

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/18/02251/OUT</b>
<b>LOCATION</b>	<b>The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE</b>
<b>PROPOSAL</b>	<b>Outline application: with all matters reserved except means of access for up to 147 dwellings and public open space</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>08 August 2018</b>
<b>EXPIRY DATE</b>	<b>07 November 2018</b>
<b>APPLICANT</b>	<b>Mr/Ms Andrews</b>
<b>AGENT</b>	<b>Stephen Hinsley Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call In request from Ward Member Cllr R Wenham, due to the proposal contributing significantly to providing affordable housing and housing mix.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Refusal</b>

### **Summary of Recommendation**

The proposal for residential development is outside of the Settlement envelope of Arlesey and as such regarded as development in the open countryside and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009. In addition, the proposed would result in the loss of a Gypsy & Traveller (G & T) site for which there is a clear need for. The proposal would have an impact on the character and appearance of the area which is considered to be significant and demonstrably harmful. The proposal would provide policy compliant affordable housing and provide for a provision of self build plots and over 55s accommodation with the whole scheme contributing to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education, leisure facilities and health facilities. However these benefits are not considered to outweigh the harm in terms of lack of policy compliance, the loss of a G & T site, nor its harmful impact on the character and appearance of the area.

### **Site Location:**

The application site is located approximately 250 metres beyond the southernmost settlement boundary of Arlesey and approximately 75 metres to the east of the East Coast mainline. The site is within the open countryside and sits to the rear of 197 Hitchin Road and the neighbouring property, Fountain Cottage.

Part of the site is an authorised Gypsy and Travellers site and comprises a number caravans together with associated hardstanding, internal roads and day rooms. The remainder of the site consists of arable land.

### **The Application:**

The site has an established use as a Gypsy & Travellers site, with permission for 19 static caravans to be stationed/occupied on the site and 5 touring caravans.

Permission is sought in outline with all matters reserved except means of access for up to 147 dwellings with 35 % affordable housing and public open space, with the retention of 197 Hitchin Road. Access would be provided from Hitchin Road by way of a mini roundabout.

The illustrative layout plan provides for a residential density of approximately 41 dwellings per hectare and a mix of accommodation including:

- 97x Flats (mix 1 & 2 beds with 21 x apartments reserved for over 55's)
- 50 market dwellings (4 of which are self built plots)

The application is accompanied with the following statements:

- Design & Access Statement
- Transport Statement
- Ecological Appraisal & Surveys
- Flood Risk Assessment & Drainage Strategy
- Foul Drainage Statement
- Landscape Visual Appraisal

*The site and development has been considered in relation to the EIA regulations (2017) and is below the threshold for the requirement of an Environmental Statement.*

## **RELEVANT POLICIES:**

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

- 2- Sustainable Development
- 5 - Delivering a supply of homes
- 8 – Promoting healthy communities
- 9 – Promoting sustainable transport
- 11- Effective Use of Land
- 12 - Achieving well designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

### **Planning Policy for Travellers Sites (PPTS) (2015)**

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

- CS1 Development Strategy
- DM4 Development Within & Beyond the Settlement Envelopes
- CS14 High Quality Development
- DM3 High Quality Development
- CS16 Landscape and Woodland
- DM14 Landscape and Woodland

### **Mid-Beds Local Plan 2005**

Policy HO12 - Gypsies

### **Arlesey Neighbourhood Plan (adopted 2017)**

#### **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: National Planning Policy Framework - Presumption in Favour of Sustainable Development

SP2: Sustainable Development

SP7: Development within Settlement Envelopes

SP8: Gypsy and Traveller, and Travelling Showpeople Pitch Requirement

CC5: Sustainable Drainage

H1: Housing Mix

H2: Housing Standards

H3: Housing for Older People

H4: Affordable Housing

H7: Self and Custom Build

H8: Assessing Planning Applications for Gypsy and Traveller Sites

T2: Highways Safety and Design

T3: Parking

HQ1: High Quality Development

EE1: Green Infrastructure

EE2: Biodiversity

EE4: Trees, woodlands and hedgerows

EE5: Landscape Character and value

EE13: Outdoor sport, leisure and open space

CC1: Climate Change and Sustainability

HQ2: Planning Obs & CIL

HQ3: Social and Community Infrastructure

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

- Gypsy and Traveller Accommodation Assessment (GTAA), August 2016
- Central Bedfordshire Design Guide, March 2014
- Ministerial Statements:- Planning and travellers, 1 July 2013

- Central Bedfordshire Sustainable Drainage Guidance (May 2015)

**Relevant Planning History:**

CB/15/03000/VOC	Variation of Condition No. 2 on CB/12/03535/FULL dated 17/12/2012 to allow no more than 19 static caravans to be stationed / occupied on the site at any one time and no more than 5 touring caravans shall be stationed on the site at any one time. Of the 5 touring caravans stationed on the site, none shall be occupied. Approved 12/11/15
CB/14/04470/VOC	Variation of condition 2 on application CB/12/03535/Full to be varied to read 'No more than 24 caravans shall be stationed on the site of which no more than 14 shall be static mobile homes' Refused 04/03/15.
CB13/03496/FULL	Erection of two detached day rooms. Approved 02/12/13
CB/12/03535/FULL	Change of use of land to use as residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans. Extension of hardstanding and erection of two amenity buildings and landscaping. Approved 17/12/12
CB/12/02799/FULL	Change of use from agricultural land to use as a residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans, extension of hardstanding, erection of 2 amenity buildings and landscaping. Refused 26/9/12.
CB/11/03370/FULL	Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping. Approved 5/3/12.
CB/09/05914/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping. Approved 2/11/09, temporary consent for 3 years.
CB/09/00639/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping - Refused 24/6/09.
MB07/01654/FULL	Change of use from dwelling to mixed use of dwelling and caravan site - Appeal allowed 11/9/08, temporary consent for 3 years.
MB/04/02146/FULL	Change of use of land to private gypsy transit site and construction of hard standing for a maximum of 15 pitches - Refused 17/3/05.

**Town Council:**

Arlesey Town Council Objects on the following grounds:

(Verbatim) -

- The site is outside of the settlement envelope, which is contrary to CBC's planning policy DM4; refusal of the application is supported by CBC's identification of a 5 year land supply
- The proposed development would further exacerbate existing High Street traffic flow issues, the presence of which have been previously acknowledge by CBC
- The sustainability of the site is highly questionable in terms of pedestrian and public transport accessibility to/from local amenities
- Approval of planning consent would result in the sacrifice of an allocated Gypsy and Traveller site
- The proposed mini-roundabout is inappropriate in size for the speed at which vehicles enter the settlement at the site location.

Following the reconsultation, the following additional comments were received:

Hereby OBJECTS on the following grounds:

- 1) The site is outside of the settlement envelope, which is contrary to CBC's planning policy DM4; refusal of the application is supported by CBC's identification of a 5-year land supply.
- 2) The proposed development would further exacerbate existing High Street traffic flow issues, the presence of which have been previously acknowledged by CBC
- 3) The sustainability of the site is highly questionable in terms of pedestrian and public transport accessibility to/from local amenities
- 4) Approval of planning consent would result in the sacrifice of an allocated Gypsy and Traveller site.
- 5) Arlesey Town Council support comments made by Urban Design Consultants, and have concerns regarding proximity to Memorial copse/cemetery and footpath indicated as link to cemetery.

**Internal Consultees:**

Private Sector Housing

No Objection, details of the room sizes would be required to be assessed with a detailed application.

Self Build Provision

Supports, the provision of self build however concerns that the 2 bed houses do not meet the demand on the register and there are concerns that the amount of space indicated available for self build could not facilitate the number of self built units for larger units which would better meet the demand of the register.

Requests that suitable conditions and clauses be included in any s106 agreement to ensure the provision is

realised.

Housing Officer	Development	Support, the proposal provides for 35% affordable housing provision in accordance with policy. Suggested mix for affordable housing provision should be included in any s106 agreement to ensure the appropriate provision is realised.
Sustainable Growth		No Objection, subject to the imposition of conditions to secure energy and water efficiencies in the construction of the units.
Public Art		No Objection, subject to the imposition of a condition to secure a public art scheme.
Trees & Landscape		Significant concerns over the extension loss of east boundary hedge line. If minded to approve, requires the imposition of a condition to secure a detailed landscape scheme and management plan with the detailed application.
Sustainable Travel Plans		No Objection, subject to the imposition of a condition to secure a full residential travel plan.
Urban Consultant	Design	Concerns raised owing to the following reasons: <ul style="list-style-type: none"><li>• Site is disjointed from the existing settlement</li><li>• Unsustainable due to distance to walk to services and facilities</li><li>• Footpath link proposed fails to connect to the wider network</li><li>• Massing of apartment blocks, inappropriate for a edge of settlement location</li><li>• Street frontage dominated by parking</li><li>• Landscape bund referred to in D &amp; A not shown on illustrative plan</li><li>• Proposals do not provide an active frontage to the streets nor the existing highway</li><li>• Rear parking courts should be designed out of the scheme</li></ul>
SuD's Engineer		No Objection, subject to the imposition of conditions to secure a SuDs scheme and associated maintenance.
Ecology		Objects, due to the lack of ecological net gain.
Landscape		Objects, due to the unacceptable impact of the proposed roundabout junction on existing features and the urbanising effect of the roundabout on a rural transitional section. Unacceptable loss of existing landscape and hedgerows resulting the degrading of rural character.

The proposal failing to compliment the rural edge and unacceptable visual intrusive as a result of the proposed 2.5 storey nature of the development proposed as landscaping buffers and features of vertical dimension cannot be relied upon adjacent to the railway. Proposed orchard poorly integrated and not of sufficient size.

Green Infrastructure Remains the need to strengthen the GI corridor to the west and north of the site as these are important features. GI provision is segmented with no continuous links.

Pollution No Objection, subject to the imposition of conditions to secure remediation, a Construction Management Plan and a noise mitigation report with any detailed submission.

MANOP Recommends that the scheme provide not less than 20 units of mainstream housing for older people, 14 units of housing with support for older people or not less than 34 units of mainstream housing suitable for older people.

Waste No Objection, subject to the imposition of conditions to secure bin storage and collection arrangements and refuse vehicle tracking information.

Leisure Supports the provision of play space but recommends alternative siting having regard to future safety. In addition, contributions required to be sought towards facilities unable to be provided on site.

Highways No Objection to access arrangements, subject to the imposition of conditions. Objection retained in respect of the lack of up to date transport assessment.

Local Plan Object, as the proposal would result in the loss of permanent pitches and would undermine the Councils Gypsy & Traveller accommodation supply.

**External Consultees:**

Internal Drainage Board No Comments to make

Environment Agency No Objection, subject to the imposition of a condition to secure a SuDs scheme.

Beds Fire & Rescue No Objection, subject to the imposition of a condition to secure a fire hydrants scheme.

Highways England No Objection, subject to the imposition of a condition to secure a Framework Travel Plan.

Network Rail No Objection, subject to the imposition of a condition to

secure design considerations in relation to the main railway line.

Anglian Water

No Objection, subject to the imposition of a condition to secure a foul water strategy.

### **S106 Sustainability Mitigation Obligations**

Healthcare: £369,195 towards health facilities that serve the geographic of Arlesey.

Education: Early Years Contributions towards Arlesey Pre-School - £94,613.92  
Lower school contributions towards Arlesey Cross Development - £315,379.74  
Middle school contributions towards Pix Brook Academy - £315,607.03  
Upper School contributions towards Pix Brook Academy - £387,658.60

Leisure/Open space: Provision of new gym equipment and upgrading of the facilities at Saxon Pool £130,253

Improvement & Expansion of grass pitch facilities and drainage, changing facilities and flood lighting at Arlesey Town FC - £42,370

Community Halls: Contributions towards upgrades to the Arlesey Village Hall - £144,340

### **Other Representations:**

Neighbours x 6

Objects on the following grounds in summary:

- Dangerous access arrangements
- Overdevelopment
- Cumulative impact due to the significant amount of development in Arlesey
- Impact on the open countryside
- Increased traffic generation
- Adverse impact on existing infrastructure and services
- Closing the gap between Hitchin and Arlesey
- No regard to the cemetery expansion phase 2
- Loss of travellers park
- Not in accordance with the Arlesey Neighbourhood Plan

6 x neighbours

Support for the proposal, on the following grounds:

- Additional housing growth
- Enhancement of the area
- Additional social housing
- New housing brings more business investment

- Commuter accommodation opportunity

### **Determining Issues:**

The main considerations of the application are;

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

### **Considerations**

#### **1. Principle: Sustainable Development**

- 1.1 In the local context, the site falls outside the Settlement Envelope of Arlesey. Arlesey is designated as a Minor Service Centre under Policy CS1 of the Core Strategy, wherein the principle of new development commensurate with the scale of the settlement is accepted only within the Settlement Envelope. On the basis of Policy DM4 a residential proposal outside of the settlement envelope it would be regarded as contrary to policy.
- 1.2 The Council is able to demonstrate a five-year supply of housing land in excess of the 5 year requirement. Therefore, the Council's policies concerned with the supply of housing are not considered to be out of date and paragraph 11 of the NPPF is not therefore engaged. However, proposals should still be considered in the context of the presumption in favour of sustainable development (the over-arching principle of the NPPF) that is the determining consideration for this proposal.
- 1.3 NPPF Paragraph 79 allows housing development in rural areas where it would enhance or maintain the vitality of rural communities, it would represent the optimal viable use of a heritage asset or where it would re-use redundant or disused buildings. The proposal herein makes no such contribution.
- 1.4 Arlesey Neighbourhood Plan is also a material consideration whereby this adopted plan seeks to direct and plan for growth within Arlesey for the plan period 2016-2031 and this site is also not allocated for growth within this plan.
- 1.5 Given the authorised use of the site is for the siting of caravans and the only permanent fixtures on the site granted permission being the day rooms which are ancillary to the use of the site, it is considered that the site does not constitute previously development land as defined in the NPPF (2018) and as such, the proposal does not represent the effective reuse of previously development land.
- 1.6 The site was considered in the Councils call for sites submission however this was not progressed forward for allocation.
- 1.7 Whilst it is considered that paragraph 11 of the NPPF is not activated as the Council's policies are considered to be consistent with the NPPF, consideration should be had to other material considerations as highlighted above and

therefore it is considered that regard should be had to the golden thread of the NPPF in terms of Sustainable development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously and are considerations for the planning balance.

#### 1.8 Economic

The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 147 dwellings would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than three years.

1.9 It is also acknowledged that new residents are likely to support existing local services although these are limited. The future Council Tax payments that would be spent in the area are considered as benefits. Cumulatively these make positive contributions to fulfilling the economic roles.

1.10 Arlesey constitutes a Minor Service Area which has access to a range of facilities and services which would provide local employment opportunities. On the basis of all the considerations above, the development is considered to meet this strand of Sustainable Development.

#### 1.11 Social

The provision of 147 properties with a proportion of affordable housing and some self build provision, is given weight.

1.12 The proposal would result in the loss of Gypsy & Traveller and culturally suitable accommodation for non travelling travellers, which is considered in greater detail within this section 2 of this report, which weighs heavily against the proposal.

1.13 It is noted that MANOP have requested a specific proportion of dwellings within the site should be designed to be suitable for older persons and a proportion of the scheme will support this provision by providing for 21 units which would provide over 55s accommodation however none of the units support the needs for assisted accommodation requirements and therefore only limited weight can be given to this provision.

1.14 The provision of open spaces are considered benefits but given limited weight given that the provision proposed would only provide what is necessary for a scheme of this size and the concerns raised in respect of accessibility of the space.

1.15 The report has detailed that the site is regarded as a sustainable location and it is considered that the settlement offers services and facilities that can, to an

extent, accommodate the growth resultant from this scheme. However the application site, by virtue of its relationship to the existing settlement does not create a 'high quality built environment' which is a specific requirement of the social strand as set out in the NPPF.

- 1.16 The development will impact on local infrastructure and as a result, development of a scale as proposed here, is required to offset these impacts, by entering into a S106 agreement to provide financial contributions to mitigate these impacts. No such agreement is provided and therefore the development is not considered to meet this strand of sustainable development.
- 1.17 Environmental  
The development results in sprawl into what is regarded as open countryside which is not a benefit.
- 1.18 The development site would result in the loss of Grade 3 moderate quality agricultural land whereby paragraph 170 of the NPPF recommends that Local authorities consider the long term implication of the loss of good quality agricultural land in the interest of sustainable growth. However whilst it is acknowledged that the proposal would be harmful as a result of this loss, it would not constitute significant development or loss of agricultural land but its loss does weigh against the proposal.
- 1.19 The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The Councils Ecologists has objected to this application (which is explored in more detail later in this report under section 6) on the grounds that the supporting information supplied in respect of this application does not provide appropriate net gain which weighs against the proposal.
- 1.20 The relatively flat topography of the site and prevailing landscape results in the developments visual dominance having regard to the scale of the development, when viewed from adjacent land and neighbouring properties along Hitchin Road and also from the neighbouring railway line.
- 1.21 The potential benefits identified by the applicant, to be had from the development comprising of the policy presumption in favour of using land effectively are acknowledged but are not considered sufficient on the basis of the information supplied to outweigh the identified harm that 147 new residential units in this location. As such the proposal consists of an unsustainable form of development contrary to the aims and objectives of the NPPF.
- 1.22 It is the Councils opinion that the 'tilted balance' as referred to in para 14 of the NPPF does not apply in this case however even if it were to be triggered, the adverse impacts identified in terms of its environmental and social implications of the development, would significantly and demonstrably outweigh the benefits of the proposed development.

## **2. Principle: Loss of Gypsy & Traveller Accommodation**

- 2.1 In addition to the NPPF, and the adopted and emerging Local Plans, the Planning Policy for Traveller Sites (PPTS) (2015) must be considered. Section 5

of the NPPF states the Council has a duty to supply and maintain a variety of accommodations to facilitate the needs of different groups of its community which includes Travellers. Similarly paragraph 3 of the PPTS states that The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community and achieving this through identifying and meeting the need of this population.

2.2 This is reiterated in policy SP8 of the emerging Central Bedfordshire Local Plan which seeks to facilitate a suitable level of pitches to meet the needs of G & T accommodation and of travelling show people. Whilst it is acknowledged that only limited weight can be attributed to this policy at this time, what is relevant is the evidence base which underpins this is the Councils Needs Assessment and pitch requirement and how this scheme would detrimentally affect the Councils ability to retain its supply.

2.3 **Existing Provision and Need: Five Year Gypsy and Traveller Supply Statement for the five year period commencing 1st July 2018**

The G&T need for Central Bedfordshire is 71 pitches over the period 2015 - 2035 (source: Gypsy and Traveller Accommodation Assessment, August 2016). This figure comprises 23 pitches for 'Travelling' Gypsies and Travellers, and 48 pitches for 'unknown' Gypsies and Travellers.

2.4 The GTAA breaks down this need into 5 year periods which run from 2016 - 21, 2021 - 26 and so on. Taking the GTAA figures and annualising them, it can be seen that over the period 2016 - 2018, 10 pitches were needed to meet the pitch requirement set out above. The latest monitoring information (30th June 2018) shows that over that same period we have acquired an additional 35 pitches against the base data of the GTAA. Of these 3 are temporary, and 2 have lapsed which leaves a balance of 30 additional permanent pitches since the base date of the GTAA (April 2016). This is a surplus of 20 pitches of available supply when assessed against what was needed to be provided during that period.

2.5 5 pitches x 2 (years) = 10 pitches  
 30 (pp since 1st April 2016) - 10 = 20 pitches

The remaining need to be accommodated over the Plan period to 2035 is therefore 61 pitches (71 - 10).

The derivation of the new five year supply requirement is calculated by annualising the remaining need over the period 2018 to 2035 (61 pitches) by dividing by 16.25 (the remaining years in the Plan period), and then multiplying by 5.

61/16.25 (years remaining) = 3.75 pitches per year  
 3.75 x 5 (years) = 18.75

As noted between 1st April 2016 and 30th June 2018 a total of 30 pitches have been permitted. 10 of these were required to meet the needs identified over that period. The remaining requirement between 1st July 2018 and 31st March 2035

is 61 pitches.

71 - 10 = 61 pitches

This means that over the remaining 16.25 years of the Local Plan period, an average of 3.76 pitches will be required per year, or 18.75 pitches over the five year supply period.

61/16.25 (years) = 3.75 pitches per year  
3.75 x 5 (years) = 18.75 years

Of the 30 pitches which have been approved since 1st April 2016, only 10 have been accounted for, leaving 20 pitches available to meet the requirements of the new five year supply period. This is 4.1 pitches more than is required.

30 supply (pp since 1st April 2016) - 10 = 20 pitches

Therefore at 1st July 2018 this Council can demonstrate 5.4 years supply of pitches against a requirement of 18.5 pitches.

18.75/5 = 3.75 pitches per year  
20/3.75 = 5.33 (years)

- 2.6 However, having regard to the loss of the pitches on this site it would increase the need to facilitate additional pitches to 80 over the plan period which would reduce the current supply down to only 4.06 years having regard to the revised required of 4.92 pitches per year. As such, it is apparent that the loss of this site, would have a significant impact on the Councils current supply.

## 2.7 **Availability & Lack of Alternative Accommodation**

The planning permission under local authority reference CB/15/03000/VOC has a specific condition attached to its approval, for the use of the site for persons that fall within the definition of G & T. This planning permission remains extant.

- 2.8 The 19 pitches on this site were counted in the Councils Needs Assessment (2016), and as such despite the applicant's own assumptions in respect of the current calculated need, the Council has concluded that their assessment is the most up to date evidence base for calculating the current need position. If the pitches were to be lost, these pitches would be required to be facilitated elsewhere to meet the shortfall, of which this application fails to identify.

- 2.9 Whilst the applicant has provided some evidence which suggests that the persons currently occupying units on this site do not meet the 2015 G & T policy definition, it is difficult to verify this information. Furthermore, it is sensible to conclude that based on the Councils Needs Assessment, if units were made to become available, this site can fulfil the Councils G & T accommodation need. Enforcement Action is at the discretion of the Council to make these pitches available if necessary however it is acknowledged that this is a separate issue and not part of this determination. Notwithstanding this, if enforcement action was found to be expedient and action taken to remove any persons that do not fall within the G & T definition, that there would be 19 pitches available that

could fulfil the Councils G & T need.

- 2.10 The applicant has also provided a signed letter which concludes that they have been unable to fulfil the occupation of the units with those meeting the G & T definition, however there is no indication of timeframes. There is also no evidence of any marketing undertaken.
- 2.11 In addition, as suggested above, the Councils own investigation of the needs assessment by ORS which was undertaken in 2016, was able to interview 4 residents of the site which met the G & T definition. In addition to this, the evidence which underpinned the 2015 variation of condition application for this site, also identified at least 3 persons who also met the definition. The applicants information of those occupying the site currently, do not seem to evidence that those persons still occupy the site, however this information is based on a snap shot in time and giving the nature of nomadic life, there is no evidence before the Council to suggest that this is not a temporary loss of those residents.
- 2.12 Notwithstanding the matters relating to the loss of pitches which could facilitate the need identified for the G & T population, the applicant has provided information that suggests that some of residents of the site previously led a nomadic life. The Council is also mindful however of its duties under the Equality Act. Whilst those residents do not formally meet the tests in terms of the 2015 policy definition of G & T, the evidence base contained within the Needs Assessment which underpin's the Councils emerging Local Plan and identifies that there is a need to accommodate culturally suitable accommodation for non travelling travellers. That need is to be met as a result of the changes to the G & T definition and these are occupiers that have ceased to travel permanently, for whatever reason. This site as such, whilst suggested to be not fully functioning (based on the applicants evidence provided to date) as a G & T site having regard to the 2015 definition of G & T, it is clear that the existing is capable to contributing to providing culturally suitable accommodation for the non travelling Traveller population if planning permission was granted to vary the occupancy condition on the existing permission.
- 2.13 No information has been provided regarding where the current occupants of the site would relocate to or the availability of sites that would be suitable to accommodate occupants as a result of the loss of this site.
- 2.14 Based on the information provided, the proposed scheme would give rise to the unacceptable loss of G & T accommodation and what is capable of providing culturally suitable alternative accommodation for non travelling Travellers. The proposal is therefore contrary to Policy SP8 of the emerging Central Bedfordshire Local Plan, Planning Policy for Traveller Sites (PPTS) (2015) and Section 5 of the NPPF (2018).

### **3. Affect on the Character and Appearance of the Area**

- 3.1 Policy DM3 of the Core Strategy for the North reinforces the need for developments to reinforce the established character of area which includes the need to complement the surrounding pattern and grain of development. In addition, the Central Bedfordshire Design guide states that proposals should be designed as a sensitive response to the site and its setting, which is further is

iterated in policies DM3 & DM4 respectfully.

- 3.2 In addition, Paragraph 3.23.3 of the Core Strategy and Development Management Policies states that the nature and scale of development will be expected to reflect the size and character of the community within which it is proposed.
- 3.3 The overall density for the site would be approximately 40 dwellings per hectare which is not representative of the density of residential development within the immediate vicinity of the site and would appear unduly cramped. Concerns have been raised by consultees including highways and landscaping that whilst acknowledging that the layout shown is illustrative, that this level of development could not be accommodated along with all the associated highways, footways, GI and housing mix as proposed, in such a way that conform with the character of the prevailing area.
- 3.4 A specific concern was raised by the Councils Self Build Officer that the illustrative layout shows self build provision to be 2 beds attached/closely compacted housing leaving limited flexibility on the sizes of plots for self build provision that would better meet the needs of the Council register. Fundamentally, whilst this layout is only indicative, based on the number of units proposed it would be difficult to provide a layout which would accord to the general grain or would provide opportunities for appropriate integration with the existing settlement due to the lack of ability to provide suitable footpath connections to the existing development without use of third party land outside of the applicants control as the most direct route for connectivity is through the cemetery.
- 3.5 The indicative master plan submitted with this application shows a large number of dwellings proposed that would drag the built form of the settlement south and west into the open countryside. The extent of development area is not reflective of the character of this area and would not round off or relate satisfactorily to the body of the settlement and would replace open countryside and further urbanise Hitchin Road. The urbanisation would be exacerbated by the planned enhanced roundabout.
- 3.6 There are instances of development along Hitchin Road, giving more depth to the built form in this area and there are instances where existing and consented development has a similar depth in the town however none of these directly abut the application site. The application site does not abut existing development on its eastern boundary leaving an undeveloped strip between the site and Hitchin Road.
- 3.7 Residential development at this site would be inappropriate and harmful to the character and appearance of the countryside and is not respectful of the existing settlement. As such it is considered that the proposal would fail to conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, policy HQ1 of the emerging Central Bedfordshire Local Plan, the Central Bedfordshire Design Guide and Section 12 of the NPPF.

#### **4. Landscape Impact, Green Infrastructure & Biodiversity**

- 4.1 The supporting text to Policy CS16 (Landscape and Woodland) sets out that the

countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. Policy DM3 (High Quality Development) sets out that the development should be designed as a sensitive response to the site and its setting with consideration to longer views.

- 4.2 The site is within the open countryside, outside of the Settlement Envelope of Arlesey. It has largely has a rural, agricultural character. The site is valuable because of its openness.
- 4.3 The application was submitted with a comprehensive LVIA which identifies the assessment of impact of change and capacity of proposed landscape mitigation to integrate development within the wider landscape however despite this information objections were received from the Councils Landscape Officer on the basis that the proposed mass and form of proposed development was considered to be more in keeping with town centre or more urban development and not befitting to a more rural / edge of settlement site. The two and a half storey nature of the development along the western edge (alongside mainline rail), has the potential to be highly intrusive visually from the Hiz rural landscape to the west, from south and from key viewpoints from Fairfield to the east and there are fundamental concerns that landscape mitigation to the western edge will not visually integrate / mitigate development especially in winter time and at night time. Whilst it is acknowledged that some additional landscaping has been indicated along the edge shared with the railway, there is significant concerns about the viability of the said planting given its position relative to the railway. The Landscape Officer previously advised that existing and proposed planting to the rail corridor cannot be relied on to screen any future development proposals due to the requirement for Network Rail to ensure an appropriate buffer along this corridor due to both health and safety and maintenance considerations.
- 4.4 In addition serious concerns have been raised by the Councils Landscape Officer in respect of the impact of proposed roundabout junction with Hitchin Road. The junction proposals indicate the need to remove a significant portion of existing tree and shrub planting to the southeastern site boundary which currently forms an important mitigating feature limiting views to the site; removal of the proposed scale of existing landscaping to facilitate access will potentially reveal development in local and wider ranging views, and especially views from more elevated viewpoints to the east and south east. The proposed junction design would have a highly detrimental impact of the rural character of Hitchin Road and approach to south Arlesey not only in terms of scale and hard materials but will also require higher specification for street lighting, signage and white lines - all of which are highly urbanising.
- 4.5 The harm identified above to the character of the area would be permanent regardless of the landscape quality and it is considered that an open space offering does not offset the impact of harm to the character of the settlement in this location.
- 4.6 In accordance with CS17 of the Core Strategy for the North, the application indicative layout proposes a proportion of the site would be allotted to green infrastructure. However the Councils Green Infrastructure Officer concludes that the proposals are disappointing as the opportunities for GI are limited and segmented.

4.7 The inclusion of biodiversity enhancements as discussed in the Preliminary Ecological Appraisal on the indicative masterplan are welcomed however previous concerns regarding minimal provision of 0.5ha of public open space being predominantly formal play with limited buffers around the periphery still stands. The scheme appears cramped and whilst attempts have been made to include enhancements such as wildlife ponds and a small orchard it resembles overdevelopment where the pressure from the number of residents using the open spaces will detract from their ecological value hence it will struggle to demonstrate a net gain for biodiversity.

4.8 As such, it is considered that there is serious landscape harm with little benefit in terms of green infrastructure, due to its inappropriate design and integration and the proposal fails to provide a net gain in biodiversity. Therefore the proposal fails to accord with policies CS16, CS17, DM3 and DM16 of the Core Strategy for the North, policies EE1, EE2, EE4, EE5 of the emerging Central Bedfordshire Local Plan and Section 11 of the NPPF.

## **5. Neighbouring Amenity**

### **5.1 Existing Residents**

The detailed relationships between proposed dwellings would be a matter for consideration under a reserved matters application however it is considered that it would be possible to design a scheme which would not have adverse impact on the neighbouring amenity .

### **5.2 Future Occupiers**

As mentioned, above any matters pertaining to the detailed relationships between each proposed unit, would be a matter for consideration under a reserved matters application.

The Councils Pollution Officer is satisfied that despite the sites proximity to the railway line, a scheme could be designed such that would lead to acceptable living conditions for future occupiers, subject to the imposition of a condition to secure the necessary provisions through a noise mitigation scheme.

5.3 Whilst bin storage and collection points and cycle storage facilities have not been identified on the plan, the Councils waste officer is satisfied that there is sufficient space within the site to accommodate such facilities and as such is satisfied that this could be secured by condition as part of a planning permission. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North, policy HQ1 of the emerging Central Bedfordshire Local Plan, the Central Bedfordshire Design Guide and section 12 of the NPPF.

## **6. Highways Considerations**

6.1 The proposed access and roundabout arrangements can all be facilitated within the sites or public highway ownership and are considered to meet appropriate highway standards.

6.2 Concerns was expressed by the Councils Highways Officer that whilst the indicative layout has made some consideration to the parking provision that might be required as a result of a scheme of this scale, full consideration has not been given to internal road widths and footways and so forth. Whilst these

matters would otherwise be addressed at the detailed application stage and as such does not warrant a highway reason for refusal, there is some concern that the illustrative layout does appear to demonstrate a very dense development and therefore it may not be possible to accommodate the level of development proposed without further impact on landscape and proposed green infrastructure areas which would further impact on the character and appearance of the development as a whole.

- 6.3 The applicant has advised that they have designed and can supply as a benefit to the scheme, an alternative roundabout design that could facilitate a connection from the proposed future allocation to the East of Arlesey which has been put forward for a mixed use development in the emerging local plan. However the Local Plan is afforded limited weight only at the present time, given its stage of preparation and whilst there might be some perceived benefits for considering the future access of this land onto Hitchin road in the long term, this additional arm to the roundabout its not required to make this scheme acceptable and as such not a highway requirement for this proposal.
- 6.4 The Highways Officer however did advise that the Transport Statement (TS) dated June 2018 should have provided a statement that described the impact the application would have in Arlesey along with what is already committed development. Without this information, the Councils Highways Officer is unable to fully assess the impact on the existing highway network and or whether any additional mitigation within the bounds of the highway are necessary and as such the Councils Highways Officer has confirmed that this matter should be included as a reason for refusal if the information is not provided.
- 6.5 Points of connection to the right of way can only be accommodated through third party land (cemetery land) but links are proposed up to the cemetery in the interest of promoting healthy and sustainable modes of travel. In addition to the improved pedestrian network, a travel plan would be required in support of the application which would seek to demonstrate initiatives to improve/reduce the reliance on private modes of travel which would be secured by condition. In addition, in the interest of future proofing the site in relation to the increased uptake in electric vehicles, a condition would be imposed to realise a scheme for the charging of these vehicles. If the proposal would otherwise considered to be acceptable.
- 6.6 As such it is considered that the proposal would be prejudicial to highway safety and would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, policies T2 & T3 of the emerging Central Bedfordshire Local Plan, the Central Bedfordshire Design Guide and section 9 of the NPPF in this respect.

## **7. Other Considerations**

### **7.1 Affordable Housing Provision**

Under Policy CS7 of the Core Strategy, 35% of all developments for four dwellings and above should be provided as Affordable Housing units. The proposal for 147 units would qualify for Affordable Housing provision and 35% would equates to 51 units of which the applicant has proposed. The council is not in receipt of a signed 106 agreement which reaffirmed this obligation and commitment. As such the proposal would fail to comply with the requirements

of Policy CS7.

## 7.2 **Climate Change**

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1. The Councils Sustainability Officer would wish to encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the requirement of policy DM1. If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies DM1 & DM2 of the Core Strategy for the North and Section 14 of the NPPF.

## 7.3 **Contamination**

The Geophysical report which accompanies the application identifies the need for further investigation. As such, the Councils Pollution Officer has advised, a land contamination investigation, remediation and validation condition is required to ensure that the contamination is effectively remediated to ensure the site is suitable for residential use.

## 7.4 **Cumulative Impact on Town**

Whilst concerns have been expressed by local residents in respect of the cumulative impact on Arlesey due to the number of residential development proposals in recent years, planning applications can only be determined on the basis of their individual merits and therefore this is not a material consideration that alone could weigh against the proposal.

## 7.5 **Fire Hydrants**

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

## 7.6 **Financial Contributions**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, the applicant has not submitted or signed an agreement for Section 106 Unilateral Undertaking. The proposal is for 147 residential units

and contributions to projects for the improvement to leisure, healthcare, community facilities and education facilities have been demonstrated as being required in mitigation. As such on the basis of the impact on the local infrastructure it is considered that the proposal would not amount to sustainable development. Furthermore, whilst additional benefits have been supplied such as self build provision and over 55s accommodation, the weight attributed to those benefits within the planning balance are significantly reduced without a signed legal agreement. As such it is considered that the proposal would conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy CS2 of the Core Strategy for the North.

#### **7.7 Flood Risk & SuDs**

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

From 6th April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDs) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. A drainage strategy was supplied for consideration as part of the application and the Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential and as such has not wish to raise any objection to this proposal subject to the imposition of conditions to control its provision. In addition, neither the Internal Drainage Board or Anglian Water have wished to raise an objection to this application. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 14 of the NPPF.

#### **7.8 Impact on Services**

Whilst concerns have been expressed by local residents about the impact of the proposed dwellinghouses on the existing water and sewage connections, the Internal Drainage Board and Anglian Water has not raised any objections in this regard.

#### **7.9 Public Art**

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council. The Councils Public Art Officer has raised no objection to the granting of this permission, subject to the imposition of a condition to secure an art strategy.

#### **7.10 Human Rights and Equality Act issues:**

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.

**Recommendation:**

That Outline Planning Permission be REFUSED due to the following:

**RECOMMENDED CONDITIONS**

- 1 The site is outside of the Arlesey Settlement Envelope and is within the open countryside and given its location, scale and relationship to the existing settlement the development would cause significant and demonstrable harm to the character and appearance of the area and prevailing landscape by extending built development into the countryside appearing as a poor built environment. In addition the proposal would fail to provide any net gain in terms of green infrastructure or biodiversity. The potential benefits to be had from the development are not considered sufficient to outweigh the significant and demonstrable harm identified above. As a result the proposal would not amount to sustainable development and would be inappropriate and unacceptable in principle. The proposal therefore fails to conform with the objectives of the National Planning Policy Framework (2018) and policies CS14, CS18, DM3, DM4 and DM14 of the Core Strategy for the North of Central Bedfordshire and the Central Bedfordshire Design Guide.
- 2 The proposal would result in the unacceptable loss of Gypsy & Traveller (G & T) pitches and what would be capable of providing culturally suitable accommodation for non travelling Travellers and of which no alternative suitable sites have been proposed. Its loss would significantly impact on the Councils ability to ensure an appropriate supply of G & T accommodation, contrary to Planning Policy for Travellers Sites (PPTS, 2015) and the NPPF (2018).
- 3 In the absence of a completed legal agreement securing financial contributions to offset infrastructure impact, including education, recreation and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure. The development would therefore not amount to sustainable development and would be contrary to the objectives of the National Planning Policy Framework (2012), Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Core Strategy for the North and Policies H4 & HQ2 of the emerging Central Bedfordshire Local Plan.
- 4 The application fails to demonstrate the impact the development would have on the highways within Arlesey having regard to already committed development. Without this information, the Council is unable to fully assess the severity of the impact on the existing highway network and be satisfied that development can be accommodated in a manner that would not cause severe danger and inconvenience to users of the highway; as such the proposal is contrary to DM3 of the Core Strategy for the North and Section 9 of the NPPF.

**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 in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome.

The applicant was invited to withdraw the application but did not agree to this. The Council has therefore acted pro-actively 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**

.....  
.....