

## SCHEDULE C

<b>APPLICATION NUMBER</b>	<b>CB/10/01172/OUT</b>
<b>LOCATION</b>	<b>Roker Park, The Green, Stotfold, Hitchin, SG5 4DG</b>
<b>PROPOSAL</b>	<b>Outline: The erection of 43 No. dwellings (all matters reserved except access)</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Saunders, Street, Turner</b>
<b>CASE OFFICER</b>	<b>Hannah Pattinson</b>
<b>DATE REGISTERED</b>	<b>31 March 2010</b>
<b>EXPIRY DATE</b>	<b>30 June 2010</b>
<b>APPLICANT</b>	<b>Stotfold Town Council</b>
<b>AGENT</b>	<b>Levitt Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Council has a legal interest in the site</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

### **Site Location:**

The site comprises a roughly rectangular shaped area of land adjacent to properties on both Silverbirch Avenue and The Green, Stotfold. Access to the site would be taken adjacent to No. 57 The Green, Stotfold.

The site is currently occupied by Stotfold Town Football Club and is located within the Settlement Envelope for Stotfold. In addition there is an existing skate park and tennis courts to the rear of the site. These are not included within the Settlement Envelope for Stotfold.

### **The Application:**

This is an outline planning application, all matters reserved apart from access. The scheme proposes the erection of 43 dwellings, in a mix of sizes and tenures.

### **RELEVANT POLICIES:**

#### **National Policies (PPG & PPS)**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS9 Biodiversity and Geological Conservation  
PPS10 Waste Management  
PPS12 Local Development Frameworks  
PPG13 Transport  
PPG17 Recreation and Open Space  
PPS23 Planning and Pollution Control  
PPS25 Flood Risk

#### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Core Strategy and Development Management Policies (November 2009)**

CS2, CS3, CS4, CS7, CS13, CS14, DM1, DM2, DM3, DM4, DM5, DM9 & DM10

### **Supplementary Planning Guidance**

Design in Central Bedfordshire A Guide for Development (2010)

Planning Obligations Strategy (2008)

### **Planning History**

CB/09/06260/OUT Outline: The erection of 43 No. dwellings (all matters reserved except access) - Withdrawn

CB/09/06910/OUT Outline: The erection of 43 No. dwellings (all matters reserved except access) - Not proceeded with

### **Representations: (Parish & Neighbours)**

Stotfold Town Council No objections subject to neighbours being consulted.

Neighbours One letter of objection raising concern as to the negative impact the development would cause to the existing infrastructure.

### **Consultations/Publicity responses**

Highways Thank you for your consultation on the application dated 9th April 2009. On behalf of the highway authority I make the following comments based on drawings No SSO1, 12F .

A design and access statement and a Transport Statement have been submitted in support of the proposal. The proposal is on highway considerations identical to that submitted under reference 09/06910/OUT.

The proposal is for the erection of 43 No dwellings to be served by a modified access that currently serves the football ground. The proposal is for outline consent, all matters are reserved except access. I will therefore only make comments on the access as shown on drawing No 12F titled: Proposed Site Layout.

The above mentioned drawing shows the existing access to be upgraded by the widening of the carriageway to 5.5m and the provision of a footway of 2.0m wide running

at each of its sides.

However, paragraph 10.2 of the design and access statement states that formal details of the access would be provided at a later date, however it is considered that the existing access would need to be upgraded to cater for the increased number of users of the site.

On the assumption that this statement is incorrect and that the access is as shown on the submitted drawing No 12F I confirm that the new access junction type and geometry is satisfactory to serve the intended residential development.

The access is shown to be provided with visibility splays of 2.4m x 70.0m which are satisfactory, however in accordance with Manual for Streets it is only required to provide 2.4m x 43.0m.

Paragraph 6.11 of the Design and Access Statement indicates that the roadway layout provides a pinch point at the entrance to the development to the front of plot 44. This statement is incorrect as the proposal is only for 43 dwellings.

The transport statement includes bus service information for 2008 which is still relevant as no changes on the services have been made since.

A pedestrian and cycle route assessment was carried out which shows that as a direct consequence of the development additional pressure will be put on the existing footway network.

The provision of new footway to the site frontage incorporating links to the existing footways is seen as a minimum requirement and that widening and resurfacing of the footways to the bus stops on the Green would greatly assist the walking public.

It is considered that the development should provide the new footway along the site's frontage and the widening and resurfacing of the existing to the bus stop on The Green.

In summary the proposal is acceptable subject to relevant conditions.

Disability Officer  
Sport England

No comments

IDB  
EA  
Public Protection

No objection subject to a relevant S106 Agreement and suitable conditions.

No objection subject to relevant conditions

No objection subject to conditions

No objection subject to either a condition or S106

requirement for the relocation of the skate park, and an acoustic analysis and lux analysis of both the skate park and the tennis court lights.

## **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Impact of the Development on Adjoining Properties
3. Impact upon the Character and Appearance of the Area
4. Highway Safety and Traffic Implications
5. Other Considerations
6. Legal Agreement

## **Considerations**

### **1. Principle of Development**

The site, to which the development relates, lies within the Settlement Envelope of Stotfold, with close proximity to the Town's amenities and services.

The residential development proposed is considered against Policies DM3, DM4, & DM5 of the Core Strategy and Development Management Policies (2009). Policy DM4 of the adopted Core Strategy and Development Management Policies (2009) states that: "*Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre*".

Roker Park is designated as Important Open Space but as the football club is to be re-located to the consented new leisure centre site on Arlesey Road, it is not considered that this would result in a loss of provision within Stotfold. Although money is included within the Central Bedfordshire Council Capital Programme for the new leisure centre an element of external funding is to be provided by the Town Council. It is anticipated that these monies would be secured through the sale of Roker Park.

In addition it is acknowledged that the proposal would be contrary to Policy DM5, however in this situation the associated legal agreement would include a clause which restricted the implementation of any planning permission for this site prior to a similar facility including a football pitch and viewing facilities would be provided within the settlement envelope for Stotfold. In addition the proposed alternative location is part of the consented Stotfold Leisure Centre to be located on Arlesey Road which would provide a considerably enhanced facility for the football club and also in terms of leisure facilities for local people.

PPS3 provides guidance to requiring good design, a good mix of housing to reflect the accommodation requirements of specific groups, the suitability of the site for housing, using land effectively and efficiently and ensuring that the proposed development is in line with housing objectives.

It is considered that the proposal is in accordance with the above as it provides a mix of housing types and the indicative layout has followed the principles of

good design.

In addition the proposal has proposed 35% Affordable Housing. This is in accordance with the relevant policy contained within the Core Strategy and Development Management Policies (2009).

Given the provisions of the Core Strategy and Development Management Policies it is considered that the principle of development is acceptable.

## **2. Impact of the Development on Adjoining Properties**

This development, although currently in outline, has already been the subject of objections raised by some neighbouring residents. Concerns are raised as to whether the local infrastructure in terms of highways, drainage and sewerage would be able to cope with this additional development. Even though these concerns have been raised it is not considered that these are material considerations under this section and the relevant elements have been discussed later in the report.

It is not considered that the proposed residential development would in principle be detrimental to the neighbouring residents and their amenity. It is considered that Roker Park has been utilised efficiently and the layout has been developed to protect the amenity of neighbouring properties. Whilst the layout is only indicative at this stage and would be the subject of a future reserved matters application, the plans have indicated that the site is able to accommodate 43 dwellings without unduly harming the amenities of the neighbouring properties.

As such it is not considered that the development is likely to result in an unacceptable loss in privacy or overlooking to the neighbouring properties due to the proposed orientation of development.

The access has been designed in such a manner as to ensure that the site is remote from the neighbouring properties. It would be wider than the current access and would ensure that the proposal would not have an impact upon the current streetscene.

In summary it is not considered that the proposal would result in a sufficiently detrimental impact upon neighbouring properties to warrant refusal of the planning application. It should be noted that planning permission for a small residential development has been granted adjacent to this site but this planning permission has not yet been implemented.

## **3. Impact upon the Character and Appearance of the Area**

It is anticipated that the proposed residential development would be in keeping with the setting of the site. It is not possible at this stage to formally assess how the development would look visually as this would be dealt with through any subsequent Reserved Matters applications. At this stage the Local Planning Authority would be able to ensure that the development brought forward would not be out of character for the locality.

In addition the location of certain buildings on the site in prominent locations will provide certain hierarchy within the site and the choices of materials, design of both the built form and landscaping of the site would be used to ensure a suitable form of development.

#### **4. Highway Safety and Traffic Implications**

Access to the site is proposed along a wider and much improved form of the existing access to the football club. The Highways Team are satisfied that the submitted information is satisfactory subject to various conditions to ensure highway safety.

In addition it is considered that the development should provide a new footway to the site frontage incorporating links to the existing footways would be a minimum requirement and that widening and resurfacing of the footways to the bus stops on The Green would also be beneficial.

#### **5. Other Considerations**

The Public Protection Team have raised concerns as to potential noise and light pollution issues resulting from the adjacent tennis court and skate park which may have a detrimental impact upon the new properties which may be built on the site. As such it is considered that the proposal would not be considered acceptable unless a full noise and light assessment including details of relocation of the adjacent skate park is submitted to and approved in writing prior to the submission of the first reserved matters. It is considered that this could be dealt with by the legal agreement for the application.

The Environment Agency had previously objected to this application. Their objection has now been withdrawn upon the submission of further information. As such no objection is currently raised provided that relevant conditions are attached to any permission which may be granted.

Sport England has no objection to the proposal provided that a replacement facility is provided and is subject to the approval of satisfactory management arrangements for the Club's replacement facilities.

The site has been considered in relation to S40 of the NERC Act which ensure that the Authority has regard to biodiversity and habitat. The site is currently a football ground and as such it not considered to be of great biodiversity or ecological merit.

#### **6. Legal Agreement (S106)**

A Section 106 Legal Agreement is currently with solicitors. It has been prepared in accordance with the adopted Planning Obligations Strategy. The document is currently with Solicitors for final checking.

Within the legal agreement it is proposed to include clauses relating to the relocation of the skate park, the relevant acoustic and lux analysis's of the skate park and tennis court, and the footway to the front of the site.

In addition a clause will be added in relation to the submission of and approval in writing by the Local Planning Authority of a management plan for the relocation onto the Arlesey Road site as Central Bedfordshire Council currently own the Arlesey Road site and will be signatories to this legal agreement.

It is hoped that this document will have been completed prior to Development Management Committee. An update shall be provided on the late sheet.

## Reasons for Granting

In conclusion, in the absence of the site being required as a football ground, and subject to a S106 legal agreement incorporating the requirement of the SPD "Planning and Obligations Strategy" and the use of appropriate conditions it is considered that the Outline Planning Application is in accordance with policies CS2, CS3, CS4, CS7, CS13, CS14, DM1, DM2, DM3, DM4, DM9 & DM10 of the Core Strategy and Development Management Policies (2009), PPS1, PPS3, PPS9, PPS10, PPS13, PPG17, PPS23, PPS25, and the Design in Central Bedfordshire A Guide for Development (2010)

## Recommendation

That Planning Permission be granted subject to the following:

- 1 Approval of the details of:-
  - (a) the layout of the building(s);
  - (b) the scale of the building(s);
  - (c) the appearance of the building(s);
  - (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 **No development shall commence until details of materials to be used**

for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

**Reason:** To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to complement the surrounding buildings and the visual amenities of the locality.

5 No development shall commence until a Contamination Scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted Contamination Scheme shall include:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site including sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

(2) A site investigation scheme, based on (1) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

(3) An options appraisal and remediation strategy, based on (2) above, giving full details of the remediation measures required and how they are to be undertaken

(4) A verification plan, based on (3) above, providing details of the data that will be collected in order to demonstrate that the works set out on (3) above are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for a contingency action.

The scheme shall be implemented solely in accordance with the approved details.

**Reason:** To protect the quality of, and prevent the pollution of controlled waters in accordance with PPS23 and the Environment Agency's Groundwater Protection (GP3) policy.

6 No development shall take place until the details, including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall have been submitted to and approved in writing by the Local Planning Authority and the details shall be implemented as approved for the duration of the works.

**Reason:** To safeguard the existing trees and hedgerows on the site and in the interests of visual amenity.

7 No development shall commence until details of the final ground and



slab levels of the buildings to be erected 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 or land, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

**Reason:** To ensure a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 8 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, which shall not include borehole soakaways, has been approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 9 No development shall be commenced until a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory method of foul water drainage.

- 10 No development shall commence until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority which shall detail methods that all developers, contractors and sub contractors will employ and shall include:

- i) measures to suppress dust;
- ii) measures to be used to reduce the impact of noise arising from noise generating activities on site, in accordance with best practice set out in BS:5228:1997 "Noise and vibration control on construction and open sites";
- iii) the siting and appearance of works compounds; and
- iv) wheel cleaning facilities for construction traffic.

The implementation of the development shall only be undertaken in accordance with the approved Code.

**Reason:** To safeguard the amenities of adjoining occupiers, to protect the surrounding area, and to prevent the deposit of material on the highway.

- 11 Prior to the commencement of the development shall not begin until

**details of the modified junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that 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 development shall commence until a programme of landscape implementation to include any landscape buffers, and details of any advance or screen planting has been submitted to and approved in writing by the Local Planning Authority. Implementation shall be carried out in accordance with an implementation timetable agreed in writing by the Local Planning Authority.**

**This landscaping shall be appropriately protected during building operations and maintained to encourage its establishment for a minimum of 5 years following the practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective within this period shall be replaced in the first available planting season in accordance with a scheme to be first approved in writing by the Local Planning Authority.**

**Reason: To ensure an appropriate standard of visual amenity in the local area.**

- 13 There shall be no burning of materials on site unless previously approved in writing by the Local Planning Authority.

Reason: To protect the amenity of adjoining occupiers and to protect landscape features.

- 14 This permission shall not extend to the layout and associated engineering details submitted in support of the application.

Reason: For the avoidance of doubt.

- 15 The permission shall authorise the erection of no more than 43 dwellings.

Reason: For the avoidance of doubt.

- 16 Visibility splays shall be provided at the junction of the access with the public highway before the development is first brought into use. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0 m 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.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 17 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the side road from its junction with the channel to the through road and 25.0 m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junctions in the interest of road safety.

- 18 If contamination not previously identified is found on the site during the construction process then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and received approval in writing from the Local Planning Authority for an amendment to the remediation strategy detailing how the unsuspected contamination shall be dealt with.

Reason: To protect the quality of and prevent the pollution of controlled waters in accordance with PPS23 and the Environment Agency's Policy GP3.

### **Notes to Applicant**

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Highway Engineer, Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highways Help Desk P.O. Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. 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 relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc) then the application will be required to bear the costs of such removal or alteration.

### **DECISION**

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