwellings are proposed to be two storeys in height.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None

Consultees:

Gravenhurst
Council

Parish The Parish Council's comments on this application are as follows:

- Although extra houses would support local housing needs and services in the village, the number of

proposed dwellings should be reduced by at least a third to something like sixteen.

- There should be more screening especially to the north and west to reduce the impact on neighbouring properties.
- Bungalows would be preferable again to reduce the impact on neighbouring properties. Could scaffolding/wood be put up to show the height of the proposed dwellings so that the impact on the neighbourhood could be clearly determined?
- It would be preferable to position the low cost/shared equity housing (numbers 12-19) at the opposite end of the site and build bungalows here instead, thereby reducing the impact on properties on the High Street.
- For safety reasons the attenuation pond should be enclosed and trees around it would improve it.
- There is no footpath shown to the school as suggested in the plans. Also will there be provision for additional parking for the school?
- Would the electricity supply go underground?

Highways

The application proposes the residential development of land to the rear of Nos. 7 to 37 Barton Road, Gravenhurst. The application is in outline form with all matters except means of access reserved for subsequent approval although an indicative layout plan has been submitted to show how the development could be laid out to accommodate the number of dwellings envisaged.

However it is assumed that the means of access to be approved relates solely to the point of access to the existing highway at Barton Road and the internal road layout, parking areas and turning areas are indicative only and will be subject to a reserved matters application at a later date. I have therefore reviewed the proposed application on that basis.

The site is located within the village limits of Gravenhurst, within the 30mph speed limit zone and Barton Road has the benefit of being street-lit.

The application is accompanied by a Transport Statement which includes a site access layout drawing at Appendix 1.

The proposed access is shown to be laid out in the form of a priority junction with 6m radii and 2.4 x 43m visibility splays available in either direction. The internal access road is shown to be 5.5m in width with 2.0m footways on both sides of the road which link into the existing footway on the north-eastern side of Barton Road.

The form of the junction and the proposed internal access road can therefore be considered acceptable to serve the scale of development proposed.

The Transport Statement includes an assessment of the likely number of traffic movements that would arise from the proposed development over the 12 hour day (07:00-19:00) and during each hour in between. Although I would have used a slightly different sample set from the TRICS database, the trip rates derived can be considered acceptable. Thus it is likely that the proposed development will give rise to some additional 114 two way vehicle movements on the local road network during the 12 hour day and up to 14 two-way vehicle movements in any given hour.

It is considered that the local road network can accommodate the additional traffic movements and hence the proposal is unlikely to have an adverse impact on the local road network once completed.

Sustainable
Drainage

Urban We consider that outline planning permission could be granted to the proposed development subject to the final design, sizing and maintenance of the surface water system being agreed at the detailed design stage, including finalised Construction plan and Maintenance and Management Plan.

The final detailed design must be compliant with NPPF (103 – 109), the local policies and principles outlined in the Central Bedfordshire SuDS SPD and established best practice including the latest edition of the Ciria SuDS Manual.

In order to meet the requirements of the National Planning Policy Framework therefore, conditions must be applied to any planning permission in order to secure the measures detailed in the Surface Water Drainage Strategy (October 2015), and the provision of the detailed design and final construction and maintenance requirements of the proposed surface water drainage scheme.

Additional advice to applicant and planner:

- Discharge rates should be controlled as specified by the outline proposal to deliver betterment of the existing drainage regime and must be confirmed with relevant vested drainage bodies.
- Details of the discharge rates, attenuation volumes, location of SUDS features, control features, and conveyance/exceedance pathways

must be provided and supported by full calculations, models and methodologies.

- The residual risk of flooding needs to be fully addressed by the detailed design should any of the drainage features fail or if they are subjected to an extreme flood event, the detailed design and layout of the proposed development should provide proposed mitigation measures to control those risks for the lifetime of the development and ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property. This could include measures to manage residual risk such as raising ground or floor levels where appropriate. Overland flow routes should not put people and property at unacceptable risk.
- Details of control structures and their locations must be provided and demonstrate mitigation of possible future maintenance liabilities such as sedimentation, erosion and ease of access. Hard aspects of the SuDS design, such as inlets and outlets, should be appropriately sized and visually interesting or neutral. Care should be taken to ensure that structures are not over-engineered or create trip hazards.
- Health and safety consideration should be taken into account in the design of the features and opportunities to enhance water quality, amenity and biodiversity maximised.
- On-going maintenance requirements and responsible parties need to be clearly identified for all parts of the drainage system and confirmed

Trees and Landscape

Almost the entire site was until relatively recently (ie within the last two years) an old traditional orchard with all the associated biodiversity that this land use includes. The site was almost entirely cleared over the period of a week by the previous owner, unfortunately we were unaware of this until the large majority of it had been removed. However both the CBC Ecologist and myself called to the site and agreed that further clearance should be stopped. This is the prime reason why the included tree survey shows any trees remaining within the main body of the site.

Looking at the proposed site layout in its present form and the information supplied including the Site Survey and Tree Reference Plan I would make the following comments :-

- The site proposal would seem to be

overdeveloped and with little in the manner of open space. There has been little attempt to incorporate any remaining orchard into the development. Old Orchards are a recognised habitat and are a "Priority Habitat" in the UK Bio Diversity Action Plan.

- Currently along the south east boundary there exists a substantial buffer zone consisting of the remaining part of this orchard and consisting of at least seven mature apple trees which I would suggest would be worthy of a retention category of at least B in relation to BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations. There are also within this area a number of mature Prunus species within this area. This area is currently fenced off with site fencing and gives the impression that it is outside the development area, however it is not and will be removed to allow facilitation of Plots 4, 5 and 6 along with part of the attenuation pond. I would suggest that this important fragment of old orchard is retained within the development not only for ecological reasons but also because of the valuable screening that it will afford from the south east. The land slopes away to the south east and any development would appear to be highly visible from this viewpoint. The tree survey gives no detail on the trees within this area and I would suggest that detail of this area is required.
- There still remain within the north west half of the site a number of fruit trees, primarily Apple but including Pear and Walnut. The majority of these have been categorised as Retention Category C, I would suggest that it would be more accurate in a number of cases to re-categorise as Category B, a higher category, trees we would look to see retained in any development proposal. Of prime importance I would suggest are the trees shown on the Tree Reference Plan as G4, G5, T25 and T26 all located in the middle of the north east boundary as one small area that is proposed for Plot 9 and part of Plot 8. This area is located in such a manner that it would not be hard to redesign this area of the site and retain as part of an amenity/ecology feature.
- T10 is a mature Pear that I would suggest should also be incorporated into either amenity land/open space or garden.

I believe that we should be looking for a development that has substantially less dwellings and makes more use of the remnants of this old orchard area, reconsidering the layout to suit and ensuring retention of as much of the remaining tree cover as is feasible.

Ecology

The NPPF calls for development to deliver a net gain for biodiversity and in my pre-application comments I stated that; “.. if one were to take the baseline for the site from its pre-clearance state I think it would be very difficult to demonstrate such a gain let alone provide for enhancement. As such I would expect considerable effort to show how the development will provide a net gain for biodiversity, and would seek the inclusion of integrated bat and bird bricks, the inclusion of nectar rich plants and of native hedges and locally sourced fruit trees, other opportunities are detailed in the CBC Design Guide.”. The proposed site layout does not appear to have acknowledged this with minimal retention of existing features and an uninspiring SuDS attenuation pond, on this basis I would object to the proposal as it appears and offer the following thoughts as follows;

Figure 2.2 in the Design and Access statement shows an aerial photograph of the site as it was a few months ago where it contained fruit trees and scrub, I was previously called to the site as it was being cleared and at the time managed to retain some of the fruit trees in the north of the site.

Due to this clearance the Ecological Reconnaissance survey of May 2015 found the site to be of low biodiversity value, this certainly was not the case prior to clearance. Indeed on a recent site visit the tree officer noted a flock of fieldfare feeding on the abundant apples on site.

The tree report identifies 16 individual fruit and nut trees together with a further 5 groups of trees which contain fruit trees. Traditional orchards are identified as Habitats of Principal Importance in section 41 of the NERC Act. Orchards are hotspots for biodiversity in the countryside, supporting a wide range of wildlife and a feature of the biodiversity of traditional orchards is the great variety of fruit cultivars that they contain. It is unfortunate that this site has been partially cleared but makes it all the more important now that consideration is given to the remaining trees on the site.

If a reduced density to the proposed was used there would be more opportunity to ensure the retention of the fruit trees that have currently been retained on site. Open

space is a valuable asset in a development and when this is a quality space it will add to the value of properties. Therefore by providing more pockets of retained mature landscaping the scheme would achieve a more established feel. Open space minimal on site but with reduced house numbers more could be made of the remaining fruit trees.

I would like to see G4 and G5 and T26 retained and enhanced to form a community orchard. T25 is a remnant hedgerow tree from the original field boundary and should also be protected. T10 is an old, traditional pear variety which contained mistletoe when inspected previously so is a very valuable feature for biodiversity, not to mention the fruit crop it yields. The other fruit trees in the north should ideally be incorporated into public open space or within gardens, though this is not ideal. Any trees which are to be removed should have cuttings taken in case they represent old Bedfordshire varieties which may be lost to the County. If they are unique varieties to the site then I would want to see them grafted for subsequent use in the on site community orchard.

The south eastern boundary is shown in photographs to be fenced off and this still contains a number of fruit trees (at least seven mature apple trees and a pear) with scrub reminiscent of the wider site as it was before clearance began. This loss to biodiversity should not continue and hence I would ask that this edge be retained as tree cover, a degree of management will be necessary but it would provide another aspect of public open space.

I understand that due to the fall of the site an attenuation pond in this area is most appropriate but SUDS solutions within individual dwelling boundaries could help to reduce the size of attenuation feature required. The final design of such a feature needs to ensure it is multi-functional to benefit biodiversity and GI aspirations together with attenuation. Consideration must be given to existing trees in this area and siting of a pond positioned to result in least loss / impact.

Individual dwellings should contain features to benefit biodiversity and the Design Guide should be referred to for such opportunities for enhancements.

Landscape Officer

This is a significant site in terms of scale and position. It was very disappointing to visit the site after the clearance of the orchard trees and to only see a relatively few trees remaining, apart from the row of orchard trees on the south -east boundary. I have several concerns about the design as firstly I consider it to be at too dense a scale

and secondly it does not create a distinctive development which relates to the village setting or the contours.

I support the comments made by the tree officer and the ecologist - in my view the majority of the remaining trees need to be retained within the future development to retain a link with the past as well as conserving the habitat. The boundary field maple, walnuts and pear are of particular interest as unusual trees - but I would like to see more of the apple trees retained as they have the potential to add character to the development. The landscape and biodiversity value of orchard trees are greater than that suggested by an arboricultural assessment. The trees were fruiting well and had the potential for thirty years or more contribution to the development.

Many of the trees on the boundary are maturing ash trees - unfortunately at threat from the dieback disease. New planting proposals need to introduce alternative native trees to eventually form replacement feature trees.

If the tree belt on the SW boundary is maintained and the existing hedgerows and managed and supplemented, I would not have concerns about the wider visibility from the surrounding countryside. Properties to the south would benefit from high quality views to the Chiltern Hills - the design should exploit this more. Although there will be an increase in night time impact as this is an elevated site, I think this will only have a minor impact.

In terms of the layout, I am most concerned about the proposal for two storey houses throughout, particularly those on the north western boundary. The land slopes strongly down to the existing bungalows. Eight two storey properties is excessive. I would have liked the development to provide some extra space for the Lower School/ Nursery - particularly as some of the orchard trees remaining are close to the school's boundary.

I am also concerned about the visual impact of the access road which passes up the incline in a straight path. Is a footway required on both sides of this "lane"? Could the lane be curved slightly into the proposed planting area to create some planting space on the northern side. I would like the landscaping scheme to include a native hedgerow adjacent to the access lane.

The attenuation pond seems out of scale with the setting - although I welcome a natural approach to SUDS I would like the design to be revised to include more meadow grassland and possibly trees such as alder to help

manage the drainage.

Although I do not object to the development of this site, I recommend that this Application is refused as it is out of scale with the location and does not contribute sufficient landscape integration to mitigate the impact on the existing neighbours or reflect the orchard setting. As such I consider it contrary to Policies 14 and 16.

Internal Drainage Board Had no comments to make

Green Infrastructure The layout of the site does not satisfactorily demonstrate good green infrastructure design principles. As my ecology colleague has noted, the developer has significantly reduced the ecological value of the site prior to making an application, reducing the ability of the development to protect and enhance existing green infrastructure assets.

The layout of the site is particularly disappointing - the attenuation pond, located in the corner of the site, fails to demonstrate how it will contribute to the green infrastructure network, and deliver amenity and biodiversity benefits. The pond should be set within public open space, and designed positively into the development. Currently, it is not overlooked, so is likely to attract negative uses. Previous design iterations shown in the application documents show that this attenuation pond is an afterthought, with its location not identified in earlier plans. This poor approach to SuDS design has resulted in an unsatisfactory proposal - it does not demonstrate an integrated, early approach to SuDS design, and does not satisfactorily benefit biodiversity or demonstrate multifunctional uses, or, due to its location, contribute to the sense of place. As such, it does not meet the local requirements set out in the Sustainable Drainage SPD.

The development does not demonstrate a net gain in green infrastructure, so is contrary to policy CS17 in the Core Strategy for Central Bedfordshire (North). It also fails to meet the local requirements set out in the Sustainable Drainage Supplementary Planning Document. I therefore object to this proposal due to its design.

Housing Development Officer This application provides for 8 affordable homes which reflects the current affordable housing policy requirement of 35%. However, having reviewed the supporting documentation it indicates the 8 affordable units will be provided as shared equity units designed to meet the needs of the local people to enable them to access the

housing market and remain with the village. This proposed scheme is a general needs housing development and not a rural exception site. On this basis the tenure split would need to comply with the SHMA requirement which identifies 63% affordable rent and 37% intermediate tenure.

On the basis that this scheme has been submitted as a general needs housing scheme and not a rural exception site, the Central Bedfordshire Council Allocation Policy would apply. Anyone in Central Bedfordshire who is in housing need on the waiting list can be allocated the affordable units. If this site was to be put forward as a rural exception site then the rural exception site local lettings policy would apply where the affordable housing is allocated to those with a local connection to Gravenhurst to meet the identified local housing needs which would be identified through a Housing Needs Survey.

On the basis of the SHMA tenure split requirement I would expect to see 5 affordable rent units (63%) and 3 units of intermediate tenure (37%). I would also expect all units to meet all HCA design and quality standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. If these comments were taken on board I would support this application.

Pollution Team

I wish to object to this application because the applicant has not submitted any information about how they are going to protect the amenity of the existing residents occupiers from traffic noise associated with access and egress from the development.

With the current layout of the proposed development there are plots that abut the following noise sources Gravenhurst Academy, Gravenhurst Pre-school and Equine Affairs Ltd, these premises all have the potential to cause nuisance to the proposed development and as such controls need to be proposed which will protect the future occupiers.

Other Representations:

Neighbours

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

- The site is outside of the settlement envelope and development is not permitted outside these areas.
- Proposal does not amount to infill development and would develop greenfield land.

- Is not acceptable in light of National and Local policies.
- Neighbouring impact due to land levels not addressed. Will affect amenity of properties on Barton Road and High Street through overbearing and overlooking and noise impacts.
- Noise impacts from the access to 23 and 25 Barton Road.
- Barton Road suffers from speeding traffic.
- Village does not have services to support the growth proposed and is not sustainable development.
- Transport statement is no accurate and does not account for periods beyond 2013.
- Access is concealed and sloped and could be dangerous with vehicles parked on Barton Road.
- Proposal does not provide adequate parking.
- Overdevelopment of the site will increase traffic in the area.
- It is overbearing and out of character with the area.
- Drainage concerns from the proposed attenuation pond. Barton Road is dangerous in wet weather.
- There should be fewer dwellings proposed.

Determining Issues:

The main considerations of the application are;

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

Considerations

1. Principle of Development

- 1.1 The site lies for the most part outside of the settlement envelope of Upper Gravenhurst and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Upper Gravenhurst is designated as a small village where Policy DM4 limits new housing development to infill development only. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to

dismiss the appeal, in making her decision, the Inspector concluded that that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 1.3 The site is adjacent to the Upper Gravenhurst Settlement Envelope. To the south, east and part of the north the site directly adjoins existing residential development. The proposal will see the encroachment of built form into the open countryside but its relationship with the existing settlement is noted and it is not regarded as an isolated site.
- 1.4 Upper Gravenhurst is a small village which has a limited number of services including a lower school, pre-school, village hall, playing fields and a church. The village is served by a bus service which stops in the High Street. On the basis of these the village is considered to be a sustainable location.
- 1.5 Affordable Housing
The proposal would provide 35 % Affordable Housing (up to 8 units) in accordance with Policy CS7. The proposal is therefore considered acceptable in this respect. The Housing development Officer does not agree with the proposed tenure mix but this is a matter for detailed S106 discussion. It is expected that the affordable housing mix would be policy compliant.
- 1.6 In terms of the principle of development significant weight is given to the Council's housing land supply position. On this basis residential development in this location is considered to be acceptable in principle. It is necessary for the scheme to be regarded as sustainable development in the eyes of the NPPF which will be discussed further in this report.

2. Affect on the Character and Appearance of the Area

- 2.1 The proposal would increase the built form beyond the settlement envelope and would result in a loss of open countryside. The site is prominent as the level of the land rises to the north from Barton Road to the extent that the highest part is over 10 metres higher than the point that the access joins Barton Road.
- 2.2 A number of consultation responses have noted the loss of the majority of the old orchard on the site. While this is noted the agent has advised that this was done prior to the applicant acquiring the site. The indicative layout and arboricultural information submitted show that the majority of the remaining vegetation on site is to be removed. The submitted tree survey shows a number of trees on the site provide landscape value and some would be retained. It is also noted that, at the southern extent of the site, a wooded area of trees with an average height of 7 metres was not surveyed for individual species but noted as having landscape value. It is considered unfortunate that a mature field maple tree is to be removed in spite of it having recognised value.

- 2.3 It is acknowledged that not all trees can be retained in the interests of providing a deliverable scheme. As the application is at outline stage with design matters (including layout) reserved, it is considered that a detailed design can at the very least consider the retention of the field maple and part of the southern boundary screen. Their removal would not be considered significant enough to refuse an application in isolation but having a strong landscape presence as part of the scheme is considered necessary for a prominent site such as this. The applicant has expressed a willing to adopt this approach.
- 2.4 The application states that dwellings are to be two storey throughout although matters of detailed design are reserved. The levels of the site, in the absence of any information submitted to address this issue, are such that two storey units at the northern extent of the site could be overly prominent. At this end adjoining dwellings are bungalows and two storey units could rise above these when viewed from the public realm which would affect the character of the area. These issues would form part of the detailed design discussions forming a reserved matters application but it is noted that two storey units throughout the site may not be appropriate. The concern itself, in the absence of a formal design submission, would not constitute a reason to refuse the application and such issues would be addresses at reserved matters stage.
- 2.5 Development of this site will have an impact on the character of the area. The indicative layout as submitted gives little indication of mitigation measures proposed. The impact however cannot be considered explicitly in an outline application with design matters reserved. The provision of housing should be given significant weight as a benefit of the scheme and it is considered that a detailed design can mitigate the impact on the character of the area to ensure that the impact would not result in demonstrable harm on a site that is adjacent to the edge of the settlement. As a result there is no objection to the scheme on the impact on the character and appearance of the area as a matter of principle.

3. Neighbouring Amenity

- 3.1 Detailed design matters are reserved and therefore it is not possible to assess specific impacts on neighbouring residents. The indicative layout shows a general relationship of rear gardens to the proposed dwellings backing onto the rear curtilages of existing dwellings on Barton Road and the High Street. This is not necessarily unacceptable as a matter of principle however the raised level of the site and its relationship to dwellings particularly on High Street are such that there is concerns that two storey dwellings with garden depths of 10 metres could be overbearing and directly overlook these existing occupiers.
- 3.2 It is acknowledged that matters can be addressed as part of detailed design considerations however the level of information submitted with the application does lead to concerns over a possible impact on neighbouring residential amenity. Given that detailed design matters are reserved it is considered that a scheme could be achieved on the site that successfully addresses the impacts on neighbouring residents and therefore despite the concerns there is no objection. The previous concerns (in para 2.4) raised stating that two storey dwellings throughout the site may not be appropriate is also further emphasised as a result of this issue.

- 3.3 The Pollution Team has raised objection on the grounds that there is no noise survey submitted with the application assessing the impact of the scheme on dwellings adjacent to the access road. The concerns are noted however it is considered to be a matter that can be addressed by condition. It is assumed that a combination of surfacing materials and boundary treatments would provide suitable mitigation from vehicle noise to neighbouring dwellings and these are matters that do not require detailed clarification at outline application stage. It is therefore not considered to have a significant impact to the extent that the application should be refused.
- 3.4 The proposed layout indicates that suitable amenity space would be provided for occupiers of a new development. Garden spaces appear to have taken regard of the Design Guide standard and although the layout is only indicative it is sufficient to demonstrate that development can provide suitable garden sizes and that the siting of dwellings can be acceptable as well.

4. Highway Considerations

- 4.1 The Highway Officer has raised no objection to the access proposal. It is considered to be acceptable in terms of being able to provide access suitable to serve the level of vehicles generated by the development and is also wide enough to provide footpaths for pedestrians. Likewise, Barton Road itself is considered to be able to accommodate the level of traffic generated and this view takes into account existing scenarios of on street parking in this location. The proposed access details are shown as part of the submitted Transport Statement and show that suitable turning radii and vision splays can be achieved.
- 4.2 In terms of parking provision the indicative layout suggests that each dwelling would have sufficient parking spaces provided through garages, driveways and/or open courtyard arrangements to comply with the standards within the Design Guide. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision. It is noted that no visitor parking provision is provided for in the layout and that this scheme would be required to provide 6 spaces.
- 4.3 On the basis of the considerations above it is considered that there are no highway concerns regarding the access proposal for this outline application and that the detailed design can achieve the required levels of parking and standard of internal road layout and no objection is raised on highway grounds as a result.

5. Other Considerations

5.1 S106 agreement matters

Spending Officers were consulted and comments returned with financial contributions requested from Education. The following items would form the initial heads of terms for an agreement, on which discussions would be based if Members of the committee resolve to grant consent.

Education:

Early Years Contribution	£16,591.68
Lower School Contribution	£55,305.60
Middle School Contribution	£55,650.82
Upper School Contribution	£68,242.64

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

5.2 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.

6. Sustainable Development and the Planning Balance.

6.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

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

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development in the village to infill schemes only should therefore be given little weight.

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

6.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. The site abuts residential development on two sides and is not considered to be an isolated site. The elevated nature of the site would increase the prominence of built form in this location and there is an impact on the environment as a result but the requirement to provide levels details with any detailed design would allow the Council to ensure any impact is minimised. The loss of trees is unfortunate but the existing loss did not require consent and the scheme can provide new structural landscaping within the site and at the site boundaries to soften and mitigate the impact of development. The impact of developing this site adjacent the settlement envelope is not considered to result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit of the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. The scheme therefore contributes to a greater mix of housing overall.

The report has detailed that the village can be regarded as a sustainable development and it is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents.

The development will impact on local infrastructure and as a result the applicant is required, to offset these impacts, to enter into a S106 agreement to provide financial contributions for education infrastructure.

6.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

6.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

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

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 Details of the access, layout, scale, appearance and landscaping, including

boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

- 4 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 **No development shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.**

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 8 No development shall commence until a detailed surface water drainage scheme, including construction and maintenance plans, for the site based on the agreed Surface Water Drainage Strategy (October 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the Surface Water Drainage Strategy (October 2015). The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed maintenance plan.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 9 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

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

- 10 **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.**

Reason: In the interests of sustainability.

- 11 **No development shall take place until details of the junction between**

the proposed access road and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

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

- 12 No dwelling hereby approved shall be occupied until visibility splays have been provided on each side of the junction of the access road 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 road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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.

- 13 **No development shall take place until detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15016 (D) 090 and TS/APPENDIX 1 Rev B

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 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.

3. 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
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. 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 developer's 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.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
7. 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.

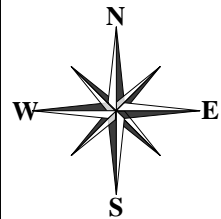
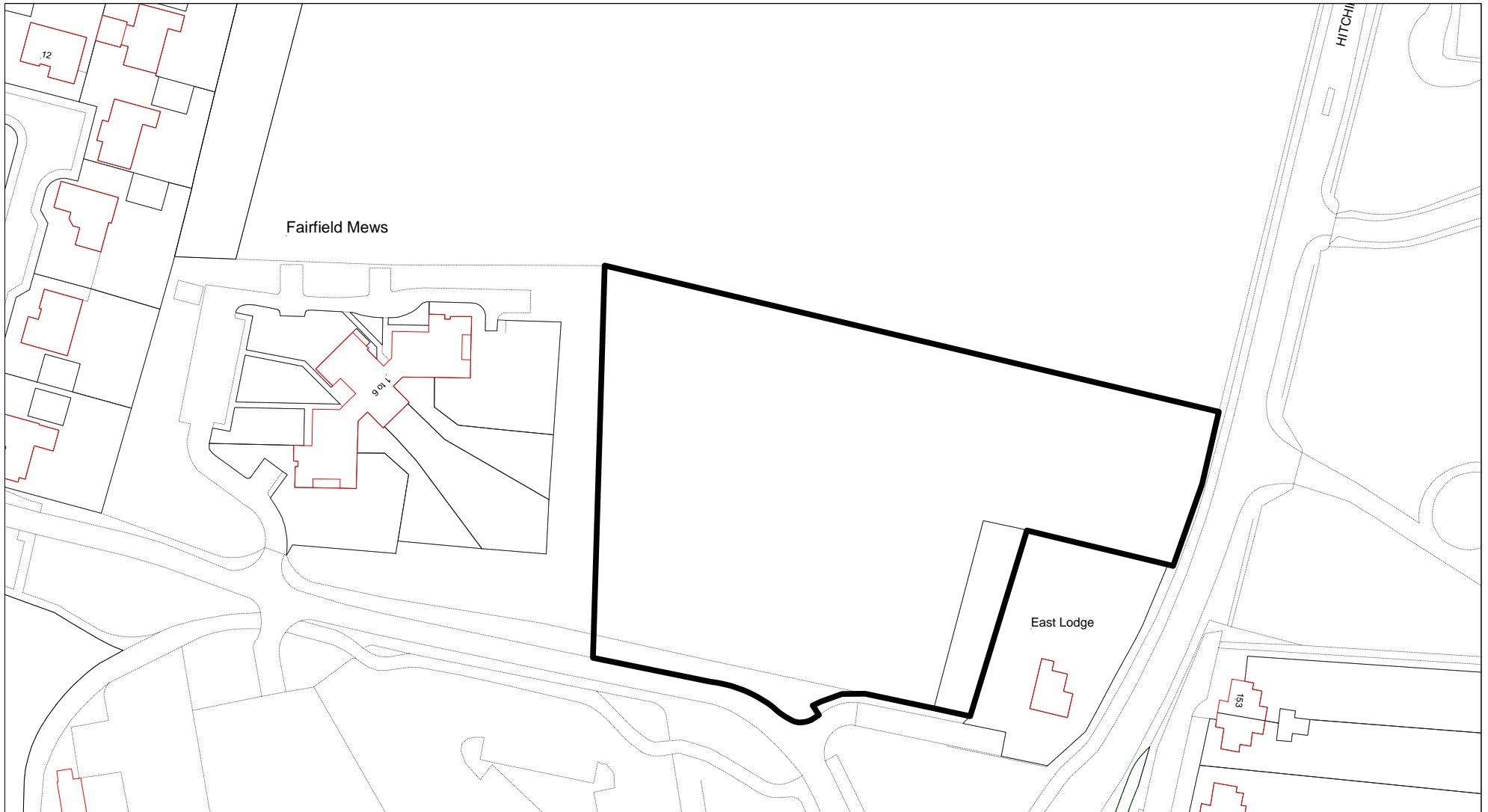
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council’s publication “Design in Central Bedfordshire A Guide to Development” and the Department for Transport’s “Manual for Streets”, or any amendment thereto.
9. The applicant's attention is drawn to the change in levels through the site and the raised level of the site at its northern extent is such that it is unlikely that 2 storey dwellings will be an acceptable scale of development throughout the site.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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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Date: 14:March:2016

Map Sheet No

Scale: 1:1250

Application no CB/15/04320/OUT

Land to the rear and side of East Lodge, Hitchin
 Road,Stoffold, Hitchin, SG5 4AA

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Item No. 10

APPLICATION NUMBER	CB/15/04320/OUT
LOCATION	Land to the rear and side of East Lodge, Hitchin Road, Stotfold, Hitchin, SG5 4AA
PROPOSAL	Outline Application: 18 No. dormer bungalows on area of open land.
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	30 November 2015
EXPIRY DATE	29 February 2016
APPLICANT	P.J. Livesey Holdings Ltd
AGENT	P.J. Livesey Holdings Ltd
REASON FOR COMMITTEE TO DETERMINE	Proposal is contrary to development plan policy
RECOMMENDED DECISION	Outline Application - Approval recommended

Reason for Recommendation

The proposal for 18 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document, however the application site is adjacent to the existing settlement boundary in Fairfield which is considered to be a sustainable location. The proposal would have an impact on the character and appearance of the area however this impact is considered to be limited given that the dwellings are proposed as dormer bungalows. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site is an undeveloped parcel of land that sits generally north of the Fairfield settlement. Residential units are apparent immediately adjacent the site to the west (single dwelling known as East Lodge) and east (converted isolation unit at the former Fairfield hospital). Eliot Way, an unadopted access road runs to the south of the site. Open countryside sits to the north and the site is open on this boundary. The former isolation unit west of the site is a Grade II listed building and the site is within its setting. Trees adjoining the west boundary of the site are protected by TPO.

The Application:

Outline planning permission is sought to develop the site to provide 18 dwellings. All matters are reserved but the application submission gives a number of indicative elements for consideration which include access gained from Eliot Way and all dwellings proposed are dormer bungalows.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
CS5 Providing Homes
DM1 Renewable Energy
DM2 Sustainable Construction of New Buildings
DM10 Housing Mix
DM4 Development Within & Beyond the Settlement Envelopes
CS14 High Quality Development
DM3 High Quality Development
DM13 Heritage in Development
CS7 Affordable Housing
CS2 Developer Contributions
CS15 Heritage

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None

Consultees:

Fairfield Parish Council No objections to the proposal based on the information supplied

At a planning meeting to discuss the application residents

made FPC aware of the following concerns which we hope CBC will note and consider when further more detailed proposals are available.

- Concern regarding the access to the site. Eliot Way is very narrow, has little in the way of adequate street lighting or footpaths. Adequate car parking must be provided within the site as any overspill onto Eliot Way would be a huge problem.
- The provision of 18 bungalows would seem to be the correct density for the site and its location. However if the principle of residential is approved any change to the house type and increase in numbers would be unacceptable.
- Concern that the extending of the settlement boundary for this scheme is not just the start of further expansion in the future.
- Concern that any S106 agreement or individual agreement tied to the site is adequately worded in a way that is enforceable.
- Concern that the proposals noted in the ecological assessment are implemented.

In addition to our comments sent on 11th January 2016, Fairfield Parish Council wish to confirm that the transfer of the orchard land, following the grant of outline planning permission for the north entrance site, has been agreed in principle. This is seen as a significant community benefit by the Parish

Stotfold Town Council

Object on the grounds that the proposed development would be situated outside the settlement envelope of Fairfield in open countryside, in an elevated position beyond the tree-line surrounding Fairfield Park and as such, would be visible from a distance. The Planning Inspectors Inquiry 1998 for the proposed development of the Fairfield Park area (para 9.24) found that built development of the site proposed in this application would severely detract from the setting of the adjacent Listed Building, and notes that the same site proposed in this application is situated outside the line of trees enclosing open land. The proposed site is not considered to be brownfield as for most of the last century it has been used for agricultural purposes.

Highways

This proposal has been the subject of pre-application submission considered under reference CB/14/04880/PAPC and I am able to confirm that there is no fundamental highway reason to justify and sustain an objection to the principle of this proposal. However it is disappointing to note that the indicative layout still maintains individual pedestrian access to the properties fronting Hitchin Road which is something I specifically

requested be removed to avoid the possibility of indiscriminate parking on the main through road.

Furthermore and of importance when considering any reserved matters application is the fact that the section of Eliot Way from which access is suggested is private and does not form part of a highway maintainable at public expense and therefore the proposal cannot be developed as suggested by the indicative layout unless the applicant can demonstrate a right of way. Even then unless Eliot Way has been adopted as public highway the internal estate roads cannot be put forward for adoption in their own right. In the event that the applicant cannot access the site from Eliot Way the only other option would be from the Hitchin Road frontage. However, and for the avoidance of doubt an access within this frontage would not be permitted unless it were to be designed in conjunction with the development of the former Meat and Livestock Commission site on the opposite side of Hitchin Road possibly taking the form of a roundabout junction.

Housing Development
Officer

I support this application as it provides for 6 affordable homes which reflects the current affordable housing policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split for sites meeting the affordable threshold as being 63% affordable rent and 37% intermediate tenure. The scheme proposes 4 affordable rent units and 2 intermediate tenure units (shared ownership) which complies with the requirement from the SHMA. I would like to see the affordable bungalows built to the Lifetime Homes Standard at the minimum. I would like to see the units well dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. I would also expect all units to meet all HCA Design and Quality Standards.

Conservation Officer

The indicative proposed layout drawing plan 1 (Brewster Bye Architects)- shows a grid of If this sort of new development is possible in terms of general planning policy & you are satisfied that some form of residential development can be acceptable- then a re-think of the layout framework- more gentle curves & off-grid approach would be likely to be far more pleasant place to live in (near to Letchworth GC- which would certainly offer more interesting reference- rather than rigid formality of hospital layout!) & offer greater amenity to any future residents.

Ecologist

The ecological appraisal identifies a reptile, badger and bird interest in the site. Cinnabar moth, a species of principal importance as recognised in the NERC Act, was also recorded on site.

A small population of common lizard was found though surveys were done in October which is not considered the optimum survey month and certainly not representative of a longer survey season.

Two badger setts were identified though unoccupied at time of survey in 2014. However, we are now almost in 2016 so updated surveys will be required and I would seek to condition these.

The indicative site layout shows an area of open space in the centre of the site with existing tree and hedgerow features retained. The ecological appraisal highlights a query 'client to confirm' so it is not clear if indeed the retention of these features is guaranteed.

The outdoor space for the properties shown on the western side is compromised by the canopy of the existing trees and it would be prudent to utilise this area as open space. Given the percentage of open space to be provided on site I feel it would be far better to use this to buffer the existing mature trees and woodland cover which in turn would serve to buffer the badger setts. If subsequent badger surveys find that the setts are back in use this will require a sett closure application whereas slight amendments to layout would negate any potential harm.

Enhancements and mitigation are detailed in chapter 6 of the ecological appraisal and these should ideally form a Construction Environment Management Plan which will detail ways of working to ensure potential impacts on protected species is avoided and that a net gain for biodiversity can be delivered.

Green Infrastructure

The proposals need to deliver a net gain in Green Infrastructure, to be in line with policy CS17 of the Core Strategy for Central Bedfordshire (north).

Opportunities therefore need to be taken to deliver green infrastructure enhancements. The parish GI plans for Arlesey and Stotfold identify an aspiration to create a cycle route between Arlesey and Fairfield, along West Drive, and North Drive, meeting Hitchin Road. This runs along the southern edge of this proposed development site, but the development proposals do not take into account this aspiration.

The proposals also include the creation of a northern hedge bank, designed for ecological benefit. This is welcome, but the proposals also show that gardens will be backing onto this bank, separated by a post and rail fence. This negative interface is likely to damage the proposed hedge bank. The layout of the scheme, to have a more positive interface with this boundary should be considered. The need to protect the post and rail fence, and avoid it being replaced by high, close boarded fences by residents needs to be considered. This may require legal requirements on occupiers of the properties

Currently the design approach limits the extent to which green infrastructure opportunities will be delivered by the scheme, limiting the net green infrastructure benefit.

Sustainable Drainage.

As a major development, the NPPF states that sustainable drainage systems should be provided unless demonstrated to be inappropriate. Local Planning Authorities are further required to satisfy themselves that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing maintenance. In order to meet these requirements, the developer needs to provide information on how surface water will be managed. Central Bedfordshire Council requires that this takes the form of a Surface Water Management Strategy.

The level of information provided by the applicant does not provide the information required in the Surface Water Management Strategy - the only information on flood risk and surface water appears to be within the Design and Access Statement, and the information here does not provide what is required by Central Bedfordshire Council in its guidance on surface water management. No information is provided about the ongoing maintenance. Therefore the level of information provided means that the application is not in line with the NPPF, and should not be determined until further information is provided.

The applicant notes that attenuation chambers and piped conveyance would possibly be utilised. This is contrary to CBC's adopted Sustainable Drainage Guidance, which requires surface conveyance over pipes. A range of other SuDS features are mentioned, and this is welcomed - an application would need to demonstrate how surface water is treated across the management train - this involves source control measures, conveyance measures and attenuation measures.

The applicant should therefore be required to provide further information about surface water management in the form of a Surface Water Management Strategy, to demonstrate that the proposals meet the requirements of the NPPF and CBC's adopted Sustainable Drainage SPD, and shows of the SuDS have been designed as part of the green infrastructure network across the site, improving amenity and biodiversity through the creation of a multifunctional SuDS network.

Landscape Officer

Site boundaries:

The application site boundaries are sensitive; a key design requirement is landscaped boundaries be retained within the public realm to ensure appropriate management, detail guidance is provided in the CBC Design Guide; Section 2 Landscape.

The northern site boundary forms part of the visual edge of Fairfield Park development and transition to open countryside, including extensive views north and reciprocal views to Fairfield - and key skyline buildings . Orientation of development and treatment of mitigation along this edge requires attention to design and detail; at present there appears some existing hedgerow planting along this site boundary, how this will be included within any bunds, as described in the D&AS, is not clear. Further information on this boundary treatment is required including changes in levels, proposed planting, space for planting to mature and detail on future management / maintenance to ensure a visual screen is achieved to mitigate views to development and also compliments and enhances local landscape / planting character.

The site boundary with Hitchin Road similarly will require more detail; the site layout appears to show footpath accesses from Hitchin Rd, but with rear access to car parking. Design and detail of these frontages will need to be described further if the application is progressed. Boundary treatment with the existing dwelling at East Lodge would benefit from additional soft landscaping - possibly fruit trees in rear gardens which will not grow to a large size but will provide seasonal interest, fruit and support biodiversity.

The southern approach to the site forms part the arrival 'gateway' to north Fairfield Park; the D&AS recognises the importance of the application site in relation to this location and Fairfield, more detail on this frontage would be appreciated via elevations and / or photo montages.

The western site boundary includes trees covered by TPO, this treed edge also relates to the wider treed

boundaries within this area of Fairfield and continues a distinct planting character, therefore these trees must be retained and tree planting enhanced. Retaining the treed boundary within the public realm would assist in conserving the trees and tree root zones - the CBC Trees and Landscape Officer offers specialist advice on this.

Site layout:

The proposed site layout shows built development under canopies of existing trees which raises concerns about root zones and leaf drop on to buildings / roofs therefore I suggests the proposed layout would benefit from review to embrace existing trees on and around the application site.

The inclusion of SuDS is a positive measure and in accordance with the CBC SuDS Guidance; the inclusion of rain water gardens can create attractive landscape features as can swales and rills which I fully support. The potential inclusion of piping surface water to an attenuation storage facility below the central garden area would be costly and can limit planting above on the surface. Rills, shallow open channels and swales should convey surface water to natural attenuation features and soakaways and form an integral part of the site landscaping.

Built form, design and character:

The application site is adjacent to the former hospital isolation unit which is a single storey building very much in keeping with the design detail and materials used elsewhere within the original hospital buildings and more recent development. Given the richness in palette of materials and design associated with Fairfield any new development must utilise such strong design cues to continue the distinctive sense of place.

Rights of Way

I am aware that Fairfield parish, CBC Rights of Way and CBC Transport Strategy (Cycling) are seeking to create, on the inside (west side) of the arable field hedge parallel to Hitchin Rd, a cycleway to link Fairfield Parish and Stotfold via the underpass on the A507.

Hitchin Road's width gives a widened pavement to cycleway no chance of being created and therefore the intention is to create a route inside the field edge hedge with landowner consent.

This application will affect such aspirations. It would be wise to present the applicant with these intensions and perhaps the applicant will consider incorporating the route north within the application plan via one of the estate

roads.

Should this not be the case, I suggest the land outside the perimeter of the estate will incorporate the intended cycle route in due course.

I am sure a S106 contribution for such a surfaced route will be forthcoming from the applicant.

Trees and Landscape

The site consists primarily of grassland along with boundary hedgeline planting. There is also an area of young trees located on the southern edge identified as G1 on the supplied Tree Constraints Plan. The Indicative Site Layout Plan 01 shows that this area of G1 will be removed to allow development.

Design and Access Statement indicates that the north boundary of this site will incorporate a bund with additional planting, this boundary planting would help screen development from the north viewpoint. The Design and Access Statement states that a trees survey and Arboricultural Impact Assessment (AIA) will be supplied if this outline is approved, this should be provided in line with the specification detailed in BS5837 2012. Where any works are to encroach into root protection areas of trees to be retained we will require an Arboricultural Method Statement to show how damage to trees will be avoided.

Trees adjoining the west boundary of the site are protected by TPO.

Looking at the site and proposed layout I would suggest that there would be ample space to ensure that all new construction can be carried out well away from protected trees on the west boundary and also ensure that issues of shading, leaf fall and overbearance that will result in demands for tree reduction work can be avoided in the future.

The Design and Access Statement refers to the northern bund and planting using contaminated on site soil that would then be capped with better quality soil. It also mentions the fact that this contaminated soil would be unsuitable for garden use. As it is also mentioned that the intention is to ensure that the bund and new tree/shrub planting will be managed by the new Parish council as part of grounds maintenance. The importance of this was emphasised in pre app comments as incorporating this bund and planting into private gardens has no guarantee of the longevity of this landscaping. eg it may well be removed in the future.

As also mentioned previously we will require a detailed Arboricultural Impact Assessment and Method Statement principally along the west boundary where mature TPO trees are located. Final layout should ensure that foundations and built areas do not encroach into the root protection areas identified.

Pollution Team

No objections subject to conditions.

Sustainable Growth

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

I welcome the applicant's fabric first approach to develop energy efficient dwellings. This approach will ensure that the dwellings have low energy demand throughout their lifetime and a renewable energy installation to deliver 10% of energy from renewable sources will be smaller. If the developer prefers, the 10% energy demand saving can be delivered through more energy efficient fabric. In such case, all dwellings' Fabric Energy Efficiency (DFEE) must be 10% below Target Fabric Energy Efficiency (TFEE) determined by the 2013 Part L of the Building Regulations.

I note that the Design and Access Statement states that a higher water efficiency standard will be delivered in all dwellings as per policy requirement. The Building Regulations require that where a higher water efficiency standard is applicable this must be set as a planning condition.

I would like more information on how policy will be met to be submitted with the full planning application. The information should cover: energy and water efficiency, renewable energy contribution, climate change adaptation measures to minimise risk of overheating in dwellings and proposed ventilation strategy.

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

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

Sustainable
Drainage

Urban The requirement for a surface water drainage strategy is set out in the local list and applies to all major applications.

As well as addressing the impacts for surface water and mitigation measures based on SuDS – it should set out the existing drainage arrangements of the site, its hydro-geological context and possible points of discharge.

We expect this to be proportionate to the nature and scale of the development proposed and that the final sizing, layout and operation of the system can be confirmed at the detailed design stage through planning conditions.

However I would strongly recommend against approving an application without any guarantee that there are suitable and viable means for disposing of surface water off site. I will leave this up to your judgement.

Other Representations:

Neighbours

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

- Site falls outside of the settlement envelope and could set a precedent for other sites outside.
- Areas within the envelope remain undeveloped.
- Eliot Way is a busy road with inadequate width for the current level of traffic.
- Cars will end up parking on Eliot Way and the number of units should therefore be halved.
- Insufficient infrastructure to support more dwellings and consent already granted for 100+ houses nearby.
- Drainage system struggles to cope.
- Schools and Doctors are oversubscribed.
- No environmental impact assessment undertaken.
- Site is a wildlife area
- Overlooking to East Lodge.

Comments relating to the applicant's previous works are

not relevant planning issues.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations
7. Sustainable Development and the Planning Balance

Considerations

1. Principle of Development

- 1.1 The site lies for the most part outside of the settlement envelope of Fairfield and is therefore located in land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Fairfield is designated as a large village where Policy DM4 limits new housing development to small scale development. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent the settlement envelope. While the decision was to dismiss the appeal, in making her decision, the Inspector concluded that that the Council had “not demonstrated a five year supply of deliverable housing sites” and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.3 The site is adjacent to the Fairfield Settlement Envelope. To the east and west the site directly adjoins existing residential development. The proposal does extend the built form northwards but the northern boundary aligns to the northern extent of the westerly residential development in the area. Suitable and robust landscaping which is properly maintained at this northern boundary will help to screen the development on the approach from the north and this would significantly reduce the impact on the character of the area.
- 1.4 Weight is also given to the extant consent east of the site to redevelop the former Pig Testing Unit for residential purposes. The site benefits from an extant consent to construct 116 dwellings and a 70 bed care home granted in 2015 under CB/14/04048/FULL. This is an out-of-settlement location and will result in development encroaching into the open countryside, significantly further than is

proposed here. In terms of the impact on the character and appearance of the area the site would have a negligible impact when considered against the wider landscape of Fairfield itself and the redeveloped Pig Unit site.

- 1.5 Fairfield is a new settlement that has a number of services available to residents including a lower school, shop, gym and spa facilities and a regular bus service that can take residents to Hitchin and northwards into the district. Fairfield as a settlement is considered therefore to be a sustainable location in principle.
- 1.6 Affordable Housing
The proposal would provide 35 % Affordable Housing in accordance with Policy CS7. Of the 6 affordable homes 63% would be for affordable rent and 37% intermediate tenure secured via a S106 Agreement. The proposal is therefore considered acceptable in this respect. Weight is also given to the fact that the scheme proposes dormer bungalow accommodation which is an uncommon housetype in new residential schemes.
- 1.7 In terms of the principle of development the considerations with this scheme are such that the proposal is considered acceptable.

2. Character of the area.

- 2.1 As all matters are reserved, definitive views on this impact cannot be formed at this point. The application includes indicative layouts and elevations to demonstrate the visual impact that could be apparent however these are misleading as the scale of dwellings illustrated are not dormer bungalows but single storey structures. Nevertheless it has been possible to consider the scheme without the indicative illustrations. The scale of dwellings at 1.5 storey level will limit the visual extent of built form and the description of the application is such that it would limit the dwellings to dormer bungalows as per the proposal.
- 2.2 The dwellings would be visible on the southern approach to Fairfield from Stotfold. The boundary treatment can be strengthened in this location to provide a softer edge. It is noted that the existing dwellings at the nearby development known as Shaftesbury Drive are visible on the approach already but this is not considered to be justification for a prominent development on this site and therefore a condition requiring screen planting on the northern boundary is considered both necessary and reasonable.
- 2.3 The design of the scheme would be expected to take account of, and respond to, the edge of settlement location and provide an appropriate, lower scale, transition of built form to the open countryside in this location. Development would be expected to be acceptable in light of the standards set out in the design guide which would ensure it is viewed sympathetically in the character of the area. It is also expected to take account of the architectural character of the Fairfield settlement and reflect its high quality design in any reserved matters proposal.
- 2.4 On this basis it is considered that the location of the site and scale of development are such that detailed design proposals, through reserved matters, would propose a scheme that does not have a detrimental impact on the character and appearance of the area

3. The Historic Environment

- 3.1 The site sits adjacent to, and within the setting of the former isolation unit associated with the former hospital. The Local Planning Authority has particular duties when considering applications that affect the setting of listed buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...'
- 3.2 The NPPF reinforces the statutory weight given to heritage assets. At para 129 it states that Local Planning Authorities should 'avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 132 states that when considering the impact of development...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. At para 134 it states that 'harm may be weighed against the public benefits of a proposal where the proposal will lead to less than substantial harm. Para 133 states that 'where development will lead to substantial harm permission should be refused unless defined circumstances apply.'
- 3.3 The Conservation Officer has raised no objection to the principle of development adjacent to this site and it is noted that the other side has been developed in providing Shaftesbury Drive. Detailed consideration will be given to the impact on the setting of the listed building at reserved matters stage but, in terms of the principle of development, the closeness of the site is noted and therefore it is acknowledged that there will be an impact on the setting of the listed building but would not detrimentally affect its significance as a heritage asset. It is therefore considered that the development would result in less than substantial harm. In accordance with para 134 of the NPPF the scheme has to be weighed against the public benefits of the proposal. In this instance the benefit of the provision of housing that would contribute to the Council's 5 year land supply is considered to outweigh the less than substantial harm and therefore no objections are raised on the impact on the significance of the adjacent Grade II listed building.

4 The impact on neighbouring amenity

- 4.1 In terms of the impact on existing residents, the site abuts residential curtilages on two sides. To the east is East Lodge. This dwelling is sited at the entrance to Fairfield and would abut the application site on its western and northern boundaries. There are distances of over 15 metres to the boundaries from the property and as a result the development is not considered to be harmfully overbearing to this neighbour. Detailed design applications would ensure that the dwellings will not directly look into the site and a boundary condition can ensure suitable treatment is proposed. Overlooking concerns are not prominent with this application due to the single storey nature of the dwellings proposed and therefore no objection is raised to the impact on this neighbouring resident.
- 4.2 To the west are the dwellings formed through the conversion of the former isolation unit. The rear gardens of these properties back onto the western boundary of the application site. Their length provides suitable distance between these homes and the application site and this would be increased once garden

depths are established at reserved matters stage. It would be possible to establish a stronger boundary treatment on the western boundary to increase privacy and this can be secured by condition. As a result it is considered that there would not be any detrimental harm to the amenity of these neighbouring residents as a result of this scheme.

- 4.3 In terms of providing amenity for residents of the proposed scheme, it is not possible to assess the impacts of the scheme itself as detailed design matters are reserved. It is considered that a detailed scheme will take account of and provide amenity space in accordance with the Design Guide standards. The indicative layout indicates that suitable garden spaces can be provided in principle. The layout of the site would need to ensure that no direct overlooking into gardens occurs. The indicative layout suggests this is achievable although there are questions marks regarding the relationship with the northeastern-most property and its adjacent neighbour which would need clarifying as part of any detailed scheme.
- 4.4 As a result of the above considerations the proposal is considered to be of a scale that would be able to achieve suitable amenity space for future occupants and would not harm the amenity of existing neighbouring residents.

5. Highway considerations

- 5.1 No objection is raised by the Highways Officer to this scheme. Although access is a reserved matter the application is required to indicatively show how it would be achieved. The access is proposed from North Drive which is an unadopted road. The applicant has confirmed they have a right of access and therefore it can be achieved in principle. There is no objection to the access location and it is considered positive to create access from an alternative location to Hitchin Road bearing in mind that Hitchin Road is a busier highway. Reserved matters would secure the detail of the access but the principle of its location is considered to be acceptable.
- 5.2 In terms of parking provision the indicative layout suggests that each dwelling would have sufficient parking spaces to comply with the standards within the design Guide. It is expected that any detailed reserved matters application would propose Design Guide compliant parking both in terms of residents and visitor provision.
- 5.3 On the basis of the above the proposed indicative access is considered to be acceptable in principle and it is considered that residential development could be provided at the site that would be acceptable in highway and parking terms.

6. Other Considerations

6.1 S106 agreement matters

Spending Officers were consulted and comments returned with financial contributions requested from Education. The following items would form the initial heads of terms for an agreement, on which discussions would be based if Members of the committee resolve to grant consent.

Education
Early Years

£12,443.76

Lower School Contribution	£41,479.20
Middle School Contribution	£41,738.11
Upper School Contribution	£51,181.98

Highway

An obligation will be required to ensure the provision of a footpath along the frontage of the site (southern boundary) to improve connectivity.

Timetable for delivery

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council.

Transfer of Community Orchard.

The applicants have stated, and this is referred to in the Parish comments, that the Fairfield Community Orchard is to be transferred to the Parish Council as part of this scheme. This would ensure the retention of a designated community asset but, in planning terms, is not considered to be necessary to make the scheme acceptable in planning terms. The agreement is between the applicant and the Parish Council and, in considering the CIL Regulations, is not considered to be reasonable or lawful for the transfer of the orchard to form any part of the S106 agreement.

6.2 Drainage

Concerns have been raised through consultations over the lack of a solid Sustainable Urban Drainage scheme (SuDs). The application does briefly address drainage advising that a SuDs scheme is proposed. This is acknowledged by the Sustainable Urban Drainage Officer although caution is advised over approving the principle of development without greater detail. The concerns are acknowledged and the proposal should have been accompanied with a full drainage assessment and solution. However, in this instance, taking the case on its individual merits and drawing reference from the application documents, it is considered that a suitable SuDs scheme can be achieved at the site and this can be left as a reserved matter in this instance. Conditions will secure the detail for approval but it is expected that regardless of this a detailed design submission will include the SuDs details as part of that application.

6.3 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.

7. **Sustainable Development and the Planning Balance.**

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

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-*

of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given little weight.

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

7.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. However the site abuts residential development and shows that it is not isolated. The impact of developing adjacent the settlement envelope is not considered to result in significant and demonstrable harm. The comments from adjoining Stotfold Town Council are noted regarding the rejection of this site from the original development however circumstance have changed and significant weigh is given to the provision of housing and this is considered to outweigh the concern to the preserved trees. The development will need to respect these trees and a detailed proposal that harms their vitality would be unlikely to be considered acceptable.

7.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As should the provision of affordable housing which is policy compliant in this application. Another benefit to the scheme is that the house types proposed are dormer bungalows which are not in abundance in this area. The scheme therefore contributes to a greater mix of housing overall.

The report has detailed that Fairfield is regarded as a sustainable development and it is considered that the settlement offers the services and facilities that can accommodate the growth resultant from this scheme.

The development will impact on local infrastructure and as a result the applicant is required, to offset these impacts, to enter into a S106 agreement to provide financial contributions for footpath provision at the site

7.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education and the provision of a frontage footway to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

- 7.6 In this case, the additional housing and the provision of the affordable housing units would be a benefit by adding to the 5 year supply which should be given significant weight and this is considered to outweigh the impacts from the development. In light of the comments made above it is considered even though the development is contrary to policy DM4 of the Core Strategy and Development Management Policies 2009 the individual merits of this scheme and obligations to be secured through S106 agreement are such that the proposal can be regarded as sustainable development in the eyes of the NPPF and, in accordance with a presumption in favour, should be supported.

Recommendation:

That Planning Permission be granted subject to completing a S106 agreement the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

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

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

- 4 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance**

with the approved Environmental Construction Management Plan.

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 5 **No development shall take place until details of the existing and final ground, ridge and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.**

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 8 **No vehicle or pedestrian access shall be permitted from or onto Hitchin Road as part of any reserved matters application.**

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

- 9 Any subsequent reserved matters application shall include the following;
- Full engineering details of the access arrangements shall be submitted to and approved by the Local Planning Authority and no dwelling shall be brought into use until such time as the agreed works have been implemented.
 - Estate roads designed and constructed to a standard appropriate for adoption as public highway.
 - Pedestrian and cycle linkages to existing routes
 - Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
 - Cycle parking and storage in accordance with the council's standards applicable at the time of submission.
 - A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
 - Materials Storage Areas.
 - Wheel cleaning arrangements.
 - A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times.

- 10 No development shall commence until a detailed surface water drainage scheme, including construction and maintenance plans, for the site based on the agreed Surface Water Drainage Strategy (October 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the Surface Water Drainage Strategy (October 2015). The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed maintenance plan.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 11 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

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

- 12 **No development shall take place (including ground works or site clearance) until a method statement for the creation of new wildlife features such as hibernacula and the erection of bird/bat boxes in buildings/structures and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:**
- a) purpose and objectives for the proposed works;**
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);**
 - c) extent and location of proposed works shown on appropriate scale maps and plans;**
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
 - e) persons responsible for implementing the works;**

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

- 13 **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.**

Reason: In the interests of sustainability.

- 14 **The dwellings pursuant to this permission shall be of a scale no higher than one and a half storeys with any first floor accommodation on a unit provided within the roofspace only.**

Reason: For the avoidance of doubt and to ensure that the site is developed having regard to the impact of the setting of Fairfield and the character of the area. (CSDMP DM3)

- 15 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**

- a) Risk assessment of potentially damaging construction activities.**
- b) Identification of “biodiversity protection zones”.**
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).**
- d) The location and timing of sensitive works to avoid harm to**

biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development of the site is acceptable in the interests of biodiversity.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1106-01-1000-A.

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 if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt any 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 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.

3. The applicant is advised that no highway surface water drainage system designed as part of any reserved matters 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 developer's 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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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Item No. 11

APPLICATION NUMBER	CB/15/04299/OUT
LOCATION	West Orchard, Fairfield Park, Stotfold, Hitchin,
PROPOSAL	Outline: 2 No. Dormer Bungalows on the area of vacant land in the northern part, to the south of West Drive at Hardy Way; of the former orchard to the west of Fairfield Hall
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Nicola Stevens
DATE REGISTERED	12 November 2015
EXPIRY DATE	07 January 2016
APPLICANT	P.J.Livesey Holdings Ltd
AGENT	P.J.Livesey Holdings Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Dixon <ul style="list-style-type: none">• dormer bungalows not in keeping with the design guidance on Fairfield• both dwellings will have a detrimental impact on the adjacent trees which have TPOs• neither property is in accordance with the Fairfield Masterplan
RECOMMENDED DECISION	Outline Application - Approval

Reasons for Recommendation

The site is located within the Fairfield settlement envelope and in a sustainable location. The proposal would not have a negative impact on the character or appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. The proposal would not significantly harm the wider setting of the listed building, nor have an unacceptable impact on the County Wildlife Site and on protected trees. On balance whilst there are material considerations which weight against the development on the small part of the county wildlife site currently within the application site these do not override the planning policies against which this application has been considered.

Therefore by reason of its site, design and location, the proposal is in conformity with Policies CS14, CS15, CS17, DM3, DM4, DM13 and DM14 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012). It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

Site Location:

The application site is 'west orchard' which is an area of land located to the south of West Drive at Hardy Way. The land to the south is also within the applicants ownership and forms part of a former orchard to the west of Fairfield Hall which is a Grade II listed building.

The site lies within the settlement envelope for Fairfield Park as identified in the

Core Strategy as a small village. Part of the application site and all the land to the south within the applicants ownership is a County Wildlife site. The site is listed by the Local Authority as a Asset of Community Value (ACV).

THE APPLICATION:

The application seeks outline planning permission for the erection of 2 No. Dormer Bungalows. All matters are reserved.

The reserved matters are defined by article 2 of the Town and Country (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting visual amenities of the site and the area in which it is situated including:
 - screening by fences, walls or other means;
 - the planting of trees, hedges, shrubs or grass;
 - the formation of banks, terraces or other earthworks;
 - the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - the provision of other amenity features;
- Layout – the way which building, routes and open spaces with the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

As stated all matters as outlined above are reserved under this application, whereby the layout, scale and access of the development shown on the plans submitted are indicative only.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 7 - Requiring good design

Core Strategy and Development Management Policies - North 2009

CS1 - Development Strategy

CS2 - Developer Contributions

CS14 - High Quality Development

CS15 - Heritage

CS18 - Biodiversity

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

DM13 - Heritage

Central Bedfordshire Council's Emerging Development Strategy 2014

At the meeting of Full Council on 19th November 2015 it was resolved to withdraw the Development Strategy. Following this decision, no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF, and therefore will remain on our web site as material considerations which may appropriately inform future development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)
1 - *Placemaking in Central Bedfordshire*
5 - *Residential Development*

PLANNING HISTORY:

Case Reference	CB/09/05489/FULL
Location	West Orchard Fairfield Hall Kingsley Avenue Stotfold
Proposal	Full: Erection of 26 town houses on former orchard land to west of Fairfield Hall.
Decision	Withdrawn
Decision Date	16.07.2010

Case Reference	CB/10/02501/FULL
Location	West Orchard Fairfield Hall Kingsley Avenue Stotfold
Proposal	Full: Proposed construction of 15 new homes with associated parking, gardens and landscaping
Decision	Withdrawn
Decision Date	12.10.2010

REPRESENTATIONS: (Parish & Neighbours)

Fairfield Parish
Council

Object, concerns are as follows:

- The site is within the Fairfield neighbourhood plan designated area. In the results of the survey providing evidence for the plan 95% of the 550 respondents felt that the Orchards should be protected from future development. This continues to support the overwhelming local reaction to the two previous applications CB/09/05489 and CB/10/02501 (both of which were withdrawn) where 117 and 660 pages of objections were received
- This Application is premature in being presented in advance of the emerging Neighbourhood Plan, which is expected to allocate the land subject to the application as Local Green Space designation, further to detailed consultation with residents of the parish. Initial consultation has already been

completed in connection with the parish plan and emerging green infrastructure plan and identifies the West Orchard as Priority number one for this designation. To approve the application at this stage would therefore undermine the neighbourhood plan process

- It is a County Wildlife Site recognised as such in 2010 as a Traditional Orchard with neutral grassland and non-fruit trees and should therefore be protected against development. Traditional Orchards are a UK Biodiversity Action Plan priority habitat. The Governments Planning Policies are outlined in their National Planning Policy Framework and reinforced in CBCs Local Development Framework.
- Planning Policy Statement 9 notes. The governments objectives for planning include 'to conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat'. To allow development on this site would be contradictory to this objective.
- The long established trees within the site have Tree Preservation Orders on them and it would be very difficult to avoid some damage to those trees as a result of the construction work.

Revised plans: No additional objections but previous objections still apply.

Fairfield Residents Association

No comments received

Neighbours

Objections received from 111 neighbours (6 residents reiterated their objections following consultations). Concerns raised are summarised as follows:

- the documents refer to 18 properties but there are no plans for this? The joint statements for two proposed developments is unhelpful and misleading
- the application goes against the development plan;
- There is more than enough houses on Fairfield park
- loss of green space, in the local Parish Plan the residents put the restoration and protection of the orchards as a priority
- the west orchard is a key open space and is a wildlife site which should be protected against development
- the application conflicts with the Nature Conservation Strategy (biodiversity) and PPG9 and directly with the Neighbourhood Plan. The area was to be a green recreation area,
- the application pre-empts the Green Infrastructure Plan process
- this land should be used for enhancing the ecology and for the greater benefit of the community
- this forms habitats for protected species (bats and owls)
- any development on the northern part of the west orchard would have an adverse impact on the CWS as a whole and break the link with open countryside,

- the applicants have not 'managed' the orchard and other unresolved section 106 agreements or work on the hall
 - Fairfield park has a distinct Victorian Architectural flavour, two chalet bungalows will be out of character with the area, it will change the character of that whole corner of Fairfield Park adjacent to the countryside and burial ground;
 - adverse impact on protected trees by development (on the application site and adjoining CWS) and demand for loss in future by future occupiers of the dwellings. Holly trees on northern boundary would be lost
 - adverse impact on highway and pedestrian safety
 - the orchards form part of the setting of the listed building, to allow development will give a green light to further chip away at the Hall setting;
 - it would set a precedent and put other green spaces at risk
 - it will put pressure on Fairfield Lower School for places
 - impact on local infrastructure including drainage
 - disruption from building works
- uncomfortable as to the offering of gifts by the developer should the residents allow the development - this is tantamount to blackmail

1 letter in principle in favour of the development, however have reservations about the works previously carried out by the developer

The above is a summary of the representation received. A full copy can be viewed on the application file.

Consultations/Publicity responses

Natural England Wildlife Trust	No comments to make Concerns raised with regard to impact of development on CWS and its management
Conservation Officer	Wider setting of Grade II listed building- the former Three Counties Lunatic Asylum, 1860, 1870 & 1881, George Fowler Jones.

The former orchard is within the historic wider setting of the enormous former asylum/ hospital complex & to that extent is sensitive & clearly needs careful consideration both in terms of the principle of development (historic amenity trees) & the actual scale, massing, form & architectural design (yet to be fully determined as such). The dormer bungalows of the description suggests 1 & a half storey dwellings. Such a design approach could be successful if carefully handled- so long as you are satisfied with the principle of development in this sensitive site & the proximity of the trees & other site constraints.

Highways Officer	No objection, suggest conditions and notes
Leisure Strategy Officer	No comments to make
Local Plans Officer	The Fairfield Parish Plan 2015 has not been adopted by CBC.

The emerging Fairfield Neighbourhood plan and Green Infrastructure Plan has not yet been submitted.

The Orchard does not form open space provision in the original Fairfield masterplan and not designated as open space in the Core Strategy.

The Orchard does provide an important contribution towards open space and landscaping within the settlement and its retention is clearly a strong aspiration of the community.

EHO
Officer
Tree officer

No objection, suggest conditions

The Tree report is out of date. An up to date report is required to show that the trees on the site would not be affected. Conditions should relate to landscape and boundary treatment details along with areas of hard surfacing and locations of all new services and soakaways with particular regards to areas that may encroach into root protection areas of trees.

Revised information:

The proposed location of the two dwellings should have minimal direct effect on trees with minor incursions into the RPAs. Five trees will need to be removed. The removal of two holly trees will open the north boundary of the site and break up this landscape feature, suggest replacement planting. Prior to any development work or site clearance starting we will require a detailed and agreed Arboricultural Method Statement. Landscape and boundary treatment detail will be required.

Ecology Officer

An arboricultural method statement is required to demonstrate construction would be undertaken without causing harm to the trees. A owl box should be retained. Part of the site is on the CWS but it is considered this represents a mapping anomaly and should be adjusted accordingly. Suggest the boundary be amended to exclude tree 18 and give a greater buffer for trees 19 and 20 otherwise object to detrimental impact to ecological network which the orchard CWS represents. It should be demonstrated the net gain for biodiversity. Suggest a condition regarding management of CWS.

Revised information:

Note revised boundary and that the updated report says there would be no detrimental impact to the fruit tree 19 whose RPA appears to fall within the built footprint of the bungalow. Ensuring construction works are undertaken to prevent harm to this tree will be essential.

The tree schedule only identifies Field maple for removal and yet the report states in 6.2.1 that trees 6, 7,8, 78 and 80 are to be removed in order to '*implement proposed development*'. The latest site plan dated 21st January 2016 does not reflect the proposed removal of these trees and as my earlier comments state there is significant value in

retaining the line of holly trees **intact** on this boundary.

	Other previous comments remain the same.
Education Officer	No comments received
Archeology Officer	No objection

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character, appearance and streetscene
3. Impact on amenity
4. Parking and highways
5. Trees and landscaping
6. Other matters

Considerations

1. Principle of development

On 19/02/2016 an appeal was dismissed at a site in Henlow for a residential development adjacent to the settlement envelope. While the appeal was dismissed, in making her decision, the Inspector concluded that the Council had *“not demonstrated a five year supply of deliverable housing sites”* and discounted a number of sites from the supply. Therefore the Council cannot currently demonstrate a 5 year supply of housing and in these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Fairfield Park is a established development to the south of the A507. It was formerly a Victorian hospital and is a Grade II listed building. The hospital buildings have been redeveloped and the surrounding land now forms a new village with a unique design philosophy that respects the setting of the former hospital. The development followed a detailed design code, the principles of which should be adhered to when dealing with applications in this location.

The site lies within the settlement envelope at Fairfield Park identified in the Core Strategy as a small village under policy CS1 of the Core Strategy and Development Management Policies (CSDMP). In small villages development will be limited to infill residential development. Policy DM4 of the Core Strategy makes provision for the erection of new dwellings provided they are acceptable in terms of their visual impact and the impact on neighbouring amenity and highway safety. The background text to the policy states that ' the scale of any type of new development should reflect the scale of the settlement in which it is located. Infill development can be defined as small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development. Design and sustainability criteria relating to the proposal will also be major factors in determining any planning application'. Whilst viewed as being in accordance with Policy DM4 as a result of no 5 year land supply in any

event this policy is out of date.

Given the location of the site within the settlement envelope the principle of development is acceptable.

Other material considerations

The application site does not form open space provision in the original Fairfield masterplan and is not designated as open space in the Core Strategy.

It appears to be an area of landscaping in private ownership to which a condition was attached for future maintenance on a 2011 permission.

The Fairfield Parish Plan 2015 has been adopted by the Parish Council. That document identifies the Orchard at Hardy Way as a valuable community asset that should be protected from future development. This was supported by 95% of respondents has not been adopted by CBC. The Plan also identifies that a 'Friends of the Orchards' group has been set up with the intention of reinstating and enhancing the orchards. It suggests that the Parish Council are seeking to acquire the orchards for the community. The Parish Council have confirmed this in their comments. The Fairfield Parish Plan 2015 has not been adopted by CBC and is not part of the development plan for the area.

Once adopted a neighbourhood plan would form part of the Local Development Framework. However, whilst the comments of the Parish Council are noted about the application being premature in light of the emerging Fairfield Neighbourhood plan and Green Infrastructure Plan this has not yet been submitted.

However, the application site and the orchard land outlined in blue is listed by the Council as a Asset of Community Value (ACV). The reason for listing is that the current use of the orchard furthers the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be use of the orchard which will further the social wellbeing or social interests of the local community. Para 6.15 of the Planning Statement says that the Parish Council have achieved a Community Right to Buy Order (the community has first option and a period of time to raise funds to buy community land for sale). The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. The fact that the site is listed as a ACV is a material planning consideration but that in itself does not prohibit the granting of planning permission as any application must be considered against the development plan and the NPPF, taking into account all the circumstances of the case.

It is acknowledged that the Orchard does provide an important contribution towards open space and landscaping within the settlement and its retention is clearly a strong aspiration of the community.

The Planning Statement also refers to development of an area near the North Entrance however this is subject to a separate application under ref: CB/15/4320/OUT Outline Application: 18 No. dormer bungalows on area of open land which is not yet determined. That statement refers to the fact that if

agreement is made on the two developments then PJ Livesey will "Gift" the West Orchard (the land in blue on drg CBC/001) to the Fairfield Parish Council who may then be able to maintain, manage and restore this Orchard which they profess to having always been keen to do but not owning the land has prevented this from happening. Whilst it appears to be the applicants intention to give the orchard land to the Parish Council, such a transfer is not necessary to make this proposal or that separate application also on this agenda acceptable and as such it would fail to comply with the CIL Regulations and cannot be secured.

Part of the application site is within a County Wildlife site (CWS) which was designated in 2010 which is also a material consideration which will be considered below.

2. Character, appearance and streetscene

It is proposed to erect two dormer bungalows. The applicant describes the site as the area of vacant land in the northern part, to the south of West Drive at Hardy Way; of the former orchard to the west of Fairfield Hall. The application site and former orchard appears to be part of the wider setting of the adjacent listed building (previously forming part of the landscaped grounds around the old hospital building)- it acts as a buffer between the curtilage of the Listed Building and new residential development to the west.

The site is surrounded by dwellings to the east and west. To the north is a footway and landscaping beyond which is open countryside. To the immediate east is a waste compound and car park serving the flatted development at the hall. To the south the remaining orchard is outlined in blue as being within the ownership of the applicant and this also forms the majority of the CWS. A small part of the application site also falls within the CWS.

With regard to the pattern of development the site is well contained within the wider context of surrounding buildings on three sides and well screened by existing landscaping from open countryside to the north. Policy DM4 supporting text states that 'infill development can be defined as small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development'. The proposal for two dwellings is considered to be small scale development within a landscaped area. Whilst it goes against the grain of adjoining new built residential development to the west (identified in the Fairfield master plan as medium density) being development of very low density this is considered to be necessary to ensure the mature protected trees are retained on the site. The conversion of the hall itself to the west is shown within the Master Plan as low density. Furthermore, Fairfield is a new village which consists of the large converted listed building and new build residential dwellings. The village offers a number of services and facilities and as such this is considered to be a sustainable location within the settlement envelope. Therefore although the proposed development would constitute development of a very low density compared with the surrounding pattern of development particularly to the west, given the recognised need to retain the protected trees on the site and its sustainable location within the settlement envelope of Fairfield, this would not form a reason for the refusal of planning permission.

Whilst siting, design and external appearance are reserved matters a illustrative siting plan has been submitted which shows two dormer bungalows on the site with set back from both road frontages larger than some of the properties within

the development located on either side. Given the footprint indicated of the proposed dwellings on such a large plot, the site is of a sufficient size to accommodate two dwellinghouses whilst maintaining an acceptable separation between neighbouring properties. Although it is noted that the scheme is fairly tight in relation to the protected trees on the site, given that the southern boundary has been reduced slightly to protect the trees in the orchard within the blue land and is well stepped off all other boundaries with sufficiently sized rear gardens it is not considered that the proposal will result in a cramped form of development in this instance. Given a condition could be attached to restrict the height of the dwellings on this sensitive site and subject to careful use of high quality materials, overall the proposal is considered acceptable with regard to its effect upon the character and appearance of the area.

As stated all matters including layout and scale have been reserved and it is considered that the site is capable of siting two suitably sized and sited dwellinghouses. An informative shall be included in any decision issued to advise the applicant of the latter.

The ground floor plans for the dwellings on the revised site plan indicates integral garages with driveways to the front. Details of hard surfacing can be conditioned to ensure adequate on site parking is provided.

The site is fairly flat and details of levels can be conditioned.

Overall the proposal is considered acceptable within regard to its effect upon the character and appearance of the area.

The proposed dwellings are therefore considered to be in keeping with the character and appearance of the area, and of a scale and massing that is appropriate to the street scene. The development is therefore considered to be in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

Setting of listed building

Whilst the two new dwellings are sited a significant distance from the adjacent listed building, it is noted that the application site and former orchard is within the historic wider setting of the enormous grade II listed former asylum/hospital complex. The Fairfield Master Plan states that 'the immediate setting of the hospital and its ancillary buildings is characterised by the strong landscape setting with large areas of lawn, mature orchards and walled courtyards'. The Local Planning Authority has particular duties when considering applications that affect the setting of listed buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...'

The NPPF reinforces the statutory weight given to heritage assets. At para 129 it states that Local Planning Authorities should 'avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 132 states that when considering the impact of development...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or

destruction of the heritage asset or development within its setting. At para 134 states that 'harm may be weighed against the public benefits of a proposal where the proposal will lead to less than substantial harm. Para 133 states that 'where development will lead to substantial harm permission should be refused unless defined circumstances apply.'

As noted above the new dwellings are sited a significant distance from the adjacent listed building but the application site is considered to form part of the wider setting of the listed building. No details have been submitted regarding the actual scale, massing, form and architectural design (yet to be determined at reserved matters stage) but the description of development suggests one and a half storey dwellings. Given a condition could be attached to restrict the height of the dwellings on this sensitive site and subject to careful use of high quality materials, whilst siting is still a reserved matter it has been demonstrated they can be sited away from the adjoining listed building which will have a limited impact on the setting of the adjacent listed building and in this context will not be sufficiently harmful to have an adverse impact. The Conservation Officer has not objected to the proposal. Therefore any impact of the development to the setting of the listed building will be very minimal and taking account of the points made above will not amount to harm in terms of para 134. Consideration is given to the public benefits of the proposal which, in this instance include the provision of housing within the limits of an existing settlement. On balance it is considered that the less than substantial harm caused does not amount to justification to refuse the application on harm to the setting of the adjacent listed building. The principal elevation of the listed building and its setting are not diminished or removed as a result of this scheme.

3. Neighbouring amenity

All matters have been reserved under this application, whereby the indicative plan, is purely that, indicative of how the site could be developed.

The site is located to the south of West Drive. It is proposed to take vehicular access off Hardy Way for one dwelling and the access road off North Drive for the other dwelling. It is bounded by residential development to the east and west together with a large car park and waste facility also to the west. Whilst no details have been submitted at this outline stage in terms of the design, scale and massing of the dwellings the block plan shows their siting in relation to existing surrounding housing. Given the separation distances and relationships involved this proposal will not adversely harm the residential amenities of those properties in terms of light, privacy or overbearing impact.

Whilst siting has been indicated it remains a reserved matter, however, the dwellings would be situated on large plots and sufficient private amenity space would be provided for future residents. It is noted that the dwellings are approx 18.4m away from each other which is below the recommended 21 back to back distances. However the two dwellings are offset from each other and not directly back to back and in this instance are considered acceptable.

Government guidance on restricting permitted development rights states that it should only occur in exceptional circumstances and where it would only make the development acceptable. In this instance, given the tight constraints of the

site with surrounding protected trees it is considered that permitted development rights should be removed to protect visual amenities, adjoining residential amenity and to safeguard protected trees on the site.

All other dwellings in the area are adequately removed to ensure that they would not be affected to any material degree.

It is considered that there will be no detrimental impact on the amenity of local neighbours, and no undue impact on outlook, daylight or privacy is expected. The proposal is therefore in accordance with the requirements of the Design Supplement 1 - New Residential Development and CS14 and DM3 of the Core Strategy and Development Management Policies.

4. Parking and highways

The application proposes the construction of two dormer bungalows on vacant land north of the former orchard to the west of Fairfield Hall. Documents submitted in support of the application include the indicative layout drawing that shows the location of the two bungalows and their intended point of access. They are in principle satisfactory. The proposed bungalows have, together, the potential to generate 12 trips per day which can satisfactorily be accommodated in the highway network. As such the highway Officer has no objection to the application and suggests conditions be attached to any approval. Whilst access is a reserved matter whereby the detail of which shall be assessed at that stage it is not unreasonable to attach conditions relating to junction of the proposed vehicular access with the highway and visibility splays given that there proposed location has been indicated. On site cycle parking could be addressed at the reserved matters stage if considered necessary.

The tree officer initially raised concern as to whether there is any intention to include garaging for the dwellings. The description of the application and the submitted plan does not include the erection of a garage. It is considered necessary to remove permitted development rights in relation to outbuildings on this site. However the revised site layout which is indicative only indicates integral garages. A condition could be attached at the reserved matters stage for integral garages to be retained if considered necessary. The number of bedrooms of each dwelling has yet to be formally confirmed, so the amount of car parking required cannot at this stage be assessed. However it is considered that the site is sizable for the provision of a number of off street car parking spaces. Therefore it is considered that an acceptable scheme can be achieved within the site in the context of highway safety and car parking it is considered that there is no highway reason to refuse planning permission for the proposed development.

For the reasons outlined above it is considered that the proposed development is acceptable in a highway safety and car parking context in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Trees and landscaping and County Wildlife Site

The application site and former orchard appears to be part of the wider setting of the adjacent listed building - it acts as a landscape buffer between the curtilage of the Listed Building and new residential development to the west. A legal agreement attached to a former planning application requires management of

that land. In 2010 the land in blue together with a small area of the application site was designated as a County Wildlife site. The application site and West Orchard is also protected by Tree Preservation Orders.

The Natural Environment and Rural Communities Act 2006 states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

Policy CS16, seeks to avoid damage to landscape distinctiveness and Policy CS17, seeks to protect green infrastructure assets and ensure management of a network of new and enhanced sites. Policy DM14 seeks to retain and protect trees and hedgerows in close proximity to building works. Policy DM3 is also relevant as this seeks to secure high quality development through sympathetic design. Policy CS18 supports the management and protection of CWSs. Development that would fragment or prejudice the biodiversity network will not be permitted.

Supplement 2 of the adopted Central Bedfordshire Design Guide (paragraph 2.03.04) states 'the restoration of orchards, planting new and conserving old is considered important in preserving local heritage, and development sites including or near to orchards should ensure that they are protected and enhanced through replanting, where appropriate.

The proposal is for the construction of two new detached dormer bungalows on land north of the orchard. Section 3 of the Design and Access Statement states that the mature trees on the site will be retained and incorporated into the proposed garden areas and a new southern boundary created by the planting of a native hedge. Section 13 of the Design and Access Statement recognises that trees on the site including the mature Lime trees located within the proposed plots for the two new dwellings are protected by Preservation Order and also states that all foundations will be located outside the root protection areas (RPA) of the trees on site (however the updated report mentioned below shows that some RPAs will be slightly affected). Supplied with the application are a plan from Aspect ecology number 2258/ORC1 dated 2014 which identifies amongst other items the location of trees on site. Supplied also is a Tree Schedule from Aspect Arboriculture the result of a survey carried out in 2010 which is considered to be out of date.

Following concerns raised by the Tree Officer and Ecology Officer a new report has been submitted - a full Arboricultural Impact Assessment (AIA) and Method Statement (MS) to detail all possible effects by any proposed development on the trees on site and how they would be mitigated. A revised site plan has also been submitted with the southern boundary made slightly smaller to ensure three trees close to the dwelling remain in the blue land.

The Ecology Officer has acknowledged the amendment to the southern boundary of the western bungalow and understands from the arboriculturalist who undertook the survey that it was their opinion that the new boundary would ensure no detrimental impact to the fruit tree 19 whose RPA appears to fall within the built footprint of the bungalow (Drg 8839 TPP 01). Ensuring construction works are undertaken to prevent harm to this tree will be essential.

As such appropriate conditions relating to protective fencing, foundation details etc will need to be conditioned.

The Ecology Officer notes an inconsistency in the submitted information in that the tree schedule only identifies Field maple for removal and yet the report states in 6.2.1 that trees 6, 7, 8, 78 and 80 are to be removed in order to '*implement proposed development*' (as shown on Drg 8839 TPP 01). The latest site plan dated 21st January 2016 (CBC/001) does not reflect the proposed removal of these trees. The Ecology Officer has also commented that whilst those five trees are to be removed there is significant value in retaining the line of holly trees intact on the northern boundary.

However, the Tree Officer has re-visited the site and discussed the revised proposals with the applicants Arboculturalist and has commented that the proposed location of the two dwellings should have minimal direct effect on trees with minor incursions into the root protection areas (RPA) of trees indicated on the supplied Tree Protection Plan 8839 TPP 01 as T16, T15, T19, T20, T14 and T9. In addition to facilitate the development it is suggested that five trees will need removal. Two of these trees are Holly that would probably have been part of the Hospital planting scheme and are categorised as Category C trees (in terms of quality these represent generally unremarkable examples of their type... and may be readily replaced without significant individual impact on the amenity of the site). Having looked at the trees it is agreed their retention category is accurate. The removal of these two trees will open the north boundary of the site up and break up this landscape feature. However the Tree Officer is satisfied that provided replacement Holly can be included within the landscape detail for this area their removal would be acceptable.

The Arboricultural Impact Assessment is an assessment of the indicative layout only. Tree Protection Plan (TPP) indicates the positions of Tree Protection Fencing and also areas of ground protection. All this is to ensure that trees to be retained are done so in good order. The TPP also indicates areas of foundation hand dig. Prior to any development work or site clearance starting we will require a detailed and agreed Arboricultural Method Statement which will identify all issues that could potentially occur and solutions to those issues, it will also contain the phasing of all actions and include on an agreed plan locations of all service lines. Landscape and boundary treatment detail will be required to include replacement planting of Holly to mitigate for loss of trees T6 and T8. These details would need to be conditioned.

The Ecology Officer has stated that 'looking at the CWS citation it is apparent that the SW edge of the development sits within the CWS boundary and so would be contrary to policy 18. However, having visited the site it is felt that the northern boundary of the CWS represents a mapping anomaly and should be adjusted accordingly (to exclude it). This process has to be formally approved by the Bedfordshire CWS Panel.

The remainder of the CWS comprises two compartments. A dense, uniform stand of Laxton apple trees and more open orchard of mixed fruit and nut trees including various Bedfordshire varieties. This compartment lies within the blue land as shown on the location plan and was subject of a 106 management plan from a previous planning application. The 2003 management plan specified a mowing regime to support a flower rich sward with a cut twice yearly and

removal of arrisings. In 2010 the orchard was designated as a CWS due to its value as a Priority Habitat. During the site visit it was clear that the site had not received the required level of management as the grassland was becoming dense and matted. The fruit trees were in a poor condition and would benefit from management also. As such it is suggested a planning condition be attached to require the submission of a management plan and commitment to undertake necessary works to retain the CWS status as under positive conservation management so bringing the application in line with the NPPF.

However it is considered that it would be unreasonable to require the management of the orchard within the blue land as this does not form part of the current application and is not necessary to make the development acceptable. It is also covered by a separate legal agreement. The applicant has been asked about the intentions of the management of the land and has responded to say the intention is to transfer it to the Parish Council although has not yet been done. The Wildlife Trust have also raised concern with regard to impact of development on the CWS and its management and suggest this be dealt with via the transfer of the land to the Parish Council however this does not relate to the current application the subject of this application and cannot be secured here.

In response to other comments – Tree 14, a common lime, Has a Tawney Owl nest box attached to it which should be retained however this is nor considered necessary to make the development acceptable. Any additional landscaping will also support biodiversity of the site which would be covered by reserved matters

Although it is acknowledged that the Parish Council have aspirations to safeguard the land as open space it is not clear from the Parish Plan the full extent of that land. However both the application site and land in blue is an Asset of Community Value and a significant number of local residents have objected to this application based on the lost of part of the Asset of Community Value. In section 11 of the Design and Access Statement the applicant states that the outline application demonstrates that two building plots could be achieved on the ecologically less valuable land, leaving the main part of the former orchard as a community asset. A recent audit undertaken by the Leisure Development to inform the leisure strategy does not identify the land in red as having an open space use, although it does identify the land in blue as an orchard. Although part of the application site includes the CWS the Ecology Officer has confirmed that this is not considered to be worthy of being retained within the CWS and should be removed. The Tree Officer has not objected to the revised information submitted regarding the removal of some trees on the site. Whilst the west orchard is an important landscape buffer the two dwellings would be sited on land to the north of orchard furthest away from listed building. On balance whilst there are material considerations which weight against the development on the small part of the orchard currently within the application site these do not override the planning policies against which this application has been considered which demonstrates that two dwellings can be satisfactorily accommodated on the site.

By considering the impact on biodiversity within this report the Council has complied with The Natural Environment and Rural Communities Act 2006.

6. Other matters

Archeology

The proposed development is located within the designed landscape associated with the former Fairfield Hospital (HER 16866). It is also within an area that contains extensive evidence of Bronze Age, Iron Age and Roman occupation (HERs 16801, 19621 and 19622), which was identified during archaeological investigations in advance of development. These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. However, the scale, nature and location of the proposed development are such that there is unlikely to be a major impact on archaeological remains or on the significance of the heritage assets. Therefore, the Archeology Officer has no objection to this application on archaeological grounds.

Contaminated land

The Land Contamination Assessment referenced in section 6 of the design and access statement has not been submitted with the application and therefore Public Protection is unable to comment on the detail of that assessment nor any conclusions regarding land contamination in the design and access statement. Therefore a full detailed and current contaminated land assessment is required prior to development commencing. The Environmental Health Officer therefore suggests conditions are attached to any approval.

Financial Contributions

Policy CS2 of the Core Strategy and Development Management Policies (2009) seeks developer contributions, in accordance with the Planning Obligations Strategy for the North. This strategy follows a tariff based approach to obligations which is no longer in accordance with the regulations. Contributions are determined on a case by case basis in accordance Part 11 of the Community Infrastructure Levy Regulations 2010 (as amended). On 31 July 2015 the High Court quashed previously announced policy changes which directed Local Planning Authorities not to impose affordable housing contributions and other infrastructure contributions on housing proposals for ten dwellings or fewer. Therefore the Council is now able to consider such contributions on all housing developments. The provision of two dwellings is considered to have a minimal impact on local infrastructure and considerations should therefore be in line with national policy guidance. The impact of the scheme would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development. In this instance the development is not of a scale that would require the Council to seek contributions to local infrastructure.

The proposed dwelling would not meet the affordable threshold as set out by Policy CS7 of the Core Strategy and Development Management Policies (2009). Thereby the Local Planning Authority have not sought an affordable housing contribution.

The Education Officer has not raised any concerns regarding education provision in relation to this application.

Human Rights/The Equalities Act

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

There are no further considerations to this application.

Recommendation

That Outline Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **Details of the access, layout, scale, appearance and landscaping (including replacement holly planting on the northern boundary and a native hedge along the southern boundary), including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.**

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

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

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

- 4 **No development shall take place until details of the existing and final ground, ridge and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 **No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality and safeguard the protected trees on the site in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:**

A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling and adhering to BS 10175.

Reason: To protect human health and the environment

- 7 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:

i) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175.

ii) Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme with measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

iii) The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment

- 8 **No development shall commence until a detailed Arboricultural Method Statement and detailed Tree Protection Plan (which expands on Appendix D as set out in paras 8.1 to 8.3 of the Arboricultural Impact Assessment dated January 2016) in relation to the site and adjoining county wildlife site has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:**

- i) details of tree protection barriers including type and positions and any revisions to barrier locations;**
- ii) schedule of tree works;**
- iii) phasing of work;**
- iv) safeguarding procedures for permanent development within RPAs;**
- v) a scheme for auditing tree protection and subsequent reporting to CBC's arboricultural officer**
- vi) details of proposed levels and service routes;**
- vii) details of proposed foundations;**

viii) details of construction of parking areas and access roads.

Thereafter the site shall be developed in accordance with the approved details.

Reason: To ensure the protection of trees and hedgerows to be retained and to avoid unnecessary damage to their root systems in accordance with policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 9 Any subsequent reserved matters application shall include details of the junctions of the proposed vehicular accesses with the highway to be approved by the Local Planning Authority and no dwelling shall be occupied until the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 Before the accesses are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of above the adjoining footway level.

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

- 11 Before the new accesses are 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 25.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any 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 Core Strategy and Development Management Policies (2009).

- 12 The dwellings hereby permitted shall not exceed one and a half storeys in height.

Reason: In order to provide an appropriate form of development in the

- 13 Notwithstanding the provisions of Part 1 Classes, A, B, C, D and F of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no extensions or alterations, including further new windows to the buildings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area and protect the amenities of occupiers of neighbouring properties and safeguard the trees on the site in accordance with policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 14 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilages of the dwellings hereby approved without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of the area and protect the amenities of occupiers of neighbouring properties and safeguard the trees on the site in accordance with policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 106-02-1000 location plan, CBC/001 indicative site layout plan, Arboricultural Impact Assessment January 2016 (including drg no 8839 TPP 01), BS5837:2005 Tree Schedule, 2258/ORC1 (locations of grassland outside of RPAs), Design and Access Statement October 2015, Planning Statement 2015.

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

INFORMATIVE NOTES TO APPLICANT

1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
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 applicant is strongly advised to seek pre application advice prior to issuing any reserved matters application, with regards to appearance, scale,

layout, landscaping and access.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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Meeting: Development Management Committee

Date: 30th March 2016

Subject: Development Management Performance Statistics

Report of: Development Infrastructure Group Manager

Summary: The report provides a bi-annual update of Development Management Performance

Advising Officer: Director of Regeneration & Business

Contact Officer: Andrew Davie
Development Infrastructure Group Manager
(Tel: 0300 300 8307)

Pubic/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is an information report for noting Development Control Performance Statistics

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health:

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

- 1. To receive a six monthly update of Development Control Performance Statistics at Appendix A.**

Background

- 10.** There has been a small increase (0.85%) in the number of applications received from April 2015 to September 2015 compared with same period last year.
- 11.** The number of validated major applications has decreased by 7 from 58 in April 2014 to September 2014 to 51 in April 2015 to September 2015.
- 12.** The CLG collect data and report on applications determined within a timely manner in accordance with the target (13 weeks for major applications and 8 weeks for minor and other category applications) and in accordance with Environmental Impact Assessment, Planning Performance Agreement and agreed extension of time to determine.
- 13.** There has been an increase in the percentage of major applications determined in a timely manner from 75% in October 14 to March 15 to 78% in April to September 2015.
- 14.** There has been an increase in performance in the minor application category from 85% in October 2014 to March 2015 to 93% in April to September 2015. The Government target time is 65% and CBC's target is 75%.
- 15.** The other application category performance has remained unchanged with 94% achieved in October 2014 to March 2015 and also in April to September 2015. The Government target time is 80% and CBC's target is 90%.

16. Planning Performance Agreements and Pre-application advice;

2 new Planning Performance Agreements were received between April and September 2015.

There were 16 Planning Performance Agreements received in Year 2014/15 and 12 in Year 2013/14.

Charging for householders' pre-application advice commenced in April 2013 – 141 advice requests validated in 2013/14 and 137 requests validated in 2014/15 and 60 between during April to September 2015.

17. Permitted Development rights for Larger home extensions and Prior Approval for Changes of Uses came into force on 30 May 2013. This legislation was updated by The Town and Country Planning (General Permitted Development) Order 2015 which came into force on 15 April 2015 which extended the Permitted Development rights for Larger home extensions for a further 3 year period until 30 May 2019, made permanent the previously time-limited permitted development rights for extensions to non-domestic premises and expanded the Permitted Development Order.

57 Permitted Development and 31 Prior approval applications registered 1 April 2014 to 30 September 2014.

41 Permitted Development and 30 Prior approval applications registered 1 April to 30 September 2015.

18. The number of applications to be determined at the end of the six month period has decreased from 443 (October to March 2015) to 406 (April to September 2015).

19. The volume of appeals determined has increased from 27 in April to September 2014 to 37 in April to September 2015. There were 9 granted on appeal in April to September 2014 and 15 in April to September 2015. 1 of those granted on appeal in April to September 2015 was an overturn by planning committee against officer's recommendation.

20. The latest quarterly published data (April 2015 to June 2015) indicates that CBC is above the England average in all three statutory class categories. 2% above England average for the determination of Major applications in a timely manner, 22% above for Minor applications and 14% above for Other applications.

Appendices:

Appendix A – Development Control Performance

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