

## **Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/18/01628/OUT</b>
<b>LOCATION</b>	<b>Land off Hitchin Lane, Clifton</b>
<b>PROPOSAL</b>	<b>Outline Application for Planning Permission for 22 dwellings and all ancillary works, all matters reserved.</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Benjamin Tracy</b>
<b>DATE REGISTERED</b>	<b>17 April 2018</b>
<b>EXPIRY DATE</b>	<b>17 July 2018</b>
<b>APPLICANT</b>	<b>J.C.Gill Developments Ltd</b>
<b>AGENT</b>	<b>James A. Keaney Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Richard Wenham Call-in for the following reasons:</b> <ul style="list-style-type: none"><li><b>• Contrary to Policy - DM3, DM4, Settlement Coalescence, open countryside. Emerging Local Plan.</b></li><li><b>• Highway Safety Grounds - Hitchin Lane is already subject to newly granted permissions and is a narrow access to take further traffic</b></li><li><b>• Impact on Landscape - Extends outside settlement envelope into open countryside.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Parish Council Objection to Major Development.</b> <b>Major Development Departure.</b> <b>Recommended for Approval</b>

### **Summary of Recommendation:**

The proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. Notwithstanding this fact, those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own. The proposed development has been considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and the benefits would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

For the reasons outlined within this report, the development is considered to be sustainable and no significant harm has been identified. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan.

### **Site Location:**

The application site forms a 1.34 hectare area of land to the south east of Hitchin Lane, Clifton. The land is currently used as a grassland with no evident use and is enclosed by a 1 metre high hedgerow to the south, east and west of the site.

To the south and east of the site is open countryside and to the north are the neighbouring dwellinghouses known as Nos. 33, 33A and 35 Hitchin Lane, No. 72A Broad Street (Flats 1-6 and Clifton View), Nos. 74a, 76, 76a, 78 84 and 86 Broad Street. To the west of the site is a parcel of land which benefits from outline planning permission for the construction of 97 dwellings which includes vehicular access to Hitchin Lane and New Road.

### **The Application:**

Outline Planning Permission is sought for the construction of 22 dwellings including all ancillary works. All matters are reserved including access, landscape, layout, scale and appearance. The site would be accessed from Hitchin Lane.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework 2018 (NPPF)**

#### **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
- CS7: Affordable Housing Provision
- CS13: Climate Change
- CS14: High Quality Design
- CS16: Landscape & Woodland
- CS17: Green Infrastructure
- CS18: Biodiversity
- DM1: Renewable Energy

DM2: Sustainable Construction of New Buildings  
DM3: High Quality Design  
DM4: Development Within and Beyond Settlement Envelopes  
DM9: Providing a range of Transport  
DM10: Housing Mix  
DM14: Landscape and Woodland  
DM15: Biodiversity  
DM16: Green Infrastructure

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

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

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

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP1, 5, 7, HA1, HQ1, 2, 4, 11, T1, 2, 3, 4, 5, 6, H1, H4, CC1, 2, HQ1, 2, EE1, 2, 3, 4, 5 and 13.

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

None relevant to the determination of this application for planning permission.

### **Consultees:**

Clifton Parish Council      It was resolved to object to the application for the following reasons:

1. it is outside the village settlement envelope and so conflicts with the stated policy objectives SP7 of the Local Plan.
2. Clifton voted heavily in favour of the Local Plan and to overturn this would be contrary to the spirit of local involvement;
3. the Local Plan has now been submitted for examination and thus has gained weight in accordance with the latest refresh of the NPPF, "The more advanced its preparation, the greater the weight that may be given".
4. the site was not submitted, nor assessed prior to the submission of the Local Plan, despite being invited to do so.
5. CBC have demonstrated they have a 5 year land supply and this development is accordingly unnecessary to meet demand.
6. the site has clearly been put forward as a speculative development to take advantage of the decision on appeal (APP/P0240?W/16/3154829), to allow development of the field opposite (your reference 15/02733/OUT)
7. no traffic management plan has been supplied.
8. Hitchin Lane is a small road, already heavily congested and expected to become increasingly difficult to traverse when the development in the opposite field and the development halfway along the western site of the road are completed.
9. the traffic in Clifton is beyond severe by any reasonable definition, and this together with the access to and from Hitchin Lane, renders this site unsuitable for development according to guidelines laid down in the NPPF, "it should be ensured that.. safe and suitable access to the site can be achievable for all users".
10. The site is not sustainable. It will adversely impact on All Saints Academy which has insufficient places for the children of additional residents, (around 200 new homes built or approved between 2017 and 2020). As a result traffic will increase to transport younger children to schools in neighbouring villages. It has been established the school cannot be extended on its present site.

Highway Authority

The Council's Highway Development Control Officer, on behalf of the Highway Authority has issued the following consultation response:

The applicant has now provided a red line plan that appears to match up with the existing public highway boundary that is adopted by the Council as public highway. There is also a new road layout to take in to account from application 18/02637/RM.

What is not known is how the proposals where the proposal will eventually gain access from as the proposed layout from outline planning consent 15/02733/OUT whereby the access was approved by the planning inspectorate for drg 4746/35/01E Layout of Proposed Junctions.

Therefore, full details of access to this proposed site will need to be addressed and whilst retaining a link for Hitchin Lane, and 2m wide footway links to the existing footway network on both sides of Hitchin lane which would require changes to the current approved junction layout for 15/02733/OUT.

#### Conditions

1/ Development shall not begin until details of the junction between the proposed estate road and the highway (including 2m wide footway provision on both sides of Hitchin Lane to meet with existing pedestrian facilities) have been approved by the Local Planning Authority and no building shall be occupied until that junction and pedestrian links have 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.

2/ Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured

from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason

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

3/ The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

Reason

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

4/ Visibility splays shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m 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 junction in the interest of road safety.

5/ The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate independent vehicular turning head areas for an 11.5m refuse collection vehicle.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

6/ The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include car and cycle parking in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace them has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

#### Reason

To ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued by the council.

1/ The applicant is advised that in order to comply with Conditions 1 of 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. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail [highwaysagreements@centralbedfordshire.gov.uk](mailto:highwaysagreements@centralbedfordshire.gov.uk)

The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2/ The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Comments and advice in this memo are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy.

#### Strategic Housing

The Council's Housing Officer has issued the following consultation response:

In the current format, Strategic Housing are unable to offer support to the application. Whilst the application states the intentions of the provision of affordable housing, it does not state the overall percentage proposed and whether or not the proposal is for a policy compliant scheme. We would expect to see 35% affordable housing or 8 affordable units. The supporting documentation does not indicate the tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 6 units of affordable rent and 2 units of intermediate tenure (shared ownership) from this proposed development.

We would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. We would also expect the units to meet all nationally described space 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 are taken on board, Strategic Housing would support this application.

#### Lead Flood Authority

The Lead Flood Authority have issued the following consultation response:

We consider that outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the



following recommendations and planning conditions are secured.

1. Detailed site investigation results (including any site specific soakage tests and ground water monitoring shown in accordance with BRE 365) will need to be provided with the detailed design.
2. The road could be drained via filter strip and swale/rill to the pond.
3. Any existing, ditches will need to be part of the continued maintenance and management plan to ensure the discharge can be conveyed from site.
4. There are no calculations to verify storage requirement. Correspondence with the IDB should be included in the next submission to prove acceptance of discharge rate.
5. A full drainage drawing is required, this should show; pipe numbers, inverts, control features, storage etc.
6. Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
7. Parking areas would benefit from permeable paving, this would prevent the direct discharge of polluted water to the storage.
8. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and

recognised best practise including the Ciria SuDS Manual (2016, C753).

9. To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage, including ditches; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.
10. Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to the existing watercourse/ditch, and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.

**Recommended conditions;**

**Condition 1:** No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design shall be based on the agreed drainage drawing (Ref: 6226 01, 07/18) and DEFRA's Non-statutory technical standards for sustainable drainage systems

(March, 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. An as built drainage drawing should be submitted to the LPA as part of this condition.

The applicant should address points 1, 3, 4, 5, 10 above when submitting details to discharge the

**Reason:** To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 163 and 165 of the NPPF and its supporting technical guidance.

**Condition 2:** No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

**Reason:** To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

## Pollution

The Council's Pollution Team have issued the following consultation response:

### Noise

Noise from road traffic may adversely impact amenity of future residents so the ventilation system used and noise levels from that system, window design and U and G values, noise barrier design and construction materials will all need investigation and detailing prior to development commencing.

I therefore have no objection to the proposed development subject to the following conditions being attached to any approval;

1. Development shall not begin until a scheme to protect proposed dwellings from noise from the road traffic on New Road and the A507 and existing dwellings from traffic noise from the proposed access roads, at the proposed development has been submitted and approved in writing by the local planning authority. Any works which form part of the scheme approved by the local authority shall be completed before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority. The scheme shall include details of noise barrier(s) along the boundary with the road(s), building insulation and a ventilation strategy for the proposed dwellings.

Reason: To protect the amenity of existing residential occupiers and future occupiers of the proposed dwellings.

2. Development shall not begin until details of a ventilation scheme (which shall be designed to achieve the standards set out below) for the proposed dwellings has been submitted to and approved in writing by The Local Planning Authority. The scheme shall enable appropriate internal ambient noise levels to be achieved whilst ventilation is provided at the minimum whole building rate as described in The Building Regulations Approved document F. The scheme shall also ensure that the thermal comfort criteria defined in the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide A (2006) is achieved with windows closed where required to meet the noise standards for road noise as specified in the above condition.

Reason: To protect the amenity of future occupiers of the proposed dwellings.

### **Land Contamination**

Due to the previous industrial use of the site please attach the following conditions to any Permission granted:

Condition "1"

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

A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.

Condition "2"

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:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

Bedfordshire and River  
Ivel Internal Drainage  
Board

No Comment.

Green Infrastructure

The Council's Green Infrastructure Coordinator has issued the following consultation response:

This revised plan shows a landscape buffer to the south with screening to the east. This is welcomed. The landscape should however be more informal with

meadow areas and a number of trees planted to provide a woodland edge with an understory to provide a variety of habitats. Some fruit trees would also provide some diversity.

A landscape management plan should be provided.

## Landscaping

The Council's Landscape Officer has issued the following consultation response:

Landscape and Visual : Resubmission ,with layout incorporating a landscaped buffer to the south. Although there are still concerns regarding the loss of countryside between Clifton and Henlow, it is accepted that this site has the context of the permitted scheme to the west. The layout has been revised to provide a landscaped buffer to the south and some screening to the east. These are acceptable in principle, but the plans show inconsistencies between the Site Plan and the Suds scheme, particularly linked to the spaces for play provision, which would need to be resolved. The style of play provision will also be important, as any features would need to be sympathetic to the rural edge. Landscape planting should also be used to integrate the visitor parking included within the amenity area - ideally this would be located elsewhere.

The RM landscape scheme would need to provide an informal edge with native hedging and grouping of native trees to provide both a wildlife habitat and a screening ; the illustrated formally spaced trees would not be acceptable. Some community fruit trees would also be appropriate.

There are concerns regarding the visual impact of Property 7 on the existing property on Hitchin Lane. If this layout is accepted, then the landscape scheme should also secure additional screening on the boundary and include the use of climbers on the new building.

Fruit trees in the north-eastern corner - this area contained a small orchard ,which appears to have been cleared. If any trees remain, they should be protected and incorporated in the garden of Property 10, in order to retain some of this feature.

The Plans show some potential amenity land adjacent to the northern side of the access - these spaces provide an opportunity to plant street trees of some stature, which would help to enhance the development and soften the impact in the longer view.

A Landscape and Ecology Management Plan will also be required.

## Ecology

The Council's Ecologist has issued the following consultation response:

The revised block plan does not correlate with the SUDs plan which shows a dry attenuation basin along the southern boundary. Ecologically the value of this feature would be increased if it was to hold some water year round, the location of the basin adjacent to the play area is questioned as the best option.

Both plans include indicative reference to the existing fruit trees in plot 10. Rather than losing established trees it would be far more appropriate to retain these trees as a community orchard. Established landscaping is preferable and an area of open space here would serve to buffer the adjacent hedgerow and fields beyond so supporting ecological connectivity. Losing such a resource just adds to the mitigation required of the site rather than supporting net gains.

The updated NPPF places an expectation on development to deliver net gains for biodiversity and as such the provision of an Ecological Enhancement Strategy would be needed to ensure the proposal can achieve such gains, suggested wording follows;

No development shall take place (including ground works or site clearance) until an ecological enhancement strategy (EES) for the creation of new wildlife features such as hibernacula, the erection of bird/bat and bee 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 be informed by an up to date Ecological Appraisal of the site and 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.

#### Trees and Landscaping

The Council's Arboriculturalist has issued the following consultation response:

Amended layout now shows improvements to include a substantial landscape buffer along the south boundary. Details of planting proposals will be required.

There are a number of boundary hedgelines which we would expect to be retained and protected throughout any development.

#### Leisure

The Council's Leisure Officer has issued the following consultation response:

##### Provision for this development

This development generates a requirement for 0.49ha of open space to be provided within the development or as a contribution to identified local needs.

##### Small Amenity Spaces

Amenity Space should be made on site.

##### Children Play Facilities

A development of this size should provide on-site play facilities comprising:



- 1 on-site LAP play area of approx. 100sqm. Comprising 3 pieces of equipment for 3-6 year olds, with a 5-10m buffer of amenity space to the nearest dwelling.
- Alternatively, a contribution can be provided to increase provision at the play area on the proposed nearby development CB/18/01099/OUT Broad St, Clifton. The contribution would be £17,500.

### Sport

As on-site sport provision is not proposed for this development a contribution is sought towards the provision of sports facilities at Whiston Crescent playing field.

The contribution has been calculated using the Sport England Playing Pitch Calculator which utilises national facility cost information combined with CBC Playing Pitch Strategy data on population, growth, team generation rates and existing facilities to calculate a locally applicable contribution.

Education	The Education Authority have raised no objection to the application subject to requested financial contributions being secured.
Internal Drainage Board	No comment.
MANOP	The Council's MANOP team has made no objection to the application however have requested the provision of dwellings designed to meet the needs of older persons.
Fire Service	The Fire Service have issued the following consultation response:  No objection subject to compliance with Building Regulations.
Anglian Water	Anglian Water have confirmed that the Clifton Water Recycling Centre will have available capacity to serve the development and that the foul sewerage network has available capacity to take flows from the site.

Anglian Water have raised no comment in relation to Surface Water Disposal as the proposed method does not relate to Anglian Water operated Assets.

Bedfordshire Clinical Commissioning Group No response received.

NHS England No response received.

Waste Services No objection.

**Other Representations:**

Neighbours/ Public representations

41 Neighbour/ Public representations have been received raising the following comments have been raised:

- the site is outside the settlement envelope;
- the proposal is contrary to the CBC Local Plan and policy SP7 of the Emerging Local Plan;
- commutative impacts of developments permitted in Clifton will have a detrimental impact on the existing Local Community and the infrastructure of which they rely;
- The development would not satisfy the shortage of homes in Luton;
- the site is in the open countryside contrary to DM4, as no exception schemes or rural exception site under policy CS8, reasons have been supplied the application should be rejected as contrary to CS8 and DM4;
- concerns in relation to highway safety and capacity;
- The village/local infrastructure and services including, sewerage, schools, GP Practices, water supply; roads Arlesey Train Station and shops cannot support extra development beyond what is already included in the Local Plan and benefits from planning permission;
- the proposal would not deliver new infrastructure;
- overdevelopment of Hitchin Lane and Clifton;
- concern in relation to increased vehicular movements to and from the site along Hitchin Lane;
- Concern in relation to Highway Safety in relation to the Hitchin Lane and Broad Street mini-roundabout junction;
- on street car parking concerns;
- Clifton Residents were supportive of the Local Plan;
- There Council can demonstrate a 5 year housing supply;

- Capacity of the A507;
- density is too high and not in keeping with other properties in the location;
- back gardens are only approximately 10 metres in depth;
- concern in relation to loss of privacy to gardens of properties on Broad Street;
- loss of agricultural land;
- impact on wildlife;
- concerns relating to surface water drainage;
- loss of community identity;
- lack of employment opportunities for new residents;
- increase noise and car emissions/ pollution as a result of development;
- consider increase in car parking provision;
- loss of pasture land will have a visual impact on the edge of settlement;
- the proposed terraced buildings do not benefit from a view of public open space and plots 21 and 22 do not appear to benefit from significant area of private amenity space to the rear of each dwelling;
- the applicant has made no effort to justify the sustainability credentials of the development;
- the development management committee must demonstrate a consistency of decision making and follow the route of refusal as was the case with 17/05967 and 17/05643;
- the applicant has not consulted local schools or the health centre;
- concern in relation to construction traffic;
- the BCCG has been consulted but the Local GP surgery has not been consulted.

#### Clifton Action Group

Clifton Action Group have issued the following comments and objections to the proposed development:

- the children's play area is situated adjacent to both an open and caged attention ponds, this is unacceptable on safety grounds;
- the application includes a desktop study for surface water drainage which is based on assumptions and not supported by both calculations and drainage flow pattern logic for the proposed sites location.
- it should be noted that the site is adjacent to development approved planning permission under reference 15/02733/OUT and the emerging site

allocation HAS 10 which have attracted concern with regards to Flood Risk Assessment and Mitigation in the Hitchin Lane area;

- there are no identified affordable dwellings within the new documents submitted by the developer. Therefore the development does not meet both National and CBC policy;
- the description of public space as linear parklands is a misrepresentation as the area is a narrow strip of land which contains attenuation ponds, children's play area with an indication of unidentified planting. There is no benefit to the prospective residents.

Site Notice

Dated 17/05/2018

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area, including the intrinsic character and beauty of the Countryside and Landscape Visual Impacts
3. Trees, Hedgerows, Biodiversity, Ecosystem Services and Natural Capital
4. Amenity of Existing and Future Occupiers
5. Car Parking, Highway Safety and Sustainable Modes of Transport
6. Contamination, Flood Risk and Surface Water Drainage
7. Housing Mix and Affordable Housing
8. Infrastructure and Planning Obligations
9. Human Rights and Equality

### **Considerations**

#### **1. Principle**

- 1.1 The site is located beyond but adjacent to the settlement envelope of Clifton as defined by the Proposal Maps (2011). Policy CS1 of the Core Strategy and Development Management Policies (2009) defines Clifton as a Large Village for the purposes of the Development Plan. Policy DM4 permits development within settlement envelopes commensurate with the scale of a settlement taking into account the role of identified settlements within the Development Plan area. The accompanying text to the Policy makes clear that outside settlements where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted where it accords with the now deleted national guidance in PPS7 - Sustainable Development in the Countryside.
- 1.2 The development proposed would not comply with Policy DM4. Nonetheless, since Policy DM4 takes reference from superseded national advice and the

National Planning Policy Framework ("the Framework") does not seek to protect the countryside for its own sake, then the policy does not have full weight. However Paragraph 170 of the Framework outlines that planning should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services".

- 1.3 Furthermore, there is no restriction on the use of settlement boundary policies in the Framework which sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. The envelopes provide a check on unrestrained development in the countryside outside of villages which in turn contributes to compliance with the spatial distribution of housing identified in Policy CS1. The Council considers that the principle of settlement envelopes is not inconsistent with the Framework.
- 1.4 The Council through the Central Bedfordshire Submitted Local Plan is not seeking to resile itself from settlement envelopes, and the proposal maps have been reviewed. Following this review the site in question remains beyond settlement envelopes. The Settlement hierarchy within the Emerging Plan defines Clifton as a Minor Service Centre for the purposes of the Emerging Plan and Policy SP7 of that plan states: *"outside settlement envelopes the Council will work to maintain and enhance the intrinsic character and beauty of the countryside and only particular types of new development will be permitted. This includes the development of those sites allocated by this and previous development plans and residential development within exception schemes or dwellings for the essential needs of those in agriculture or forestry. Proposals which re-use existing buildings or replace an existing dwelling will be acceptable provided they conform to the specific criteria in this plan"*.
- 1.5 The Council considers that Policy SP7 of the emerging plan is consistent with the policies in the Framework, but when considering the stage of preparation of the emerging plan and the stage of examination, it is considered at this time this policy can only be afforded limited weight in decision making.
- 1.6 As previously stated applications for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) forms a material consideration.
- 1.7 Paragraph 11 of the NPPF states: *"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*  
*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of date, grant planning permission unless:*

- i. the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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".*

1.8

When determining whether policies are out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73 of the NPPF); or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

1.9

At the date of this report the Council can demonstrate a five year housing supply of deliverable housing sites and the appropriate buffer, as well as demonstrate that the Councils delivery of housing is not substantially below the housing requirement over the previous three years.

1.10

Furthermore; for the reasons outlined within this report it is considered that the principle of settlement envelopes under Policy DM4 within the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan are not inconsistent with the Framework. Additionally it is considered that Policy DM4 is broadly consistent with the NPPF and as such is not considered to be out-of-date. In line with recent appeal decisions the policy is considered to have moderate weight.

1.11

Paragraph 12 of the NPPF states: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".*

1.12

It is considered that the principle of the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. Notwithstanding the latter those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own. Thereby, the proposed development will be

considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and would outweigh the non compliance with these policies. It is noted that Paragraph 9 of the NPPF states: *"These objectives should be delivered though the preparation and implementation of plans and the application of the policies in this Framework"*. Therefore in considering the development in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF shall be considered.

**2. Affect on the Character and Appearance of the Area, including the intrinsic character and beauty of the Countryside and Landscape Visual Impacts**

- 2.1 The site borders residential dwellings to the north and would bound residential development by virtue of an existing permission to the west of the site, which was allowed at appeal. To the south and east of the site lies open countryside. The site is a flat parcel of land which visually appears separately from the more open landscape to the south and east of the site, with an established hedgerow bordering the site. The site would not extend beyond the existing hedgerow and ditch, which also forms the edge of the neighbouring permission, that was allowed at appeal.
- 2.2 The illustrative layout of the site although indicative only has illustrated that the construction of 22 dwellings on this site could be accommodated alongside a soft landscape buffer and children's play area.
- 2.3 The Council's Landscape Officer and Arboriculturalist has raised no objection to the application on grounds relating to landscape and visual impact subject to appropriate landscaping to be secured at reserved matters stage and an appropriate landscape maintenance plan which can be secured by condition.
- 2.4 It is considered that the proposed development site is well related to the existing settlement of Clifton, being adjacent to existing residential development. Furthermore; the land does not fall within any specially protected landscape. Nonetheless, the adopted development plan policy CS14 requires development to respect its context, and Policy CS16 seeks to conserve and enhance the varied countryside character and local distinctiveness in accordance with the Landscape Character Assessment. It is considered that a development within the site of the scale proposed could be designed to respect its local context, however the detail is reserved for a reserved matters application.
- 2.5 Although this application is for outline planning permission with all matters reserved an indicative layout has been submitted with the application, which demonstrates that a scheme could deliver appropriate landscaping buffers.
- 2.6 Concern has been raised in relation to the character and density of the development, however it is considered, that a development within this site

could achieve 22 dwellings with a character that respects the existing settlement pattern and that could form high quality development that positively contributes to the local character and distinctiveness; the details of which would be the subject of a reserved matters application.

- 2.7 For the reasons outlined above it is considered that subject to an appropriately designed scheme including a landscaping scheme, that the proposed development would not cause harm to the character and appearance of the area, including the intrinsic character and beauty of the countryside and the character of the landscape, in accordance with Policies CS14, CS16, DM14 and DM3 of the Core Strategy and Development Management Policies (2009). Furthermore it is considered that the proposed development would be in accordance with Policies EE4, EE5 and HQ1 of the Submission Central Bedfordshire Local Plan, as well as the policies within the NPPF, in this context.

### **3. Trees, Hedgerows, Biodiversity, Ecosystem Services and Natural Capital**

- 3.1 The site does contain existing hedgerows, which have the potential to be affected by development of the site, it is considered necessary, relevant and reasonable to impose a condition that would ensure that the layout agreed at reserved matters stage would retain and protect any retained hedgerows including during construction.
- 3.2 The application is accompanied by an Ecological survey and the Council's Ecologist has raised no objection to the application subject to a condition that would require a Ecological Enhancement Strategy to ensure the proposal can achieve net gains in biodiversity.
- 3.3 Paragraph 170 of the NPPF outlines that planning should "contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".
- 3.4 The site consists of grassland with periphery hedgerow and some fruit trees, and the site is not being used for agricultural purposes and this development would not result in a significant loss of best and most versatile agricultural land. The natural capital and ecosystem services that the site provides are acknowledged, however it is considered that the benefits of development, including the provision of 22 dwellings including affordable homes would positively contribute towards the Councils housing need whilst providing temporary jobs during construction. Furthermore the development would supporting local services/ facilities and an appropriate landscaping scheme alongside a biodiversity enhancement scheme would mitigate the identified impacts in the context of landscaping, ecology, natural capital and ecosystem



services. Therefore it is considered that development could deliver a net gain for biodiversity and would be acceptable in this context.

3.5

For the reasons outlined above it is considered that the proposed development, subject to conditions that would secure an acceptable landscaping scheme and biodiversity enhancements that would ensure a net gain for biodiversity as well as retain and protect the hedgerow would be acceptable in the context of policies CS18, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies (2009) and policies EE2, EE4 and EE5 of the Submission Central Bedfordshire Local Plan, as well as the policies within the NPPF, in this context.

#### **4. Amenity for Existing and Future Occupiers**

4.1 This application forms an outline planning application with all matters reserved, whereby the detail of the development would be subject to a reserved matters application.

4.2 The Council's pollution team have raised no objection in relation to noise from road traffic subject to a condition that would require the submission of a noise assessment and if necessary mitigation measures. However when considering the A507 is approximately 485 metres from the southern boundary of the site and New Road is 360 metres from the western boundary of the site, it is considered that a noise assessment is not reasonable or necessary.

4.3 It is considered from the information provided and subject to conditions that 22 dwellings, could be constructed within the site, which would provide an acceptable standard of amenity for future occupiers, and would ensure that neighbouring dwellings would retain an acceptable standard of amenity, including an acceptable standard of privacy to neighbouring properties and immediate private amenity spaces.

4.4 For the reasons outlined above it is considered that the proposed development is acceptable within this context.

#### **5. Car Parking, Highway Safety and Sustainable Modes of Transport**

5.1 This application forms an outline planning application with all matters reserved, whereby the detail of on site car parking will be required to be approved at the reserved matters stage. A condition would ensure that any reserved matters application would feature a policy compliant car parking scheme.

5.2 Concern has been raised in relation to highway safety and capacity by neighbours, however no objection has been received from the Highway Authority. The access to the site is a reserved matter and as such the detail of the access to the site is not subject to this application. However the Highway Authority have confirmed that access to the site can be achieved and

consideration has been given to the approved access for the adjacent development.

- 5.3 Subject to conditions it is considered that the proposed development would be acceptable in the context of Car Parking, Highway Safety and highway capacity, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Policies T2 and T3 of the Submission Central Bedfordshire Local Plan, as well as the policies within the NPPF, in that context.
- 5.4 Concern has been raised in relation to the sustainability of the development in relation to access to sustainable modes of transport with particular emphasis to accessibility of healthcare services. The NPPF Paragraph 103 states, "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision-making".
- 5.5 The proposed development is not considered to form significant development or to be isolated. Although bus services are not as frequent as a more urban location, the development has good access to the bus service currently provided for residents in Clifton; it is also considered that this development would support services and facilities within Clifton, which are walkable, and would support services and facilities within neighbouring settlements, whereby the proposed development would positively contribute towards maintaining the vitality of this community.
- 5.6 For the reasons outlined above it is considered that the proposed development is acceptable in the context of access to services and facilities, in the context of sustainable modes of transport.
- 5.7 Policy T5 of the Emerging Local Plan and Paragraph 105 of the NPPF emphasis the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles. It is considered necessary, relevant and reasonable to impose a condition for the submission of a scheme for the provision of such charging points.
- 5.8 Subject to conditions it is considered that the proposed development would be acceptable within the context of Policy T5 and Paragraph 105 of the NPPF.

## **6. Contamination, Flood Risk and Surface Water Drainage**

- 6.1 The Lead flood Authority have raised no objection to the development subject to the imposition of conditions, therefore it is considered that the proposed development is acceptable within this context.

6.2 The Council's Pollution Team have raised no objection to the development subject to conditions to ensure investigations into potential contamination and where necessary the implementation of remediation and validation to safeguard human health.

6.3 Concern has been raised in relation to potential impacts upon amenity during construction, however no concern has been raised by the Pollution Team and it is considered that such matters are controlled under separate legislation.

## **7. Housing Mix and Affordable Housing**

7.1 The proposed development would deliver 35% on-site provision of affordable housing with a tenure split requirement of 73% affordable rent and 27% intermediate tenure. Thereby it is considered that the proposed development would be in accordance with Policy CS7 of the Core Strategy and Development Management Policies (2009).

7.2 Therefore subject to the above being secured it is considered that the proposed development is acceptable within this context.

7.3 It is noted that MANOP have requested the dwellings within the site should be designed to be suitable for older persons. However the standards outlined are not currently outlined within adopted or Emerging Planning Policy within the Local Plan or Supporting Document and as such it would not be reasonable to impose a condition that would secure such units on this site. However Policy H2 of the Emerging Local Plan, which relates to accessible home standards states:

7.4 "In requiring adaptable and accessible homes from all future developments; the Council will:

- require all new build housing to deliver at least 35% Category 2 Requirement M4(2) adaptable homes (or any new revised regulations revoked or modify the Building Regulations); and
- require all new build housing to deliver at least 5% Category 3, Requirement M4(3) wheelchair accessible homes (or any new or revised regulations that revoke or modify the Building Regulations)".

7.5 However given the stage of the Local Plan this Policy can only be given limited weight. The site is required to deliver 35% affordable housing, in accordance with the adopted development plan. The Committee are advised that the Emerging Local Plan requires 30% affordable housing in addition to the requirements of policy H2. It would be considered unreasonable to impose the requirement of 35% affordable housing as required by the adopted development plan, at the same time as imposing the requirements of policy H2 of the Emerging Plan.

7.6 At this outline stage the housing mix to be provided by this site is unknown and this would be subject to the reserved matters application.

## **8. Infrastructure and Planning Obligations**

8.1 Policy CS2 of the Core Strategy and Development Management Policies (2009) states that developers are required to make contributions as necessary to offset the cost of providing new physical, social, community and environmental infrastructure.

8.2 Policy CS2 is considered to be in accordance with Paragraph 56 of the NPPF which states: Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

8.3 These tests are also set out by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

8.4 The Education Spending Officer has raised no objection to the application in relation to the capacity of education facilities subject to necessary, relevant and reasonable contributions to meet the needs arising from the development. The following projects have been identified:

- Creation of Early Years places within a new 2 form entry lower or woodlands pre-school or other such identified project (in accordance with reg123(3) as identified by Central Bedfordshire Council and Notified to the owner/developer).
- Creation of Lower School places within a new 2 form entry lower school or Clifton All Saints Academy or other such identified project (in accordance with reg123(3) as identified by Central Bedfordshire Council and Notified to the owner/developer).
- expansion of Henlow Academy or other such identified project (in accordance with reg123(3) as identified by Central Bedfordshire Council and Notified to the owner/developer).
- creation of additional upper school places at Samuel Whitbread Academy, or Pix Brook Academy, or other such identified project (in accordance with reg123(3) as identified by Central Bedfordshire Council and Notified to the owner/developer).

8.5 The Community Facilities Spending Officer has indicated that the following necessary, relevant and reasonable contribution is required to meet the needs arising from the development. The following project has been identified:

- 8.6 • Upgrade of Clifton Village Hall or contribution towards the 2nd phase refurbishment of the STMA building in Shefford, to meet the needs arising from the development

The Leisure Spending officer has indicated that the following necessary, relevant and reasonable contributions are required to meet the sports needs arising from the development, if on-site provision is not provided. The following sports project has been identified:

- 8.7 • the provision of sports facilities at Whiston Crescent playing field.

- 8.8 The Leisure Officer has also indicated the requirement for the provision of on site children's play facilities which shall be secured by condition.

The NHS have been consulted on this application and have been chased for a response, however at the time of writing no representation has been received. If a representation is received prior to the Development Management Committee, the Committee shall be updated. However in the absence of a representation, there is no evidence provided by the statutory body responsible for healthcare to suggest that the existing or planned capacity of healthcare facilities is unable to accommodate the growth arising from this development and no necessary, relevant or reasonable contribution towards an infrastructure project has been identified that would comply with the Community Infrastructure Levy Regulations.

## **9. Human Rights and Equality**

- 9.1 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

## **10. Planning Balance**

- 10.1 It is considered that the principle of the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. Notwithstanding the latter those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own. The proposed development has been considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and the benefits would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

- 10.2 For the reasons outlined within this report, the development is considered to be sustainable and no significant harm has been identified. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core

Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan.

**Recommendation:**

That Planning Permission be **APPROVED** subject to the applicant entering into a legal agreement to secure financial contributions, on-site provision of affordable housing and, subject to the following planning conditions:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Details of the access, appearance, landscaping, layout, and scale, (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 Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.

- 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 The number of dwellings approved shall not exceed 22.

Reason: To appropriately manage the scale of the development at the site, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 5 Any subsequent reserved matters application for the approval of landscaping shall include details of hard and soft landscaping (including any replacement tree and hedgerow planting), together with a timetable for its implementation and maintenance for a period of 5 years following implementation. Any subsequent reserved matters application submitted under Condition 2 of this permission shall include details measures for the protection of retained trees/hedgerows within or neighbouring the site during the course of development. The approved measures shall be implemented in accordance with a timetable to be included as part of the landscaping scheme. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure the development would acceptably mitigate landscape visual impacts, provide a net gain for biodiversity, safeguard retained trees/hedgerows during construction, and ensure the development would provide a high quality landscaping scheme in the interest of the visual amenities of the locality, in accordance with Policies CS16, DM14, DM15 and DM3 of the Core Strategy and Development Management Policies (2009) and the NPPF.

- 6 Any application for the approval of reserved matters except any application that relates solely to access 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) and the NPPF.

- 7 **No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC), using sustainable drainage principles as set out in the CIRIA SUDS Manual (C753), has been submitted to and approved in writing by the Local Planning Authority. Discharge of surface water off site must not exceed the greenfield rate or volume for the 1 in 1 year event. The final detailed design shall be based on the agreed drainage Strategy (March 2018), and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. The scheme shall include, at a minimum, the following:**

- Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;
- Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
- Details of flow control measures to be used, demonstrating that runoff rate and volume will not exceed greenfield rate/volume;
- Details of the ownership, condition and capacity of any receiving watercourse or waterbody;
- Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;
- Flooded areas for the 1 in 100 year storm when system is at capacity, demonstrating flow paths for design for exceedance.
- Integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and Amenity.
- Details of the structural integrity, proposed construction of the system, and any phasing of works.
- Full details of the maintenance and/or adoption proposals for the entire drainage system, including all elements listed above, and any proposed split of the surface water management system and/or maintenance responsibilities between private (i.e. within curtilage) and public (i.e. in public open space and/or highway).

**Reason:** To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with paragraph 103 NPPF.



- 8 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 9 The first reserved matters application submitted to the Local Planning Authority and any subsequent reserved matters application for the approval of details including access to the site shall include details of the junction(s) between the proposed development and the highway and shall include a 2m wide footway provision on both sides of Hitchin Lane to meet with existing pedestrian facilities. No dwelling hereby approved shall be first occupied until the junction(s) and pedestrian links approved under the reserved matters have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road, in accordance with Policy DM3 and CS4 of the Core Strategy and Development Management Policies and the NPPF.

- 10 The first reserved matters application submitted to the Local Planning Authority and any subsequent reserved matters application for the approval of details including access to the site shall include details of Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

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

The first reserved matters application submitted to the Local Planning Authority and any subsequent reserved matters application for the approval of details including access to the site shall include details of the junction(s) between the proposed development and the highway and shall include a 2m wide footway provision on both sides of Hitchin Lane to meet with existing pedestrian facilities. No dwelling hereby approved shall be first occupied

until the junction(s) and pedestrian links approved under the reserved matters have been constructed in accordance with the approved details.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road, in accordance with Policy DM3 and CS4 of the Core Strategy and Development Management Policies and the NPPF.

- 11 Any subsequent reserved matters application submitted under condition 2 shall include visibility splays at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays 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 junction in the interest of road safety.

- 12 The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

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

- 13 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include car and cycle parking in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace them has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

Reason: To ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014.

- 14 As part of any reserved matters application a scheme for the provision of spaces and electric charging points to serve the development shall be submitted for the approval by the Local Planning Authority. The scheme shall

include a timescale for implementation. The approved scheme shall be implemented in accordance with the details approved.

Reason: The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles, in accordance with Policy T5 of the Emerging Local Plan and Paragraph 105 of the NPPF.

- 15 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate an independent vehicular turning head areas for an 11.5m refuse collection vehicle.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 16 Prior to the first occupation of the buildings hereby approved, a scheme for external lighting shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity in accordance with Policies CS14, CS18, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 17 **No development shall take place until an ecological enhancement strategy (EES) for the creation of new wildlife features such as hibernacula, the erection of bird/bat and bee 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 be informed by an up to date Ecological Appraisal of the site and 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: Details required prior to the commencement of development to ensure development is ecologically sensitive and secures biodiversity enhancements that are integrated into the development in accordance with the National Planning Policy Framework.**

- 18 **No development shall commence until a Phase 1 Contamination Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR11 documenting the ground and material conditions of the site with regard to potential contamination, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: Details are required prior to the commencement of development to protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).**

- 19 Where shown to be necessary by the Phase 1 Contamination Desk Study approved by the Local Planning Authority under Condition 18 of this planning permission, no dwelling hereby approved shall be first occupied until a Phase 2 Site Investigation adhering to BS 10175 and CLR 11 and where shown to be necessary a detailed Phase 3 Remediation Scheme (RS), with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report to confirm the effectiveness of the RS, have been submitted to and approved in writing by the Local Planning Authority.

Any such remediation/validation should include responses to any unexpected contamination discovered during works.

All Investigations, Schemes and Reports shall be carried out prepared by a suitably qualified person.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 20 The first reserved matters application for the site shall include an Open Space Scheme showing all areas of open space to be provided within the site including public amenity open space and an equipped children's play area. The scheme shall also include details of the location, layout, size, time of provision, proposed planting, location and specification of boundary structures, play equipment and materials.

Reason: To ensure the provision of open space including amenity open space and an equipped children's play area, would serve the needs of the

development, in accordance with Policy DM17 of the Core Strategy and Development Management Policies (2009).

- 21 No dwelling hereby approved shall be first occupied until a Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved lighting strategy shall be fully implemented prior to the occupation of the 22nd dwelling.

Reason: To ensure an appropriate lighting scheme to design out crime and to limit light pollution and landscape and biodiversity impacts of lighting.

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1708.PL.01A.

Reason: To identify the approved plans 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.

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

The Council acted pro-actively through positive engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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