

Item No. 8**SCHEDULE B**

APPLICATION NUMBER	SB/08/01126/TP
LOCATION	Kingswood Works, Woburn Road, Heath And Reach, Leighton Buzzard, LU7 0AZ
PROPOSAL	Demolition of existing industrial unit and erection of four detached low carbon dwellings (Code for Sustainable Homes Level 5 with scope to upgrade to Level 6).
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	22 December 2008
EXPIRY DATE	16 February 2009
APPLICANT	Metbrook Ltd
AGENT	Type3 Studio
REASON FOR COMMITTEE TO DETERMINE	Request by Councillor Alan Shadbolt
RECOMMENDED DECISION	Grant subject to Section 106 Agreement

Site Location:

The site is approximately 1km (direct line) north east of the edge of Heath and Reach village. It comprises a 0.67ha parcel of industrial land currently occupied by BK Engineering Limited and a 0.81ha area of woodland immediately to the south east. The company manufactures steel and sheet metal based equipment from a single building comprising workshops, a paint shop and ancillary offices. The factory site, the proposed development area, has a depth of 85m and tapers from front to rear such that the width is 82.5m across the south-western boundary and 56.5m across the north-eastern boundary. To the south west of the factory site is Kingswood House which has reverted to residential use after a period of use as offices. Both the factory and the dwelling are served by a 3.2m wide, 568m long single track private drive from Woburn Road.

The factory site is within the Green Belt and within an Area of Great Landscape Value (AGLV). It is surrounded by, but is not part of, Kings and Bakers Woods and Heaths Site of Special Scientific Interest (SSSI), parts of which are also a National Nature Reserve (NNR). Kings Wood is ecologically rich and complex and generally regarded as the most significant ancient semi-natural woodland in Bedfordshire. The woodland areas adjoining the factory site are protected by the Luton Rural District (Heath and Reach) Tree Preservation Order No.1/1952.

The Application:

It is proposed to demolish the existing factory buildings and structures and permission is sought to redevelop the site for residential purposes comprising four detached low carbon houses. The applicant's intention is that the environmental performance of the new houses would be sufficient to achieve Level 5 of the Code for Sustainable Homes. The new development would be served by the existing access and the proposed houses would be positioned around a central courtyard or

shared vehicle access area. Although the houses would be made up of the same components – prefabricated concrete frame, prefabricated polished concrete panels and argon filled double glazed units in aluminium or hardwood timber frames – each house would take on individual characteristics in response to its location within the site, its orientation and the need to safeguard privacy. Houses 1 and 3 would occupy respectively the north-western and south-eastern quadrants and would be orientated roughly north-south, whilst Houses 2 and 4 respectively in the north-eastern and south-western quadrants would be orientated roughly east-west.

The architecture of each house would be similar – a sloping concrete panel structure recessed into a concrete light well with long elevations primarily glazed (where privacy would be maintained) to allow views of the adjacent woodlands. Five/six bedrooms, bathrooms, shower rooms/wc and a plant room would be accommodated within the lower ground floor. The ground floor would include a reception/dining area, kitchen and a wc and the first floor would have a living room with a ramp leading up to a roof terrace that would be enclosed by a toughened glass balustrade and would provide views into the adjoining woodlands. The maximum heights above ground level of the new houses would vary between 5.4m (House 3) and 5.6m (Houses 1 and 2) and 5.8m (House 4).

Sloping south facing elevations would be constructed as Trombe walls to provide passive solar heating. These would be solid concrete walls with black back painted glass a few centimeters above the surface of the wall. Sunlight would pass through the glass to be absorbed and stored by the wall which would have vents at both upper and lower levels for air circulation. The glass and the airspace would prevent the heat from radiating back to the outside. Heat would be transferred by conduction as the wall surface heats up and would be slowly delivered to the interior of the house some hours later. North facing walls with small openings would also require solidity in order to provide adequate thermal mass.

The sloping walls of the houses and the formation of light wells would maximise light penetration to the lower ground floor. In addition, the light wells would allow cooler, fresher air to be drawn into the buildings.

Long glazed south facing elevations would incorporate overhangs and hardwood timber louvres to reduce solar glare. More public elevations would be provided with screens to safeguard privacy. First floor overhangs adjacent the central vehicle access area would provide covered parking areas.

The undulating roofline of each house would include photovoltaic cells affixed to the south facing roofslopes, circular aluminium vents at the highest part of the north facing roofslopes that would provide natural stack ventilation and an area of 'living or brown roof'. A structural feature chimney would run through each house providing an open fireplace at ground floor level and a potential barbeque facility at roof terrace level.

A natural swimming pond would be created in each garden, the primary function of which would be as part of a sustainable drainage system and for the evaporative cooling of the houses. The intention is that the ponds would enhance biodiversity with the inclusion of aquatic and marginal plants selected that reflect the wetlands and water bodies in the local area. The ponds would also provide an amenity/recreational resource for residents of the scheme.

A 5m deep buffer strip would be planted around the perimeter of the development site, the primary function of which would be to provide physical separation between the private gardens and the surrounding woodlands. It is intended that the buffer would comprise tree and shrub species selected on the basis of their local relevance, dense growth form and wildlife value.

Beside the entrance to the development site would be a community refuse/recycling facility and at the edge of the woodland, between the existing electricity substation and the driveway, a packaged foul water treatment facility and a renewable energy facility would be provided.

A 2m high Weldmesh (or similar) fence would be erected around the boundary of the development site in order to provide security and to prevent residents of the scheme gaining direct access to the SSSI woodlands or viewing the woodland as an extension of their gardens.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable Development.
Planning and Climate Change – Supplement to PPS1.
- PPG2 Green Belts.
- PPS3 Housing.
- PPS7 Sustainable Development in Rural Areas.
- PPS9 Biodiversity and Geological Conservation.
- PPS10 Planning for Sustainable Waste Management.
- PPG13 Transport.
- PPG17 Planning for Open Space, Sport and Recreation.
- PPS22 Renewable Energy.
- PPS23 Planning and Pollution Control.
- PPS24 Planning and Noise.

Regional Spatial Strategy

East of England Plan (May 2008)

- Policy SS1 – Achieving Sustainable Development.
- Policy SS4 – Towns other than Key Centres and Rural Areas.
- Policy SS7 – Green Belt.
- Policy E1 – Job Growth.
- Policy H1 – Regional Housing Provision 2001 to 2021.
- Policy ENV1 – Green Infrastructure.
- Policy ENV2 – Landscape Conservation.
- Policy ENV3 – Biodiversity and Earth Heritage.
- Policy ENV5 – Woodlands.
- Policy ENV7 – Quality in Built Environment.
- Policy ENG1 – Carbon Dioxide Emissions and Energy Performance.
- Policy ENG2 – Renewable Energy Targets.
- Policy WAT1 – Water Efficiency.
- Policy WM1 – Waste Management in Development.

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

Strategic Policy 3 – Sustainable Communities.

Bedfordshire Structure Plan 2011

7 Areas of Great Landscape Value.

South Bedfordshire Local Plan Review (2004) Policies

NE3 Control of development in Areas of Great Landscape Value.

BE8 Design and environmental considerations.

H2 Making provision for housing via 'fall-in' sites.

E2 Control of development on employment land outside Main Employment Areas (Category 2).

Planning History

7009/LRD/54/328 Permission for use of Kingswood House for residential, office and light engineering purposes.

7176/LRD/55/54 Outline permission for light engineering workshop.

7176/LRD/55/54 Permission for light engineering workshop.

10102/LRD/59/335 Permission for experimental workshop.

10901/LRD/60/579 Permission for extension to experimental workshop.

14811/LRD/65/63 Permission for factory building.

19344/LRD/71/250 Permission for alterations to office building.

20389/LRD/72/452 Permission for extension to existing factory.

SB/TP/90/1036 Permission for demolition of existing office building and erection of single storey factory and office extensions.

SB/TP/96/0184 Permission for single storey front extension to factory.

SB/TP/01/0701 Refusal for demolition of existing factory and erection of 7 dwellings with garages (Outline).

SB/CED/03/1799 Certificate of Lawful Use or Development issued in respect of use of land and buildings for Class B1 purposes.

SB/TP/05/0331 Application for demolition of existing factory and erection of 19 residential units with parking, access and all ancillary works. Withdrawn.

SB/TP/06/0359 Refusal for demolition of existing factory and erection of 17 residential units with parking, access and all ancillary works.

Reasons:

1. The site lies within the South Bedfordshire Green Belt and the proposal would therefore conflict with Policy 24 of the Bedfordshire Structure Plan 2011 and Policy GB1 of the South Bedfordshire Local Plan Review whereby, within the Green Belt, permission will not be granted except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. No special circumstances have been established in this case.

2. The proposal would conflict with Policy 7 of the Bedfordshire Structure Plan 2011 and Policy NE3 of the South Bedfordshire Local Plan Review, which state that development which would adversely affect the character of areas defined as being of Great Landscape Value will not normally be permitted. To permit this proposal would have an adverse effect on the landscape.
3. The South Bedfordshire Local Plan Review requires development in rural areas to be located, designed and landscaped in such a way that it minimises the impact on the countryside and, in particular, that it is sited with existing buildings and usually within existing settlements. The proposal is outside the natural limits of the village of Heath and Reach, not related to existing buildings, and would be an intrusion into the countryside, detrimental to its appearance and rural character. The proposal is therefore contrary to Policy NE1 of the South Bedfordshire Local Plan Review.
4. The Milton Keynes and South Midlands Sub-Regional Strategy sets new house building figures for parts of Bedfordshire. These figures will form part of the new overall housing figures to be included in the revised Regional Spatial Strategy for the East of England. The objectives of the Sub-Regional Strategy are, inter alia,
 - to locate development in the main urban areas to support urban renaissance, recycling of land and sustainable patterns of travel; and
 - to ensure that development contributes to an improved environment by requiring high standards of design and protecting and enhancing environmental assets including landscape and biodiversity.

The proposed development of an isolated brownfield site in the Green Belt, inadequately served by facilities including public transport, would fail to contribute towards a sustainable pattern of development and would undermine to a significant extent both the planning for housing strategy set out in the Sub-Regional Strategy and the purposes of the Green Belt. Furthermore the proposal would be in conflict with the sustainable development strategy set out in Policy SD1 of the South Bedfordshire Local Plan Review.

5. To permit the proposed development on land which is located in predominantly open countryside within the Green Belt and against a background of existing planning policies would establish a precedent whereby it would be difficult for the District Planning Authority to resist other similar proposals elsewhere in its area.

**Representations:
(Parish & Neighbours)**

Heath and Reach PC

Objection:

Application does not provide sufficient and accurate information and assurances regarding long-term management and protection of site and surrounding environment. Council has following observations to make:

- Protection of trees and rare Pennyroyal plants must be guaranteed.
- Management plan is ill defined. Little to prevent residents, visitors from entering SSSI, which is mostly private land, from site or approach road. Little is said about how ban on pets or invasive plants will be effectively policed over years. Whilst four ponds proposed as water run-off areas and for breeding amphibians, there is nothing to prevent residents introducing fish into ponds that will eat/kill spawn or tadpoles.
- Preliminary contamination report contains numerous errors. For example, whilst report states that site was woodland until 1970's when factory was built, Council believes that site was developed during Second World War. Report is based on desk-top study rather than detailed site visit which gives impression that little research was carried out and that findings are not comprehensive.
- No management agent or company is named, but will be contracted by current owners or their agent. After that, residents can engage another company or agent. Residents can collectively amend residency terms, so there is potential for caveats to be deleted. Nothing is mentioned on what would be done if residents infringe management plan.
- It is long-term residency that is of most concern. After properties have changed hands several times, concerned about future condition of woodland and future effectiveness of its protection.

Kingswood House

Welcome proposal as great improvement to area. Although have had no great problems with factory, drive leading up to site is not ideal for large lorries that regularly use it, sometimes very early in morning. There have been occasions when gate at Woburn Road end and also woodland shrubs have been damaged. Security floodlights are obviously not ideal for woodland environment, but very necessary for factory security. Believe also that new residents would feel privileged to live in woodland environment and would be more tidy and litter-aware.

9 Gig Lane

Objection.

- Inappropriate development in Green Belt. Even if present footprint is reduced in ecologically valuable way, this is not very special circumstance which would override intrinsic harm of inappropriate use and ways proposal fails to match up to policies in PPG3 and PPG13.
- Has potential to damage both SSSI and NNR in Kings Wood.
- Will be isolated from community while making minimal contribution to it and its facilities. Does not seek to reduce car dependence by facilitating more walking and cycling or by improving linkages to public transport.
- Does not make efficient use of land.
- Does not provide mixture of size and type of housing. Fails to comply with policies regarding affordable housing and does not meet needs of members of community in need of social housing.
- Site should be restored to again become integral part of Kings Wood and nature reserve.

Consultations/Publicity responses:

Natural England

Withdraw objection.

Raised earlier objection on account of potential impacts on surrounding SSSI and NNR land. Concerns included disturbance, non-native species, long term management of adjacent woodland, impacts along access road and how mitigation proposed could be realistically secured for lifetime of scheme.

Applicant has since submitted further information regarding access road and draft S106 agreement to secure long term funded management of site.

New housing will not require additional services to be laid (i.e. water, gas, electric etc.) and as such no works will be required on habitat adjacent road and no resurfacing work is required.

Draft S106 appears to cover main points of concern:

- surrounding land will be managed in accordance with overall aims of adjacent SSSI units;
- there will be specific funding stream available to enable both proactive enhancement work on SSSI, as well as reactive restoration work (if needed) based on survey and monitoring of site;
- there will be clear, enforceable measures to address invasive species and undesirable pets;
- there will be dedicated point of contact who will be responsible for ecological matters on site in long term;
- there will be clear responsibility for LPA to monitor situation on at least annual basis and to ensure that enforcement is carried out if needed;
- report will be available to record works conducted through year which will be circulated to key contacts for review and comment (e.g. NE, conservation bodies that own adjacent plots).

Provided LPA is satisfied that S106 will be watertight and that it will be rigorously enforced, believe that all reasonable steps to safeguard special interest features of SSSI will have been taken by applicant.

Such view should not be construed as NE believing that development of site is preferable to any aspirations of return to appropriate habitat, nor that NE discount views of any other parties regarding valid wider biodiversity or landscape issues. It is based purely on LPA securing reasonable measures in order to mitigate for any potential impacts to special interest features of surrounding SSSI in longer term.

Grant of permission at this location should not act as precedent for any further development on site, or adjacent property. Proposed low density and high sensitivity of eco-homes means impacts to SSSI may be acceptable at present, though potential for extensions or new dwellings, on this site or on adjacent Kingswood House site, could alter situation and add to cumulative impacts. As such, it should be assumed that any such future application is likely to be

objected to.

Environment Agency Proposed development appears to be sensitive, sustainable and carefully designed to minimise impact. Recommend conditions and informatives in respect of controlled waters.

The Wildlife Trust

Objection:

(a) Inappropriate development in Green Belt. Proposal would set dangerous precedent, promoting further development in Green Belt and on sites adjacent protected habitats. Once industrial activity has finished, ideally site should be decontaminated and restored to woodland.

(b) PPS9 advises that development that would harm biodiversity should only be approved if it could not be located on alternative site where there would be less or no harm. Pleased that proposal takes into consideration comments on previous applications, however it still fails to adequately protect woodland from any harm associated with development in future. Formation of management company and list of restrictions on residents will not be adequate for following reasons:

- To make woodland gift proposition viable sufficient funding in perpetuity needs to be provided to manage it.
- It is presumed that company will appoint successive managing agents and ecologists. As there is no restriction on their appointment - professional membership, knowledge of site - there is no long-term certainty that management of site will protect surrounding woodland. Whilst it is acknowledged that company's obligations/guidance may need to change over time, no mechanism should be available which would allow changes that resulted in degradation of woodland or that compromised proposal's biodiversity elements.
- Garden escapes and invasive species from site could damage SSSI and would have serious management implications. Although company's obligations/guidance would include 'approved plant list', this would not be practical in long term. Policing gardens for species not on list would be extremely difficult and residents may find it restrictive and inconvenient if they must choose plants from list or consult ecologist first.
- Any permission should include condition withdrawing permitted development rights for extensions and outbuildings as these would change nature of development.
- Screen planting along access driveway is mentioned in submitted documents, but no further detail is given.

(c) Permission should only be granted if proposal would provide long-term enhancements to woodland. Conditions would be difficult to police, requiring long-term and constant commitment from Council. In perpetuity funding to conservation organisation would be required not only to manage gifted section of SSSI, but also rest of woodland.

This could include liaising with residents to ensure they understand national importance of woodland, halting spread of garden escapes should they occur, coping with visitor numbers and enhancing and protecting woodland into future.

The Greensand
Trust

Objection:

- Kings Wood is of national importance as SSSI and NNR, designated for its outstanding range of woodland habitats and associated species. Trust owns part of wood and is involved in its wider management in partnership with other owners and Natural England. Kings Wood is part of much larger area of ancient woodland, heathland and grassland which also includes Stockgrove Country Park. Trust considers that despite environmental features incorporated into proposal, risks associated with housing development in middle of NNR make it unsuitable site for such use.
- Stockgrove and many of adjacent areas are under high visitor pressure for informal recreation, while most of Kings Wood is much less disturbed with low visitor pressure due to its relative remoteness from Country Park. Current commercial use of site has little impact on wood as it does not result in any appreciable visitor disturbance. In contrast, proposal would result in families being present 24/7 with associated disturbances in heart of NNR.
- Concerned about management company that would be responsible for enforcing proposed covenants restricting pets and planting of invasive species in garden that could spread into adjacent SSSI. Question how management would be maintained in long term if management company went out of business, was bought out or land was sold on. To address concern, independent third party could be paid to enforce regulations on behalf of LPA, though if residents began to persistently break covenants and this involved court action, question who would bear this cost.
- Question role of proposed 'swimming pond' for each dwelling – whether they would be wildlife ponds or swimming pools.
- Proposal would set precedent for other developments of this type, in particular with regard to potential for future proposals for land at neighbouring Kingswood House.

Leighton Buzzard
Society

Objection – still opposed to proposal, although accept that current application is less harmful to environment than previous applications:

- Housing is inappropriate use in Green Belt. Whilst acknowledge that proposal would reduce built footprint in Green Belt, do not consider that that amounts to very special circumstance that would override intrinsic harm of inappropriate use.
- Proposal appears to do nothing to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local

services and local amenities. Only public transport is approximately hourly bus service between Milton Keynes, Leighton Buzzard and Aylesbury and that is half mile away. Overwhelming majority of journeys to and from houses would inevitably be by car.

- Proposal is not justified by policy to provide for limited amounts of housing in and around selected villages as part of strategy to meet local needs and support local services and employment. Development would not be near village or any employment.
- Residential accommodation is likely to be more detrimental to SSSI and NNR than present industrial use. Residents are going to want to use wood for recreation. Moreover, it is unlikely that site could be made sufficiently secure to prevent pets roaming in woods to detriment of animals there, particularly ground-nesting birds. Doubt that covenant against keeping of pets would be effective. Question who would have incentive to enforce it and how.

Campaign to Protect Rural England

Objection – notwithstanding relatively small number of houses proposed and their considerable eco-credentials, continue to oppose residential development of site irrespective of form it might take:

(a) Creation of residential enclave on site that is not only within Green Belt and AGLV, but is also tightly surrounded by woodland SSSI and NNR is inappropriate and unacceptable.

(b) Contrary to applicant's argument that case of very special circumstances for approval can be made on basis of environmental gain, consider that scheme will actually result in environmental disbenefit compared to existing situation.

- Present operations on site are confined to daytime working hours and primarily within confines of enclosed buildings. Such disturbance to SSSI/NNR by traffic and outdoor human activity is virtually non-existent at night and weekends. Residential noise and vehicle movement intrusion will occur over greater proportion of 24 hours, including weekends. Noise and light pollution at night will disturb wildlife habitats that are currently unaffected by such problems.
- Applicant's claim that proposal will result in fewer traffic movements is questionable. Site's location will entail high dependence on vehicle use and figure of 32 movements per day may not take into account trade and delivery vehicles nor movements generated by visitors. If 32 per day figure is extended over whole week, weekly average becomes 224 (7X32). Whatever numbers are, proposal will result in traffic moving through SSSI/NNR at times of day and night when presently there is virtually no traffic at all.
- Concept of planted 'buffer strip' and householder 'information packs' to deter residents and visitors, particularly children, from entering SSSI/NNR woodland will be wholly ineffectual.

Bedfordshire Police Architectural Liaison Officer Support provision of 2m high 'Weldmesh' fencing to enclose site. Would support also gating of development, but would not object to it being ungated.

Landscape Planner Application has been extremely hard to come to firm opinion as to whether it is acceptable from landscape viewpoint. Have met with applicant's advisers to discuss scheme and visited site during early spring before trees were in full leaf. Fully accept that designers have worked hard to accommodate concerns on landscape and biodiversity. Kings Wood is National Nature Reserve, meaning that it is of national importance for biodiversity. As landscape feature, it gains from being Bedfordshire's largest woodland, it has dominating presence, being adjacent to Woburn Road and is major feature in view from many parts of Greensand Ridge. Road users gain glimpsed views into woodland, especially attractive when bluebells are out, but majority of people using woodland for recreation enter it from Stockgrove side. Overriding policy objective must be to conserve woodland in its entirety and to strengthen management regime. Natural England is main adviser with regard to SSSI/NNR status, but Wildlife Trust and Central Bedfordshire are part owners of woodland. Kingswood Works industrial site is anomaly, although presence of Kingswood House also introduces domestic buildings within woodland. Quarry at Fox Corner is also still being actively worked and used as aggregates recycling plant and so further introduces disturbance at woodland margin. Every effort should be made to effect restoration to natural woodland. It seems contrary to build four properties within national asset when southern Bedfordshire area is planning for growth of 25,000 dwellings plus. As such, initially made strongest representations against application, on basis that residential development is contrary to local landscape character and aims of woodland restoration. However, since being informed that Natural England had withdrawn objection to scheme, being satisfied with gains to conservation, primarily through gifting of woodland plots, as well as commitment to aftercare and management, concerned that objection on integrity of site is now hard to substantiate. In ideal world, some land deal could have been made to find alternative high quality site for applicant to locate his high quality sustainable dwellings. Whole of site should be restored to woodland habitat or part of it could have been used for environmental education centre or been used to store or season wood harvested from woodland. On balance, have regretfully come to conclusion that will not object to application. Design has taken all reasonable steps to ensure use of locally native species to form screen planting surrounding development. Recessive design of properties and control made which prevents extensions in future (would have been concerned about

glazed structures) means that site should not intrude into views when seen from woodland. As there is already precedent of large house set within woodland, it would be hard to argue that exemplary development would not be more appropriate in terms of landscape character than continuation of industrial use. Visibility and night time light impact is not thought to be issue. Transfer of woodland owned by the applicant is true benefit, as it has long been policy for authorities to secure woodland ownership. In terms of landscaping, it would be important to use plants from locally raised stock, preferably from seed collected from Kings Wood. This includes climbers (honeysuckle) and ground cover, where possible. Natural England should also still have opportunity to comment on some of species selected, to ensure compatibility with ancient habitat. Despite reservations, if permitted, it will be interesting to see various sustainable elements of scheme, which in its way sets a standard for care expected within Growth Area. Development is unique case – it must not set precedent for allowing development within sensitive sites.

Environmental
Health Officer

Site is served by single borehole, which provides private water supply. Should proposed development rely on private water supply, Environmental Health Service must be notified. Recommend conditions and informative.

Building Control
Officer

Should scheme come to fruition, more work will be required on issues such as mobility access and fire safety. Full Code for Sustainable Homes assessment has not been made, although broadly agree that proposals made appear to reach Code Level 5 standard. With regard to claim that houses could become zero carbon, it should be noted that Level 5 and zero carbon are different standards and criteria for zero carbon have not been discussed and explained in supporting documentation.

Sustainable Growth
Officer

Agree that calculation for assessing small power consumption is acceptable and in line with official calculation methodology set out in Code for Sustainable Homes. Although have concerns that this formula does not reflect adequately homes of size proposed, agree that currently this is only formula available and happy for applicant to proceed in this manner. Accept possible problems with use of combined heat and power technology for this scale of development and accept proposed use of biomass boilers to provide heating. Note that these boilers are proposed to be supplemented by photovoltaic cells to ensure that Code Level 5 is achieved for all houses. Understand that technology proposed is based on current thinking and that it may change if better technology comes to market prior to completion of dwellings. Minimum requirement for the dwellings (regardless of technology used) will be to achieve Code Level 5 and therefore, as regards energy, 100% reduction in CO₂ emissions (over a year)

associated with heating, ventilating, cooling and lighting buildings. Accept that achievement of Code Level 5 will be condition of planning permission to ensure that necessary energy savings and other sustainable measures are achieved in completed buildings.

Biomass has been identified from local suppliers (Turney Landscapes Limited and Bedford Estates) who source stock from tree surgery waste and woodland management in local area. Other possible suppliers can be found on woodfueleast.org.uk website.

Planned that smart meters will be installed in houses that will allow residents to monitor their energy use from different sources (heating, lighting, appliances, etc.) and water use, and that residents will be able to obtain professional advice if they do not achieve best out of technologies provided, including meeting energy and water use targets.

Design Adviser

Recommend approval.

The application proposes construction of four contemporary style homes on the site of an existing factory within a rural woodland setting.

Whilst the architecture of the buildings is very different to the majority of local buildings, it is important that the Local Council is open to the possibility of contemporary design.

Furthermore, the woodland setting of the site means that the architecture does not have to respond to the form and character of other adjacent buildings as would be the case in a more urban setting.

In some ways, the setting of these buildings is similar to that of the modernist Lubetkin bungalows in Whipsnade.

My view is that the design response is entirely appropriate within the context of the application site.

I am also satisfied that the proposal achieves an acceptable level of overall design quality.

However, the success of contemporary architecture of this type depends very heavily on the quality of detailing and materials selection and my view is that this is fundamental to the acceptability of the scheme.

If possible, I would therefore recommend a section 106 requirement for submission and approval of material / finish selection and construction details.

Determining Issues

The main considerations of the application are:

1. Impact on Green Belt
2. Impact on AGLV
3. Sustainability
4. Efficient use of land
5. Loss of employment land
6. Design
7. Precedent
8. Site management strategy

Considerations

1. Impact on Green Belt

The control of development within the Green Belt hinges on a two part test: (1) whether the development proposed is appropriate development; and (2) if inappropriate, whether there are 'very special circumstances' present which clearly outweigh both the harm by virtue of inappropriateness, and any other harm. Paragraph 3.4 of PPG2 advises that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specified purposes (for example, agriculture/forestry or essential facilities for outdoor sport and recreation). Residential development comprising the erection of four dwellings is not one of the categories of development considered to be appropriate in the Green Belt. It follows that the proposal is inappropriate development in the Green Belt. It is therefore necessary to assess whether any 'very special circumstances' exist that could justify such inappropriate development.

Openness

Whilst the existing factory and ancillary buildings have a combined floor area/footprint of 1532sqm, the new dwellings would have a combined floor area/footprint of 697sqm. The proposal therefore represents a 55% reduction in footprint. Again, whilst the existing buildings have a combined volume of 5806 cubic metres, the new dwellings would have a combined volume of 4092 cubic metres. Although the maximum height of the new dwellings (5.4m to 5.8m) would be greater than the maximum height of existing factory (4.5m), the proposal represents a 30% reduction in volume. As mentioned above, in order to minimise the impact of the proposed development, the lower ground floors would be recessed below ground level such that the combined above ground volume would be only 2431 cubic metres. If it is accepted that below ground built volume would not have an impact on the openness of the Green Belt, the proposal represents a 58% reduction in volume. It is clear that given the reduction of footprint and volume, the proposed development would result in a significant gain to Green Belt openness.

Decontamination

The site has a long history of industrial use and has a lawful use for Class B2 general industrial purposes. It lies above a major aquifer with high leaching soils and there are concerns about pollution of groundwater and the migration of contaminants into the adjoining SSSI woodland. Current or recent activities that could provide sources of chemical contamination include storage of heating oils, storage of waste oils, use of solvents and the presence of a septic tank. Although the current industrial use is unsympathetic in terms of the adjoining SSSI, given the site's land value, such industrial use is likely to persist unless the site is redeveloped for a more sympathetic use. Environment Agency officers have recommended the imposition of a number of detailed conditions that seek to protect controlled waters. It is considered that the proposal represents a significant opportunity both to remove existing contamination from the site (or, if appropriate, treat it on site) and to reduce the potential for future pollution of groundwater.

Ecological enhancements

The applicant advises that the new scheme has been designed to ensure that it achieves a good level of integration with its surrounding landscape and ecological context and provides valuable new habitat features for wildlife. Where opportunities exist, multifunctional benefits would be sought to ensure best possible outcomes for biodiversity, landscape and residential amenity.

(a) Site layout

At present, approximately 80% of the site area is buildings and hardsurfacing. In the proposed layout, the proportion of the site covered by buildings and hardsurfacing would be reduced to 34%. The shared surfaces would be of porous material, thereby allowing the maximum amount of rainfall to permeate to the aquifer. The new houses would be positioned around a central shared vehicle access and turning area to minimise car movement through the site and reduce light pollution to the adjacent SSSI woodland.

(b) Buffer strip

A 5m wide buffer strip would be created around the perimeter of the development site, the primary function of which would be to provide physical separation between the private gardens and the surrounding SSSI woodland. The buffer would include hedgerow planting (Yew, Hornbeam, Beech) and other trees and shrubs selected on the basis of their local relevance, dense growth form and wildlife value. There would be significant deadwood within the buffer to provide habitat for saproxylic invertebrates together with features of specific value to reptiles and amphibians such as log or rubble hibernaculae.

(c) Pennyroyal

A population of Pennyroyal *Mentha pulegium* is present near the south-western corner of the site. Pennyroyal is protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) and has a very restricted range in Bedfordshire and within Britain. Indeed, it is a priority species for conservation in the UK Biodiversity Action Plan. The population comprises some 30-40 plants and nearly all of them are within a 3m by 4m area which is unmanaged and threatened by scrub encroachment. Young plants are present indicating that recruitment of seedlings is taking place. During the demolition and construction phases of the development, personnel exclusion fencing would be erected to prevent accidental damage of the population. Following completion of the scheme, the Pennyroyal would be safeguarded and managed within the buffer strip enclosing the House 4 plot.

(d) Private gardens

The gardens would be designed to reduce the risk of garden escapes colonising the adjoining SSSI woodland by adopting the following principles:

- Maximising the use of native species throughout.
- Incorporation of areas of locally relevant species-rich grassland/meadow.
- Careful selection of any non-native species to be of low invasive potential – infertile seed, not spreading by invasive root systems and low tolerance of deep shade.
- Selection of all species for wildlife value including provision of nectar, seeds, fruit and roosting/nesting habitat.

Areas of locally relevant species-rich grassland/meadow and native shrub planting would be created between the buffer strip and the formal lawns to form graduated edges between the woodland and the mown lawns. Graduated

edges would provide a structurally diverse habitat for many species of insects and foraging bats and birds. The shrub planting would create a sheltered edge to the species-rich grassland that could be used by invertebrate species associated with nearby woodland rides.

(e) Attenuation ponds

By way of surface swales the individual plots would drain independently into an attenuation or natural swimming pond to be constructed in each garden. Such ponds would ensure that adequate storage and bio-filtration would occur prior to discharge into soakaways that would facilitate groundwater re-charge. The biodiversity of the ponds would be enhanced by the selection of aquatic and marginal plants that reflect the wetlands and water bodies in the local area. They would be designed to be of value to Great Crested Newts which are present in water bodies in the local area, although not recorded within the development site. In addition, the ponds would provide an amenity/recreational resource for the new residents. The applicant advises that when first constructed the ponds would not support Great Crested Newts. As soon as residents start using the ponds for swimming in, a level of disturbance would be established associated with the swimming activity. If Great Crested Newts subsequently colonise the ponds they would be acclimatised to the level of disturbance present in the ponds.

(f) Living roofs

Areas of living or brown roof would be created on all four buildings. It is intended that such roofs would have a number of benefits including building insulation and reduced water run-off as well as providing new wildlife habitat – a low-nutrient open-sward stony grassland community. A range of free-draining materials would be provided to encourage plants and insects to colonise the roofs. The most suitable source of seeds/propagules would be from grassland areas within the adjoining SSSI. With the agreement of Natural England, seeds would be collected from areas of the SSSI that support dry grassland or ephemeral vegetation communities. This would enable the rapid establishment of locally significant grassland species on the roofs that would in turn provide a habitat for insects.

(g) Lighting

The aim of the lighting strategy would be to reduce the overall lighting level of the existing factory site without compromising the safe use of the new development by residents. The existing security floodlights are attached to two Oak trees near the site entrance and illuminate the SSSI woodland edge. Their removal would result in a net reduction in night-time lighting levels. With the incorporation of a central shared vehicle access area and entrances, the site layout would seek to minimise the potential for light pollution to the adjoining SSSI woodland by having any lights as far away from the site boundary as is possible. Low level lighting with downward deflection together with screen planting within the buffer strip would also reduce light entering the SSSI woodland. Low level bollard lights would be adopted in preference to lighting columns in the vehicle driveway areas. There would be no lighting along the private drive from the Woburn Road.

(h) Applicant's woodland

The application site includes a 0.81ha area of SSSI woodland immediately to the south east of the development site. The applicant proposes to transfer ownership of the woodland to the Council. The subject land is contiguous with a larger parcel of Council-owned SSSI woodland that lies to the north and north east. Whilst the applicant acknowledges that landowners have a duty to maintain SSSIs in a condition that is appropriate to their wildlife conservation status, he argues that bringing this area of the SSSI into the same ownership as other nearby parts of the SSSI would allow management operations to be more controlled and also achieve benefits through economies of scale. It is important to note that should permission for the proposed development be granted, the transfer of the applicant's woodland into the Council's ownership and a financial contribution towards its long-term management would be secured by a planning obligation forming part of a Section 106 Agreement. Indeed, all elements of the ecological enhancement of the site described above would be secured either by conditions and/or planning obligations included in a Section 106 Agreement.

In conclusion, the proposal to redevelop the site for residential purposes is inappropriate development in the Green Belt. However, it is considered that the reduction in built development on site resulting from the scheme and the consequent gain to the openness of the Green Belt when taken together with (a) the proposed decontamination of the site, (b) the opportunity presented to remove from the SSSI the potential for further contamination arising from the industrial use of the site and (c) the proposed ecological enhancements to the site, set out above, amount to the very special circumstances required to justify inappropriate development in the Green Belt.

2. Impact on Area of Great Landscape Value

In the earlier scheme, refused permission in 2006, the proposal would have involved the erection of 17 two bedroom terraced dwellings and maisonette flats in four, two storey blocks arranged around a central quadrangle with a 19-bay garage block to the north. The new buildings would have had a combined footprint of 1405sqm and a combined floorspace of 2435sqm. Accordingly, although the development would have resulted in a slight decrease in footprint of 8%, it would have resulted in a substantial increase in floorspace of 58%. The existing factory has a maximum height of 4.5m. Blocks A and C would have had ridge heights of 8.7m, Block B would have had a ridge height that varied between 7.7m and 8.4m and Block D (closest to the boundary with Kingswood House) would have had a ridge height of 7.7m. Blocks A, B and C, therefore, would have been nearly twice the height of the existing building and Block D would have been more than one-and-half times the height of the existing building. Given its increase in floorspace, height and bulk, it was considered that the earlier proposal would have had a significantly greater visual impact than the existing use on the woodland setting of the site, to the detriment of the special character of the AGLV hereabouts.

Whilst the current scheme does not propose any encroachment into the SSSI woodland, it does seek to incorporate the character of the surrounding woodland into the site with the introduction of native trees and shrubs, ponds and locally relevant grassland communities. In her consultation response, the Council's Landscape Planner states that as there is already the precedent of a large house within the woodland, it would be hard to argue that an exemplary

development would not be more appropriate in terms of landscape character than a continuation of an industrial use. Visibility and night-time light impact is not thought to be an issue. She adds further that the transfer of the woodland owned by the applicant would be a genuine benefit, as it has long been the policy of the Council's predecessor authorities to secure woodland ownership.

3. Sustainability

With regard to the use of non-car modes of transport, although the sizes of the proposed residential plots are generous enough to accommodate an acceptable level of secure cycle storage, the site could not reasonably be described as being well served by public transport. Policy T10 (Controlling parking in new developments) defines areas of high accessibility as sites within 200m walking distance of bus routes into town centres with at least a 30 minute service frequency. The nearest bus stops are some 710m (northbound) and 750m (southbound) from the site entrance. The bus stops are served by the No. 10 (Leighton Buzzard to Milton Keynes, one way), the No. 160 and the No. 165 (Leighton Buzzard to Bedford, both ways) and the No. X15 (Milton Keynes to Leighton Buzzard to Aylesbury, both ways). The most frequent service is the No. X15 that comprises 1 bus per hour each way between 0647 hours and 1919 hours.

The traffic impact assessment submitted with the 2006 application indicates that the current industrial use generates some 128 vehicle movements per day (to and from the site) which equates to 640 movements per 5-day week. This figure includes 20 van and 4 HGV movements. On average, a dwelling generates 8 vehicle movements per day. It follows that the proposed residential development would generate 32 vehicle movements per day which equates to 224 movements per 7-day week. From this it is clear that the new use would result in a significant reduction in vehicle movements each week along the access drive through the SSSI woodland, in particular movements by commercial vehicles.

The design and layout of the proposal would offer further gains to sustainability. The new houses are designed to use orientation, thermal mass and natural lighting and natural ventilation to maximise passive heating and cooling. Modern methods of construction would be employed to maximise insulation, minimise air leakage and significantly reduce energy demand. Heat and power would come from a shared biomass boiler fuelled by wood pellets sourced from local suppliers. Each house would have an array of photovoltaic panels to provide additional electricity. Subject to licence, drinking water would be sourced from the existing on-site borehole. All water would be collected, treated and stored for re-use on site, thereby considerably reducing water consumption and waste.

National guidance (PPS3: Housing) states that local planning authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments that reflect the approach set out in the Supplement to PPS1 and the Code for Sustainable Homes. Given that the proposal seeks to achieve Level 5 of the Code for Sustainable Homes, it would accord with that guidance. It is important to ensure that the new houses are built to Code Level 5. The following wording for a condition is recommended.

“No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 5 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.”

In conclusion, although the current scheme would not contribute towards a more sustainable pattern of development, in comparison with the existing industrial use and in terms of the vehicle movements generated and the environmental performance of the new houses, the proposed residential development would be a more sustainable use of the site.

4. Efficient use of land

The density of the layout, 6 dwellings per hectare (d.p.h.), is well below the national indicative minimum of 30 d.p.h. Whilst it could be argued that the proposal would fail to make efficient use of the site for housing purposes, there are a number of reasons why a density of 30 d.p.h. would be inappropriate –

- the need to ensure that any redevelopment achieves a significant gain to the openness of the Green Belt;
- the close proximity of the adjoining SSSI woodland and the need to provide a low impact development that respects the landscape and ecological context of the site;
- the need to reduce vehicular traffic through the SSSI woodland along the narrow access drive to/from Woburn Road;
- the need to provide large private garden areas of sufficient size to discourage residents from using the adjoining SSSI woodland for recreational purposes;
- the limited utility services available at Kingswood Works and the likely damage to the SSSI, that abuts the private access drive, should a larger development result in pressure for more services, the provision of which would involve excavation of the area beside the drive.

For the reasons set out above it is considered that a low density residential development would be acceptable in this particular case.

5. Loss of employment land

Policy E2 of the South Bedfordshire Local Plan Review governs proposals relating to all Class B1-B8 employment land and premises outside the Main Employment Areas, whether in urban or rural locations. The Kingswood Works site is not within a Main Employment Area and the redevelopment proposal is subject to the provisions of Policy E2 that states:

PROPOSALS FOR DEVELOPMENT, REDEVELOPMENT OR CHANGE OF USE OF EXISTING OR ALLOCATED EMPLOYMENT LAND OUTSIDE THE MAIN EMPLOYMENT AREAS FOR USES OTHER THAN B1, B2 AND/OR B8 WILL BE PERMITTED WHERE:

(i) THEY WOULD NOT UNACCEPTABLY REDUCE THE SUPPLY, VARIETY OR QUALITY OF AVAILABLE INDUSTRIAL AND COMMERCIAL LAND AND PROPERTY IN THE DISTRICT; AND

(ii) THEY WOULD CONTRIBUTE TOWARDS MEETING THE EMPLOYMENT NEEDS OF THE DISTRICT, OR WIDENING THE RANGE OF EMPLOYMENT OPPORTUNITIES; AND/OR

(iii) THEY WOULD MAKE A POSITIVE AND NECESSARY CONTRIBUTION TOWARDS URBAN REGENERATION AND THE SUPPLY OF LAND FOR HOUSING OR OTHER ESSENTIAL USES; AND

(iv) THEY WOULD NOT UNACCEPTABLY PREJUDICE, OR BE PREJUDICED BY, EXISTING OR PROPOSED USES OF ADJOINING LAND, PARTICULARLY THROUGH DISTURBANCE; AND

(v) TRAFFIC GENERATED WOULD NOT CAUSE UNACCEPTABLE DISTURBANCE IN RESIDENTIAL OR OTHER SENSITIVE AREAS.

FOR WHERE A PROPOSAL IS A HIGH TRIP GENERATING LAND USE THE SITE MUST BE WELL RELATED TO PROPOSED AND EXISTING HIGHWAYS, PUBLIC TRANSPORT ROUTES AND RESIDENTIAL AREAS.

In that the new scheme would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in the area, would make a positive contribution towards the supply of land for housing, would not unacceptably prejudice the existing use of adjoining land through disturbance and would reduce traffic in this sensitive area, the proposal would conform with the requirements of policy E2.

The owner of BK Engineering Limited wishes the company to vacate the existing site and find more suitable premises. The existing factory is dated with restrictive eaves heights and impractical access arrangements. A letter from the owner, reproduced as an appendix, includes the following points. The company currently has a five-year lease that is due to expire in September 2011. Should permission be granted for the redevelopment of the site, it is anticipated that construction works would not commence until Autumn 2010 at the earliest. The owner advises that there would be ample time in which to find alternative premises once the future of the site is determined. Given that the majority of the employees are local, the owner would hope to relocate the company within the local area.

6. Design and layout

Policy BE8 of the South Bedfordshire Local Plan Review and Policy ENV7 of the East of England Plan set out a number of design and environmental objectives that proposals for development should achieve. The objectives of Policy BE8 include the following:

- any natural features which are an attractive aspect of the site should be protected and conserved;
- the size, scale, density, massing, orientation, materials and overall appearance of development should harmonise with the local surroundings;
- the setting of any development should be carefully considered and attention should be paid to its impact on public views into, over and out of the site;
- the siting and layout of development should be designed to limit opportunities for crime;
- proposals should have no unacceptable adverse effect upon general or residential amenity and privacy;
- the development should make efficient use of scarce resources; it should maximise energy efficiency and conservation through the orientation, layout and design of buildings, landscaping and planting, and the use of natural lighting and solar gain; it should take full advantage of opportunities to use renewable or alternative energy sources;

- lighting should not have a detrimental impact on the surrounding area; and,
- proposals should take full account of the need for hard and soft landscaping and amenity space in order to integrate the development into its surroundings; they should demonstrate how trees and vegetation would be used to achieve visual, energy saving, wildlife and other environmental benefits.

In addition, Policy ENV7 requires that new development should

- provide buildings of an appropriate scale, founded on clear site analysis and urban design principles;
- provide a mix of building types where appropriate;
- promote resource efficiency and more sustainable construction, including maximum use of re-used or recycled materials; and
- reduce pollution, including emissions, noise and light pollution.

The design and layout of the current scheme is driven by the need to minimise the impact of the proposed dwellings on the openness of the Green Belt and to maximise the environmental performance of the development. The new buildings would be constructed mainly of concrete, using both recycled crushed material from the existing buildings and hardstanding for foundations and driveway bases and local resources for pre-cast panels, thereby reducing construction traffic. They would be sunken into the site to minimise their visual impact and would be clustered towards the centre of the scheme to reduce site dispersal, light pollution and vehicle movements adjacent the SSSI woodland. All reasonable steps would be taken to ensure the use of locally native species to integrate the development into its ecologically sensitive surroundings. Each building is designed with glazing, louvres, overhangs and solid infill cladding to take advantage of their individual orientations to maximise natural daylight and ventilation while minimizing heat loss and solar gains. Furthermore, by incorporating biomass heating technology and roof-mounted photovoltaic panels, the development would take full advantage of the opportunities available to use renewable energy sources. Taking all elements of the scheme into account, it is considered that the proposal meets all the objectives of Policies BE8 and ENV7 described above.

PPS1 (Delivering Sustainable Development) advises that local planning authorities should not stifle innovation, originality or initiative in design. The new buildings would have an irregular form and incorporate an extensive use of sloping concrete panels and glazing applied to the long elevations. Whilst the architecture would clearly be contemporary, the proposed development would respond positively to its local context and contribute to the architectural diversity of the local area and the uniqueness of the site's location.

7. Precedent

As mentioned above, Kingswood Works is a unique location – a rural brownfield site surrounded by woodland designated as a SSSI. The proposal is a bespoke design response to this unique context. The intention is that it would be an exemplar low carbon scheme designed with the principal objective of integrating the development successfully into an ecologically sensitive environment of national importance. Accordingly, the proposal would not set a precedent for uncontrolled development in the Green Belt.

8. **Site management strategy**

The applicant has submitted the following details of a draft site management strategy.

- The proposed houses would be sold under long leasehold agreements with the freehold maintained by a separate householder co-operative.
- The co-operative would comprise the four leaseholders, a managing agent and the Council's designated ecologist.
- On commencement of construction works, the applicant/site owner would transfer the freehold of the site to the co-operative, thereby ensuring that the managing agent and ecologist would be involved in the construction phase of the development.
- As each house is sold, shares in the co-operative would be transferred to the leaseholders and subsequently to future leaseholders as and when there is a change of occupant, thereby ensuring that the management of the site would continue in perpetuity.
- The managing agent would arrange refuse and recycling collections, fuel deliveries and maintenance of the biomass heating system, maintenance of the water recycling system and the packaged sewage treatment plant and other general site maintenance. The agent would also enforce the site regulations/restrictive covenants and appoint an independent specialist to resolve any disputes between leaseholders.
- The co-operative would pay the Council an annual sum for the ecologist's services.
- The ecologist would provide information packs to initial and subsequent leaseholders giving details of an approved plant list and general information about the ecological status of the site and the surrounding SSSI. The approved plant list would exclude non-native invasive species. The ecologist would also update the site ecology survey, carry out regular inspections of the site perimeter to eliminate any unwanted garden escapees and provide general advice to the residents in respect of the upkeep of the landscaping and the continued improvement of the site's biodiversity.
- The site regulations/restrictive covenants would ban the keeping of cats, dogs and other pets that could either predate or have an adverse impact on the fauna/flora both within the development site and within the adjoining SSSI, such as ground-nesting birds. They would also ban bonfires, fireworks, the introduction of plants excluded from the approved plant list and alterations to the houses, the external lighting and the landscaped gardens unless approved by all members of the co-operative.

Should permission be granted for the proposal, the intention is that the final version of the site management strategy would be the subject of negotiation such that the approved strategy with its associated controls would be reflected in a planning obligation within the Section 106 Agreement.

Recommendation

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure –

- Site Management Strategy and details of funding for management of site in perpetuity;
- Ecological enhancement of development site;

- Details of materials, surface finishes and methods of construction of dwellings and arrangements for surface water drainage;
- Transfer of woodland to Council and payment of contribution towards its management in perpetuity;
- Payment of contribution towards local community facilities;
- Payment of contribution towards local green infrastructure;

and subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 **No development shall take place until a landscaping scheme to include any hard surfaces and earth mounding has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R.).
- 3 No demolition, construction or excavation or removal of trees shall be carried out on site between 1st March and 31st August inclusive of any year, unless otherwise approved in writing by the Local Planning Authority.
REASON: To safeguard breeding birds.
- 4 **No development shall take place until a scheme for the parking of vehicles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**
REASON: To ensure provision for car parking clear of the highway. (Policy T10, S.B.L.P.R.).
- 5 **No development shall take place until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**
REASON: To safeguard the amenity of the area. (Policy BE8, S.B.L.P.R.).
- 6 Before the site is first occupied and with the exception of the site entrance, the boundary of the development site shall be defined by 2m high 'Weldmesh' fencing or similar, as indicated on Drawing No. 8004/AA/0501

- received 14/08/09. Thereafter, such fencing shall be retained at that height and no gaps shall be formed within or under the fencing.
REASON: To define the boundary of the development site and to prevent encroachment of the new residential use into the adjoining SSSI woodland.
(Policy BE8, S.B.L.P.R.).
- 7 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including the proposed 'living roofs' and light wells, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**
REASON: To control the appearance of the buildings.
(Policy BE8, S.B.L.P.R.).
- 8 **No demolition, construction or excavation shall take place until details of the existing ground level and the finished floor levels of the proposed lower ground floor and the ground floor of each dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details of levels.**
REASON: To ensure that the proposed lower ground floor is constructed below the existing ground level, in the interests of safeguarding the openness of the Green Belt, and to produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R.).
- 9 **No development shall take place until the positions of the dwellings hereby permitted have been pegged out on site and their positions approved in writing by the Local Planning Authority.**
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8, S.B.L.P.R.).
- 10 Any garage or car port and any access thereto shall only be used for purposes incidental to the use of the dwelling for residential purposes and no trade or business shall be carried out therefrom.
REASON: To prevent the introduction of any commercial use.
(Policy BE8, S.B.L.P.R.).
- 11 The development shall not be brought into use until a turning space for delivery vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.
REASON: To enable delivery vehicles to draw off, park and turn outside of the limits of the shared private access drive thereby avoiding the reversing of vehicles on to the shared private access drive.
- 12 **No development shall commence until wheel-cleaning facilities have been provided at the site exit in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the site developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has**

been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the shared private access drive have been completed.

REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the shared private access drive during the construction period.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order without modification), no additions to, or extensions or enlargements of, the dwellings hereby permitted shall be erected.
REASON: To safeguard the openness of the Green Belt and to control the external appearance of the dwellings in the interests of safeguarding the special landscape character of the area.
(Policies NE3 & BE8, S.B.L.P.R.).
- 14 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no swimming or ornamental pools (other than the 'natural swimming ponds' indicated on Drawing No. 8004/AA/0501 received 14/08/09) and no buildings or other structures shall be erected or constructed within the curtilage of each dwelling
REASON: To safeguard the openness of the Green Belt and the special landscape character of the area.
(Policies NE3 & BE8, S.B.L.P.R.).
- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied within relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of the contamination;

An assessment of the potential risks to:

Human health

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

Adjoining land

Ground waters and surface waters

Ecological systems

Archaeological sites and ancient monuments

An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a

scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors of
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: To protect controlled waters.
- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
REASON: To protect controlled waters.
- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
REASON: To protect controlled waters.
- 20 **No development shall take place until a Construction Environment Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The Construction**

Environment Plan shall provide details of how the site environment will be protected, what protocols must be followed by all site staff, the timings of the demolition and construction works and details of the contacts from whom advice must be sought on the ecological impacts of the construction phase. All construction staff working on site and all visitors to the site during construction shall be made aware of the Construction Environment Plan.

REASON: To ensure that all site staff and visitors are made fully aware of the ecological sensitivities of the development site and the adjoining SSSI woodland.

21 No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking of vehicles of site personnel, operatives and visitors,**
- (b) loading and unloading of plant and materials,**
- (c) storage of plant and materials within the site,**
- (d) programme of works,**
- (e) provision of any boundary hoarding,**
- (f) size limits of construction vehicles working on, delivering to and removing materials from the site,**

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R.).

22 No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 5 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.

REASON: To ensure that the proposed dwellings are built to a previously approved standard of environmental performance, as set out in the Code for Sustainable Homes.

23 Notwithstanding the details submitted with the application, no development shall take place until further particulars of the following elements of the proposed scheme have been submitted to and approved in writing by the Local Planning Authority:-

- Details of the community refuse/recycling facility;**
- Details of the packaged foul water treatment facility;**
- Details of the renewable energy/biomass heating facility;**
- Details of the roof-mounted photovoltaic panels;**
- Details of the construction and long-term maintenance of the brown or living roofs;**
- Details of the construction and long-term maintenance of the 'natural swimming ponds';**
- Details of the protection and long-term management of the Pennyroyal population;**
- Details of the measures to protect trees both within and adjoining the site;**

- **Details of the approved plant list;**
- **Details of all external lighting;**
- **Details of the proposed treatments for the site boundary, including along the shared private access drive and the junction with Woburn Road;**
- **Details of the measures to remove rhododendron beside the shared private access drive.**

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure that the environmental and ecological enhancements that form an integral part of the proposed scheme are secured throughout the life of the development.

- 24 This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 8004/AA/0050, 8004/AA/0051, 8004/AA/0500, 8004/AA/0510, 8004/AA/0511, 8004/AA/0512, 8004/AA/0513, 8004/AA/0520, 8004/AA/0521, 8004/AA/0522, 8004/AA/0523, 8004/AA/0530, 8004/AA/0531, 8004/AA/0532, 8004/AA/0533, 8004/AA/0540, 8004/AA/0541, 8004/AA/0542, 8004/AA/0543, 8004/AA/0600, 8004/AA/0601, 8004/AA/0602, 8004/AA/0603, 8004/AA/0604, 8004/AA/0605, 8004/AA/0710, 8004/AA/0711, 8004/AA/0720, 8004/AA/0721, 8004/AA/0730, 8004/AA/0731, 8004/AA/0740 and 8004/AA/0741 received 10/12/08 and Drawing No. 8004/AA/0501 received 14/08/09 or to any subsequent appropriately endorsed revised plan
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

Policy SS1 – Achieving Sustainable Development.

Policy SS4 – Towns other than Key Centres and Rural Areas.

Policy SS7 – Green Belt.

Policy E1 – Job Growth.

Policy H1 – Regional Housing Provision 2001 to 2021.

Policy ENV1 – Green Infrastructure.

Policy ENV2 – Landscape Conservation.

Policy ENV3 – Biodiversity and Earth Heritage.

Policy ENV5 – Woodlands.

Policy ENV7 – Quality in Built Environment.

Policy ENG1 – Carbon Dioxide Emissions and Energy Performance.

Policy ENG2 – Renewable Energy Targets.

Policy WAT1 – Water Efficiency.

Policy WM1 – Waste Management in Development.

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

Strategic Policy 3 - Sustainable Communities.

Bedfordshire Structure Plan 2011

Policy 7 – Areas of Great Landscape Value.

South Bedfordshire Local Plan Review

Policy NE3 – Control of development in Areas of Great Landscape Value.

Policy BE8 – Design and environmental considerations.

Policy H2 – Making provision for housing via ‘fall-in’ sites.

Policy E2 – Control of development on employment land outside Main Employment Areas (Category 2).

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. In respect of Condition 24, the Preliminary Investigation Report has demonstrated that there are several contamination sources on site which could potentially have an impact on controlled waters and the surrounding SSSI. The Environment Agency therefore agrees with the proposals to carry out further site investigation to establish contamination levels present on the site.
In section 8.5.2 (b) it is not clear as to whether groundwater quality will be sampled alongside soils, therefore the Environment Agency recommends that groundwater sampling is carried out as part of the site investigation.
The Environment Agency recommends that developers should:
 1. Follow the risk management framework provided in CLR11, Model

Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that the Environment Agency requires in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
3. Refer to the website at www.environment-agency.gov.uk for more information.

Land contamination investigations should be carried out in accordance with BS 5930:1999 'Code of Practice for Site Investigations' and BS 10175:2001 'Investigation of potentially contaminated sites - Code of Practice'. Soil and water analysis should be fully MCERTS accredited.

Site investigation works should be undertaken by a suitably qualified professional.

It is noted that on the Environment Agency's well archive there are several records of boreholes on site which have been used. If these boreholes are not to be used within the new development, the Environment Agency recommends that they are decommissioned in accordance with Environment Agency guidance 'Decommissioning Redundant Boreholes and Wells'. For a copy please contact your local Groundwater & Contaminated Land Team. By decommissioning boreholes the pathway between the surface and underlying groundwater is removed and the risk from pollutants using this pathway to migrate is reduced.

5. In respect of Condition 26, the proposed foundations for this site have not been confirmed. It is understood from the Preliminary Investigation Report that deep fill trenches are recommended with the possibility of piling. The Environment Agency recommends that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.
6. The application suggests that soakaways and SUDs will be used as part of the drainage for the site. The applicant should note the following comments in respect of the Environment Agency's Groundwater Protection Policy:

P4-1 Regulatory – Direct Discharges – The Environment Agency will not authorise the direct discharge of pollutants into groundwater unless subject to the provisions set out in the Water Framework Directive (2000/60/EC), Article 11(3)(j) and the Groundwater Daughter Directive (2006/118/EC) Article 6.

P4-2 Regulatory – Domestic Discharge - Outside SPZ1, the Environment Agency will not require consent to be held for a discharge to ground of domestic sewage effluent equal to or less than 2 m³/day unless we consider

that additional control is necessary to protect the underlying groundwater. (Situations where this may apply are given in Section 4.5.)

P4-7 Planning – Deep soakaways – The Environment Agency will object to the use of deep soakaways (including boreholes or other structures that bypass the soil layers) for surface water disposal unless the developer can show:

- there is no viable alternative; and
- that there is no direct discharge of pollutants to groundwater; and
- that risk assessment demonstrates an acceptable risk to groundwater; and
- that pollution control measures are in place.

The application states that soakaways may be placed into the Woburn Sands below the Glacial Till. The Environment Agency recommended depth for the installation of soakaways (and other infiltration systems) is 2m below ground level with a minimum of 1m between the highest seasonal groundwater levels and the base of the soakaway. By placing the soakaways within the Woburn Sands, the discharge would bypass the soil zone which would actively help attenuate any contaminant which may be present within the discharge. Similarly by placing the soakaways at a depth of greater than 2m makes clean-up of contamination in the event of a spill /incident difficult.

P4-5 Regulatory/Planning – Clean Roof Water - The discharge of clean roof water to ground is acceptable both inside and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground. Open gullies should not be used.

The application is to use a rainwater harvesting system which includes 'natural ponds'. It was understood that surface water from driveways would also drain to these ponds. It is unclear how these are constructed and whether any mitigation measures are likely to be put in place. The Environment Agency therefore requests that further information be provided on the site's drainage system.

P4-12 Planning/Influencing - SUDs - Other than inside SPZ1, the Environment Agency will support the use of sustainable drainage systems for new discharges to ground of surface run-off from roads, vehicle parking and public/amenity areas, provided that an appropriate level of risk assessment demonstrates the groundwater conditions to be suitable. There should be adequate protective measures for groundwater and arrangements for effective management and maintenance of the system. (CIRIA 2000, 2004, 2007 SUDSWG).

No development should take place until an Investigation has been submitted to assess the impact that any SUDs will have on water quality. The Investigation should determine the type of SUDs proposed and mitigation needed. The construction of the SUDs should be carried out in accordance with details submitted to and approved in agreement with

the Environment Agency. Drainage systems are to be constructed in line with guidance provided in CIRIA C697, as well as referring to the details given in C609 referred to above and C522 replacement (prior to publication, 2006, refer to CIRIA Report 609).

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) to be constructed to as shallow a depth as possible to simulate natural infiltration.

Base of infiltration structures is to be at least 1 metre above the highest seasonal water-table.

Given that there are boreholes already on site and that it is proposed to use them as a water supply within the new development, careful consideration should be given to the location of soakaways and SUDs. The Environment Agency recommends that a suitable risk assessment be carried out to ensure that there is no risk to the boreholes on site which are to be used for future potable water supplies.

DECISION

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