

Item No. 15

APPLICATION NUMBER	CB/15/02258/FULL
LOCATION	Land off Marston Road, Lidlington, Bedford, MK43 0UQ
PROPOSAL	Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	18 June 2015
EXPIRY DATE	17 September 2015
APPLICANT	BDW Trading Ltd and Henry H. Bletsoe & Son LLP
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Deferred from December Committee to discuss East - West rail representation.
	Previously Called in by Cllr Clark on the grounds it is outside the settlement envelope and potential impact on East-West rail improvements to the Marston Road crossing.
	Major development which is a departure from policy.
RECOMMENDED DECISION	Full Application - Approval subject to completion of S106 agreement

Summary of recommendation:

The application was deferred from the Development Management Committee in December, due to concerns regarding the impact of the scheme on the delivery of the East-West Rail Scheme. The report has been updated to reflect that given additional information received from Network Rail and the lack of an objection that the proposal can be delivered alongside the East-West Rail scheme. The proposal is considered to be a sustainable form of development that would be commensurate with the scale of Lidlington as a small village. Whilst it is considered that the Council can demonstrate a 5 year housing supply, this proposal would add to this and assist in the future safeguarding of this position. The re-development of the employment allocation is supported in the National Planning Policy Framework and it is considered that the site has been marketed for a suitable period of time.

On balance, it is therefore considered that the proposal presents a sustainable form of development that would assist in our continued delivery of a 5 year supply of housing land and would be in conformity with the National Planning Policy Framework (2012).

Site Location:

The site is located to the east of Lidlington, north west of Marston Road and north east of The Lane. The site measures 1.77 hectares and is located in open countryside adjacent to but outside of the settlement envelope for Lidlington.

The site is currently used for rough grazing. Residential dwellings are situated to the south west of the site, open countryside to the north, east and south of the site. A public footpath is located immediately to the north of the site, beyond this is the railway line.

A portion of the site, close to the roundabout and adjacent to the existing residential properties is allocated as employment for B1 use.

The Application:

Full planning permission is sought for the erection of 31 dwellings, an area of public open space, 35% affordable housing, vehicular access, pedestrian and cycle links, landscaping and drainage.

The scheme has been revised from that original submitted, with a reduction in the number of units from 37 to 31, removal of the access from Marston Road and Riglen Close.

The proposal is to be served from the side street of the existing development with primary access from Marston Road coming via the existing roundabout.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

- CS1 Development Strategy
- CS2 Developer Contributions
- CS3 Healthy and Sustainable Communities
- CS4 Linking Communities - Accessibility and Transport
- CS5 Providing Homes
- CS6 Delivery and Timing of Housing Provision
- CS7 Affordable Housing
- CS13 Climate Change
- CS14 Heritage
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings
DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes
DM9 Providing a Range of Transport
DM10 Housing Mix
DM13 Heritage in Development
DM14 Landscape and Woodland
DM15 Biodiversity
DM16 Green Infrastructure
DM17 Accessible Green Spaces

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Sustainable Drainage Guidance SPD (April 2014)
The Leisure Strategy (March 2014)
The Mid Bedfordshire Landscape Character Assessment (2007)
Draft Central Bedfordshire Landscape Character Assessment (2015)

Relevant Planning History:

Application Number	CB/14/03130/SCN
Description	Screening opinion residential development
Decision	EIA not required
Decision Date	19/08/14

Application Number	MB/03/00165/OUT
Description	B1(a) office development
Decision	Approved
Decision Date	25th June 2004

Application Number	MB/07/01433/OUT
Description	Class B1(a) office development (all matters reserved)
Decision	Approved
Decision Date	08/10/07

Application Number	CB/10/00036/REN
Description	Extension of time MB/07/01433/OUT
Decision	Approved
Decision Date	15/12/10

Consultees:

Parish/Town Council

Object to the proposal on the following grounds:

- Outside the settlement envelope, so this would set a precedent
- The site is currently designated for commercial buildings, the Parish Council strongly support this use for the area, to attract businesses to the village
- The site given its current commercial use allocation has not been marketed at all for this purpose
- The village now has access to super fast broadband so this would be a suitable time for site to be marketed with commercial use
- The submitted plans show insufficient parking provision, the allocation within this area is lower than the allocation on the nearby estate which already clearly has issues
- The Council is concerned about the developer's inability to take the nearby estate through to adoption
- Concern that the developer has left parts of the nearby estate in poor condition, the management of the play area facility is not being carried out,
- The site includes strategic land earmarked by Network Rail as part of the core scheme for the East - West rail link which will be included in their public consultation from September
- Lidlington is a small village, the nearby estate when it was built meant a 15% increase in number of properties in the village, this proposed development would mean a further 7% increase. The Council object to this inappropriate growth to a small village which does not have any infrastructure.

Additional comments received 30th November 2015:

- The Parish Council are aware this site has planning permission granted for a commercial use, the Parish Council have not sighted a change of use planning permission for this site.
- The additional houses will add more vehicles movements at the A507 junction which is already very dangerous, it is asked that this be considered as safety improvements are needed to this junction, and none are programmed in at present.
- The current development in this locality has a number of vehicles parking constantly around the approach to the roundabout on Marston Road, which is dangerous. Any additional housing would add to this problem. The proposed thoroughfare to the new area of housing would take away the main area that currently being used to cope with the current

inadequate parking provision. Thus leading to further displacement of vehicles that have no where to park.

- The additional housing will bring a great strain on the utilities currently serving the houses off Marston Road, these will be come overloaded. The village regularly suffers from power cuts due to this issue.
- There is a well documented problem with low water pressure as well.
- The Parish Council would like to see the permissive path upgraded to a full public right of way as a condition of this development, if permission is to be granted, as this was a promised planning gain on Phase 1, which to date has never happened.
- The Council question whether plots marked 29 to 31 are compliant with the East West Rail upgrade plans that no new houses are to built within 30metres of the proposed upgrade.
- The Council are disappointed not to see any self build plots available.
- The Council feel the proposals are unsustainable as they have a negative impact on the village, taking away employment opportunity

MANOP

The needs of older people should be considered as part of this proposal and, should approval be forthcoming, we would urge that a significant proportion of dwellings in the scheme are designed to be suitable for older people.

Housing Development
Officer

No objection

IDB

No comment to make

Community Safety
Officer

No comment to make

Countryside Access

Do not wish to seek S106 contributions from this development.

Ecology

No objection. Integrated bird and bat boxes should be included within the fabric of the buildings on the periphery of the site adjacent to the hedge and ditch features.

Highways

No objection

Integrated Transport

No objection

Landscape Officer

No objection subject to conditions relating to planting

LDF Team

At the time of writing it is considered that we can demonstrate a 5 year housing supply.

Economic Development

No objection

Network Rail

Further comments to follow on the late sheet. Network Rail recommend that the LPA and developer take into consideration the potential for the bridge at Lidlington to impact on the future residents.

East-West Rail

Further comments to follow on the late sheet. Whilst the EWR Phase 2 scheme is not yet consented, and therefore no firm objection can be substantiated, the attached drawing shows early design proposals for a new

		bridge over the railway in Lidlington. The proposal may have some impact on planning application CB/15/02258/FUL, land off Marston Road, Lidlington.
Play and Open Space Officer		No objection subject to conditions
Public Protection		No objection subject to noise condition in terms of rail and road traffic noise.
Contaminated Land Officer		No objection
Rights of Way		No objection subject to condition
SuDs		No objection subject to conditions
Transport Strategy		No objection, however, concerns raised regarding the proposed development and the impact it may have on the future delivery of an alternative crossing for Lidlington. The East West Rail project team were consulted but no response received.

Other Representations:

Neighbours	36 letters of representation have been received in objection to the proposal.
2, 3, 6, 8, 10 Riglen Close – Objection	<ul style="list-style-type: none"> • Lidlington is classified as a small village and by adding 37 new dwellings the village will grow considerably and lose its feel • Lidlington has had its share of developments and do not need more • Lidlington is very congested • Adjacent site built by the same developer – the roads are very narrow and the houses do not have enough private parking • There is a suggestion to create a new access road to the proposed development off Marston Road – This has now been revised and removed from the proposal. • Movement of the existing playground would be closer to the railway line – security risk for children playing outside • There is only one small village shop available to residents, thereby residents have to travel to nearby towns for their shopping. Since the current public transport system offers limited options residents have to use their cars. Adding more houses would increase the traffic considerably in and through the village. • The developer has marked boundary lines wrong and taken land that doesn't belong to them. This has now been rectified in the revised drawings. • The proposed development includes land that is currently up for sale as B1 commercial development. They have stated that this land is

unable to sell and would be better used for residential development. It is hard to believe that there is no interest at all to develop any kind of commercial business on that land. The village would benefit far more from a commercial unit that would create local jobs in the area, rather than more houses.

- The local school is already oversubscribed
- The closest doctors surgery is in Marston Moretaine and they are already struggling with the amount of patients registered with them.
- Network Rail are electrifying the train line through the village – a recent consultation meeting suggested that one option involves moving the main road through the village and this would cut through the field where this development is proposed. By building on this site you would be limiting the options for Network Rail. It is felt that the train line is far more important than additional dwellings.
- The developer did not accurately follow plans for the adjacent development and it is feared they will do the same here.
- It has been suggested that the owner of the land has turned down a number of reasonable offers for the land over the years in the hope that they would eventually gain consent for residential development – the village is in dire need of local businesses.
- Access via Riglen Close would be dangerous for all of the current residents and upset current parking arrangements.
- Access via Marston Road would be dangerous as this is the main artery through the village and turning on to and off this road would be dangerous.
- The proposal would add significantly more cars to the village traffic.
- The proposed houses differ aesthetically to the existing adjacent properties
- The layout is bizarre placing roads next to existing roads with a hedge in between.
- Traffic calming measures or urban realm improvement works have been suggested along Marston Road – these should be in place before planning work is approved, it is a dangerous road that has previously had fatalities.
- There is no pavement on the side of Marston Road next to the proposed housing estate therefore pedestrians would therefore have to cross a busy road with a blind corner in order to gain access to the village.

- The increase in visitor parking has been noted, based on 1 visitor per 4 houses. What is this based on? The proposal fails to cater for the 10 parking spaces that would be displaced from the current adjacent estate when the new side street access road is created.
- The transport statement is not appropriate as it is too narrow and does not consider traffic incidents on the junctions from Lidlington onto the A507 Bedford Road. Both of these junctions have been the scene of fatal accidents.
- The transport statement should also consider the planned changes as part of the rail upgrades – this will increase the traffic load on Marston Road and increase risk onto the dangerous junction with the A507.
- Riglen Close is not a standard width, it is very narrow and fire engines or ambulances would find it very hard to access the new properties if they were built using this access
- We already have a problem with parking in the close as many properties are 4/5 bedroom houses with only 1 parking space. The end of the Riglen Close is currently a T junction and is often used for parking. If the development went ahead this would then be a through road, where would these vehicles park? We also have to park cars partly on the pathways otherwise vans/cars are unable to pass
- The whole estate already has problems with parking without any more houses being built to increase this problem.
- There are a number of local residential developments either taking place, approved, or under construction. Recently completed are the former Royal Oak Public House site and the conversion of Lidlington Church into residential accommodation. The Hanson Offices are now sold for development, and there is a substantial new development proposed at Millbrook. The local plan states that 500 new homes should be accommodated by the 50 small villages in the county. Lidlington has already provided over 70 of these in the current estate. On the presentation of the local plan, council representatives informed us that the proposed development was unlikely to be given approval during the term of the current local plan, as Lidlington would have limited infill

development only.

- A few weeks ago the local shop - The Lemon Larder closed down. The village now has no shops and I have to travel outside of the village to do my weekly food shop. Its my understanding that part of the site has been cleared for business use. If this development was to go ahead it would use this land. This land needs to be kept for business use, its is a good size for a metro sized supermarket and this is something the community greatly needs, especially in light of the recent closing of the only shop left in the village.

6, 8 and 18 Kerrison Close - Objection

- Developer hasn't completed the existing estate – the estate roads have yet to be adopted by the Council, there is no paved link between Kerrison Close and The Grove footpath and general maintenance is lacking
- Increased traffic on the estate and the village as a whole
- The local school is very small – where would the children go?
- Car parking is already a big problem – this new build will only make it worse
- It will be a safety issue due to blocked roads for larger vehicles and emergency vehicles
- Movement of the play park – add to the already high level of noise experienced, especially with another 31 houses
- Will there be a regular rubbish collection
- Will the roads be cleaned during the building phase
- Does the new fast rail link know about another 31 houses that could use the railway station and plan to have them stop at Lidlington
- Concerns regarding the relocation of the existing childrens play area – it appears to site it significantly closer to our property. This may lead to significant increases in noise disturbance and will impact our privacy. Our lounge window would look directly out to the

2, 4, 11, 37, 39 Butler Drive – objections

area where the new site will be and anyone using the equipment would have a direct view into our lounge.

- David Wilson Homes have not completed the existing development at Butler Drive, no contractors for public spaces are in place and the development is now turning wild, with Children's play areas now no go areas.
- The proposed development will be visually overbearing and have a significant detrimental impact on the verdant landscape. The style and design of the proposed development is not in keeping with existing dwellings thereby reducing the village aesthetics. One of the reasons we bought our house in this area was because of it being in a small village with a rural, country design and feel.
- Safe access and egress to the development will be compromised in an already overpopulated and busy residential area. We already suffer with a lack of suitable parking resulting in residents parking on the main access road (Butler Drive) and pavement leading into the development. With the speed at which cars enter the development the obstructions caused by the overflow parking naturally cause concern for pedestrian safety and roadway preservation. Similarly, people have been observed to cut off the corner into Butler Drive. The increase in traffic flow and parked cars, to an already busy junction, and estate, jeopardises the safety of our children, residents and also the safety of our roadways.
- The development is planned on potential employment land. This area of land has been advertised for employment and therefore contradicts the initial plans for this area, removing the possibility for local employment and income generation.
- The noise levels will be greatly increased in building such an estate around and already established area, for those who do not work 9-5 this would cause a big disruption during the day. equally the road and surrounding areas will be filled with drilling and building noise. once build this will add 35+ peoples daily noise.

- village life as it is at the moment represents all that is good with small rural housing, it allows a sense of security and relaxation as the small area allows the community to be aware of each other, by increasing the number of houses in this village it will alter the quality of the village that we have all come to know and love.
- by removing the marston vale trail this would stop the free roaming of the land (which we believed was protected for 25 years) from the current families in the village from; dog walking, hiking and enjoying the countryside. Additionally the wildlife already on the site (would be destroyed) including rabbits, foxs butterflys birds and a multitude of different smaller creatures which would be eradicated not dissimilar to cutting down the rainforests of south america which i am sure even BDW would agree is not acceptable!
- Finally there is already large en-mass building of estates in bedfordshire; Flitwick, Millenium park and others. furthermore there are houses in Lidlington that have been built that are not yet sold, would it not therefore make sense to optimism the current vacancies before building more housing.
- The transport statement is out of date – incorrect bus timetable information
- Not sufficient parking for existing and future residents
- Network Rail are to upgrade the railway and are planning to close the Church Street/Station Road level crossing. They presented several proposals but their preferred solution was to build a new road with a bridge somewhere between the existing roundabout and Marston Road level crossing. Although this is not forecast to happen until after 2019 would it not be a good idea to look into seeing how this new estate would impact the proposed solution to the level crossing.
- The implementation of this development cannot be allowed to delay the adoption of the Phase 1 roads.
- the proposal to create a side street from the existing access square servicing 90% of the new houses is ill conceived.
- The incorporation of a so called 'private road' from access to the north east provides further annoyance. A second means of access and

egress from the estate generally would be beneficial to the existing and new properties.

- The current proposed new access road from Butler Drive will include a sharp corner with limited sightlines. I believe this will be dangerous and creates a blind spot. Cars already cut the corner from the roundabout, over the square, onto Butler Drive. With the proposed access accidents will occur.
- The straight roads now proposed for phase II, I believe, will cause for heavier traffic to be parked on the roads within these areas.
- Generally it is accepted there is a lack of parking within phase I. No consideration appears to have been made with regard to phase II.
- The house styles that have been proposed for the dwellings do not mirror those of phase I. I do not consider these to be inkeeping with the style or feel of the village or the original phase I development. (An issue I believe Central Bedfordshire Council took great care to ensure in phase I).
- In addition I note within the affordable housing that flats have been proposed. Again I feel that these are not inkeeping with the phase I development or the village as a whole.
- I note that the affordable housing has been crammed into an area directly adjacent to the roundabout. I note that this area has previously been allocated for employment land. Therefore I cannot see why housing is being allowed to be created on this area.
- The affordable housing has been put in a separate area with separate parking area complete. This appears to isolate the affordable housing from all other residents within phase II of the scheme.
- The access routes will create problems, both from the existing road and particularly from Marston road. The road is busy and has a nasty bend near the proposed entrance which has seen previous fatalities.
- There is lack of adequate parking. The existing part of this development is ridiculously overdeveloped and under resourced for parking. Most of the roads are permanently clogged with residents cars.
- Network Rail needs to close the automatic rail crossing close to this development and is on the

40 Whitehall – objection

threshold of applying to build a bridge to do this. This will be impossible if the development is approved and may result in Marston Road being permanently closed. This will be a disaster for the village and will not be popular with Millbrook Proving ground who have permission to build on the opposite side of Marston Rd.

- There is existing planning permission for this site for light industrial development. The developers never wanted this and have not tried to market it. With a recovering economy they now have an opportunity to do so and to provide potential employment in the village which now has superfast broadband.
- The village infrastructure is overstretched already and this development would only exacerbate that.
- There is no land set aside for Self Build.
- There have been 10 new dwellings approved in Lidlington in recent months. Four have been built on the former Royal Oak site, 3 in St Margarets church and there are approved plans for two dwellings adjacent the Green Man pub and one on Station Road, none of which are affordable housing. Lidlington is supposed to be a small village. The previous housing development extended the village by 14%. This is extending the village boundary even further and by another 7%.
- The developer of the existing site has an appalling record of discharging its responsibilities once the houses are built and sold.
- There has been no consideration given to the amount of increased traffic flow, noise and inconvenience to local residents, especially during construction, if the plan is approved.
- The reference made to improved local transport links and facilities is sadly misinformed.
- The local bus service is a once a day bus at best with the nearest regular service some 2 mile walk away in Martson Mortaine.
- There is no longer a village shop, with the proposed building of a new one appearing to falter!
- The present rail service is an hourly one at best (in either direction) and is regularly subject to delays and cancellations, especially in the evening.
- As far as I understand it, the new improved

2, 11 The Lane –
objection

service will not stop at Lidlington. The future electrification of the line will require substantial construction to improve the level crossing in Marston Road, effectively isolating the eastern end of the village, meaning that the only access will be from the western end, additionally increasing traffic.

- Local building projects (e.g. the conversion of the old church) caused parking issues during construction and some 12 months later the building still remain vacant! The new development in neighbouring Marston Mortaine has provided a significant increase in local housing and the increase in residents is already eroding its village appearance.
- Whilst understanding the need to increase home building nationally, I can see no benefits to this application to the residents of Lidlington. We are a village and proud of it!
- This is seen locally as the thin edge of the wedge, with the much opposed plan of linking Bedford and Milton Keynes, through housing developments, as gaining momentum through piecemeal development.
- The slow but steady erosion of the surrounding countryside, to increase available housing, will only benefit the local authorities through grants and central government handouts, with no visible improvement to our quality of life and for the above reasons I still strongly object to any new proposed developments to our village.

20, 21, 22 Greensand Ridge – objection

- This would spoil the landscape and is a perfect dog walking area, it is safe and would spoil the rural scene of Lidlington whilst destroying the newly planted trees.
- The land is adjacent to nature reserve and would damage natural habitat of animals.
- the village cannot accommodate any further development.
- There will be a strain on facilities, increased traffic, increased noise and pollution, local services will be under further strain especially the village school and local doctors surgery.
- Further development will detract from the rural nature of the village, a characteristic much valued by the current residents.
- I am concerned about the possible increase in the village school place competition.
- Lidlington has already provided land for recent development at two brownfield sites, the church

and public house, this is enough.

- Development on the proposed site will result in further loss of countryside bringing this villages merger with Marston Moretaine even closer. I chose to live in Lidlington as it is a village, I want to live in a village not a town.
- There must come a time when building on greenfield sites must stop before the natural landscape of this country is irreversibly damaged. I refute the popular belief that a housing crisis exists in the UK. A population crisis exists in this country. The UK is one of the most densely populated countries in the world. Further development only encourages population increase. To ease overcrowding immigration must be vastly reduced and couples should be encouraged to have no more than two children. A smaller population would result in greater quality of life for everybody and make it more possible to live sustainable lives. I therefore oppose this development as I oppose all greenfield development. I propose this land should instead be used for the production of food or made an addition to the neighbouring woodland reserve.
 - Lidlington is a small village with little infrastructure or schooling. To add an additional 37 homes will create an increase of traffic pollution/vehicle movements. A potential increase of around 80 additional vehicles out on to the Marston Road.
 - Currently there is one access/exit from/to the existing estate which will take the additional homes which is via a roundabout on to the small Marston Road, which would be incapable of taking the increased traffic. The adjacent Land is currently arable land in the green belt, This area is currently used by residents/visitors for walking, dog walking, cycling and general amenities, and we understand we could lose part of this area.
 - There is further the additional East/West Varsity line rail link with possible alterations to the road by closing the level crossing 300 mtrs from the site, so Marston road would again be the popular route out of the village. The level crossing in Lidlington could also be closed. Whilst acknowledging that housing stock is needed a small rural village is not the correct location especially at the moment when so much is still to be decided.
 - There is also the current planning consent to

9 Station Crescent –
objection

Millbrook Proving Ground for additional business buildings located on land opposite the site again using the Marston Road for access.

- I have concerns over increased traffic in an already congested village, increased traffic especially close to bridleways and on the Lidlington Hill where there is no footway. I am also very concerned about the lack of shops and of facilities such as GP practice - which it is already very difficult to access and get appointments at. The size of Lidlington has already caused infrastructure stress (roads, services) and to increase population again by building more houses will only add to the existing pressure on local amenities. Risk to local walkers, and users of bridleways and cyclists will also increase due to additional traffic.

Hill View, Lodge Road
Cranfield– Objection

- Its too large, developments in a village the size of Lidlington should be smaller.
- The submitted plans by the developer are inconsistent, each document features a varied layout.
- The size of the proposed development would compromise the small village feel that Lidlington currently has.
- The proposed site would be better used with a business located on it.
- If built, access to the houses on the site would be difficult and dangerous.
- Local facilities are already oversubscribed, increasing the capacity of local schools and doctors surgeries should be first addressed before building new houses.
- The land has also been scoped in the preliminary plans by National Rail to electrify and extend the railway and move the villages level crossings. Using it for a housing development may affect their project and the extension of the railway is a much more worthy project.
- Internet access in Lidlington is slow, the recent network upgrade to fibre has now been fully subscribed and BT can no longer accept any more customers, leaving the majority of the village still on the old slow connection. Adding more houses will make slow Internet even slower.
- Lidlington has been designated as a small village and a development of this size would

threaten that particular classification. The development is set to stretch the village geographically, it is my firm belief that there are many sites closer to the heart of Lidlington that should be first considered for development, before any extension to the village. There has also been a large amount of development in the area recently and Lidlington has taken its fair share of the councils new housing quota.

- I am aware of pre existing planning permission on part of the site. I believe that this should remain classified as B1. To remove or modify this classification would hurt the local community, who could immeasurable benefit from a new local business. As previously mentioned, the anecdotal part of the plans discuss the range of amenities already accessible by the local community, this information is out of date and there are far less facilities than mentioned. If this plot of land is continually reserved for business purposes it will eventually be purchased and developed. From reading the documents it is my understanding that offers have previously been made by prospective businesses but have been rejected by the owner of the land. I assume the owners approach is that the sum of the land is greater than its parts and is biding time until extremely profitable residential planning permission can be obtained for the entire plot of land. It is crucial that the council do not agree to change the type of planning as the residents of Lidlington and the immediate surrounding areas would benefit far more from a new local business than a new housing estate.
- Part of the plans change the planning use of part of the proposed site from business to residential. Lidlington only has one pub, one small local shop, one hairdressers and one church. The local residents would benefit from this land being kept for business use and being sold to a business. Its my understanding that this land has been for sale for some time, but the seller has not sold it even though they have numerous decent offers. I encourage you to refrain from changing its planning from business to residential, this may force the seller to finally accept an offer so that land can be sold to a business and developed, which would greatly benefit the local community.
- Access to the site causes me some concern.

The site is partly accessed from a busy road that has tight and blind corners, this could lead to accidents. Another access point displaces a large parking area on a housing estate, where will these cars park? The only option I can see is that they will start to park on the main roads in the village. This would turn a two way traffic system, into a one way road which would cause delays when travelling through the village.

- My final point is that there has been enough development in the area already, I have seen new houses go up in Lidlington, as well as the major conversion of the local church. There is also a huge development taking place at Milbrook. My worry is, if the proposed plans in Lidlington are allowed to happen, it will expand the size of Lidlington and you will soon get Marston, Lidlington and Millbrook sprawling in to each other forming one large pseudo town. Lidlington is a small village and the council should preserve it, only small developments that fill in empty plots between existing houses should be allowed.
- I lived in Marston and then moved to Cranfield, over the past 65 years of being a resident of both villages I have seen them grow, slowly at first but housing development after housing development have caused each village to become more like a town. Its my belief that the proposed housing development would have the same effect on Lidlington. Its important to retain Lidlington as a village and keep development to a minimum, nothing of this scale should be approved.
- Lidlington is supposed to be a SMALL village. The previous housing development extended the village by 14%.
- This is extending the village by ANOTHER 7%, pushing the village boundary even further.
- The access routes will create problems, both from the existing estate road and from the main road. There is lack of parking.
- Cars in the current estate are parked on the road causing difficult access.
- The access route is very close to existing dwellings and will cause nuisance.
- What happens if the RAIL CROSSINGS CLOSE in future and the road is diverted with a bridge over the Marston Road? It may not leave enough land.

Hurst Grove – 1
Objection

Millbrook Proving
Ground - Objection

- What has happened to employment land?
- There is no land set aside for Self Build.
- There have been 10 new dwellings approved in Lidlington in recent months. Four have been built on the former Royal Oak site, 3 in St Margarets church and there are approved plans for two dwellings adjacent the Green Man pub and one on Station Road, none of which are affordable housing.
- The site is not well suited to residential development.
- The development does not provide benefits for the community and will in effect remove an opportunity to provide business accommodation suited to local needs
- Whilst it is acknowledged that they may have been little interest in the area previously designated for employment - the period incorporated the economic recession and further marketing should be considered, in addition the recent approval of employment at Millbrook Proving Ground may well stir further interest in alternative business developments in the area.
- The marketing report suggests that there has been positive interest in the site previously but these have been rejected as either being below market value or at conflict with the local residents.
- the proposal demonstrates an incursion into the open countryside
- The proposed development does not integrate with the existing development.
- The lack of connection between the two sites demonstrates that this proposal does not represent a natural extension to the existing urban fringe.
- The LVIA states that the site has a low landscape value - this is rejected. The site's landscape value is in creating a clear transition between the edge of the settlement and Granary Wood.
- The rough pastureland alongside the woodland creates a valuable wildlife and biodiversity habitat, which would be lost with the development of the site.
- Poor design in terms of elevations and integration.
- The proposal site cannot be considered to be a sustainable development - the premature loss of

a designated employment site, given the recent permission for a new technology park would appear to compromise the economic element of being sustainable development.

- Not considered that the site is appropriate to meet housing need
- It is considered that the proposal would also fail the environmental strand of sustainable development.

Petition

A copy of a petition that was sent to the developer in October 2014 was received. This raised a number of concerns about the proposal following a public exhibition and was signed by 41 residents.

It raised the following concerns:

- Traffic and site access
- Current local developments
- Employment permission
- Local amenities
- Playground relocation
- Nearby residents
- Railway line
- Drainage
- Broadband
- Existing responsibilities

Determining Issues:

The main considerations of the application are;

1. Principle
2. Access and Highway considerations
3. Impact on the character and appearance of the area
4. Neighbouring Amenity
5. Biodiversity
6. Loss of Employment Land
7. Planning Contributions
8. The Planning Balance
9. Other Matters

Considerations

1. Principle

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraph 11 of the National Planning Policy Framework set out that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The Central Bedfordshire Core Strategy and Development Management Policies (2009) forms part of the Local Development Framework for the North Area of

Central Bedfordshire. It sets out the Strategy for providing homes and jobs in Central Bedfordshire. At 3.3.1, it sets out the approach that will be taken to achieve these development requirements. Part of that approach is to control development within the open countryside.

- 1.3 The supporting text to Policy DM4 (Development Within and Beyond Settlement Envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance.
- 1.4 The application site falls outside of the defined settlement envelope for Lidlington and is therefore considered to be within open countryside. Lidlington is designated as a small village in Policy CS1 (Development Strategy) this states that in the rural part of the district new development will be limited in overall scale. Policy DM4 states that within the settlement envelope of small villages *'development will be limited to infill residential development and small-scale employment uses'*. The proposal would therefore on this basis be considered as inappropriate development in the open countryside and would conflict with the development plan.
- 1.5 However, there are a number of other considerations that need to be taken into account when considering the principle of development. In considering proposals for residential development outside of defined Settlement Envelopes, regard should be had to Paragraph 49 of the NPPF which states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 14 of the NPPF sets out that, in considering development proposals in circumstances when relevant policies of the development plan are out of date, planning permission should be granted unless:

*"- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as a whole; or
- specific policies in (the) Framework indicate development should be restricted."*

In a recent appeal decision in relation to Langford Road, Henlow, the Inspector raised a number of concerns about the deliverable supply of housing land and considered that the Council had not demonstrated a deliverable 5 year supply. At the present time, it is considered that there is a five year supply of deliverable housing land for Central Bedfordshire. However, in light of this recent appeal decision, Paragraphs 14 and 49 of the NPPF continue to be a significant material consideration.

- 1.6 It is therefore considered whilst the Council considers it can demonstrate a 5 year supply of deliverable housing land, the proposed development would add to this supply for future safeguarding. Therefore, it is a material consideration in the application.

1.7 Lidlington is classified as a small village with the Core Strategy and Development Management Policies for Central Bedfordshire (North), it has good transport links to the surrounding area and has a number of local facilities. It has been drawn to my attention that since submission of the application, the local shop has closed. However, there is a local school, hairdresser, Post Office/shop (currently closed for refurbishment), Pub and village hall. There is good access to both Marston Moretaine and further afield. It is therefore considered whilst a small village, that it is a sustainable location.

2. Access and Highway Considerations

2.1 Access is to be taken via the existing roundabout from Marston Road and then using Side Street adjacent to the existing development. The Highways Officer is content that this is an acceptable arrangement for serving the development. The removal of the access from Riglen Close and Marston Road have aided the scheme and removed any highway concerns relating to access.

2.2 The proposal is predominantly Design Guide compliant apart from the inclusion of parking court at the front of the site and tandem parking. The parking court at the entrance to the site is seen as acceptable to achieve a more continuous frontage and replicate a similar design to that on the opposite side of the entrance. The use of tandem parking whilst not favoured is considered to provide an appropriate level of parking for the development and the number of visitor spaces within the scheme to compensate.

2.3 Overall, the Highways Officer has raised no objection and is content that the proposal is acceptable in highway terms.

3. Impact on the character and appearance of the area

3.1 The application site is outside of the envelope and is therefore considered to be within the open countryside. The site is currently used for rough grazing. Adjacent to the site is a residential development on one side and open countryside on the other. To the rear of the site is a footpath and beyond that the railway line. Opposite the site on the other side of Marston Road is Millbrook Proving ground.

3.2 The wider context of the site, surrounding the village of Lidlington to the west, is characterised by the transition between the wooded greensand ridge and the relatively open clay vale. To the north of Lidlington the landscape is dominated by low-lying agricultural landscape, a number of water bodies, the settlement of Marston Moretaine and dispersed farmsteads. To the east, the landscape is influenced by the man-made feature of Millbrook vehicle proving ground. To the south, the landform begins to rise and forms a series of low, rounded slopes and hills which are covered extensively by woodland. To the west, the land is mainly occupied by arable fields associated with small scale woodland, village settlements and a distribution centre. The site is covered by the defined area of the Forest of Marston Vale.

3.3 The site is located in the the NCA 90 Bedfordshire Greensand Ridge and at the local level within the settled and farmed clay vale (LT5) and the North Marston Clay Vale (LCA 5D). The landscape character of LCA5D is described as ' a large

scale, flat and open clay vale with distant views to the contrasting landscapes of the Mid Greensand Ridge (6A) and the Cranfield to Stagsden Clay Farmland (1A) - containing the vale and forming a prominent backdrop to the south and west'. Although arable farming remains the predominant land use, the vale has been greatly influenced by industrial development, urban fringe pressures, and primary transport corridors'.

- 3.4 The Landscape Officer has commented on the application and has raised no concerns in terms of the impact on the landscape. They acknowledge that this development is an extension of previous recent residential development and welcome the retention of landscape features on site. This is important as this development extends to the Millbrook Proving Ground boundary, and the existing trees and hedges on the proposal site link with the planting at Millbrook to create a valuable network of planting within the Forest of Marston Vale.
- 3.5 The removal of the second access from Marston Road is welcomed as the native hedging along Marston Road is an important part of local character and should be reinforced as part of any planting proposals.
- 3.6 There would be a loss of rough grazing land and in turn open countryside through the expansion of the built form into the site. It is not considered that this harm would be significant and demonstrable. Given the current permitted use of part of the site as employment allocation and the public open space and the retention of the existing landscape features, it is considered that it would be difficult to sustain an argument that the adverse impact on the landscape would be significant and demonstrable.
- 3.7 The design of the dwellings has been amended since first submission, they are now considered to be acceptable and would complement and be in keeping with the neighbouring development.
- 3.8 The proposal will provide a mix of dwellings, with a mix of designs and roofscapes to add variety and interest. The use of chimneys adds to the interest and hierarchy of dwellings.

4. Neighbouring Amenity

- 4.1 The development is to be accessed via the existing roundabout and then through an existing side street, which was constructed to serve the employment area. There will be no other access points for vehicles through the existing development. This was amended from the previous scheme, due to concerns raised by residents in terms of access from Riglen Close.
- 4.2 The area at the front of the site, close to the roundabout has been designed to reflect the continuous frontage on the opposite side of the roundabout and will be served by a parking court to the rear.
- 4.3 The residents within Riglen Close would have a change to their current view of open countryside. The proposal has been amended since first submission to reduce the impact of the proposal on these residents, with the scheme being reduced in number and moved further away from these dwellings. The scheme now achieves a front to front distance over some 20m at this point, with only two

properties facing towards the existing development.

- 4.4 It is considered given the design and separation distance that the proposed development would not result in any loss of privacy or overbearing impact on the existing residents neighbouring the site.
- 4.5 Some residents have expressed concern in terms of the repositioning of the LEAP/LAP. The proposed LEAP/LAP is at the closest point some 20 metres from the existing properties and some 20 metres from plots 30-31 of the proposed development. This is considered to be a suitable separation distance from residential properties.
- 4.6 The proposal is considered to be Design Guide compliant in terms of amenity space and would provide a suitable level of amenity for future residents.
- 4.7 It is therefore considered that the proposal would not have a detrimental impact on the residential amenities of neighbouring residential properties.

5. Biodiversity

- 5.1 The existing site is semi improved grassland with hedgerows and a wet ditch being features of greatest ecological interest and could be beneficial to reptiles. It is noted from the proposed site layout that these features are to be retained. However, the NPPF calls for development to deliver a net gain for biodiversity, it is therefore considered that further enhancements should be incorporated into the scheme.
- 5.2 The soft landscaping plan shows EM1 as a seed mix and the revised site layout plan shows this mix to be used across the site in the public open space, pathways can be mown through this and it will help to offset the grassland which will be lost to the development. Given that the site does have potential for reptile interest any existing tussocky grassland should be left in situ rather than reseeding.
- 5.3 The wet ditch to the north west is within the public realm apart from to the rear of plots 29 and 31, at this point a 4m buffer will remain and 1.8m close boarded fence to the delineated the rear gardens will be erected.
- 5.4 The corridor along the southern boundary of Hedge 1 ensures this is protected and enhanced with further planting and this is welcomed.
- 5.5 General good practice should be followed during site clearance and construction works to prevent any risk of harm to wildlife, these are detailed in chapter 4 of the ecological appraisal and are considered acceptable. The Council's Ecologist does not object to the application and is satisfied with the information provided.
- 5.6 In order to deliver a net biodiversity gain it is considered appropriate to condition up to 10 integrated bird and bat boxes be included within the fabric of the buildings on the periphery of the site adjacent to the hedge and ditch features.

6. Loss of Employment Land

- 6.1 The portion at the front of the site close to the existing roundabout would result

in the loss of a designated employment area. A marketing report has been submitted with the application. The report identifies that the employment land has been fully exposed to the market and between late 2008 and 2012 and during the marketing process there has been no firm interest in the land from either property developers, or occupiers, seeking space for a B1(a) scheme.

- 6.2 Despite various approaches based on a change of planning permission, the interest was not continued, or it was deemed that the proposed alternative use would create unacceptable conflict with local residents. The current permission is due to expire in December 2015.
- 6.3 The part of the site subject to the planning consent for employment use is located almost entirely outside the settlement boundary. However, the extant permission shows the principle for built development on this area of land has previously been accepted.
- 6.4 The report concludes that there is insufficient employment demand to bring forward this site for employment. The NPPF makes it clear that if employment sites are not performing then alternative uses should be considered.
- 6.5 The Council's Economic Development Officer has been consulted on the application and whilst they raise concern regarding the loss of local employment sites serving local needs they raise no objection. The marketing report does note available B1 sites a significant distance away in attempting to demonstrate a supply of land. However, given the recent approvals at Millbrook, development that could house B1 uses this would mitigate the potential loss of land. Therefore they would not oppose the application on the grounds of the site not being marketed adequately.
- 6.6 Millbrook Proving Ground have raised objection to the application on a number of grounds, one being that the proposal has not been marketed at the right time and that it should be re-marketed given the recent approvals at Millbrook which may encourage businesses to the area. However, this is considered unreasonable, the site has been marketed for a number of years and nothing has progressed. It is seen that the site is not attractive to businesses and therefore the use of the land for residential would be more appropriate.

7. Planning Contributions

- 7.1 A S106 agreement will be used to secure the relevant contributions required towards local infrastructure. The Heads of Terms are still under discussion at the time of writing and will be finalised on the late sheet prior to the Development Management Committee. The current heads of terms being discussed are as follows:

Education

- Middle School - £71,882.30 Project to increase the capacity of Marston Vale Middle School through extension or reorganisation.
- Upper School - £88,146.41 Project to build a new 6th form block on land adjacent to the School site, providing additional 6th form space and freeing up space in the existing accommodation to accommodate the additional pupils expected to arise from this development.

Affordable Housing

- 35% affordable housing will be secured across the site.

Other

Provision of open space and future management.

- 7.2 The proposed heads of terms are considered to meet the tests as set out in terms of the Community Infrastructure Levy.

8. The Planning Balance

- 8.1 Whilst it is considered that the Council can demonstrate a 5 year supply of deliverable housing, the proposal is considered to represent a sustainable form of development that would add to this supply and assist in safeguarding this position in the future.

- 8.2 The NPPF makes it clear in paragraph 22 that *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits...'*

- 8.3 It is considered that the previous land approved for employment has been marketed appropriately over a number of years and is considered to be unattractive to B1(a) development. Given its location within a village and adjacent to an existing residential development it is considered that other commercial uses may not be appropriate, whereas residential is seen as an appropriate alternative use in this area. The proposed development would provide for 12 affordable homes (35%) on the employment site, with the remaining being sited on adjacent land up to the natural boundary of the site along the ditch. It is considered that this additional housing could be accommodated within Lidlington and would be of suitable scale for the village.

- 8.4 The Landscape Officer has raised no objection to the scheme and it is considered that the proposal would not have a detrimental impact on the character of the area or the landscape at this point.

- 8.5 A number of representations have been raised in terms of the East-West rail proposal and the possible impact on the proposed development. At present the options are being consulted on and no firm proposal has been explored, therefore the weight that can be attributed to this is limited. It is considered that both the development and the improvements to the Marston Road crossing can be achieved and that the proposal would not prejudice the East-West Rail link.

- 8.6 The application was deferred from the last committee due to concerns regarding a late representation from East -West Rail. The representation makes it clear that no firm objection can be substantiated, as the East West Rail scheme is not yet consented. However, the plan that they provided with their representation shows a 30m separation distance between the boundary (the ditch) of the application site and the edge of the embankment. This is considered to be an

acceptable separation distance and would ensure that the east-west rail scheme is not compromised. Further comments from Network Rail/ East-West Rail will be updated on the late sheet.

- 8.7 Public Protection have been consulted on the proposed plan submitted by East-West Rail and they are content that it would have no further impact and are satisfied that the imposition of a noise and vibration condition would overcome any concerns by Network Rail in terms of rail/ road noise.
- 8.8 On balance, it is considered that the proposal presents a sustainable form of development that would assist in our continued delivery of a 5 year supply of housing land and would be in conformity with the National Planning Policy Framework (2012).

9. Other Considerations

- 9.1 **Human Rights issues:** The development has been assessed in the context of human rights and would have no relevant implications.
- 9.2 **Equality Act 2010:** The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

Recommendation:

That subject to the completion of a S106 agreement, full planning permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted 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 The development shall be carried out in accordance with the materials shown on drawing number S242_200 Rev I unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 7, NPPF)
- 3 The boundary treatment shall be completed in accordance with the approved scheme shown on drawing number S242_210 Rev I before the buildings are occupied and be thereafter retained.
- Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Section 7, NPPF)

- 4 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.
(Sections 7 & 11, NPPF)**

- 5 Details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented prior to any houses being first occupied and retained thereafter.

Reason: To ensure the provision of adequate play and children's recreation facilities.

(Section 8, NPPF)

- 6 Development above ground level shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 7 Before first occupation of any dwelling hereby approved all other existing vehicle access points not incorporated in the development hereby permitted shall be stopped up by removing any hardsurfacing, reinstating the verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local

Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 9 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

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

- 10 Development above ground level shall not begin until a scheme for the provision of integrated bat/ bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To increase biodiversity and ensure the provision of appropriate habitats within the development.

- 11 **Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external rail and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason

To protect the amenity of future residential occupiers of the development hereby approved.

- 12 **No development shall take place until a Surface Water Drainage Strategy with the detailed design and associated management and maintenance plan of surface water drainage for the site, using**

sustainable drainage methods and site-specific percolation tests, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.

- 13 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate as designed for the lifetime of the proposed development.

- 14 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: To ensure appropriate waste provision on the site.

- 15 **No development shall take place until details of measures to prevent access onto Network Rail land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason and Justification:

In order to protect users of the adjacent public open space and safety of the railway line.

- 16 **No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from de-stabilisation and subsidence.

- 17 **No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from the risk of flooding and pollution.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement (September 2015); LVIA (November 2015); Design and Access Statement (November 2015); Sustainability Statement; Report on Marketing; Ecological Appraisal; Arboricultural Assessment; Flood Risk Assessment; Utilities Report; Phase II Ground Investigation; Noise Assessment; Transport Assessment; 20282_02_010_01 Rev C; 20282_01_230_001 Rev H; S242_110 Rev C; S242_100 Rev I; S242_101 Rev I; S424_130 Rev D; S242_210 Rev I; S242_200 Rev I; 20282_06_170_01.1; S242_211; GL0408 01D; GL0408 02A; SH11 (elevations) Rev B; SH11 (plans); SH27 - X5 Rev B; SH35-X5 (2013) Rev B; SH35-X5 Rev B; P332-5 Rev G; P341-WD5 (1 of 2) Rev A; P341-WD5 (1 of 2) Rev F; P341-WD5 (2 of 2) Rev K; H421-5 (1 of 2) Rev G; H421-5 (2 of 2) Rev L; H452-5 (1 of 2) Rev F; H452-5 (2013) (2 of 2); H456-5 (2013) (2 of 2); H456-5 (2013) (1 of 2); H469-X5 (1 of 2) Rev I; H469-X5 (2013) (2 of 2) Rev A; H486-5 (1 of 2) Rev A; H486-5 (2013) (2 of 2); H533-5 (1 of 2) Rev F; H533-5 (1 of 2) Rev F; H533-5 (2 of 2) Rev F; H536-Y5 (2013) (1 of 2) H536-Y5 (2 of 2) Rev M; H585-5 (1 of 2); H585-5 (2 of 2); LDG1H; XTG2S; XSG1F; XDG2S.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface

water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
4. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto. Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
6. 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.
7.
 - Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.
 - All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Drainage works could also impact upon culverts on developers land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

- Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.
- No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "*103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere,*" We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues '*elsewhere*', i.e. on to Network Rail land.

- We would draw the council's and developer's attention to the Department of Transport's 'Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events' July 2014, which states, "*On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days, particularly after the St Jude's storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail's boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of*

land acquisition at a minimum.”

In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail’s boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant’s land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer must approve all landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

DECISION

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