

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



**TO EACH MEMBER OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE**

23 May 2017

Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 24 May 2017**

Further to the agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet.

**15. Late Sheet**

To note representations as detailed in the Late Sheet to be circulated on 23 May 2017.

Should you have any queries regarding the above please contact me.

Yours sincerely

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telephone: 0300 300 5132

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***Item 6 (Pages 15-38) – CB/16/02972/FULL – Former  
Dukeminster Estate, Church Street, Dunstable***

**Amended Recommendation for Deferral**

The statutory consultation period in respect of the amended proposals ends on the 23<sup>rd</sup> May 2017. However in view of the concerns raised by neighbouring residents of Priory View about ensuring the community have a full understanding of the amended proposals and in keeping with the requirements of the public sector Equality Duty it is recommended that the application be **deferred** to the next Committee due to be held on 21 June 2017.

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***Item 7 (Pages 39-64) – CB/16/05229/OUT – Land west of Bedford Road, Lower Stondon***

**Amended Recommendation**

Approve subject to s106 and to receipt of any new material representations received from additional consultations currently underway and due to expire on 8<sup>th</sup> June 2017.

**Additional Consultation/Publicity Responses**

Three further letters of objection and a video have been received from neighbours, which raise the following issues:

- Increase in traffic
- No connection to Arlesey Station
- Outside village framework
- Local shops / doctors / schools not able to cope
- Loss of farming land
- Encroach into local countryside
- No walking access to facilities
- Council now has a 5 year land supply

Additional consultations have gone out to Henlow Parish Council, Ickleford Parish Council (in North Herts), North Herts District Council and Hertfordshire County Council. Awaiting comments.

**Additional Comments**

In terms of the additional neighbour representations, these matters do not raise any additional matters that have not been addressed previously in the officer's report, where material.

**Additional/Amended Conditions/Reasons**

Amended planning condition 13, which currently reads as:

The dwellings hereby permitted shall not exceed 2 storeys in height, and will consist of a mixture of 2 and 1.5 storeys alongside existing houses on the northern and eastern boundaries of the site.

Reason: To ensure that the site is not overdeveloped and that the character and visual appearance of the area is not adversely affected  
(Section 7, NPPF)

Add 'In the ratio of 25%/75%' after word 'storeys' to make the wording of the planning more precise.

Amended condition 16, which currently reads as:

No development shall take place until details of the junction between the proposed estate road and the highway have been submitted to and approved in writing by the

Local Planning Authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road. (Section 4, NPPF). This is a pre-commencement condition as the details of the junction need to be agreed before construction of the road begins.

Add 'and footpaths and associated traffic calming and street lighting on Bedford Road' after the word highway and after the phrase 'until that junction', to avoid any doubt.

**Item 8 (Pages 65-88) – CB/16/05797/OUT –Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP**

**Additional Consultation/Publicity Responses**

**Other Representations:** re consultation 7/4/17

Lower Shelton Road  
112

There are no details available on the Council's website relating to the legal agreement and this should be available to allow the general public and local community a good understanding relating to this planning application. All the previous comments made in response to the original consultation are still valid

**Additional 'INFORMATIVE NOTES TO APPLICANT'**

8. 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.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

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***Item 9 (Pages 89-116) – CB/16/00814/OUT – Land at Camden Site, Grovebury Road, Leighton Buzzard***

**Additional Consultation/Publicity Responses**

Other Representations:

In addition to the representations set out in the Officers report of 1<sup>st</sup> March 2017 and those set out in the late sheet for that meeting, two further representations have been received from previous objectors. The first of these is appended to this late sheet and has been circulated to the members of the committee. The second raises the following additional matters:

- The statement that the retail park will draw most of its revenue back from other towns is incorrect.
- The number of jobs created will cost more jobs in the town centre.

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**From:** Victoria Harvey [<mailto:vapharvey@btinternet.com>]  
**Sent:** 19 May 2017 10:22  
**To:** Planning Online  
**Subject:** Fw: CB/16/00814/OUT late papers letter EDs retail park

I would be grateful if you could put this in the late papers for the meeting of 24th May  
many thanks  
Victoria

Dear Development Management Committee

application CB/16/00814/OUT

I think that this officers recommendation goes against the Community Consultation for Leighton Buzzard .

The results of this have been published since the previous planning meeting

The response from the community as written up by CBC

[http://www.centralbedfordshire.gov.uk/Images/leighton-buzzard-draft-community-plan\\_tcm3-22971.pdf](http://www.centralbedfordshire.gov.uk/Images/leighton-buzzard-draft-community-plan_tcm3-22971.pdf)

said "In the jobs and business category the most popular category of jobs and Business by a strong margin , that people would like to see investment made to is High Street Development. **(at 65%)**...The most common responses were that people would like to see the south side of the high street developed and **that out of town retail outlets should be discouraged to encourage people to shop in the town centre.**

I think that there are strong reasons on employment for a call in especially as as there is no evidence that is in the public domain about the lack of opportunities and possibilities for development for employment

I personally think that there are much stronger reasons to Judicially review this planning application than the reasons for the Claymore site (.I personally am presently taking further legal advice on this issue.)

There are two key legal cases; the ruling of Tesco Stores Ltd v Dundee City Council re the duty of Planning authorities to follow their Development plan as regards employment land.

The officers recommendation on the EDS site is not in accordance with the policies of the development plan on employment which include saved policy E1 from the 2004 South Bedfordshire Local Plan, the NPPF and the technical evidence base of CBC on employment and the Inspector's report from the examination in public of the last core strategy. Therefore, it goes against the ruling in the Tesco Stores Ltd v Dundee City Council para 17 that "The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: ... His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it. "Although the ruling continues with acknowledgement that that

judgement must be exercised by the planning authority, it does also say “Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean”.

There are serious concerns as there is a high demand for employment land in the area as articulated by Cllr Spur in the previous planning meeting, supported by updates from CBC to the Partnership Committee, as well as the saved policy E1 from the South Bedfordshire Local Plan as well as the CBC technical evidence base which is a material consideration so the loss of this site for employment land is concerning. The arguments that there is little reasonable prospect of employment uses on this site in the middle of an employment area that is in high demand, are based on documents not in the public domain and that do not appear to have been shown to Cllrs on the planning committee.

The decision also goes against the Wednesbury Test of Unreasonableness as the conclusions in the planning officers report in relation to viability and vitality re para 23 of the NPPF, that the town centre is not suitable for bulky goods and not reliant on DIY is contradicted clearly and obviously by the evidence of your eyes if you walk through the town centre as there is a long list of DIY and bulky goods shops in the town centre.

## Detailed reasons

### Employment grounds.

**Summary ;There has to be a clear and consistent understanding of the development plan as well as a clear understanding of the reason why it has been departed from. I argue that both the officers report and the Development Management Committee showed a lack of understanding of the development plan/ NPPF. In addition the evidence for the departure from the development plan is based on documents that are not in the public domain and appear not to have been shown to councillors. There is a large body of evidence from CBC showing a shortage of employment land in the area.**

1. **There has to be a clear and consistent understanding of the development plan and this has been clarified in case law;** *Tesco Stores Ltd v Dundee City Council* states . para 17. *It has long been established that a planning authority must proceed upon a proper understanding of the development plan: see, for example, Gransden & Co Ltd v Secretary of State for the Environment (1985) 54 P & CR 86, 94 per Woolf J, affd (1986) 54 P & CR 361; Horsham DC v Secretary of State for the Environment (1991) 63 P & CR 219, 225-226 per Nolan LJ. The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: it cannot have regard to the provisions of the plan if it fails to understand them.”*
2. It is understood that an exercise of judgement by the planning authority is needed but it needs to be reasonable; Para 19 *“As has often been observed, development plans are full of broad statements of policy, many of which may be*

*mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.*

3. **The judgement continues to clarify this by further explaining that the planning authority has to follow the meaning of the words in the development plan in para 20**

*"If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."*

**4. Therefore the decision has to be based on an understanding of the development plan. The Development Plan in this case as regards employment is the saved policy E1 from the South Bedfordshire Local Plan and the NPPF and the technical evidence base from the previously submitted Core strategy which CBC describes in the officers report page 69** *"At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decision"* I would argue that in the absence of a core strategy the latest technical updates commissioned by CBC also are a material consideration.

5. **CBC was criticised for its plan making abilities and understanding of the local employment situation by the Inspector in the examination of CBC's previous draft core strategy.** The CBC core Strategy was withdrawn in 2015 on the Inspector's advice due to the failure of the Duty to Cooperate on housing but also on employment.. The report was very critical of both the policies and the lack of evidence base on employment land allocation. The report stated

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=17782&p=0> para 58." *The Plan identifies land to support the delivery of an additional 27,000 jobs over the Plan period. This is stated to be an aspirational figure and, as far as I can tell from the limited discussion held during the Examination to date, is only tenuously linked to any assessment of future employment growth. 59. There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I"*

6. **The Inspector highlighted the lack of cooperation with Luton over accommodating the need for employment land from Luton. Para 62.Cllr Young defends the Plan's approach to employment provision suggesting that LBC's emerging homes: jobs provision is not balanced and that a more flexible approach to employment land could boost housing supply in Luton where it is most needed. This reinforces my observation about the lack of acceptance of LBC's urban capacity estimate."**
7. **The Inspector then gives a conclusion that is very critical of Central Bedfordshire Councils approach to planning for housing and employment land in the context of the Duty to Cooperate; para67."** *In summary, there is almost no evidence of any active, constructive and ongoing engagement on this important cross-boundary issue. The differences between the Council and LBC seem to be part of their wider failure to reach an accommodation on housing provision. The uncertainty of other neighbouring authorities over the nature and effects of the employment approach pursued in the Plan simply could not have arisen in my judgement had the Duty been complied with on this matter."*
8. **Furthermore CBC's own technical evidence base for the core strategy (withdrawn in 2015 )shows a shortage of employment land and as I explained in paragraph 4 this technical evidence base is considered a material consideration.** The Local Economic assessment by GVA for CBC 2012 and used as supporting evidence for the submitted draft core strategy( withdrawn 2015) shows a shortage of employment land supply in Central Bedfordshire Council [http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014\\_tcm3-7430.pdf](http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014_tcm3-7430.pdf) 1.22 *Providing suitable employment land and premises for existing businesses to grow and new businesses to locate in Central Bedfordshire and create jobs is a priority for the Council, however in the last year, the loss of employment land to other uses has outweighed the gains. Some of the main losses have been in office space in areas like the Dukeminster Estate in Dunstable, however some of this land has been replaced with residential and extra care, which will provide additional employment opportunities. Central Bedfordshire Council has worked closely with partners to improve provision of premises that meet business needs, and this is evident in the opening of the Incuba Centre in Dunstable to provide office space for small and start up businesses. Nevertheless, the loss of land may need to be considered in relation to longer term jobs growth."*
9. **The statements in the Officer report then surely shows a lack of understanding by officers and Cllrs of CBC of the development plan in light of the Inspectors report on the previous core strategy submission which suggesting that the employment needs of Luton had not been accommodated , and the Local Economic Assessment 2012 for the core strategy , the policy E1 in South Bedfordshire Local Plan, and with the overwhelming evidence from CBC of shortage of employment land in the area provided further on in this document. The officer's report gives the impression of widespread availability of land para 2.3 "Large scale employment, particularly class B8, uses are generally seeking**

*locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.*” This surely fits into the Humpty Dumpty description of plan making in *Tesco V Dundee* “*they cannot make the development plan mean whatever they would like it to mean.*” Para 19 *TescoStoresLtd v Dundee*

10. **The Officer report’s comments on employment land availability contradict the saved policy from South Bedfordshire Local Plan adopted 2004; policy E1** “Within main employment areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or b8 of the use classes order 1987. The point of this policy is explained .para 1 “*The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, **relationship to public and private transport infrastructure and facilities**, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects*” **Therefore this area on Grovebury road has been allocated as a main employment in policy E1 as it is most suitable for employment due to a host of reasons including closeness to transport infrastructure. In addition to this argument of 2004 the new A5-M1 strategic link road is about to be opened this year and so this will, strengthen the accessibility to transport infrastructure hence supporting the allocation of the area for industrial use. This is in direct contradiction to the line in the officers report** “Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway.”
11. **The development plan still allocates this area as employment land to meet the anticipated needs of business.** The CBC Development Plan in the absence of up to date policies/ core strategy consists of saved policies from South Bedfordshire Local Plan adopted 2004 and the NPPF. The NPPF para 21 and 22 are relevant to employment land. **The NPPF states in para 21** “**local planning authorities should:• set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;**” Saved Policy E1 of the South Bedfordshire Local Plan explains that this area has been allocated for employment due to its audit and evaluation of future industrial needs. “*The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, **relationship to public and private transport infrastructure and facilities**, adjoining uses, size and site configuration, can be considered to be suitable for a wide*

**range of B1-B8 use and appropriate for modern industrial and commercial business.** These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects

**There is no evidence base from CBC to support the removal of the allocation of this land for employment.** Indeed the Inspector in 2015 on CBC's core strategy stated *There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I* The evidence base that I am about to go through in detail in the paragraphs below increases the support of this allocation.

12. **Recent evidence from CBC shows that there is a high demand for employment land in Leighton Buzzard. CBC updates to the Partnership Committee of Central Bedfordshire Council and Leighton Linslade Town Council show a demand for more employment land.** The Partnership Committee had an update from CBC in June 2016; item 10 on the agenda which states in para 2.3 page 4 of the agenda item; *"The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity to the M1."* (this item is attached). The Partnership Committee was also updated in December 2016 by CBC in item 8 on the agenda in section 2.2 *"Be Central Bedfordshire website [www.becentralbedfordshire.co.uk](http://www.becentralbedfordshire.co.uk) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1st April 2016, with Leighton Linslade featuring prominently."* (this item is attached)
  
13. **In 2014 November , CBC ( Abel Banu) advised the applicant of the need for industrial land in the area and so did not support a change to residential.** This is in the supporting document (Appendix B A7) also attached. The applicant considered residential development and had contacted CBC .This is in the supporting document (Appendix B A7) also attached. CBC stated that *" the report also notes a number of business in and around the area unable to locate suitable premises. It continues " I would note that the recent A5-M1 link has the potential to transform accessibility to the site from a commercial perspective."* It continues that *"Certainly with the Councils plans to facilitate 27,000 new jobs by 2031 there is very much a need to provide a range and choice of business premises to facilitate this."* (The officer in this instance mentions the possibility of wider employment generation, but there is not an evidence base supplied to support this departure from the development plan and the evidence of lack need for industrial land in the area)



**14. Cllr Spurr, executive member for Community Services for CBC ( until 10/3/17) spoke at the Development Management meeting on 1/3/17 to say that there was a need for employment land in the area.**

**15. CBC turned down in February 2013, a similar ( slightly larger )retail development ( Barwoods) in Grovebury road in 2013 due to loss of employment land. Below are the minutes with the reasons for refusal.**  
<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road “*That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority’s primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.*

**The decision on the Planning balance: Whether there is a reasonable prospect of the site being used for allocated employment land.**

**16. The officers argue in their report that there is little chance of employment uses except at a much lower rate than other employment**

**areas and the retail park para 2.3**” *The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. para 2.4 The proposed non-B Class development is considered acceptable given the current low level of employment use on the site when compared to the proposed uses.”*

- 17. The CBC Development Plan appears not to support this.** The Development Plan consists of the following; the saved policy E1 from the South Bedfordshire Local Plan saved policy E1 from the South Bedfordshire Local Plan, the NPPF and the CBC technical evidence for the previous core strategy submission. The saved policy E1 gives no option for this departure from allocated employment land. The NPPF. Para 21 states *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”* Moreover the CBC technical evidence (which the officers report says is a material consideration) which includes the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 . The GVA technical report supports a policy in the draft core strategy for a strict criteria for scoring the prospect of future employment which does not support open A1 policy retail . The following extract is from the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 *“Policy 7: Employment Sites and Uses Across the portfolio of employment land within Central Bedfordshire, planning permission will be granted for appropriate B1, B2 and B8 uses. In order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites will also be considered on a site-by-site basis in relation to the following criteria. • the supply pipeline available for B1, B2 and B8 uses within the locality; • the suitability and impact of the proposal in relation to the location and neighbouring land uses; • an increase in the number of jobs that can be delivered; • traffic generation and suitable accessibility; and • the potential to strengthen existing clusters through the delivery of complementary employment generating uses. To support the role and function of the town centres, retail uses will not normally be considered appropriate on employment sites. Exceptions will be considered on a site by site basis for bulky goods and other forms of specialist retailing less suited to a town centre location. GVA Critique 4.50 Broadly this is a strong policy which clearly defines the locations of employment sites across Central Bedfordshire. This is necessary and brings clarity to future development locations. This policy is also designed to enable the Council to respond to market pressures, and to be able to consider additional sites that have not been allocated provided certain critical criteria are met 4.51 It is advised that, in line with recommendation R5, Central Bedfordshire Council consider implementing criteria whereby those sites which have strong transport links are considered for strategic warehousing uses. The scoring criteria established in this report could be used as a basis for this assessment. Central Bedfordshire Council Employment & Economic Study Stage 2 Report - Draft August 2012*

18. This scoring above in the technical report does not seem to be applied at all by CBC to the EDS application as there is significant demand for employment land, indeed a shortage of employment land in the immediate area. This criteria also highlights that retail will not normally be considered although there will be consideration for bulky goods sites. However this application was passed as open A1 and the bulky goods category has been removed from the NPPF since then; as is shown in Annex 2 of the NPPF Town centre uses. Therefore it appears that CBC have shown little understanding of their development plan in deciding on employment uses of the site
  
19. **The argument for change of use is based on the officers statement without back up information**. The officers states in para 2.3 *"The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses."* -**that the client has made best endeavours to market the site.**
  
20. **However the evidence on marketing initiatives for the site are based on documents not in the public domain and it appears that these documents have not been shown to the Cllrs in the Development Management Committee.** The officers base their conclusion on the fact that EDS argue in their report that there is no reasonable prospect of employment in Appendix A, page A4 of the "Supporting documents" which can be accessed through <http://www.centralbedfordshire.gov.uk/publicportalviewer/publicViewer.html?caseID=CB/16/00814/OUT> and then clicking on "supporting documents 659717", In para 2.1 *"despite consistent and continuing efforts over the years, the agencies instructed by our clients have been unable to identify any situation or any potential developer/ occupier whereby the overall redevelopment of the Camden site for continued employment use was a realistic and realisable prospect.* Para 2.14 based on para 2.1-2.7 states that reports that support this conclusion have been shown to the council for an preapplication enquiry process in 2014. Para 2.4; refers to the pre-application CB/14/00655/PAPC and CB/14/001499 .It is not possible as a member of the public to access these. ( I have not had time for an FOI on this) These documents are not part of the supporting evidence for this application so it is impossible to know if active marketing measures have taken place or reasons why this site is not attractive for redevelopment for industrial use when there is a reported shortage of industrial land locally. **It appears that these supporting documents showing the marketing initiatives have not been shown to the Councillors on the Development Management Committee.**
  
21. **An Appeal decisions by an Inspector shows that more than the word of the applicant is needed to show that "there is not reasonable prospect of the site being used for allocated employment issues."**The Inspector in the appeal decision 2013 on Land off Pershore Road/Fordhouse Lane, Starchley,

Birmingham, West Midlands B30 3BW

[http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision\\_Stirchley.pdf](http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision_Stirchley.pdf) says in para 21. *“However, it is far from clear that a sustained and committed period of marketing of the site for industrial use, in the form now proposed for the alternative use, was realistically undertaken. On this basis, I am not persuaded that the loss of industrial land has been shown to be justified. The proposal conflicts with the development plan policies to which reference has been made. Although it is not explicit as to how the reasonable prospect of a site being used for the allocated employment use should be assessed, I also find that the loss cannot be justified under the NPPF.”*

22. One Cllr on the Development Management Committee pointed out that if EDS wanted the area for retail it is then not surprising that they did not build industrial units to attract investment.

23. I also believe that this is relevant from Planning resource 30 July 2015 ,

**24. Plans to erect a 1,500m2 food store within a designated strategic industrial location in west London were rejected despite the appellant claiming that the character of the immediate area had a more varied and retail nature.**

25. *The site lay within one of the largest concentrations of industrial land in west London but it was notable that adjacent retail uses included Topps Tile and Screwfix, a complex known as Vue Cinema, and a leisure park. Nonetheless, these uses existed when the area was designated as a primary industrial location, the inspector noted, and no objections were raised at the time to the appeal site being included within it. Both the London Plan and the council's core strategy were clear that the loss of such land should only be contemplated through the plan-making process and not via ad hoc releases. Such areas were intended to provide a reservoir of industrial land which deserved the strongest protection, the inspector held. The fact that the immediate area had a different character from other parts of the designated area was a dangerous argument to accept which would lead to progressive erosion of the industrial land supply.*

## Town centre policies

**CBC ignored the latest technical evidence which I argue forms part of the Development plans for Central Bedfordshire Council and hence showed a lack of understanding of the Development plan. Tesco Stores Ltd V Dundee City Council 2012 quotes in para 17 “His decision will be open to challenge if he fails**

*to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

**26. The assessment as regards the Impact test ignored the most recent retail report called “Land South of the High Street” by GVA November 2016 published feb 2017 commissioned by CBC. It was dismissed by Cllr Young and the Development Management committee and was not referred to in the officers report . This report warned of a very negative impact that the retail park could have on the vitality and viability of the town centre. This GVA report on “ Land South of the High Street is the latest evidence on retail for the town centre in Leighton Buzzard.**

**27. The GVA report should be referred to as a material consideration and not be dismissed and ignored.** The NPPF states as a core planning principle para 17 *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area,”* The same paragraph also says *“Plans should be kept up-to-date,”* In light of this the GVA report “Land South of the High Street” as the latest technical evidence counts as a material planning consideration and should not be dismissed, Further more on page 69 of the Officer’s report it says that the body of technical evidence may be a material consideration *“Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.”* In this context it is likely that the latest report will add to this evidence base for the next core strategy submission. In light of this it seems likely that this latest addition to the technical evidence should also be seen by CBC as a material consideration

**28. Planning history to show the importance of the latest GVA retail report.**

There is not a saved policy for the town centre listed in the officers report In 2012 CBC formally adopted a development brief for a town centre retail development called “Land South of the High Street”. This is then referred to in the previous core strategy submission <http://centralbeds.moderngov.co.uk/documents/s49829/Development%20Strategy%20-%20Appendix%20A.pdf> . Policy 13: Town Centre Development Development proposals should be in accordance with the principles and objectives of: • The two endorsed development briefs for Leighton Buzzard • The Houghton Regis Masterplan SPD • The Biggleswade Town Centre Masterplan SPD • The Flitwick Framework Plan and Indicative Masterplan Development proposals elsewhere in these towns should complement and not prejudice development proposed, and should make a financial contribution towards their development where possible. Policy 11 in the same document refers to the retail hierarchy table 7.1 which allocates new retail to Leighton Buzzard town centre. This is supported by the CBC Retail Report ( Tym) 2013 which describes the need for more town centre development in Leighton Buzzard. CBC indicated in December 2016 that they will revise the development brief with a new draft brief and a public consultation on it for



the Land South of the High Street and have published a new retail study by GVA to support this revision in February 2017. Therefore this latest technical report by GVA, "Land South of the High Street" commissioned by CBC on Leighton Buzzard town centre development site where CBC is planning to attract investment and has committed considerable resources to doing so is an important material consideration. It would be most unlikely if this new technical report will not be referred to by the new development briefs and hence by the new Core strategy. Therefore it should be a significant material consideration .. However it is not referred to in the planning officers report , and was dismissed by Cllr Young.

29. **The report by GVA on Land South of the High Street commissioned by CBC raises serious concerns as regards the threat of out of town retail parks to the vitality and vitality of the town centre.**  
[http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report\\_tcm3-21441.pdf](http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report_tcm3-21441.pdf) This report states in the conclusion Para 6.5 ***There are threats to the retail success of Leighton Buzzard in the shape of the out of town schemes***, *the two developments mentioned above need to be carefully considered. If open A1 consent is granted at the scheme to the south of the town this will sweep up any major multiple retail fashion brands who would prefer a rectangle box with surface car parking rather than a constrained town centre site. It is apparent from our market testing that a number of the well-known multiples are awaiting the outcomes of planning in this regard*".
30. **The report shows that the retail park is likely to divert retail which would otherwise go into the town centre on "land south of the high street" and create a diverse retail offer..** The CBC retail study supports new retail in the town centre and policy 23 in the NPPF states "promote competitive town centres that provide customer choice and a diverse retail offer" Leighton Buzzard at present lacks clothes shops as shown in CBC surveys and the retail report so the shops listed in para 4.51 in GVA report are badly needed in the town centre in order to provide a diverse retail offer. Para 4.51 of the GVA report says *"This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town's high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road and thus this is why Next have refused to occupy space in the town centre as we will come onto later."*
31. **The report in its final and concluding paragraph stress the fragility of the vitality and viability of the town centre para 6.17 it will only take the departure of two or three key retailers to have a very negative effect on the town"** This has not been taken account of in the summary of the Impact Assessment
32. **The vitality of the town centre was underestimated as there was no reference to the most recent report on the health of the town centre by The Retail Group commissioned by Leighton Linslade Town Council in early**

February 2017 which showed that majority of retailers and market traders were trading down or level to last year or down. This was presented to LLTC markets sub committee on Feb 16th agenda item 7. Pages 20-22 have graphs with trade figures, The report surveyed 27 market traders and 79 Retailers;

Down in sales : Market traders 56%; Retailers 20%

Level in sales; Market 28%; Retailers 44%

Up in sales : Market 16%; Retailers 36%

In summary Market 84% level or down on last year. Retailers 64% level or down on last year. This report showed the fragility of Leighton Buzzard Town centre.

33. **The report also shows that the “out of town retail park” decision is in contradiction to Para 26 of the NPPF as regards the Impact Assessment as regards the impact on planned investment. According to the GVA report the retail park will attract stores which otherwise might go into the Land South of the High Street and so harm committed investment in the town centre..** NPPF para 26 states *“This should include assessment of: • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;”* According to the GVA report the out of town retail park could attract stores which would otherwise go into the town centre and so harm the development of the Land South of the High Street to which CBC is committed .GVA report para 4.51 *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road”*
34. **The retail park decision is contrary to the development brief land South of the High Street. The officer report is misleading about this development brief.** The Officer report says para 3.12 *“Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations.”* And carries on to say in para 3.19 *“It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment”*
35. However as can be shown from the extensive quotes below from the Brief Land South is nothing to justify this statement;The Development brief for Land South of the High Street [http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief\\_tcm3-7317.pdf](http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief_tcm3-7317.pdf) states, In section 4 Vision and Objectives *The South of High Street site will be redeveloped to provide a new retail led mixed use quarter which acts as a sustainable extension to the town centre’s Primary Shopping Area and creates a destination for residents and visitors. 1. Create a retail destination that will attract high profile retailers and visitors and retain local expenditure in the town. 2. Attract complementary uses and operators to those*

*found on the High Street to help foster a vibrant and more competitive town centre offer”*

*1.4 The site offers the opportunity to create a sustainable extension to the town centre shopping area which enhances the retail offer and the centre’s competitiveness, while preserving the town centre’s existing high quality character, reinforcing its distinctiveness and enhancing the town’s historic character and environment.*

*2.13 According to GOAD Experian data from February 2011, Leighton Buzzard’s retail vacancy rate is below the UK average. Despite the low vacancy rate, the retail offer in the town is very much geared towards the economy end of the market. This contradicts the relative affluence of the local area, yet reflects the dominant role of competing centres (such as Milton Keynes). Retailers cite a lack of quality available stock of sufficient size as being major reasons for their absence from Leighton Buzzard.*

*2.15 The high quality built environment is a valuable asset to the town which can be a major attraction for retailers and shoppers, but paradoxically has also contributed to preventing key retailers locating there as a result of the corresponding lack of larger, high quality space which meets the needs of modern retailers.”*

The GVA report Land South of the High Street is a good evidence base, but a draft brief based on it has not been published or gone through public consultation, or been adopted by a committee vote of CBC so CBC cannot say *para 3.12* “It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.”

- 36. These concerns relevant to para 26 of the NPPF as regards impact on planned investment in the town centre and the effect on vitality and viability were upheld by CBC when CBC refused planning permission in February 2013 for a similar ( slightly larger )retail development ( Barwoods) in Grovebury road in 2013 due to the impact on the town centre as well employment. Below are the minutes with the reasons for refusal.**

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury

road;That *Planning Permission be REFUSED for the following reasons.....(2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the **detriment of the vitality and viability of the Main Shopping Area.** Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, **the proposal would also negatively impact upon the town centre’s capacity to attract new investment and may also prejudice the Council’s ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its***



***commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework"***

**Lack of understanding of the development plan in connection with Tesco v Dundee as regards main town centre uses and bulky goods. Para 17**

***"Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean". And para 20 "If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."***

**37. The development plan in this situation is the NPPF and the technical evidence as described in the section entitled "Relevant policies" of the officers report and the development brief for Land south of the high street. None of these documents/ describe a definition of bulky goods that is different to main town centre uses yet the officer report relies on the distinction between bulky goods as opposed to main town centre uses in assessing both the sequential and the impact test. The law is clear that officers must understand the development plan as set out in Para 17. Tesco v Dundee It has long been established that a planning authority must proceed upon a proper understanding of the development plan:"**

**38. The NPPF does not make a distinction between bulky goods and town centres** Annex 2 of the NPPF states <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#maintown> ***"Main town centre uses ;Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)." This is a significant change from DCLG; "Planning for Town centres; Practice guidance on need impact and the sequential test."***  
**Para 6.31** *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

**39. This is explained and firmly emphasised in the CBC Retail study 2013 para5.22** ***Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including***

*warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. This is continued in the conclusions para 8.8 **We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2)***

**40. The evidence base of the household surveys which from an important part of the evidence that underpins the CBC Retail Report 2013 in its questions in the survey makes no distinction between bulky goods and non bulky goods as Lord Sales says in Central Bedfordshire Council v Harvey para 14.”** It may be noted that that question is general and vague and is not specifically focused on bulky goods,”

**41. Despite clear guidance from the Development plan in this case NPPF and the technical CBC retail study 2013 not to use the separate category of Bulky goods the officer report relies on the bulky goods distinction in the sequential test and impact test directly contradicting the development plan. para 3.4 However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.”** And also the in Impact test para 3.10 **“It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade. These conclusions are in line with the Council’s own retail studies and the advice of the Council’s retail consultant.”** And para 3.14 **“It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The proposed retail floor space (which could impact on the town centre) would be limited to 6,221m<sup>2</sup> (GEA) – 4984m<sup>2</sup> GIA of the total 7,350m<sup>2</sup> (GEA) – 5880m<sup>2</sup> GIA proposed”.** And finally para 3.18 **The current leakage of comparison goods trade from Leighton Buzzard and opportunities for ‘clawback’ trade within Leighton Buzzard are identified within the application. In light of the Council’s 2012 Retail Study, there is little ‘bulky goods’ trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks.**

**All these bulky goods categories mentioned come within the description of main town centre uses. Trade counters as there is no other legal or planning definition is in my opinion covered by factory outlets.** (The inspector agreed that no definition of a trade counter is provided in legislation, circulars or guidance notes.

<http://www.planningresource.co.uk/article/787357/dc-casebook-depth---trade-counter-meaning-clarified-inspector-finds-use-change> )**The officers report shows a lack of understanding of the development plan and so is open**

to legal challenge as explained *Tesco v Dundee* para 17 *“His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

- 42. CBC is applying two different meanings to the words “Bulky goods” which creates an error of law. *Tesco v Dundee* para 20.”** *If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”* The meaning of” bulky goods as described in the Planning Portal [https://www.planningportal.co.uk/directory\\_record/141/bulky\\_goods](https://www.planningportal.co.uk/directory_record/141/bulky_goods) is **“Goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display.”** This supported definition of bulky goods before the NPPF put all retail into main town centre uses was laid out in the previous planning policy guidance DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.* Therefore it could be seen by some as common sense that very large bulky goods are not suitable to a town centre and indeed it would appear that this is the understanding of the term that Lord Sales used in the case C1/2014/1325 *Harvey v Central Bedfordshire Council* and “for the purposes of the Council's consideration of the application for planning permission, it was the impracticability of using a site in the city centre for sale of bulky goods which could be more conveniently and appropriately carried on at an out of centre site which was the important consideration”
- However the definition of Bulky goods that was used previously by CBC for the White Lion Retail Park and was used for the conditions for Claymore retail park whose reserve matters were given permission in the same planning included many much smaller items that could easily be practically sold in a town centre if we were following the above line.** (a) *DIY goods including tools, building supplies and ancillary items; (b) plants and garden products; (c) furniture, carpets, floor coverings and home furnishings; (d) office equipment and stationary; (e) motor vehicle parts and accessories; (f) cycles and ancillary goods; (g) home technology, electrical goods; (h) pets and pet supplies; (i) Christmas decorations and seasonal goods; and (j) all goods ancillary to the items listed in (a) to (i) .* These definition of goods can include small items such as cushions, digital alarm clocks, MP3 players. Pens, paper, Christmas baubles etc. This is not the same definition of bulky goods as used in the Planning Portal, and the Planning guidance on town centres that predated NPPF.

**Wednesbury case of Unreasonableness**

**42. Not only does Central Bedfordshire Council completely ignore the NPPF and its own (CBC) retail report which say that there is no distinction between bulky goods and main town centre uses, it makes the following the statements para 3.19 “It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment.” And para 3.10 . It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade. This goes against the obvious practical fact if you walk through the town centre in Leighton Buzzard you can see for yourself that there are many bulky goods sold in the town centre or just on the centre of the town. There are two furniture shops one over 800sqm and one domestic appliance shop again 800sqm, a cycle shop. Not to mention DIY and other bulky goods vehicles . Therefore to say that the town is not overly reliant on bulky goods and DIY or that bulky goods are complimentary to the town centre is unreasonable and irrational and so would fit the Criteria for Wednesbury Unreasonableness**

Here is a list of shops that fit the description of bulky goods in the Planning Portal, and the description of DIY that presently trade within the town centre boundary as drawn in the South Bedfordshire Adopted plan 2004.

Dillamores furniture shop in the high street ( selling sofas, beds etc)

TK furniture Hockliffe about 800 msq ( selling sofas, beds, tables, bookcases etc)

Ceejays, Hockliffe Street about 800 msq (selling washing machines, domestic appliances etc

Amalfi tiles selling boxes of tiles; Bridge Street

Argos selling a wide range of DIY, Watrbourne walk

Selections Hardware High street, selling DIY, Tools etc

Selections High Street seling garden tools, plants, tubs etc

Kingfisher Carpets Friday Street. Selling carpter

Buzzard Blinds selling household blinds Market Square

John Wilcox Friday Street kitche studio

Doorvics selling bicycles ( not flatpacked)

**Within 100 metres of the official town centre boundary;**

Halfords which is definitely a bulky goods shop is only about 60 metres from the official town centre boundary of 2004 but is in the middle of a line of shops

New City Heating selling very bulky plumbing equipment is about 100 m form the town centre

Jewsons, which is a builders merchant is about 100 metres from the town centre boundary

Homebase is 400 m from the town centre boundary

Screwfix and travis Perkins are also on Grovebury Road are significantly closer to the town centre by car than the EDS retail Park,

The town also has as edge of centre shops such New Linslade Plumbing and Buttles, which are both serious DIY stores.

The Impact Assessment for the Claymore retail park which was granted planning permission in Feb 2013 said that there would be an overlap between the retail park and 22 shops that exist in the town centre and the “bulky goods” restricted retail park.

**The other factor of Wednesbury unreasonableness is the previous decision of CBC in 2013 to turn down the Barwoods retail park due to Impact on the town centre.**

**CBC turned down in February 2013 a similar ( slightly larger ) retail development ( Barwoods) in Grovebury road in 2013 due to the impact on the town centre and loss of employment land. Below are the minutes with the reasons for refusal.**

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road

That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority's primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been Minute Item 332 Page 21 adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework. (2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed

retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

#### **Previous Judgement in relation to Bulky goods and Leighton Buzzard**

**Lord Sales in the judgement Harvey v Central Bedfordshire Council C1/2014/1325 ruled that there was not an error of fact over the issues of bulky goods. However, the only evidence presented by Mr Stookes on behalf of myself on bulky goods was the household surveys in the CBC retail study 2012 and lord Sales stated** "There is nothing in the material in the questionnaire returns in the annex to that report which shows that the Council made an error of fact in its assessment of the need for the development on a particular site. And The nature of the answers to the questionnaire, as set out in the appendix to the council's retail consultant's report, did not show that there was any error of fact made by the Council in relation to this matter." With hindsight, we fully accord with Lord Sales judgement on this issue in relation to the evidence produced.

**However, Lord Sales was not presented with argument of Wednesbury reasonableness based on the evidence of the large number of bulky goods retail outlets trading at that time in the heart of the historic town centre and the large number within 100 metres and within 400m.**

**Moreover, since the judgement by Lord Sales in December 2014 the development plan has changed. The emerging Core Strategy of Central Bedfordshire Council in early 2013 had a retail policy which allowed for out of town retail sites for bulky goods, but on the advice of the Inspector this Core Strategy has been withdrawn. A new development plan is being prepared. Therefore the Development Plan consists of** the NPPF which describes bulky goods as main town centre uses and the technical reports (as stated in the officers report for this application) The updated 2013 CBC Retail Report, (the publication of which postdates the planning decision of the case that Lord Sales later adjudicated on) has been altered from the version used as supporting evidence for the planning decision and the emerging core strategy at that time. The latest version which was not presented to Lord Sales stresses strongly that bulky goods are sold in town centres according to RTP1 surveys. This latest version has removed



paragraph 26 of the older version of the Retail Study which suggests that the council can set a policy for certain uses that cannot be accommodated in a main town centre; see appendix

## **Appendix; different versions of the retail study.**

### **CBC final report 2012 no longer available on the web**

#### ***Bulky goods and car showrooms***

5.22 Bulky goods retailing (eg retail warehouses selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2).

5.23 We agree with this view – it is likely that many purchases from retail warehouses do

not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.

5.24 This is evidenced by the occupiers of the District’s two retail parks. The White Lion

Park in Dunstable consists of 11 units including Laura Ashley and First Choice Holidays, both of which would often be found in town centres. The London Road Park in Biggleswade also consists of 11 units and includes Argos, often found on the high street. An application has been submitted to extend the park with a traditional town centre anchor store; Marks and Spencer.

5.25 In our view, applications for retail warehouses (defined by their format, ie big sheds,

rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

5.26 The NPPF does, however, allow local authorities to “set policies for the consideration

of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres” (para. 23, bullet point 8). Therefore if, in the Council’s view,

certain uses cannot be accommodated in or adjacent to town centres, there is scope to set a specific policy to deal with such proposals. The Practice Guide at para. 6.31 discusses retailers selling goods such as DIY, furniture, carpets and domestic appliances and states that “in many cases, these forms of development are regarded

as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations”.

5.27 The results of the household survey show that the most popular study area locations

to shop for DIY goods, furniture and domestic appliances are in and around Luton and Milton Keynes, which may indicate scope for more of these outlets in Central Bedfordshire

#### **recommendations**

para 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky

goods” retailing. Bulky goods is no longer considered a separate category of retailing; the

NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

8.9 The NPPF (para. 23, bullet point 8) does however provide scope for local authorities to set specific policies to deal with proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. The Council therefore have the option to do this if in their view, certain uses cannot be accommodated in or adjacent to town centres.

**The latest version of the retail report published post the planing decision which was submitted as technical evidence for the core strategy** [http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices\\_tcm3-6889.pdf](http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices_tcm3-6889.pdf)

**Excludes the paragraphs 8.9 and para 5.26 “ which refer to authorities setting policies for main town centre uses which cannot be accommodated .”**Bulky goods and car showrooms 5.22 Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 5.25 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits. 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 8.9 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits.

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**LEIGHTON LINSLADE PARTNERSHIP COMMITTEE**

**1 December 2016**

**CENTRAL BEDFORDSHIRE COUNCIL UPDATE**

**Purpose of report: - for information**

**1 COMMUNITY SAFETY**

**1.1 Anti-social behaviour and Statutory Nuisance**

The ASB & Stat. Nuisance Team have carried out the following work in the Leighton-Linslade area from the 1<sup>st</sup> April – 30<sup>th</sup> Sept 2016:

1 Injunction was awarded for an individual for prolific shop lifting in the town centre.

1 successful prosecution for a breach of Community Protection Notice (CPN) for street drinking.

1 breach of CPN file for street drinking was sent to Legal (awaiting court date).

1 CPN warning was issued for street drinking.

1 CPN issued for street drinking

Cases opened:

Littering – 1

Graffiti - 1

Dog barking - 1

Fly tipping – 14

Nuisance neighbours – 15

Light – 1

Noise – 32

Odour - 5

Rowdy / inconsiderate behaviour – 9

Vehicle nuisance - 3

82 cases in total.

An Environmental Protection Officer has also been working in conjunction with a local farmer to combat the fly-tipping of fridges on the A505 Leighton Buzzard bypass.

**1.2 Summary of recorded CCTV Incidents in Leighton Buzzard**  
**1<sup>st</sup> July to 30<sup>th</sup> Sept 2016**

This report contains data gathered by the Council's CCTV Control Room located at Watling House, Dunstable. It includes details of CCTV monitored incidents and

arrests by the police in the towns of Dunstable, Houghton Regis and Leighton Buzzard. It does not include details of the police response to any particular incident where an arrest is not made, nor does it include incidents not captured by CCTV; for this reason the data will not reflect the overall picture of crime and disorder in any area. Personal data is excluded to comply with the Data Protection Act 1998.

Date and Time	Location	Brief Summary	No of Arrests
01/07/2016 23:20	Waterborne Walk	Assault	0
03/07/2016 17:33	North Street	Street drinker sitting outside shops drinking vodka	0
03/07/2016 16:03	Parsons Park	Drug activity	0
04/07/2016 12:02	Parsons Park	2 females restraining a child	0
07/07/2016 13:49	Leighton Buzzard High Street	Shoplifter running from Wilkos	0
07/07/2016 12:57	Leighton Buzzard High Street	Group of shoplifters walking out of Poundland with pockets full of sweets.	0
08/07/2016 16:08	Parsons Park	Drug activity	0
08/08/2016 14:27	Parsons Park	Drug activity	0
11/07/2016 20:34	North Street	Breach of Community Protection Notice	0
13/07/2016 14:37	Waterborne Walk	Wanted persons observed and later arrested in the High Street	3
16/07/2016 02:12	Leighton Buzzard High Street	Breach of the peace	1
19/07/2016 23:22	Leighton Buzzard High Street	Theft 2 bikes stolen from a bicycle rack	0
29/07/2016 19:16	Parsons Park	Robbery 4 males rob a male on a bike	0
07/08/2016 01:55	Lake Street	Affray	2
07/08/2016 03:24	Lake Street	Affray	2
07/08/2016 03:22	Lake Street	Assault	

09/08/2016 15:19	Bridge Street	Theft of mobile phone	0
18/08/2016 14:30	Parsons Park	Grievous Bodily Harm	0
03/09/2016 12:40	Parsons Park	Robbery	0
11/09/2016 23:38	Wing Road	Assault	0
23/09/2016 19:45	Various locations in Leighton Buzzard	Drug deals/use on Various dates and locations	0
25/09/2016 20:51	Leighton Buzzard High Street	Mopeds with no helmets or Registration Numbers	0
25/09/2016 02:35	Lake Street	Offensive Weapon- Male with a knife	0

8 arrests were recorded as a result of CCTV monitoring of incidents in this quarter. The CCTV control room continues to monitor problems with street drinkers in the Market Place in Leighton Buzzard in close liaison with the police. CBC has taken delivery of two re-deployable CCTV cameras on behalf of the Town Council which have now been deployed. We are closely monitoring Astral Park for incidents of Anti Social Behaviour.

### **1.3 Street drinkers in Leighton Linslade**

The Anti Social Behaviour team have carried out the following work with street drinking issues in Leighton Buzzard during the period December 2015 to current.

CPN warnings – 6

CPN – 3

Breach of CPN – 2

Injunction – 2

PSG – 3

Fixed Penalty Notice - 1

Deployment of CCTV camera near North Street - 1

Many of the street drinkers are associated with the Black Horse. As the drinkers have nothing to do or anywhere to go throughout the day, they congregate in town. CBC continues to take Legal action but this is not the entire solution as they are either moving to somewhere else or continuing to breach. Nevertheless we have had fewer complaints about the street drinkers that have had some form of action against them.

The ASB team will continue to work in conjunction with the Police and take enforcement action as necessary if we have the appropriate evidence against them. Assistance has been sought from the alcohol services but resources limit what outreach they can do. To bring about any significant change would require intensive use of personnel/resources that are just not available at the present time. Legal are looking into an overarching Injunction to target this problem.

#### **1.4 Update from Trading Standards/Licensing**

CBC are putting together a prosecution case for persistent underage selling following an interview (under caution) with a Leighton Buzzard premises licence holder.

### **2. BUSINESS AND INVESTMENT UPDATE**

#### **2.1 Business support**

##### **Leighton Buzzard Business Networking Event - 2017**

This is the fifth time we are looking to hold this event and working with the Town Council, Membership organisations and Network groups to plan for the next event in April 2017.

##### **Leighton Buzzard Business Collective Group**

Businesses met on 3 November and Jason Longhurst, Director of Regeneration & Business, Central Bedfordshire Council gave an update on the plans and developments for the area, which included:

- latest on a 'full service' hotel that will incorporate conference facilities
- update on the Central Bedfordshire College new Engineering and Construction Skills Centre on Chartmoor Road
- update on longer term plans for the area

There have been many business enquiries relating to start-ups, looking for commercial property, funding support, taking on apprenticeships and potential growth plans.

There have been 2 Business TimeBank sessions held in the last few months on Intellectual property and product compliance

##### **Strategic Accounts**

- Peli Biothermal – Business Support team met with the Finance Director and Operations Manager to discuss how Central Bedfordshire Council can support their business. Peli Biothermal are going from strength to strength. The business has expressed an interest in Apprenticeships, following a discussion regarding the Apprenticeship Levy and will be looking to work with the Business Support team further as and when they require assistance.

#### **2.2 Inward Investment**

The Business Investment team have managed 137 enquiries since April 2016, this is 91% of the annual target. There has been a significant increase in enquires received through the online BeCentralBedfordshire.co.uk investment portal.

Following Maritime Transports moved into Leighton Buzzard (reported last quarter) Soken Engineering has relocated to the town. Soken is a family firm expanding from

just outside the area. They have further expansion plans and received a CBC Business Growth Fund grant of just under £4k to offset their initial business rates. Our total number of Inward Investment enquiries since April is 137 which is 91% of our target.

Be Central Bedfordshire website ([www.becentralbedfordshire.co.uk](http://www.becentralbedfordshire.co.uk)) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1<sup>st</sup> April 2016, with Leighton Linlade featuring prominently. The team have launched Twitter and Linked In accounts to further attract website traffic @BeCentralBeds, <https://www.linkedin.com/company/becentralbeds>

The Business Investment team attended MIPIM UK in October – a significant annual property event, attended by the most influential players from all sectors of the international property industry. Over 3,000 delegates from 45 countries gathered in London's Olympia with no fewer than five government ministers in attendance, including Gavin Barwell, Minister for Housing, Planning and London.

Be Central Bedfordshire took a stand at the three-day event promoting key developments across Central Bedfordshire, including Dunstable Town Centre regeneration and development opportunities being enabled by the M1- A5 link and land coming forward at Clipstone Park. This year, the team focused on quality enquiries and, as a result, generated 53 leads, all of which are being followed up.

### **2.3 Business 2 Business Magazine**

We have sponsored a page in the October edition of the magazine with a round up of inward investment and business news <http://www.becentralbedfordshire.co.uk/News/2/Be-Central-Bedfordshire-page-features-in-Business-2-Business-magazine>

**New Businesses** – According to figures supplied by EGi, there have been 4 commercial deals completed in the Leighton-Linslade area since July 2016.

The business types are as follows:

- 1 x Retail
- 2 x Industrial
- 1 x Office

### **2.4 Employment and Skills**

Since the last update, the Council's Bedfordshire Employment & Skills Service (BESS) has awarded a number of new contracts for two academic years and this supplements the training provided by the Council's own Direct Delivery team. The providers deliver a range of employability related training courses which are primarily aimed at unemployed residents, together with number of employed residents who want to improve their skills. There are six providers who deliver a wide variety of courses. These range from short two day 'Step Into' courses for residents who are interested in a new area of work (i.e. warehousing, business administration etc) through to longer accredited courses such as GCSE Maths & English, IT Skills etc.

While the last academic year finished well with BESS fully utilising the available funding, the new academic year has got off to a slow start. This is mostly due to the declining number of unemployed residents across Bedfordshire as a whole.

Amongst the new providers are NOAH Enterprises and Impact Peer Support. These both offer specialist courses which are designed to support residents who maybe homeless, recovering from addictions or have mild to moderate mental health needs. We are hoping to see this provision grow during the year.

For the Leighton Buzzard and Linslade area, our records show we have worked with 58 residents since August 2016. Of these 21 were recorded as being unemployed and looking for work. There were 15 who said they were unemployed and not looking for work and 22 who were already employed and wanting to improve their skills further. To date eight residents have progressed into further training or voluntary work.

The Council currently funds Work Clubs (which are organised by Voluntary Community Action, South Beds) to provide a first point of contact to unemployed residents who are seeking employment. Advisors from the National Careers Service are also involved to give individual and tailored advice about specific careers and general information.

## 2.5 High Street Vacancy Levels

Town centre vacancies % in Central Bedfordshire, August 2015 – August 2016

Town	Aug 15	Nov 15	Feb 16	May 16	Aug 16
Amphill	0	2.2	2.2	0	1.1
Arlesey	6.7	6.7	6.7	6.7	6.7
Biggleswade	2.8	3.5	6.9	7.6	6.9
Dunstable	18.8	17.7	17.7	18.8	15.4
Flitwick	2.6	2.6	2.6	0	0
Houghton Regis	7.1	3.6	3.4	3.4	3.4
<b>Leighton Buzzard</b>	<b>2</b>	<b>3.4</b>	<b>5.4</b>	<b>6.9</b>	<b>6.4</b>
Sandy	6.1	4.5	4.5	6	4.5
Shefford	0	2.5	2.5	2.5	2.5
Stotfold	0	5.6	5.6	5.6	5.6
Average vacancy rate	<b>4.6%</b>	<b>5.23%</b>	<b>5.75%</b>	<b>5.75%</b>	<b>5.25%</b>

Source: Central Bedfordshire Council



## **2.6 Update on Leighton-Linslade Regeneration**

### **Market Intelligence**

Central Bedfordshire commissioned GVA to conduct a Market Intelligence Study toward the end of this summer. The commission included a town centre health check, market research on town centre retail/leisure demand/supply and recommendations for Land South of High Street opportunity.

In addition to the Market Intelligence Report we have also been undertaking our own research to help inform the approach to securing suitable investment and development in Leighton-Linslade Town Centre.

We will issue the Partnership Committee a summary report in advance of the meeting on 1 December 2016.

### **Market Town Regeneration Fund and High Street Improvement Scheme (HSIS)**

Central Bedfordshire continues to support Leighton-Linslade Town Council with implementing measures to increase the vitality and viability of the town centre. Applications from prominent shop owners have been received for HSIS. An architect and retail consultant is working with the applicants to work up designs that will help both the businesses and the image of the high street.

### **Regeneration Delivery Plan**

Our ambitions for the regeneration of Leighton-Linslade remains the same, to create an aspirational destination, aimed at building on the town's strong and vibrant market town heritage. Central Bedfordshire is producing a Regeneration Delivery Plan, which includes a number of measures to help support sustainable growth in Leighton-Linslade and ensure the longevity of the town centre's success. Such measures will include the development opportunity at Land South of High Street, town centre parking and high street enhancements. There will be a period of consultation and engagement in order for people to provide feedback. We anticipate that the Delivery Plan will be available from early 2017.

## **3 LEISURE, LIBRARIES & COUNTRYSIDE**

### **3.1 LEIGHTON BUZZARD LIBRARY AND THEATRE**

#### **Library Service Opening Hours review**

The opening hours consultation closed on Monday 5 September. There was an excellent response; over 1,000 residents took part. Comments and suggestions from the public are now being reviewed. Any changes to opening hours will be implemented in the new financial year, following a staff consultation.

#### **Looking back**

Building works are finally complete and the building now benefits from the installation of energy saving lighting, air handling units and a new ceiling grid. This has been hugely beneficial to the overall appearance of the internal space of the building, offering a light and airy welcome to our visitors.

Throughout the works the building remained open to all customers and staff were able to continue to provide the level of service our customers expect.

Over the summer the library delivered the annual Summer Reading Challenge with the valuable help of 17 young volunteers recruited from the local community. All the staff were impressed with the level of commitment our volunteers showed this year and it has given us an opportunity to develop activities that are of interest to young people who access the library and theatre.

The Library Stitchers group took part in Anglia in Bloom and produced a lovely display to celebrate Beatrix Potter's birthday.

We have recently had an upgrade of our public network machines and customers are noticing the difference with the speed of downloads and efficiency of the system. Clients of the job club that runs on a weekly basis are benefiting from our improved service.

### **Looking forward**

With winter approaching we have a full programme in the Theatre with Panto Snow White headlining our post Christmas events. We continue our very popular National Theatre screenings, film programme, comedy nights and live music.

One of the local upper schools has been able to benefit from a group visit to the library to learn about, and use, our Access to Research on-line facility available in all CBC libraries. Staff will be visiting the school to provide further information on all our on-line resources available to support study and research.

We are increasing our many activities and have recently started a stamp club and an adult colouring club. Over the coming weeks we hope to start Scrabble and board game afternoons.

The Library and Theatre will be attending the Arts Forum event at Astral Park this month to promote the services and events provided by the Library and Theatre.

## **3.2 ACTIVE LIFESTYLES**

This is a busy time for the Friends of Tiddenfoot Waterside Park (TWP) and Linslade Wood, as they continue with their winter work events, that include hedge laying, tree thinning, ongoing works regarding the 'Acid' grassland restoration.

Both sites have retained the 'Community' green flag awards, and currently working on submitting for next years applications for 'Full' site judging.

We are working on doing some 'Tree Planting' in TWP this winter – starting by replacing the reduced poplars along the canal corridor, we are currently working a phased reduction / removal of trees to establish new open areas for future tree planting – the existing trees have started to reach their end of life time and we have experienced a few trees that have fallen across the canal, that have actually closed the canal for a couple of weeks in the past.

We are working with UK Power network regarding fitting of new conductors on the two overhead pylons within TWP, we may have to close some parts of the circular path around the site, although we continue to negotiate to minimise any potential disruption to the park users.

We have been working with Greensands Trust, LLTC and the Environment Agency (EA) in developing the River Regeneration project along the River Ouzel around the town centre – installing deflectors in to the river to divert water flow – to remove build up of silt, creating fish habitat holding areas, increase light levels to the water area

with the hope to create further biodiversity of the river and develop its appearance as a feature of the town for residents and visitors.

### **3.3 Rushmere Country Park**

#### **Looking Back**

The official launch of the Kings Wood and Rushmere National Nature Reserve on 12 July celebrated the extension of the NNR onto a large area of the Park, including the SSSI (Site of Special Scientific Interest) areas of Bakers Wood, Rammamere Meadow and Shire Oak Heath, as well as the Stockgrove Parkland, Lords Hill and the southern half of Oak Wood. The NNR designation does not provide any additional protection to the Park, but is recognition of the management that has been carried out to conserve and enhance the habitats and wildlife of the park. The NNR extension includes all the heathland restoration areas, and the heather regeneration on Lords Hill has been exceptional this year with large swathes in flower in late summer. Plans are also being finalised for the conifer removal in Oak Wood this winter to encourage further heathland and mixed woodland restoration.

Sky TV's Wild Things were back in the summer to film another series. The game show features four teams of two people (relatives or couples) completing challenges on a woodland obstacle course and is filmed in the park.

The period, from July to September 2016, has seen the education team engage with 135 young people in the park (this period includes the school summer holidays). Work included leading outdoor evening sessions with local groups of Rainbows, Brownies, schools and young people's activities including sensory games, trail exploration, nature walks, bug hunting and den building. The groups have travelled to the park from Bletchley, Leighton Linlade and Toddington. The last of our regular ongoing sessions with year 1 pupils from Milton Keynes this year, covered one half term topic learning about the animals of Rushmere through associated stories in nature.

All three days of the "Big Summer Weekend" of fund-raising events at Rushmere 12-14 August were successful and very well attended with figures up on last year, justifying the small promotional spend used. Figures suggest 2,833 people came to the Sunday Summer Fayre with 5,574 visitors over the whole weekend.

The Bug Lab 2016 summer events also saw a rise in visitor numbers across all sites with the Rushmere event particularly busy with over 200 participants.

Other events that took place over the summer and were all fully booked included Wild Night Out, The Camera and Nature Tree Top Talk, Evening of jazz, soul and blues.

In addition to the above the park supported a number of other events including a summer ball; birthday parties; hosted a number of external events such as Xplorer (family based orienteering), Rambler & horse-riding events

A weekly Park Run continues to be successful and celebrated its first anniversary on 5 November. Average number of runners per event in the previous quarter was 148, supported with an average of 16 volunteers per week.

#### **Looking Forward**

Upcoming events include.

- Knit & Natter - Every first Tuesday of the month.
- Feed the Birds - 23rd October, 11am – 3pm.

- Vintage Lounge Jazz and Blues with Alison Carter @ Tree Tops Cafe - Friday 18th November. 19:00 to 22:30
- 1940s music from Fiona Harrison - Friday 25th November. Doors open 7pm
- Fairy Fun Event 26th November. SOLD OUT
- Christmas Fayre, Sunday 4th December, 11am – 3pm. Entrance to the event is free!

### **Christmas Trees for Sale**

1st December till 20th December. 10.00am - 16:00



Come along to Herons View Visitor Centre and pick your Christmas tree from a large selection of fresh Fir's and Spruce trees, many of which are grown at Rushmere. All proceeds go to support the Park.

Pick Your Own Christmas tree - Saturday 10th December. 10.00am - 16:00 - Visit Rushmere's Christmas Tree plantation to pick your own special Christmas tree.

### **3.4 TIDDENFOOT LEISURE CENTRE**

Claire Byles has joined the CBC team as Leisure Contracts Manager.

We are working with the leisure operator to improve the main wet changing area through a capital investment programme which will look to upgrade some areas to improve the appearance, functionality and flooring. We are currently looking at a number of options, but Central Bedfordshire Council is committed to this investment to improve and enhance the leisure centre.

Preparations are in hand for the 50+ group Christmas party where we are expecting over 100 guests.

In the New Year we will be offering customers the opportunity to join regular Health Walks setting out from the leisure centre. This will be a great opportunity to meet new people, get some exercise and enjoy the local area. Afterwards there will be the opportunity to socialise over a cup of tea or coffee.

The crèche at Tiddenfoot is very well attended and we have opened up the whole of the lower studio to offer more space for activities for the children, the site are looking to invest in more equipment and also how it can expand on the number of crèche places it offers.

The operators are working with Badminton England to improve the Badminton offer. 'No strings' badminton works very well at Tiddenfoot, with an average of 250 participants per month. We are hoping to expand this by offering an additional session together with sessions for children/ families.

## **4 HIGHWAYS AND TRANSPORTATION**

### **4.1 Salting and gritting - winter road gritting**

Between October and March each year Central Bedfordshire Council are on full alert and working hard to keep you on the move.

We spread grit, or more accurately, salt, on roads when freezing is forecast and when roads are damp to melt and prevent ice. We try to do salting before the

morning and after the evening traffic peaks, but we work around the clock in bad weather.

We salt just under half of the roads in Central Bedfordshire. Roads carrying the highest volumes, with the greatest risk of accidents or providing key access are given priority.

### **Priority 0 gritting routes**

Roads we will treat in the rare event that resources are not available for treating priority 1 networks. It includes A and B class carriageways, roads serving Upper and Middle schools and the emergency services.

### **Priority 1 gritting routes**

Priority 1 includes all A and B class roads, most C class roads, some UC class roads, busy peak commuter routes, main peak hour bus routes, routes to fire stations, ambulance stations, hospitals, most school bus routes, roads past all Middle and Upper schools.

## **4.2 Free Salt Bag Scheme**

The free salt bag scheme we have run for the last few years will be repeated again this winter. Either one 1 tonne or a ½ tonne bag of road de-icing salt, is available free of charge, to any town or parish council that requests one in one, two or all of the months of December, January and February if your council wishes.

Deliveries for each month will be on Wednesday 14<sup>th</sup> December, Wednesday 18<sup>th</sup> January and Wednesday 23<sup>rd</sup> February. Once the salt has been delivered we will have no further responsibility for it, or its use. Each bag will need to be kept on private land and each town or parish council will take responsibility for the salt which can be spread by local volunteers on minor roads and pavements that are not covered by our gritting routes.

This scheme gives town and parish councillors the opportunity to take responsibility for bags and identify local community volunteers to help spread the salt. If parishes are worried about the implications of doing this, you can find out more on clearing snow and ice safely and effectively by visiting the snow code page on the gov.uk website: <https://www.gov.uk/clear-snow-road-path-cycleway>.

If parishes would like to receive a ½ or 1 tonne bag of salt on each or any of the aforementioned dates they must email Martin Freeman by;  
Friday 2<sup>nd</sup> December (for the 14<sup>th</sup> December delivery)  
Friday 7<sup>th</sup> January (for the 18<sup>th</sup> January delivery)  
Friday 11<sup>th</sup> February (for the 23<sup>rd</sup> February delivery)

Martin can be contacted by email at [martin.freeman@centralbedfordshire.gov.uk](mailto:martin.freeman@centralbedfordshire.gov.uk). Unfortunately, if you contact him after these dates for the particular delivery month, then we will not be able to process this.

#### 4.3 Parking and enforcement

Following the presentation by Jeanette Keyte, Head of Community Safety, Parking and Programme, at the last meeting of the committee, issues were raised about incorrect signage and markings making it difficult to enforce parking restrictions. The following list of works have been commissioned.

##### Leighton Buzzard/Linslade and surrounding areas

Birds Hill Heath & Reach outside Co-Op and hse no 27. All L/W bays and Zig Zag markings need repainting

Bassett Rd L/Buzzard opp hse no 19 l.post no's 4&2 SYL signs need replacing

North St L/Buzzard Outside Ocean Fish bar. DYL needs repainting

Church Rd Linslade. Opp hse no 2 SYL has been blacked out, needs repainting

Church Rd Linslade. Opp The Hunt Lodge/near l.post no 3. SYL has a large gap/ been blacked out, needs repainting

Church Rd Linslade. L/W bay signs missing Opp Hse 3a, opp Hse 4 and opp Rochester mews

New Rd Linslade. No L/W bay signs outside hse 27-29 and outside the White Horse Pub

Waterlow Rd Linslade. Outside hse 48-50. needs sign for SYL

High St L/Buzzard. Outside Wilkinson's. needs signage for D/B bays and Loading only bays

High St L/Buzzard. Outside dry cleaners, needs signage for D/B bays

Rock Lane Linslade. SYL sign missing o/s hse 41/l.post 6 and SYL needs repainting from o/s hse 35 to hse 43 and from hse 2 to St sign

Bunkers Lane Linslade time plate missing from l/post no 8

Grange Close Linslade SYL time plate needed near hse no 48

L/W: Limited Waiting Bay  
SYL: Single Yellow Line  
DYL: Double Yellow Line  
D/B: Disabled Bay

Over the last three months:

- 766 PCNs issued in Leighton Buzzard and 205 PCN's in Leighton Linslade.
- 1196 Visits from officers in Leighton Buzzard and 594 in Leighton Linslade.
- Brand new parking system refit for multi storey including the latest automatic number plate recognition (ANPR) technology procured and to be implemented in January.
- Hockliffe being refitted and converted in to a pay on foot car park including the latest automatic number plate recognition (ANPR) technology to be implemented in January.

Key highlights:

- Procurement of new technology.

Key issues:

- Sign and line issues that have been prioritised and are being resolved (order has been placed and agreed see table above ).
- We are looking to recruit further CEO's which will lead to increased patrols in both Leighton Buzzard and Leighton Linslade.

Key Priorities over the next 3 months:

- West street Multi Storey refit with the latest automatic number plate recognition (ANPR) technology to be implemented in January.
- Hockliffe St Car Park conversion in to a pay on foot car park including ANPR technology to be implemented in January.
- Replace or reline the priority lines and signs across Leighton Linslade and Leighton Buzzard as part of a replacement program.
- Development of an improved schools enforcement program.

Key messages:

- There may be slight disruption to services when the new technology is installed at Hockliffe Street car park and West Street MSCP however this will be managed through forward planning.

## 5. **YOUTH SUPPORT SERVICES**

### 5.1 **Changes in DfE statutory guidance for local authorities (Sept 2016)**

The law requires all young people in England to continue in education or training until at least their 18th birthday, although in practice the vast majority of young people continue until the end of the academic year in which they turn 18. Local authorities have a duty to track the destinations of all 16 and 17 year olds in their area with a view to ensuring that they engage in some form of education or training. From September there is no longer a requirement to track young people aged 18 (school year 14) or older. This will have a direct affect on what is tracked and reported by the service. The number of NEET young people will decrease as 18 year olds (school year 14) will no longer be counted. Therefore, care should be taken when comparing values on previous reports.

### 5.2 **Update on NEET – Central Bedfordshire**

The levels of young people Not in Education, Employment or Training (NEET) still remain low within the Central Bedfordshire area. Out of the total Central Bedfordshire cohort of 5758 young people aged 16 and 17 reported at the end of October 2016, there were 124 (2.2%) reported to have a NEET status and 4627 (80.4%) reported as being in Education, Employment or Training (EET).

The total proportion of young people (school years 12-13) 'In Learning' for year 12 and 13 reported at the end of October was 79.3%.

A total of 1006 (17.9%) young people whose current situation is 'Not Known' exist. This is to be expected at this time of year, as we are currently conducting the Annual Activity Survey where the destinations of all year 12s and year 13s are being confirmed.

### **Current NEET Overview for Leighton Buzzard**

The start of the school/college year normally creates an increase in the NEET and 'Unknown' numbers due to young people moving between destinations. The current overall percentage of the Leighton Buzzard population aged 16 and 17 (school years 12 and 13) reported as having a NEET destination is 2.6%. A NEET status is linked to 22 young people within the area's cohort.

### **Characteristics of the current NEET Group in Leighton Buzzard:**

The following information provides an overview of the characteristics of the current NEET group in relation to:

- **Area:** The ward with the highest recorded NEET number of 11 (50% of the area's NEET group) is Leighton Buzzard North. The Leighton Buzzard South ward has the lowest number and as of Mid-November has only 3 young people with a NEET status (14% of the area's NEET group).
- **Gender:** The gender breakdown shows that there is currently a 2:1 split between the genders (68% Male : 32% Female). The number of females who are NEET has decreased from previous months partly because a large proportion of the female NEETs last year were in the upper age group.
- **Age:** The values reflect the transition of young people leaving compulsory schooling at the end of year 11 and those not continuing with their studies after year 12.
- **NEET Status:** The number of young people within the Leighton Buzzard NEET cohort currently available to the labour market and actively seeking Employment, Education or Training (EET) is 18 (81.9%) compared to 4 (18.2%) who are currently not available for EET due to their personal circumstances (e.g. Illness, pregnancy, etc.). This figure may alter in the coming months as the destinations of those young people who are currently 'Unknown' are confirmed.
- **Time:** 11 young people within the NEET group have been recorded as being NEET for less than 3 months which reflects the number still in transition from year 11 who have no fixed destination in a school, college or training provision.
- **Unknown Destinations:** 123 (14.2% of the area cohort) young people have a recorded destination of 'Unknown'. Included within these were 109 that were transitioning from year 11 and as yet have no confirmed destination. 31 young people could not be contacted using the information held by the service.

The following table gives a break down of the NEETs recorded as living within the area as of Mid November followed by a comparison with the two other areas of Dunstable and Houghton Regis.



Ward	Year Cohort	12-14 NEET	%
Leighton Buzzard North	301	11	(3.7%)
Leighton Buzzard South	249	3	(1.3%)
Linslade	234	4	(1.8%)
Heath and Reach	87	4	(4.6%)

Headline Figures		
Total YPs in area	<b>871</b>	
EET	<b>695</b>	(79.8%)
NEET	<b>22</b>	(2.6%)
Unknown	<b>154</b>	(17.7%)

The next group of tables enables a comparison to be made of the NEET characteristics for the Dunstable, Houghton Regis and Leighton Buzzard areas. The percentages allow comparisons to be made against each area's total NEET population.

Total number of NEETs within each area	Dunstable	Houghton Regis	Leighton Buzzard
	22 (2.7%)	10 (2.3%)	22 (2.6%)

Gender	Dunstable	Houghton Regis	Leighton Buzzard
Male	10 (45.5%)	6 (60%)	15 (68.2%)
Female	12 (54.6%)	4 (40%)	7 (31.9%)

Actual Age (Year 12 & 13)	Dunstable	Houghton Regis	Leighton Buzzard
16	9 (41%)	2 (20%)	7 (31.9%)
17	10 (45.5%)	6 (60%)	13 (59.1%)
18	3 (13.7%)	2 (20%)	2 (9.1%)

Length of Time NEET	Dunstable	Houghton Regis	Leighton Buzzard
Less than 3 months	15 (68.2%)	5 (50%)	11 (50%)
3 - 6 months	4 (18.2%)	2 (20%)	6 (27.3%)
6+ months	3 (13.7%)	3 (30%)	5 (22.8%)

NEETs Available to Work	Dunstable	Houghton Regis	Leighton Buzzard
Seeking Employment or Training	14 (63.7%)	8 (80%)	18 (81.9%)

NEETs Unavailable to Work	Dunstable	Houghton Regis	Leighton Buzzard
Due to Personal Circumstances	8 (36.4%)	2 (20%)	4 (18.2%)

The following table shows the number of young people who have had their destination recorded as 'Unknown'.

Unknown Destinations	Dunstable	Houghton Regis	Leighton Buzzard
Refused Information	0 (0%)	1 (0.3%)	0 (0%)
Cannot be Contacted	18 (2.2%)	17 (3.8%)	31 (3.6%)
Unknown / Left Area	46 (5.5%)	32 (7.1%)	123 (14.2%)

### 5.3 Next Steps

The Annual Activity Survey takes place between September and January to confirm the current destination of young people in years 12 and 13. This will help to identify any new young people who are NEET.

A new 'Leavers' process has been put in place with schools to ensure the Youth Support Service is notified of sixth form pupils who leave school before completing their course.

## **6 SCHOOLS**

### **6.1 New School Places for Leighton Buzzard & Linslade**

Leighton Middle School is currently being expanded from a 4 form of entry, 480 place middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school.

Temporary accommodation is on site to provide the extra children who joined Leighton Middle School in September with the classrooms required due to a delay on site. Some new facilities were however completed on time and are now in daily use including the new art room and the main part of the new dining room.

Council officers and the school's leadership team continue to work with the contractor to ensure a successful, swift and satisfactory conclusion to the project and a revised completion date of the beginning of April 2017 has been agreed. This revised date will give the school time to ready the new classrooms and ensure that furniture and other facilities are in place ahead of the start of the summer term so that classes can begin to move into the new block at that point.

We continue to monitor housing development in the area and the timing of new school places required as a result.

### **6.2 School Admissions**

Across Central Bedfordshire 97% of parents of children transferring to upper school in September 2017 made their application on time and these are currently being processed by the School Admissions Team. Parents will be notified of which school their child is offered a place at on 1 March 2017 (national secondary offer day).

Parents of children starting school (Reception Year) or transferring to middle school for September 2017 have until 15 January 2017 to make their application to the School Admissions Team. Applications will then be processed and parents will be notified of which school they will be attending on the national primary offer day (18 April 2017).

## **7. PARTNERSHIPS AND COMMUNITY ENGAGEMENT**

### **7.1 Town and Parish Council Conference**

**The latest Town and Parish Council Conference was held on Tuesday 22 November, at Priory House, Chicksands.**

The theme for the event was 'Creating Stronger Communities' and included a presentation from Cllr Tony Morris, Vice Chairman of the Partnership committee. The post conference report will be available on our website shortly.

### **7.2 My Central Bedfordshire**

The council has recently launched My Central Bedfordshire – an online tool that allows customers to access tailored information about their area quickly and easily.

By simply entering their postcode people can search for a range of services and information that includes who their local councillors are, nearest planning applications, schools, recycling, health and emergency services. The new system builds on our current Geographic Information Systems (GIS) and online mapping tool and 'Find My Nearest' applications.

Over time it will expand to include more and more council services and customer focused information.

You can find My Central Bedfordshire here: <http://my.centralbedfordshire.gov.uk/>

### **7.3 Cheering Volunteering 2017**

Nominations for Cheering Volunteering 2017 will open in January 2017. The annual awards and celebration event will be held at the Grove theatre on Tuesday 6 June.

## **8. WASTE**

### **8.1 Looking back**

We have exchanged several litter bins for the Town Council, replacing rusty bins with the new "recycle on the go" bins. We have also installed several new litter and dog waste bins in locations requested by members of the public, eg Appenine Way.

#### Key highlights:

We helped the Town Council clear the route of litter, weeds, etc, for the Anglian in Bloom competition and are working with the Town Council to tackle graffiti in and around the town.

#### Key issues:

Dog warden patrols for dog fouling have been carried out in: Appenine Way, Bassett Road, Billington Road, Billington Road Recreation Ground, Brookland Walk, Henry Smith Playing Field Brook End, King Street, Oakley Green, Queen Street, Redhouse Court, Stanbridge Road and Vandyke Road.

## 8.2 Looking forward

Bin collection arrangements over the Christmas period have been finalised and there will be minimal disruption with only one week of collections being affected. Residents will also be able to recycle their real Christmas trees at the kerbside during the week of 9 January 2017 or they can take it to their Household Waste Recycling Centre. Full details of Christmas and New Year collections and HWRC opening times will be on a bin tag received by residents in mid-November, and this will also be widely publicised via the Council website and social media.

The kerbside garden waste collection service will be suspended during December, January and February. This will be publicised widely, including via the Christmas bin tag. Full details of both collections and garden waste suspension are given below.

However, the temporary garden waste site at Vandyke School will operate for a further two Sundays only, on Sunday 4 and Sunday 11 December. As before the site will operate between 9am and 5pm. Permits relating to vehicles and trailers will still be in operation. Prior to both these dates the kerbside garden waste collection will still be in operation.

Refuse and Recycling Collections over 2016/17 Christmas and New Year:

<u>Scheduled collection</u>	<u>Revised collection</u>
Monday 26 December	Tuesday 27 December
Tuesday 27 December	Wednesday 28 December
Wednesday 28 December	Thursday 29 December
Thursday 29 December	Friday 30 December
Friday 30 December	Saturday 31 December

Recycling and domestic waste collections will resume as normal from Monday 2 January 2017.

Residents may recycle their real Christmas trees by leaving the tree **next** to their bin on their normal collection day during the week commencing Monday 9 January 2017. Please ensure it is placed separately, not in any bin or bag. No other garden waste will be accepted. Trees should be no taller than 5ft with trunks no greater than 3 inches in diameter. Alternatively it can be recycled at a local Household Waste Recycling Centre.

**All kerbside garden waste collections will be suspended between Monday 5 December 2016 and Friday 24 February 2017.**

Central Bedfordshire Household Waste Recycling Centres\* are open:

Monday to Sunday 9am-5pm, except Christmas Eve: 9am-1pm and New Year's Eve: 9am-1pm.

Closed: Christmas Day, Boxing Day and New Year's Day.

\*The Leighton Buzzard HWRC site remains closed for redevelopment throughout this period.

**LEIGHTON LINSLADE PARTNERSHIP COMMITTEE**

**June 2016**

**CENTRAL BEDFORDSHIRE COUNCIL UPDATE**

**Purpose of report: - for information**

**1 COMMUNITY SAFETY**

The ASB & Statutory Nuisance Team have achieved the following for LB & Linslade during 1<sup>st</sup> January – 31<sup>st</sup> March 2016

1 Community Protection Notice (CPN) warning issued for street drinking and 1 for vehicle nuisance  
2 CPNs issued for street drinking

Accumulation of waste – 1  
Dog barking - 1  
Fly-tipping – 7  
Graffiti - 1  
Nuisance Neighbours – 1  
Noise – 5  
Rowdy/inconsiderate – 6

22 cases in total

**1.2 Summary of recorded CCTV Incidents Leighton Buzzard 1st January to 31<sup>st</sup> March 2016**

This report contains data gathered by the Council's CCTV Control Room located at Watling House, Dunstable. It includes details of CCTV monitored incidents and arrests by the police in the towns of Dunstable, Houghton Regis and Leighton Buzzard. It does not include details of the police response to any particular incident where an arrest is not made, nor does it include incidents not captured by CCTV; for this reason the data will not reflect the overall picture of crime and disorder in any area. Personal data is excluded to comply with the Data Protection Act 1998.

Date and Time	Location	Brief Summary	No of Arrests
26/1/16 10:19	Bridge Street	Breach of Community Protection Order	
3/2/16 13:30	Waterbourne Walk	Male robs Salvation Army shop	
11/2/16 12:43	High Street	Affray	2
15/2/16 00:33	High Street	Request from police for additional footage relating to Santander ram raid	

5/3/16 17:00	Aldi Store	Serious Assault	7
25/3/16 21:30	Astral Park	Motor cycles causing damage and ASB	
28/3/16 00:38	Lake Street	Affray outside the Lancer	2

## Notes

There were 7 incidents recorded by CCTV during the period leading to a total of 11 arrests. CCTV continues to monitor the area round Astral park Pavilion for problems caused by motorcycles and monitoring of the town centre for problems caused by street drinkers is ongoing.

A re-deployable CCTV camera has been placed in Talbot Court due to recent criminal damage to vehicles and to re-assure elderly residents in the flats and to help police to identify offenders.

## 2 **BUSINESS AND INVESTMENT UPDATE**

### 2.1 **Business support**

**Central Bedfordshire College project** – The College had been working in partnership with the Vinci Technology Centre in Stanbridge Road to develop an Engineering and Construction Skills Centre. However, due to contractual issues between the two parties, the Stanbridge Road site will not be progressed. The Council's Regeneration & Business Directorate are continuing to work and support the college in finding an alternative site within Leighton Buzzard.

**Business TimeBank** – this programme is still operational and we are still receiving enquiries but not as frequently as we used to.

There are different ways that we engage with the business community in order to let them know about the business support offer. We promote this across Central Bedfordshire, including the Leighton-Linslade area in the following ways:

- Businesses can sign up for regular business email news bulletins through 'Let's Talk Business';
- Our new website prompts people to sign up for news bulletins;
- Our social media channels now include Facebook, Twitter, Instagram, Snapchat and YouTube,
- Detailed information can be found on the 'Be Central Bedfordshire' website;
- 'Business to Business' Magazine in which the Council has a regular featured page;
- The Business Support team attend the annual 'Business Network Event';
- Work with 'Velocity Growth Hub' and the business advisers to promote the offer to businesses;
- Promote the business support offer on the Councils website

## **2.2 Employment and Skills**

The Bedfordshire Employment Support Service (BESS) continues to support the residents of Linslade and Leighton Buzzard through the provision of a wide range of courses. All of the courses are linked to improving employability and are aimed mostly at those who are unemployed with modest prior attainment. The courses include, amongst others, Maths & English, Interview Skills, Warehousing, IT Skills and Independent Living (which is aimed at residents with mental health needs). A number of these courses are accredited, which means a certificate is awarded on successful completion of a course.

The courses are delivered by either the Council's own Direct Delivery team or through a network of external providers. BESS also funds the Work Clubs which are well used and this is successfully organised by Voluntary Community Action based in Leighton Buzzard.

Referrals for courses come from a variety of sources and include Job CentrePlus, Work Clubs and through responding to direct publicity. Each Provider will promote their own courses in a variety of ways. The Direct Delivery team promotes the Maths & English courses through flyers and word-of-mouth in the Library, Job CentrePlus and publicising via social media with occasional advertisements placed in a local newspaper.

Since September 2015, BESS has worked with 164 individual residents across Linslade and Leighton Buzzard. While the majority were unemployed, 37 did have a job and 15 of these progressed onto further education.

There were 99 individual learners who were unemployed. Of these 27 progressed onto further education, 6 have gained employment and 7 have commenced voluntary work. During this period BESS has recorded a total of 28 learners who are 'economically inactive' which means they are not seeking employment.

Also during the period since September 2015, BESS has provided funding for two apprentices. One is an Intermediate Apprentice Level 2 Certificate in Early Years Education, the other is an advanced apprenticeship as a Level 3 Diploma in Early Years Education.

At the time of writing, BESS is recommissioning the external providers with a view to letting two year contracts from August 2016. This will continue making employability type training courses available for local residents. Overwhelmingly positive feedback has been received from local residents undertaking the training courses and this is fed back to the Providers and their staff.

### **New Businesses –**

Data from Banksearch indicates that since March 2016 there have been 37 new business start ups (measured through new bank accounts being registered)

## **2.3 Inward Investment**

**Be Central Bedfordshire** – The website continues to attract interest to the area, and has been nominated for a national Planning and Placemaking Award for Promoting Economic Growth.

The highly acclaimed **Be Central Bedfordshire** website, which was launched in March 2015, has been shortlisted for a second national award this year. The website has been shortlisted in the Website of the Year category within the Public Sector Communication Awards.

The website is a public-private partnership facilitated by the council, which has been designed to provide information for businesses looking to locate in Central Bedfordshire and to provide existing businesses details of the support available to help them grow.

The website has a free property search facility, which has played a major part in generating a record number of inward investment enquiries and promoting Central Bedfordshire as a great place to live and work. The winners will be announced at the prestigious ceremony at Arsenal's Emirates Stadium on Thursday, 14 July.

Be Central Bedfordshire is also shortlisted in the Promoting Economic Growth category in the UK Planning and Placemaking Awards, with the winners being announced on Thursday, 23 June.

The shortlisting of this new investment approach reflects the innovative and proactive steps officers have made in securing investment and sustainable growth offer into the area.

According to figures supplied by EGi (Estates Gazette interactive) there have been 3 commercial deals completed in the Leighton-Linslade area since March 2016 and there have been 257 online property searches in the last 3 months.

The commercial deals are as follows:

- 1 x Retail
- 1 x Industrial
- 1 x Transport and Logistics

The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity to the M1.

The employment land on the East of Leighton site is generating interest, both via the Council and directly with the promoters.

A recent success for the Council's Business Investment team is Maritime Transport, the UK's largest independent Transport businesses recently moved into Spinney Park, creating potentially up to 100 new jobs for the area.

**Bedfordshire Food and Drink Awards** – CBC is headline sponsor of the awards where the public nominate their favourite business for 14 category awards. 15 businesses from Leighton Linslade have been shortlisted for the awards ceremony on 13<sup>th</sup> June.

## **2.4 High Street Vacancy Levels**

Town	May 2015	August 2015	November 2015	February 2016	May 2016	% of all A class premises
Amptill	1	0	2	2	0	0
Arlesey	1	1	1	1	1	6.7
Biggleswade	7	4	5	10	11	7.6
Dunstable	47	50	47	47	50	18.8
Flitwick	1	1	1	1	0	0



Houghton Regis	2	2	1	1	1	3.4
<b>Leighton Buzzard</b>	<b>7</b>	<b>4</b>	<b>7</b>	<b>11</b>	<b>14</b>	<b>6.9</b>
Sandy	4	4	3	3	4	6
Shefford	0	0	1	1	1	2.5
Stotfold	0	0	1	1	1	5.6
<b>Total</b>	<b>70</b>	<b>66</b>	<b>69</b>	<b>78</b>	<b>83</b>	<b>9.1</b>

Despite the increase in vacant premises in Leighton, the over rate remains below Central Bedfordshire average. Furthermore, two of the vacant premises did have sold / let boards up, indicating they would shortly be occupied.

### 3 **LEISURE, LIBRARIES & COUNTRYSIDE**

#### 3.1 **Community Physical Activity Team**

##### **Our Parks – Group Exercise Classes**

All enquiries should go through [www.ourparks.org.uk](http://www.ourparks.org.uk)

**CBC Contact: Vicky Buckland 0300 300 4248**

**Funded through Sport England Community Sports Activation Fund**



**Get Fit for Free.** Boxfit classes - a fun way to get fit through a high intensity full body work-out. The class incorporates solid boxing pad work with body conditioning. Currently running twice a week at Appenine Way – Leighton Buzzard.

All classes are led by experienced, fully qualified and insured instructors to cater for all levels of experience, from beginner to expert.

Other programmes:

Health Walks – 22 participants registered with 12-14 attending each week

Walking Football – Cedars Academy –continues to run on a Wednesday evening from 7-8pm with sessions having a weekly attendance of 10/11 participants. £1.50 per session

Seated Exercise Classes – Tudor Court – 20 participants registered with approximate 9/10 attending each week.

Activity 4 Health Scheme continues to run at Tiddenfoot Leisure Centre – with a regular daily register of 8/10 participants on the rolling programme.

#### 3.2 **Countryside Access**

Friends of Linslade Wood and Friends of Tiddenfoot are about to be judged for the Green Flag Community Award scheme in the next two weeks.

The Chair of Friends of Tiddenfoot has been entered for the annual CBC 'Cheering Volunteering' awards.

Friends of Tiddenfoot have been busy with their 'Foragers Way' hedge laying project and CBC are working with them on restoring and managing areas of rare acid grassland for biodiversity.

Preparations are underway for the Canal Festival on 30th July 2016.

The Sites team continue to work closely with the Friends of Linslade Wood with regard to woodland management and developing a programme of walks over the coming year.

Heath and Reach P3 who work alongside LLTC and other P3/Friends groups in the Leighton-Linslade area have reformed/restructured and are working on a series of projects over the year including a survey of all their rights of way, running their annual 'Toad Patrol' helping toads cross busy roads in the village, management of the Heath and Reach community woodland and a 'Clean for the Queen' clean-up around the parish.

### **3.3 Leighton Buzzard Library and Theatre**

After many years service the Centre Manager, Hazel Kerr, has retired. A new Centre Manager, Colette Seale, was appointed in January 2016.

The Centre is currently undergoing building works due for completion in July. New air handling units, acoustic ceiling tiles and energy saving lighting are being installed in both the Theatre and Library.

#### **Looking Back**

There have been many events in both the Library and the Theatre. Maddy Prior was a great audience puller and there was positive feedback from those lucky enough to get to see her. Library as a Laboratory held one of the final events in this very mixed and exciting programme. Geraldine Pilgrim did a site specific performance of her successful installation 'Handbags'. Local residents were invited to take part in a choreographed event in the Theatre auditorium.

The Library hosted 'Librarian Theatre' whose 'potted' version of Hamlet was received well and attracted a new audience to the Library.

A regular weekly session 'crafty tots' has been set up and is proving very popular alongside the Story Time, Rhyme Time, Lego club and Babies Meet and Chat sessions already provided on a weekly basis.

New bench tables have been installed ready for our new Public Network machines.

#### **Looking Forward**

The Theatre has an exciting and varied programme over the coming months. Live performances for children including 'My Pet Monster and Me' and 'A Boy and A Bear in A Boat'

There continues to be a variety of films and Cinema events. We have a Royal Opera House Live Screening of Frankenstein, and local theatre groups will be performing Blackadder and Bugsy Malone.

The final event for Library as a Laboratory will take place next month. This will be the launch of the Music CD that has been produced as a result of the Dump it on Parliament event held last year. The artists Dash'n'Dem alongside all the other participants will be on site for the launch.

The Library is preparing for the annual Summer Reading Challenge, always a busy, exciting and challenging time, and assembly visits have been arranged for all our local schools. Craft events will be running throughout the summer holidays. Animal Edutainment will also be paying a repeat visit.

We will be having a series of talks by Bedfordshire Archives and Records office. We have an active family history group running weekly sessions and previous sessions provided by BLARS proved very successful

**The council is asking for your views about proposals to change opening hours at your libraries.**

The Library Service is required to meet an efficiencies target, identified in the council's Medium Term Financial Plan, of £85,000 from 1 April 2017. Overall, the Library Service will be reducing opening hours by 30 hours a week.

As part of the proposed changes the Library Service is also trying to find ways of opening libraries to communities outside normal opening hours so as to make the best use of the buildings. This includes evenings and weekends. Buildings could be used for activities such as health advice sessions, local meetings, or adult education. This is part of the council's objectives in the Five Year Plan to foster self sustaining communities and support people to help themselves and others.

These proposals mean that no library in Central Bedfordshire will be closed. All libraries will retain professionally paid staff.

#### **4 HIGHWAYS AND TRANSPORTATION**

Highways numbers for December 2015 are below , numbers for April 2016 will be reported at the meeting

Highways performance - December 2015	
Potholes repaired	288
Carriageway resurfaced	446m
Street lights repaired	395
Street lights upgraded to LED	307
Emergency street light repairs	22
Rural grass cut	150km
Gullies cleaned	1,012
Gritting runs	2

(Please note that these figures are Central Bedfordshire wide)

Mild weather meant an incredibly low number of gritting runs. Current resurfacing programmes were completed in December; the new programmes start in March 2016. Rural grass cutting was also completed in December and resumes in April.

#### **5 SOCIAL CARE, HEALTH AND HOUSING**

**5.1** Central Bedfordshire Council wants to improve the day services available to older people and adults with disabilities.

It is understood that people can get concerned that services they rely on may be changed or withdrawn so to be clear our intentions are to improve the day offer available.

The first thing is to meet with current and future customers, their families and carers though the summer of 2016 to understand what is important and what they value, help shape the future offer for day services. There will then be a formal consultation on the plans in late 2016.

Key Priorities over the next 3 months:

Our priorities include:

- Ensuring all key stakeholders are fully informed and involved in what we are doing, maintaining a co-production approach to improving the Day Offer.
- Engagement with staff and customers via meetings and other forums to establish their thoughts of 'what good looks like'.
- Promotion of and commencement of the formal consultation process to gain formal feedback from stakeholders regarding any proposed changes.

Key messages:

- We want customers and family carers to help us develop new services that meet their needs.
- Nothing will change until everyone has had their say and the new approach is agreed, then we will discuss individual needs and the options with everyone who is affected.

We are not changing the eligibility for day services, but the way some of these are delivered may change. If you receive day services now you will continue to do so but we want customers and carers to have choices that are more suited to their needs.

## 6 YOUTH SERVICES

### **Update on NEET – Central Bedfordshire**

The levels of young people Not in Education, Employment or Training (NEET) remains low for young people aged 16 to 19 within the Central Bedfordshire area. Out of the total Central Bedfordshire cohort of 8757 young people, at the end of March 2016 there were only 280 (3.4%) reported to have a NEET status and the number of young people in Education, Employment or Training (EET) was 8073 (91.9%). The proportion of young people (School years 12-14) still 'In Learning' has risen to 83.5%.

### **NEET Overview for Leighton Buzzard**

Since December 2015, there has been a very small decrease in the number of NEET young people living in the Leighton Buzzard area of 1. In December 2015, 51 were recorded as being NEET and at the end of March 2016, this had decreased to 50.

The overall % proportion of the Leighton Buzzard population aged 16-19 who are NEET is 3.9%.

### **Characteristics of the NEET Group in Leighton Buzzard:**

The following information provides an overview of the characteristics of the current NEET group in relation to:

- **Area:** The ward with the highest number of recorded NEET, 31 (62% of the NEET group in the area), remains as Leighton Buzzard North. The Heath and Reach ward consistently has the lowest number with only 3 (6% of the NEET group in the area). The general trend for the Leighton Buzzard area is downward apart from Leighton

Buzzard North which has had a small increase of 5 young persons being recorded as NEET since December 2015.

- **Gender:** The gender breakdown shows that the number of females who are NEET is 27 (54%), which is higher than the male number of 23 (46%). Since December 2015 the trend for males is decreasing whilst the female group is increasing.
- **Age:** The age breakdown indicates that the number of NEET young people increases with age. As in previous months it is the older young people who tend to be part of the NEET group. The 18 year old group is currently the largest with 30% of the areas NEETs.
- **NEET Status:** The number of young people within the NEET group currently available to the labour market and actively seeking EET is 31 (62%) compared to the 19 (38%) who are currently not available for EET due to their personal circumstances (e.g. illness, pregnancy, etc.).
- **Time:** The majority of young people within the NEET group have been recorded as NEET for between 3-6 months.
- **Unknown Destinations:** At the end of March there were 50 (3.9%) young people living in the area whose destinations were 'Unknown'. Included within these were 4 that were contacted but were unwilling to provide any information concerning their current destination and the remaining 46 young people who could not be contacted using the information held.

The following table gives a break down of the NEETs recorded as living within the area followed by a comparison with the two other areas.

Ward	Cohort	NEET	%	Headline Figures		
Leighton Buzzard North	435	31	(7.2%)	Total YPs in area	1291	
Leighton Buzzard South	354	7	(2%)	EET	1191	(92.3%)
Linslade	375	9	(2.4%)	NEET	50	(3.9%)
Heath & Reach	127	3	(2.4%)	Unknown	50	(3.9%)

The next group of tables enables a comparison to be made of the NEET characteristics for the Dunstable, Houghton Regis and Leighton Buzzard areas. The percentages allow comparisons to be made against each area's total NEET population.

Total number of NEETs within each area	Dunstable	Houghton Regis	Leighton Buzzard
	63 (4.9%)	33 (5.1%)	50 (3.9%)

Gender	Dunstable	Houghton Regis	Leighton Buzzard
Male	26 (41.3%)	18 (54.6%)	23 (46%)
Female	37 (58.8%)	15 (45.5%)	27 (54%)

Age	Dunstable	Houghton Regis	Leighton Buzzard
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16	6	(9.6%)	5	(15.2%)	7	(14%)
17	16	(25.4%)	12	(36.4%)	14	(28%)
18	25	(39.7%)	10	(30.4%)	15	(30%)
19	16	(25.4%)	6	(18.2%)	14	(28%)

Length of Time NEET	Dunstable	Houghton Regis	Leighton Buzzard
Less than 3 months	26 (41.3%)	18 (54.6%)	12 (24%)
3 - 6 months	24 (38.1%)	11 (33.4%)	22 (44%)
6+ months	13 (20.7%)	4 (12.2%)	16 (32%)

Unknown Destinations	Dunstable	Houghton Regis	Leighton Buzzard
Refused Information	6 (9.6%)	2 (6.1%)	4 (8%)
Cannot be Contacted	32 (50.8%)	23 (69.7%)	46 (92%)
Unknown	2 (3.2%)	0 (0%)	0 (0%)

NEETs Available to Work	Dunstable	Houghton Regis	Leighton Buzzard
Seeking Employment or Training	40 (63.5%)	25 (75.8%)	31 (62%)

NEETs Unavailable to Work	Dunstable	Houghton Regis	Leighton Buzzard
Due to Personal Circumstances	23 (36.6%)	8 (24.3%)	19 (38%)

### Next Steps:

The Youth Support Service (YSS) will be taking the following action to ensure NEET numbers remain low in Leighton Buzzard:

- The YSS will continue to use new approaches to tracking young people so they can be identified and supported into education. This will include the use of social media and text services
- The YSS will continue to make available high quality Information, Advice and Guidance to young people who are NEET or at risk of becoming NEET in Leighton Buzzard
- The YSS will undertake further analysis of the NEET group – particularly in Leighton Buzzard North to establish whether further work could take place to support young people at risk of becoming NEET

A joint presentation to the Partnership Committee is planned for December 2016 together with TACTIC

## 7 SCHOOLS SCHOOLS

### 7.1 School Admissions in Leighton Buzzard & Linslade

Across Central Bedfordshire 94 per cent of the 3,392 pupils were allocated their first preference school in the on time Starting School 2016 allocation. Of those that didn't, four per cent got their second preference, one per cent achieved their third preference and the remaining one per cent will be allocated an alternative school which has places available.

In the Transfer to Middle 2016 allocation 96 per cent were allocated their first preference school; with three per cent offered their second preference and one per cent their third preference.

For Transfer to Upper 2016 all parents requesting Cedars Upper and Vandyke Upper were offered places at their preferred schools.

## **7.2. New School Places for Leighton Buzzard & Linslade**

Official opening ceremonies were held before half term at 2 Leighton Buzzard schools – Leedon Lower and Clipstone Brook Lower. Both schools have been expanded by an additional 150 places under the Council's New School Places Programme in response to the increasing demand for school places within the town.

Leighton Middle School is currently being expanded from a 4 form of entry, 480 place middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school. The additional places will be available from 1 September 2016.

We continue to monitor housing development in the area and the timing of new school places required as a result.

## **8 PARTNERSHIPS AND COMMUNITY ENGAGEMENT**

### **Joint Committees Review**

Following consultation with the 4 Joint Committees across Central Bedfordshire discussions are on going with Members and senior management to determine how we can strengthen relationships with T&PCs.

These discussions are built on the consensus amongst Central Bedfordshire Council and Town Council members as to the value of the joint committee concept and improvements needed including more weight and influence and be on the radar of officers CBC and TC especially for locality working

Cllr Tracey Stock has been given responsibility as a Deputy Exec Member for Resources to look after relationships with TPC's.

### **Cheering Volunteering 2016**

99 nominations for the Cheering Volunteering 2016 Awards were received and 529 guests booked seats to enjoy the celebration and awards evening at the Grove theatre on 7 June . This was an increase on 400 guests in 2015.

The Grove hosted the 2016 awards which took place on Tuesday, 7 June – at the end of National Volunteers' Week –compered by Tom Jones impersonator Billy Lee, who was a huge hit with the crowd.

The event was organised by the council's Partnerships and Community Engagement Team, along with Central Bedfordshire's Volunteer Centres, to say thank you to those who give their time to help others. Seven awards were presented:

- Young Volunteer of the Year
- Volunteer of the Year
- Volunteer Group of the Year
- Outstanding Contribution
- Lifetime Achievement
- Fundraiser of the Year
- Panel's Choice

We have received excellent feedback from guests and sponsors and are looking to make this an annual event. Leighton- Linslade was well represented by the Children' s Theatre and Graham Mountford for his excellent contribution to responding to local emergencies.

## **9 WASTE**

### **9.1 Looking back**

#### We achieved:

Waste Services helped clear up waste after the recent May Day Fayre.

Grounds maintenance has begun with grass cutting underway and 3 weed sprays due over the growing season.

#### Key issues:

Following the application of information stickers on recycling bins before Christmas, waste collection staff have been affixing tags to recycling bins that contain items that cannot be recycled. This has generally been well-received.

Grounds maintenance has commenced, with regular grass cutting every 3 weeks during the growing season. Grass cutting in Redwood Glade is to be carried out prior to their street party in June. Similarly, there are various other street parties taking place which necessitate road closures.

The number of abandoned vehicles has increased over recent months due to the low value of scrap metal.

Dog warden patrols for dog fouling have been carried out in: Appenine Way, Bassett Road, Billington Road, Billington Road Recreation Ground, King Street, Queen Street, Vandyke Road.

### **Looking forward**

#### We are planning:

Street cleansing will be carried out along the route for Anglia Bloom to ensure it is clean for the judging day on 7<sup>th</sup> July. In addition permission has been given by Highways to LLTC for Leighton in Bloom to undertake some landscaping works to the Hockliffe roundabout and adjacent beds in advance of judging day.



Dear Andrew

I am writing with deep concern for the town centre following the decision by CBC to grant planning permission to the EDS "out of town" retail park. I know how supportive you are of local business, the community, and local enterprise. Indeed, you are our champion and I so beg you to lobby the Minister on our behalf for a call in

I hope that I am not too late for this letter to be relevant; alas this type of focused concentration on legal argument is so slow due to the fog like mental state that goes with ME/CFS. SO many apologies for taking so long to write to you on this.

I have put a lot of work into this as I wanted to make sure that I genuinely had a different argument to the Judicial review that I took against the Claymore "out of town" retail park as I very firmly believe that the time of the legal system should not be wasted

. After three weeks of working really hard on this I am convinced that if this decision is not called in there is a different and much much stronger case for Judicial Review than on the Claymore based the Wednesbury Test of Unreasonableness and the ruling of Tesco Stores Ltd v Dundee City Council re the duty of Planning authorities to follow their Development plan.

The planning decision on the EDS site is not in accordance with the policies of the development plan which consists of some saved polices from the 2004 South Bedfordshire Local Plan, the NPPF and the technical evidence base of CBC. Therefore, it goes against the ruling in the Tesco Stores Ltd v Dundee City Council para 17 that "The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: ... His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it. "Although the ruling continues with acknowledgement that that judgement must be exercised by the planning authority's ties, it does also say "Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean". The decision also goes against the Wednesbury Test of Unreasonableness as the statement that the town centre is not suitable for bulky goods and not reliant on DIY is contradicted clearly and obviously by the evidence of your eyes if you walk through the town centre as there is a long list of DIY and bulky goods shops in the town centre.

I am also concerned that the Development Management Committee were misled by the councillors from Leighton Buzzard regards the state of the town centre and the possibility of linked trips and this influenced incorrectly their decision; Cllr Dodwell speaking as the ward councillor to the committee, many of whom lived the other side of the local authority area to Leighton Buzzard stated that the town depended on specialist shops and coffee shops but if you wanted a sofa or DIY you had to go to Milton Keynes . Leighton Buzzard has two large furniture stores in the town centre; one of which is over 800sqm and a similar sized domestic appliance shop, hardware and DIY shops in the town centre with Jewsons 100m from the town centre and Homebase about 400 metres, with Screwfix and Travis Perkins closer to town on Grovebury road than the EDS retail park. This contradicts the CBC retail Study ( Tym) 2013. Cllr Dodwell also

stated that people would be likely to travel into the town centre after the visiting the retail park. This misled the councillors as she did not mention the high level of congestion along Grovebury Road which makes travel into the town centre by car extremely difficult and walking unpleasant.

There are serious concerns as there is a high demand for employment land in the area as articulated by Cllr Spur in the planning meeting, supported by updates from CBC to the Partnership Committee, as well as the saved policy E1 from the South Bedfordshire Local Plan as well as the CBC technical evidence base which is a material consideration so the loss of this site for employment land is concerning. The arguments that there is little reasonable prospect of employment uses on this site in the middle of an employment area that is in high demand, are based on documents not in the public domain and that do not appear to have been shown to Cllrs on the planning committee.

A "Call In" is needed as this decision could really negatively affect economic growth of the town and the wellbeing of the town centre especially independent local traders and the 100-year-old market. This could really impact on the fact that the area is an area of housing growth beside the new strategic A5-M1 link. The resulting congestion of the two retail parks could cause serious problems for the industrial area and the link onto the new strategic A5-M1 link.

This decision also undermines the evidence base on employment and retail for the core strategy which could harm the progress of the core strategy which the area so needs.

A public inquiry is the best vehicle to examine the strength of the arguments on both sides and come to a fair decision is because of the detail and complexity of retail and employment arguments.

Please don't let the legacy of a Conservative Council with a Conservative MP be the demise of Leighton Buzzard's high street, local businesses and the 1000-year-old market. Towns without "out of town" retail parks have low town centre vacancy rates such as Thame -3%, Reigate 1.8%, Rickmansworth 2%, Henley Upon Thames 4%, Epping 1% and Leighton Buzzard until up to now, whereas town centres with "out of town retail parks" have higher vacancy rates. Dunstable has town centre vacancy rate of 17%. It is very concerning that Cllr Young is so keen to use the example of Dunstable as a reason to support the out of town retail park the town centre success of Dunstable.

I am begging you to also consider the social and community costs of the retail parks. Leighton Buzzard has an unusually high number of independent local retailers with two large furniture shops, DIY, pet's shops, as well as some specialist shops. These along with the market traders play a huge role in the local community. For those on a state pension, who can't afford to go out in the evening or to pay for activities and hobbies, coming into town and talking to market traders and local shop keepers often is major part of their social life and support structure. This in turn supports the living longer living independently agenda and reduces costs to social care and the NHS.

The town has a 1000-year market and an active farmers market supporting local British farmers. Loss of footfall could really damage the market trader who are already suffering a down turn in

trade. With rising town centre car parking charges, rising business rates, the change to national insurance, the pressures on small business are huge at present. And it is very likely that we could lose three of the largest retailers in the town which could really harm the town centre according to the latest report from CBC on retail in Leighton Buzzard. I know that TK furniture. Dillamores and Cee jays are coming to see you on 7<sup>th</sup> April as they are all concerned as to whether they can continue

Below are the detailed reasons for a Call In.

I do hope that you can persuade the minister to "Call in" the application

## Detailed reasons

### Employment grounds.

**Summary ;** There has to be a clear and consistent understanding of the development plan as well as a clear understanding of the reason why it has been departed from. I argue that both the officers report and the Development Management Committee showed a lack of understanding of the development plan/ NPPF. In addition the evidence for the departure from the development plan is based on documents that are not in the public domain and appear not to have been shown to councillors. There is a large body of evidence from CBC showing a shortage of employment land in the area.

1. **There has to be a clear and consistent understanding of the development plan and this has been clarified in case law;** *Tesco Stores Ltd v Dundee City Council* states . para 17. *It has long been established that a planning authority must proceed upon a proper understanding of the development plan: see, for example, Gransden & Co Ltd v Secretary of State for the Environment (1985) 54 P & CR 86, 94 per Woolf J, affd (1986) 54 P & CR 361; Horsham DC v Secretary of State for the Environment (1991) 63 P & CR 219, 225-226 per Nolan LJ. The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: it cannot have regard to the provisions of the plan if it fails to understand them."*
2. It is understood that an exercise of judgement by the planning authority is needed but it needs to be reasonable; Para 19 *"As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.*

3. **The judgement continues to clarify this by further explaining that the planning authority has to follow the meaning of the words in the development plan in para 20**  
*"If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."*
4. **Therefore the decision has to be based on an understanding of the development plan. The Development Plan in this case as regards employment is the saved policy E1 from the South Bedfordshire Local Plan and the NPPF and the technical evidence base from the previously submitted Core strategy which CBC describes in the officers report page 69** *"At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decision"* I would argue that in the absence of a core strategy the latest technical updates commissioned by CBC also are a material consideration.
5. **CBC was criticised for its plan making abilities and understanding of the local employment situation by the Inspector in the examination of CBC's previous draft core strategy.** The CBC core Strategy was withdrawn in 2015 on the Inspector's advice due to the failure of the Duty to Cooperate on housing but also on employment.. The report was very critical of both the policies and the lack of evidence base on employment land allocation. The report stated  
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=17782&p=0> para 58." *The Plan identifies land to support the delivery of an additional 27,000 jobs over the Plan period. This is stated to be an aspirational figure and, as far as I can tell from the limited discussion held during the Examination to date, is only tenuously linked to any assessment of future employment growth.*  
**59. There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I"**
6. **The Inspector highlighted the lack of cooperation with Luton over accommodating the need for employment land from Luton.** *Para 62. Cllr Young defends the Plan's approach to employment provision suggesting that LBC's emerging homes: jobs provision is not balanced and that a more flexible approach to employment land could boost housing supply in Luton where it is most needed. This reinforces my observation about the lack of acceptance of LBC's urban capacity estimate."*
7. **The Inspector then gives a conclusion that is very critical of Central Bedfordshire Councils approach to planning for housing and employment land in the context of the Duty to Cooperate; para67."** *In summary, there is almost no evidence of any active, constructive and ongoing engagement on this important cross-boundary issue. The differences between the Council and LBC seem to be part of their wider failure to reach an accommodation on housing provision. The uncertainty of other neighbouring authorities over*

*the nature and effects of the employment approach pursued in the Plan simply could not have arisen in my judgement had the Duty been complied with on this matter."*

8. **Furthermore CBC's own technical evidence base for the core strategy (withdrawn in 2015 )shows a shortage of employment land and as I explained in paragraph 4 this technical evidence base is considered a material consideration.** The Local Economic assessment by GVA for CBC 2012 and used as supporting evidence for the submitted draft core strategy( withdrawn 2015) shows a shortage of employment land supply in Central Bedfordshire Council [http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014\\_tcm3-7430.pdf](http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014_tcm3-7430.pdf) 1.22 *Providing suitable employment land and premises for existing businesses to grow and new businesses to locate in Central Bedfordshire and create jobs is a priority for the Council, however in the last year, the loss of employment land to other uses has outweighed the gains. Some of the main losses have been in office space in areas like the Dukeminster Estate in Dunstable, however some of this land has been replaced with residential and extra care, which will provide additional employment opportunities. Central Bedfordshire Council has worked closely with partners to improve provision of premises that meet business needs, and this is evident in the opening of the Incuba Centre in Dunstable to provide office space for small and start up businesses. Nevertheless, the loss of land may need to be considered in relation to longer term jobs growth."*
  
9. **The statements in the Officer report then surely shows a lack of understanding by officers and Cllrs of CBC of the development plan in light of the Inspectors report on the previous core strategy submission which suggesting that the employment needs of Luton had not been accommodated , and the Local Economic Assessment 2012 for the core strategy , the policy E1 in South Bedfordshire Local Plan, and with the overwhelming evidence from CBC of shortage of employment land in the area provided further on in this document. The officer's report gives the impression of widespread availability of land para 2.3 "Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites."** This surely fits into the Humpty Dumpty description of plan making in *Tesco V Dundee* **"they cannot make the development plan mean whatever they would like it to mean."** Para 19 *TescoStoresLtd v Dundee*
  
10. **The Officer report's comments on employment land availability contradict the saved policy from South Bedfordshire Local Plan adopted 2004; policy E1** "Within main employment areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or b8 of the use classes order 1987. The point of this policy is explained .para 1 *" The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, relationship to public and private transport infrastructure and facilities, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and*

*commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects"* **Therefore this area on Grovebury road has been allocated as a main employment in policy E1 as it is most suitable for employment due to a host of reasons including closeness to transport infrastructure. In addition to this argument of 2004 the new A5-M1 strategic link road is about to be opened this year and so this will, strengthen the accessibility to transport infrastructure hence supporting the allocation of the area for industrial use. This is in direct contradiction to the line in the officers report "Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway."**

- 11. The development plan still allocates this area as employment land to meet the anticipated needs of business.** The CBC Development Plan in the absence of up to date policies/ core strategy consists of saved policies from South Bedfordshire Local Plan adopted 2004 and the NPPF. The NPPF para 21 and 22 are relevant to employment land. **The NPPF states in para 21 "local planning authorities should:• set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;"** Saved Policy E1 of the South Bedfordshire Local Plan explains that this area has been allocated for employment due to its audit and evaluation of future industrial needs. ***" The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, relationship to public and private transport infrastructure and facilities, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects***
- There is no evidence base from CBC to support the removal of the allocation of this land for employment.** Indeed the Inspector in 2015 on CBC's core strategy stated ***There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I"*** The evidence base that I am about to go through in detail in the paragraphs below increases the support of this allocation.

- 12. Recent evidence from CBC shows that there is a high demand for employment land in Leighton Buzzard. CBC updates to the Partnership Committee of Central Bedfordshire Council and Leighton Linlade Town Council show a demand for more employment land.** The Partnership Committee had an update from CBC in June 2016; item 10 on the agenda which states in para 2.3 page 4 of the agenda item; ***"The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity***

to the M1.” (this item is attached). The Partnership Committee was also updated in December 2016 by CBC in item 8 on the agenda in section 2.2 “Be Central Bedfordshire website [www.becentralbedfordshire.co.uk](http://www.becentralbedfordshire.co.uk)) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1st April 2016, with Leighton Linslade featuring prominently.” (this item is attached)

13. **In 2014 November , CBC ( Abel Banu) advised the applicant of the need for industrial land in the area and so did not support a change to residential.** This is in the supporting document (Appendix B A7) also attached. The applicant considered residential development and had contacted CBC .This is in the supporting document (Appendix B A7) also attached. CBC stated that “ *the report also notes a number of business in and around the area unable to locate suitable premises.* It continues “ *I would note that the recent A5-M1 link has the potential to transform accessibility to the site from a commercial perspective.*” It continues that “*Certainly with the Councils plans to facilitate 27,000 new jobs by 2031 there is very much a need to provide a range and choice of business premises to facilitate this.*” (The officer in this instance mentions the possibility of wider employment generation, but there is not an evidence base supplied to support this departure from the development plan and the evidence of lack need for industrial land in the area)
  
14. **Cllr Spurr, executive member for Community Services for CBC ( until 10/3/17) spoke at the Development Management meeting on 1/3/17 to say that there was a need for employment land in the area.**
  
15. **CBC turned down in February 2013, a similar ( slightly larger )retail development ( Barwoods) in Grovebury road in 2013 due to loss of employment land.** Below are the minutes with the reasons for refusal.  
<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road “*That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority’s primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based*



firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

**The decision on the Planning balance: Whether there is a reasonable prospect of the site being used for allocated employment land.**

**16. The officers argue in their report that there is little chance of employment uses except at a much lower rate than other employment areas and the retail park para 2.3** *The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. para 2.4 The proposed non-B Class development is considered acceptable given the current low level of employment use on the site when compared to the proposed uses."*

**17. The CBC Development Plan appears not to support this.** The Development Plan consists of the following; the saved policy E1 from the South Bedfordshire Local Plan saved policy E1 from the South Bedfordshire Local Plan, the NPPF and the CBC technical evidence for the previous core strategy submission. The saved policy E1 gives no option for this departure from allocated employment land. The NPPF. Para 21 states *"Planning policies should avoid the long term protection of sites allocated for employment use **where there is no reasonable prospect of a site being used for that purpose.** Land allocations should be regularly reviewed. **Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."** Moreover the CBC technical evidence (which the officers report says is a material consideration) which includes the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 . The GVA technical report supports a policy in the draft core strategy for a strict criteria for scoring the prospect of future employment which does not support open A1 policy retail . The following extract is from the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 *"Policy 7: Employment Sites and Uses Across the portfolio of employment land within Central Bedfordshire, planning permission will be granted for appropriate B1, B2 and B8 uses. In order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites will also be considered on a site-by-site basis in relation to the following criteria. • the supply pipeline available for B1, B2 and B8 uses within the locality; • the suitability and impact of the proposal in relation to the location and neighbouring land uses; • an increase in the number of jobs that can be delivered; • traffic generation and suitable accessibility; and • the potential to strengthen existing clusters through the delivery of**



*complementary employment generating uses. To support the role and function of the town centres, retail uses will not normally be considered appropriate on employment sites.*

*Exceptions will be considered on a site by site basis for bulky goods and other forms of specialist retailing less suited to a town centre location. GVA Critique 4.50 **Broadly this is a strong policy which clearly defines the locations of employment sites across Central Bedfordshire. This is necessary and brings clarity to future development locations.** This policy is also designed to enable the Council to respond to market pressures, and to be able to consider additional sites that have not been allocated provided certain critical criteria are met 4.51 It is advised that, in line with recommendation R5, Central Bedfordshire Council consider implementing criteria whereby those sites which have strong transport links are considered for strategic warehousing uses. The scoring criteria established in this report could be used as a basis for this assessment. Central Bedfordshire Council Employment & Economic Study Stage 2 Report - Draft August 2012*

18. This scoring above in the technical report does not seem to be applied at all by CBC to the EDS application as there is significant demand for employment land, indeed a shortage of employment land in the immediate area. This criteria also highlights that retail will not normally be considered although there will be consideration for bulky goods sites. However this application was passed as open A1 and the bulky goods category has been removed from the NPPF since then; as is shown in Annex 2 of the NPPF Town centre uses. Therefore it appears that CBC have shown little understanding of their development plan in deciding on employment uses of the site
19. **The argument for change of use is based on the officers statement without back up information.** The officers states in para 2.3 *"The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses."* -that the client has made best endeavours to market the site.
20. **However the evidence on marketing initiatives for the site are based on documents not in the public domain and it appears that these documents have not been shown to the Cllrs in the Development Management Committee.** The officers base their conclusion on the fact that EDS argue in their report that there is no reasonable prospect of employment in Appendix A, page A4 of the "Supporting documents" which can be accessed through <http://www.centralbedfordshire.gov.uk/publicportalviewer/publicViewer.html?caseID=CB/16/00814/OUT> and then clicking on "supporting documents 659717", In para 2.1 *"despite consistent and continuing efforts over the years, the agencies instructed by our clients have been unable to identify any situation or any potential developer/ occupier whereby the overall redevelopment of the Camden site for continued employment use was a realistic and realisable prospect.* Para 2.14 based on para 2.1-2.7 states that reports that support this conclusion have been shown to the council for an preapplication enquiry process in 2014. Para 2.4; refers to the pre-application CB/14/00655/PAPC and CB/14/001499 .It is not possible as a member of the public to access these. ( I have not had time for an FOI on this) These documents are not part of the supporting evidence for this application so it is impossible to know if active marketing measures have taken place or reasons why this site is not attractive for redevelopment for industrial use when there is a reported shortage of industrial land locally. **It appears that these supporting documents showing the**

marketing initiatives have not been shown to the Councillors on the Development Management Committee.

21. **An Appeal decisions by an Inspector shows that more than the word of the applicant is needed to show that “there is not reasonable prospect of the site being used for allocated employment issues.”**The Inspector in the appeal decision 2013 on Land off Pershore Road/Fordhouse Lane, Stirchley, Birmingham, West Midlands B30 3BW [http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision\\_Stirchley.pdf](http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision_Stirchley.pdf) says in para 21. *“However, it is far from clear that a sustained and committed period of marketing of the site for industrial use, in the form now proposed for the alternative use, was realistically undertaken. On this basis, I am not persuaded that the loss of industrial land has been shown to be justified. The proposal conflicts with the development plan policies to which reference has been made. Although it is not explicit as to how the reasonable prospect of a site being used for the allocated employment use should be assessed, I also find that the loss cannot be justified under the NPPF.”*
22. One Cllr on the Development Management Committee pointed out that if EDS wanted the area for retail it is then not surprising that they did not build industrial units to attract investment.
23. I also believe that this is relevant from Planning resource 30 July 2015 ,
- 24. Plans to erect a 1,500m2 food store within a designated strategic industrial location in west London were rejected despite the appellant claiming that the character of the immediate area had a more varied and retail nature.**
25. *The site lay within one of the largest concentrations of industrial land in west London but it was notable that adjacent retail uses included Topps Tile and Screwfix, a complex known as Vue Cinema, and a leisure park. Nonetheless, these uses existed when the area was designated as a primary industrial location, the inspector noted, and no objections were raised at the time to the appeal site being included within it. Both the London Plan and the council’s core strategy were clear that the loss of such land should only be contemplated through the plan-making process and not via ad hoc releases. Such areas were intended to provide a reservoir of industrial land which deserved the strongest protection, the inspector held. The fact that the immediate area had a different character from other parts of the designated area was a dangerous argument to accept which would lead to progressive erosion of the industrial land supply.*

## Town centre policies

CBC ignored the latest technical evidence which I argue forms part of the Development plans for Central Bedfordshire Council and hence showed a lack of understanding of the Development plan. Tesco Stores Ltd V Dundee City Council 2012 quotes in para 17 *"His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it."*

26. The assessment as regards the Impact test ignored the most recent retail report called "Land South of the High Street" by GVA November 2016 published feb 2017 commissioned by CBC. It was dismissed by Cllr Young and the Development Management committee and was not referred to in the officers report. This report warned of a very negative impact that the retail park could have on the vitality and viability of the town centre. This GVA report on "Land South of the High Street is the latest evidence on retail for the town centre in Leighton Buzzard.

27. The GVA report should be referred to as a material consideration and not be dismissed and ignored. The NPPF states as a core planning principle para 17 *"Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area,"* The same paragraph also says *"Plans should be kept up-to-date,"* In light of this the GVA report "Land South of the High Street" as the latest technical evidence counts as a material planning consideration and should not be dismissed, Further more on page 69 of the Officer's report it says that the body of technical evidence may be a material consideration *"Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions."* In this context it is likely that the latest report will add to this evidence base for the next core strategy submission. In light of this it seems likely that this latest addition to the technical evidence should also be seen by CBC as a material consideration

## 28. Planning history to show the importance of the latest GVA retail report.

There is not a saved policy for the town centre listed in the officers report In 2012 CBC formally adopted a development brief for a town centre retail development called "Land South of the High Street". This is then referred to in the previous core strategy submission <http://centralbeds.moderngov.co.uk/documents/s49829/Development%20Strategy%20-%20Appendix%20A.pdf>. Policy 13: Town Centre Development Development proposals should be in accordance with the principles and objectives of: • The two endorsed development briefs for Leighton Buzzard • The Houghton Regis Masterplan SPD • The Biggleswade Town Centre Masterplan SPD • The Flitwick Framework Plan and Indicative Masterplan Development proposals elsewhere in these towns should complement and not prejudice development proposed, and should make a financial contribution towards their development where possible. Policy 11 in the same document refers to the retail hierarchy table 7.1 which allocates new retail to Leighton Buzzard town centre. This is supported by the CBC Retail Report (Tym) 2013 which describes the need for more town centre development in Leighton Buzzard. CBC indicated in December 2016 that they will revise the development brief with a new draft brief and a public consultation on it for the Land South of the High Street and have published a new retail study by GVA to support this

revision in February 2017. Therefore this latest technical report by GVA, “Land South of the High Street” commissioned by CBC on Leighton Buzzard town centre development site where CBC is planning to attract investment and has committed considerable resources to doing so is an important material consideration. It would be most unlikely if this new technical report will not be referred to by the new development briefs and hence by the new Core strategy. Therefore it should be a significant material consideration .. However it is not referred to in the planning officers report , and was dismissed by Cllr Young.

29. **The report by GVA on Land South of the High Street commissioned by CBC raises serious concerns as regards the threat of out of town retail parks to the vitality and vitality of the town centre.** [http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report\\_tcm3-21441.pdf](http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report_tcm3-21441.pdf) This report states in the conclusion Para 6.5 ***There are threats to the retail success of Leighton Buzzard in the shape of the out of town schemes***, *the two developments mentioned above need to be carefully considered. If open A1 consent is granted at the scheme to the south of the town this will sweep up any major multiple retail fashion brands who would prefer a rectangle box with surface car parking rather than a constrained town centre site. It is apparent from our market testing that a number of the well-known multiples are awaiting the outcomes of planning in this regard*”.
30. **The report shows that the retail park is likely to divert retail which would otherwise go into the town centre on “land south of the high street” and create a diverse retail offer..** The CBC retail study supports new retail in the town centre and policy 23 in the NPPF states “promote competitive town centres that provide customer choice and a diverse retail offer” Leighton Buzzard at present lacks clothes shops as shown in CBC surveys and the retail report so the shops listed in para 4.51 in GVA report are badly needed in the town centre in order to provide a diverse retail offer. Para 4.51 of the GVA report says *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road and thus this is why Next have refused to occupy space in the town centre as we will come onto later.”*
31. **The report in its final and concluding paragraph stress the fragility of the vitality and viability of the town centre para 6.17 it will only take the departure of two or three key retailers to have a very negative effect on the town” This has not been be taken account of in the summary of the Impact Assessment**
32. **The vitality of the town centre was underestimated as there was no reference to the most recent report on the health of the town centre** by The Retail Group commissioned by Leighton Linslade Town Council in early February 2017 which showed that majority of retailers and market traders were trading down or level to last year or down. This was presented to LLTC markets sub committee on Feb 16th agenda item 7. Pages 20-22 have graphs with trade figures, The report surveyed 27 market traders and 79 Retailers;

Down in sales : Market traders 56%; Retailers 20%  
Level in sales; Market 28%; Retailers 44%  
Up in sales : Market 16%; Retailers 36%



In summary Market 84% level or down on last year. Retailers 64% level or down on last year. This report showed the fragility of Leighton Buzzard Town centre.

- 33. The report also shows that the “out of town retail park” decision is in contradiction to Para 26 of the NPPF as regards the Impact Assessment as regards the impact on planned investment. According to the GVA report the retail park will attract stores which otherwise might go into the Land South of the High Street and so harm committed investment in the town centre..** NPPF para 26 states *“This should include assessment of: • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;”* According to the GVA report the out of town retail park could attract stores which would otherwise go into the town centre and so harm the development of the Land South of the High Street to which CBC is committed .GVA report para 4.51 *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road”*
- 34. The retail park decision is contrary to the development brief land South of the High Street. The officer report is misleading about this development brief.** The Officer report says para 3.12 *“Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations.”* And carries on to say in para 3.19 *“It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment”*
- 35. However as can be shown from the extensive quotes below from the Brief Land South is nothing to justify this statement;**The Development brief for Land South of the High Street [http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief\\_tcm3-7317.pdf](http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief_tcm3-7317.pdf) states, In section 4 Vision and Objectives *The South of High Street site will be redeveloped to provide a new retail led mixed use quarter which acts as a sustainable extension to the town centre’s Primary Shopping Area and creates a destination for residents and visitors. 1. Create a retail destination that will attract high profile retailers and visitors and retain local expenditure in the town. 2. Attract complementary uses and operators to those found on the High Street to help foster a vibrant and more competitive town centre offer”*  
*1.4 The site offers the opportunity to create a sustainable extension to the town centre shopping area which enhances the retail offer and the centre’s competitiveness, while preserving the town centre’s existing high quality character, reinforcing its distinctiveness and enhancing the town’s historic character and environment.*  
*2.13 According to GOAD Experian data from February 2011, Leighton Buzzard’s retail vacancy rate is below the UK average. Despite the low vacancy rate, the retail offer in the town is very much geared towards the economy end of the market. This contradicts the relative affluence of the local area, yet reflects the dominant role of competing centres (such as Milton Keynes). Retailers cite a lack of quality available stock of sufficient size as being major reasons for their absence from Leighton Buzzard.*  
*2.15 The high quality built environment is a valuable asset to the town which can be a major attraction for retailers and shoppers, but paradoxically has also contributed to preventing key retailers locating there as a result of the corresponding lack of larger, high quality space which meets the needs of modern retailers.”*  
The GVA report Land South of the High Street is a good evidence base, but a draft brief based on it has not been published or gone through public consultation, or been adopted by a committee vote of CBC so CBC cannot say para 3.12 *“It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.”*

36. These concerns relevant to para 26 of the NPPF as regards impact on planned investment in the town centre and the effect on vitality and viability were upheld by CBC when CBC refused planning permission in February 2013 for a similar (slightly larger) retail development (Barwoods) in Grovebury road in 2013 due to the impact on the town centre as well employment. Below are the minutes with the reasons for refusal.

[http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-](http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11)

[2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11](http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11) item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road; That *Planning Permission be REFUSED for the following reasons.....(2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework"*

Lack of understanding of the development plan in connection with Tesco v Dundee as regards main town centre uses and bulky goods. Para 17 *"Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean".* And para 20 *"If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."*

37. The development plan in this situation is the NPPF and the technical evidence as described in the section entitled "Relevant policies" of the officers report and the development brief for Land south of the high street. None of these documents/ describe a definition of bulky goods that is different to main town centre uses yet the officer report relies on the distinction between bulky goods as opposed to main town centre uses in assessing both the sequential and the impact test. The law is clear that officers must understand the development plan as set out in Para 17. Tesco v Dundee *It has long been established that a planning authority must proceed upon a proper understanding of the development plan:"*

**38. The NPPF does not make a distinction between bulky goods and town centres**

Annex 2 of the NPPF states <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#maintown> **“Main town centre uses ;Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”** This is a significant change from DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

**39. This is explained and firmly emphasised in the CBC Retail study 2013 para5.22** *Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2).* 5.23 *We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.* 5.24 *In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. This is continued in the conclusions para 8.8* **We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2)**

**40. The evidence base of the household surveys which form an important part of the evidence that underpins the CBC Retail Report 2013 in its questions in the survey makes no distinction between bulky goods and non bulky goods as Lord Sales says in Central Bedfordshire Council v Harvey para 14.”** *It may be noted that that question is general and vague and is not specifically focused on bulky goods,”*

**41. Despite clear guidance from the Development plan in this case NPPF and the technical CBC retail study 2013 not to use the separate category of Bulky goods the officer report relies on the bulky goods distinction in the sequential test and impact test directly contradicting the development plan. para 3.4** *However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.”* And also the in Impact test para 3.10 **“It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade. These conclusions are in line with the Council’s own retail studies and the advice of the Council’s retail consultant.”** And para 3.14 **“It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The**

*proposed retail floor space (which could impact on the town centre) would be limited to 6,221m<sup>2</sup> (GEA) – 4984m<sup>2</sup> GIA of the total 7,350m<sup>2</sup> (GEA) – 5880m<sup>2</sup> GIA proposed”. And finally para 3.18 *The current leakage of comparison goods trade from Leighton Buzzard and opportunities for ‘clawback’ trade within Leighton Buzzard are identified within the application. In light of the Council’s 2012 Retail Study, there is little ‘bulky goods’ trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks.**

**All these bulky goods categories mentioned come within the description of main town centre uses. Trade counters as there is no other legal or planning definition is in my opinion covered by factory outlets.** (The inspector agreed that no definition of a trade counter is provided in legislation, circulars or guidance notes.

<http://www.planningresource.co.uk/article/787357/dc-casebook-depth---trade-counter-meaning-clarified-inspector-finds-use-change> )

**The officers report shows a lack of understanding of the development plan and so is open to legal challenge as explained Tesco v Dundee para 17** *“His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

- 42. CBC is applying two different meanings to the words “Bulky goods” which creates an error of law. Tesco v Dundee para 20.”** *If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”* **The meaning of” bulky goods as described in the Planning Portal**

[https://www.planningportal.co.uk/directory\\_record/141/bulky\\_goods](https://www.planningportal.co.uk/directory_record/141/bulky_goods) is **“Goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display.”** This supported definition of bulky goods before the NPPF put all retail into main town centre uses was laid out in the previous planning policy guidance DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

**Therefore it could be seen by some as common sense that very large bulky goods are not suitable to a town centre and indeed it would appear that this is the understanding of the term that Lord Sales used in the case C1/2014/1325 Harvey v Central Bedfordshire Council** and “for the purposes of the Council’s consideration of the application for planning permission, it was the impracticability of using a site in the city centre for sale of bulky goods which could be more conveniently and appropriately carried on at an out of centre site which was the important consideration”

**However the definition of Bulky goods that was used previously by CBC for the White Lion Retail Park and was used for the conditions for Claymore retail park whose reserve matters were given permission in the same planning included many much smaller items that could easily be practically sold in a town centre if we were following the above line.** (a) *DIY goods including tools, building supplies and ancillary items;* (b) *plants and garden products;* (c) *furniture, carpets, floor coverings and home furnishings;* (d) *office equipment and stationary;* (e) *motor vehicle parts and accessories;* (f)



*cycles and ancillary goods; (g) home technology, electrical goods; (h) pets and pet supplies; (i) Christmas decorations and seasonal goods; and (j) all goods ancillary to the items listed in (a) to (i) . These definition of goods can include small items such as cushions, digital alarm clocks, MP3 players. Pens, paper, Christmas baubles etc. This is not the same definition of bulky goods as used in the Planning Portal, and the Planing guidance on town centres that predated NPPF.*

### **Wednesbury case of Unreasonableness**

**42. Not only does Central Bedfordshire Council completely ignore the NPPF and its own ( CBC) retail report which say that there is no distinction between bulky goods and main town centre uses, it makes the following the statements para 3.19** *"It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment."* And para 3.10 . *It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and 'bulky goods' trade.* **This goes against the obvious practical fact if you walk through the town centre in Leighton Buzzard you can see for yourself that there are many bulky goods sold in the town centre or just on the centre of the town. There are two furniture shops one over 800sqm and one domestic appliance shop again 800sqm, a cycle shop. Not to mention DIY and other bulky goods vehicles . Therefore to say that the town is not overly reliant on bulky goods and DIY or that bulky goods are complimentary to the town centre is unreasonable and irrational and so would fit the Criteria for Wednesbury Unreasonableness**

Here is a list of shops that fit the description of bulky goods in the Planning Portal, and the description of DIY that presently trade within the town centre boundary as drawn in the South Bedfordshire Adopted plan 2004.

Dillamores furniture shop in the high street ( selling sofas, beds etc)  
TK furniture Hockliffe about 800 msq ( selling sofas, beds, tables, bookcases etc)  
Ceejays, Hockliffe Street about 800 msq (selling washing machines, domestic appliances etc  
Amalfi tiles selling boxes of tiles; Bridge Street  
Argos selling a wide range of DIY, Watrbourne walk  
Selections Hardware High street, selling DIY, Tools etc  
Selections High Street seling garden tools, plants, tubs etc  
Kingfisher Carpets Friday Street. Selling carpter  
Buzzard Blinds selling household blinds Market Square  
John Wilcox Friday Street kitche studio  
Doorvics selling bicycles ( not flatpacked)

### **Within 100 metres of the official town centre boundary;**

Halfords which is definitely a bulky goods shop is only about 60 metres from the official town centre boundary of 2004 but is in the middle of a line of shops  
New City Heating selling very bulky plumbing equipment is about 100 m form the town centre

Jewsons, which is a builders merchant is about 100 metres from the town centre boundary

Homebase is 400 m from the town centre boundary  
Screwfix and travis Perkins are also on Grovebury Road are significantly closer to the town centre by car than the EDS retail Park,

The town also has as edge of centre shops such New Linslade Plumbing and Butties, which are both serious DIY stores.

The Impact Assessment for the Claymore retail park which was granted planning permission in Feb 2013 said that there would be an overlap between the retail park and 22 shops that exist in the town centre and the “bulky goods” restricted retail park.

**The other factor of Wednesbury unreasonableness is the previous decision of CBC in 2013 to turn down the Barwoods retail park due to Impact on the town centre.**

**CBC turned down in February 2013 a similar ( slightly larger )retail development ( Barwoods) in Grovebury road in 2013 due to the impact on the town centre and loss of employment land. Below are the minutes with the reasons for refusal.**

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road

That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority's primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been Minute Item 332 Page 21 adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework. (2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for

competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

### **Previous Judgement in relation to Bulky goods and Leighton Buzzard**

**Lord Sales in the judgement Harvey v Central Bedfordshire Council C1/2014/1325 ruled that there was not an error of fact over the issues of bulky goods. However, the only evidence presented by Mr Stookes on behalf of myself on bulky goods was the household surveys in the CBC retail study 2012 and lord Sales stated "There is nothing in the material in the questionnaire returns in the annex to that report which shows that the Council made an error of fact in its assessment of the need for the development on a particular site. And The nature of the answers to the questionnaire, as set out in the appendix to the council's retail consultant's report, did not show that there was any error of fact made by the Council in relation to this matter." With hindsight, we fully accord with Lord Sales judgement on this issue in relation to the evidence produced.**

**However, Lord Sales was not presented with argument of Wednesbury reasonableness based on the evidence of the large number of bulky goods retail outlets trading at that time in the heart of the historic town centre and the large number within 100 metres and within 400m.**

**Moreover, since the judgement by Lord Sales in December 2014 the development plan has changed. The emerging Core Strategy of Central Bedfordshire Council in early 2013 had a retail policy which allowed for out of town retail sites for bulky goods, but on the advice of the Inspector this Core Strategy has been withdrawn. A new development plan is being prepared. Therefore the Development Plan consists of the NPPF which describes bulky goods as main town centre uses and the technical reports (as stated in the officers report for this application) The updated 2013 CBC Retail Report, (the publication of which postdates the planning decision of the case that Lord Sales later adjudicated on) has been altered from the version used as supporting evidence for the planning decision and the emerging core strategy at that time. The latest version which was not presented to Lord Sales stresses strongly that bulky goods are sold in town centres according to RTP1 surveys. This latest version has removed paragraph 26 of the older version of the Retail Study which suggests that the council can set a policy for certain uses that cannot be accommodated in a main town centre; see appendix**

**Appendix; different versions of the retail study.**

**CBC final report 2012 no longer available on the web**

***Bulky goods and car showrooms***

5.22 Bulky goods retailing (eg retail warehouses selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2).

5.23 We agree with this view – it is likely that many purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.

5.24 This is evidenced by the occupiers of the District’s two retail parks. The White Lion Park in Dunstable consists of 11 units including Laura Ashley and First Choice Holidays, both of which would often be found in town centres. The London Road Park in Biggleswade also consists of 11 units and includes Argos, often found on the high street. An application has been submitted to extend the park with a traditional town centre anchor store; Marks and Spencer.

5.25 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

5.26 The NPPF does, however, allow local authorities to “set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres” (para. 23, bullet point 8). Therefore if, in the Council’s view, certain uses cannot be accommodated in or adjacent to town centres, there is scope to set a specific policy to deal with such proposals. The Practice Guide at para. 6.31 discusses retailers selling goods such as DIY, furniture, carpets and domestic appliances and states that “in many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations”.

5.27 The results of the household survey show that the most popular study area locations to shop for DIY goods, furniture and domestic appliances are in and around Luton and Milton Keynes, which may indicate scope for more of these outlets in Central Bedfordshire

**recommendations**

para 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

8.9 The NPPF (para. 23, bullet point 8) does however provide scope for local authorities to set specific policies to deal with proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. The Council therefore have the option to do this if in their view, certain uses cannot be accommodated in or adjacent to town centres.

**The latest version of the retail report published post the planing decision which was submitted as technical evidence for the core strategy**

[http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices\\_tcm3-6889.pdf](http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices_tcm3-6889.pdf)

**Excludes the paragraphs 8.9 and para 5.26 “ which refer to authorities setting policies for main town centre uses which cannot be accommodated .”**Bulky goods and car showrooms 5.22 Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 5.25 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits. 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 8.9 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits.

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***Item 10 (Pages 117-134) – CB/17/00492/FULL – Land at Chase Farm, East of High Street, Arlesey***

**Additional Comments**

A further letter has been received from the agent, providing amended plans and highlighting certain issues:

Amendments have been made to drawing nos. 16254-ARLE-5-130C and 16254-ARLE-5-132C. These plans show the highway on the northern arm of the central roundabout amended to 5.5m as requested by the Highways Officer.

These plans also clearly show the roundabouts transposed on top of the already consented road, showing the slight realignment required to allow the roundabouts to be constructed.

In paragraph 2.3 of the report, an incorrect planning application has been referenced. It should read CB 17/01158/OUT.

The applicant has met with both Arriva and Stagecoach to discuss the proposals and the chosen bus stop locations were a direct result of those discussions. Both bus operators expressed a reluctance to further divert existing services as the additional journey time may dissuade existing and future residents from using the service.

In addition, the Highways Officer is now content with the location of the pedestrian crossings.

**Additional/Amended Conditions/Reasons**

Condition 10 needs to be amended to refer to the amended plan numbers.

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***Item 11 (Pages 135-146) – CB/16/04384/REG3 – Lancotbury  
Close Amenity Land, Totternhoe***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

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***Item 12 (supplement to draft index) – CB/17/01844/FULL – 1 Station Road, Blunham, Bedford, MK44 3NZ***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

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