

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



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

26 January 2011

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 2 February 2011

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following information for consideration:-

- 9. Application to register land described in the Application as Town Farm Orchard, Town Farm Court, Henlow as a Town or Village Green**

Please find additional information from the applicant.

- 13. Planning Application No. CB/10/04506/FULL**

Address : 1 Churchill Way, Shefford SG17 5UB

Two storey and single storey rear extension and associated alterations.

Applicant : Mr Bugden

Please note that the report has been circulated separately to this update.

14. Planning Application No. CB/10/04288/FULL

Address : Rushmere Park, Old Linslade Road, Heath And Reach, Leighton Buzzard, LU7 0EB

Construction of new vehicular access (of 'bell mouth' T-junction design) off Old Linslade Road to serve operational traffic and to facilitate public use of Council-owned forestry land.

Applicant : Central Bedfordshire Council

Due to the timescales which must be met to complete the proposed development prior to Easter 2011 the Chairman has agreed that consideration of this item will not admit of delay to the next meeting of the Development Management Committee.

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,
Committee Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

Raymond Rapacchi B.Ed Hons

The Keeping, Town Farm

Henlow

Bedfordshire SG16 6AZ

Telephone: 01462 811020

thekeeping@homecall.co.uk

Central Bedfordshire, Secretary to the Dev. Management Committee

25th January 2011

Dear Sirs,

Statement: Development meeting 2nd February 2011 Item 9

I enclose a Statement relating to item 9 as there would appear to be some confusion in deciding this application.

My Application is for registration of an Open Space under section 15 (3) of the Open Spaces and Village Greens Act of 2006. Section 3 applications provide an opportunity for residents of small neighbourhoods within a parish to lodge an application, **when the landowner has suddenly imposed prohibitions or conditions which prevent the small community continuing to enjoy the Open Space for leisure and pastimes.** They provide an enabling opportunity for disadvantaged residents, who under the previous Commons Act and the Inclosure Act had no rights to apply once the landowner had imposed a prohibition.

The evidence required centres around the curtailment. The rules of evidence are quite precise and are much narrower than a Section 1 application. None of the evidence within the objection (or representations) refutes or adds to the evidence required by a section 3 Application (Appendix I)

Having filed Form 44 under a Section 3 application we are surprised by the council's initial response which recommends 'the application be refused because of a noted 'lack of evidence'. ' The evidence sworn in November 2010 was sufficient and fully compliant with the evidence requirements of SECTION 3, and was accordingly validated by Central Bedfordshire legal department.

Your legal department have provided general and wide ranging legal guidance on all sections and this may confuse rather than aid councillors in interpreting the new enabling clause. I have clarified in my statement to include

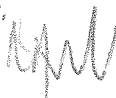
- a précis of section 15 (3) for the guidance of Councillors
- Noted the evidence required a 15 (3) Application
- Listed the relevant case law defining how a 'small community' or 'neighbourhood within a parish' can be established by an applicant.

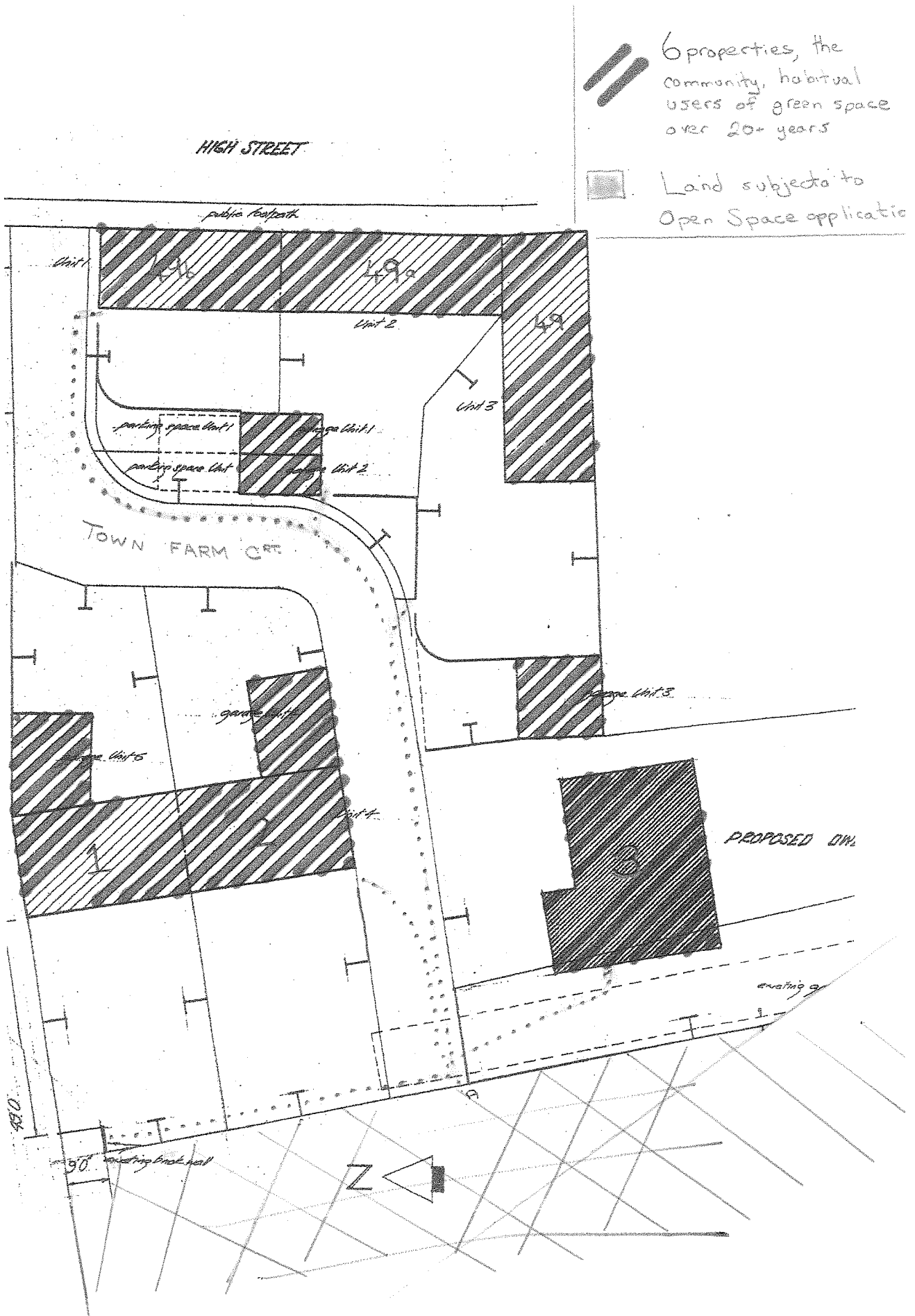
The statement contains no new evidence or comment, in accordance with Central Bedfordshire Committee Procedure.

Please include the statement within the Councillor's pack, at the earliest opportunity, to enable the fullest consideration to be given to my SECTION 3 application.

Yours faithfully,

Ray Rapacchi





Statement for the Consideration of the Development Committee of Central Bedfordshire

Meeting 2nd February 2011

Cases relevant to determination of neighbourhood, use and permission

A Clause 15.3 Application was **accepted and validated by Central Beds** Rights of Way team, and the applicants have put forward in sworn statements evidence proving usage by a small local community within a neighbourhood for sports and leisure for a period exceeding twenty years.

Small local community within a neighbourhood

The concept of 'neighbourhood' has now been part of the law for ten years and it is reasonable to expect landowners *and Councils* to be aware of this. *Whitney v Commons commissioners (Court of Appeal 2004)*

A small community was first defined by The Rights of Way Act 2000. It is necessary to establish usage by EITHER a considerable OR a substantial number. (*Alfred McAlpine Homes Ltd v Staffordshire CC 2002T*) The number of people using the land has to be sufficient to indicate that it is in general use. *Justice Sullivan ruled that 'significant' is a matter of impression after analysing the evidence. What matters is that the number of people using the land is sufficient to indicate that it is in general use by the inhabitants of any locality or neighbourhood within a locality)*

I have demonstrated both sufficiency and considerable use by a substantial number of a narrow community (14-20) within Form 44.

I confirm that I have provided evidence that the field at Town Farm has been used consistently for a variety of pastimes by the residents of Town Farm Court, 49 High Street and 49a and 49b High Street both current and past.

A map was delivered to Central Bedfordshire on 21st December 2011. The site plan indicates the pedestrian routes taken by the community when using the field, and indicates the position of the pedestrian access to the field. Point A. Councillors will find this information useful when deciding this application, I am concerned this map has not yet been made available to Council. Appendix R1.

We are unaware that the land has ever been used sporadically by trespassers. A term we are unfamiliar with but which does appear in Agenda Item 9

The Representations provide no additional evidence. See Appendix I

For sports and leisure

The applicants have provided sufficient evidence of a wide variety of uses, herbage, and pastimes in Form 44.

As of Right

Good neighbourliness and consideration is no bar to making an application. Residents of town Farm Court have always accorded with the landowners wishes not to walk dogs on the field, and to padlock the gate after use. Consideration does not imply that residents may only use the land with the express permission of the landowner, it indicates 'toleration' by the landowner. *Oxfordshire CC and others, ex parte Sunningwell Parish Council (House of Lords 1999)*

The field, buildings and gate have never, displayed a PRIVATE or NO ENTRY sign. For 35 years an open pedestrian access to the left of the padlocked gate was maintained by the landowner. The residents were first given gate keys in the Summer of 1978. The most common method of access has always been pedestrian. Point A on our Map.

Our evidence demonstrates that the land has been used without force, secrecy or permission.

Section 15 (3) Applications

The Village Green Act of 2006 addressed the disadvantage of applicants whose use of land had been suddenly curtailed by a landowner. Their inability to continue using the land for the lawful pastimes placed a bar upon any applications they wished to make under the ROW Act and the Inclosure Act. Section 15 (3) is an enabling clause facilitating applications which can be made within two years of landowner's prohibiting action.

Cases under clause 15 (3) may be brought by any person seeking to safeguard land use rights in perpetuity for residents. The community group may be as large as a parish but can be for a small neighbourhood.

My Application is made under CLAUSE 15 (3), under this new enabling clause, the operative date is 11th May 2009 and is fully compliant with the regulations and evidence requirements.

Having established by map, completion and swearing of Form 44 the focus becomes consideration of evidence of the landowner's actions. The Registering Authority will need to assess the evidence of discontinuance before registering the Village Green.

We have provided evidence of

- The destruction of the Traditional Orchard
- Changing of padlocks and withdrawal of access by gate
- Written notice to the applicant confirming previous use, and withdrawing use and access 11th May 2009 letter

NEIGHBOURHOOD

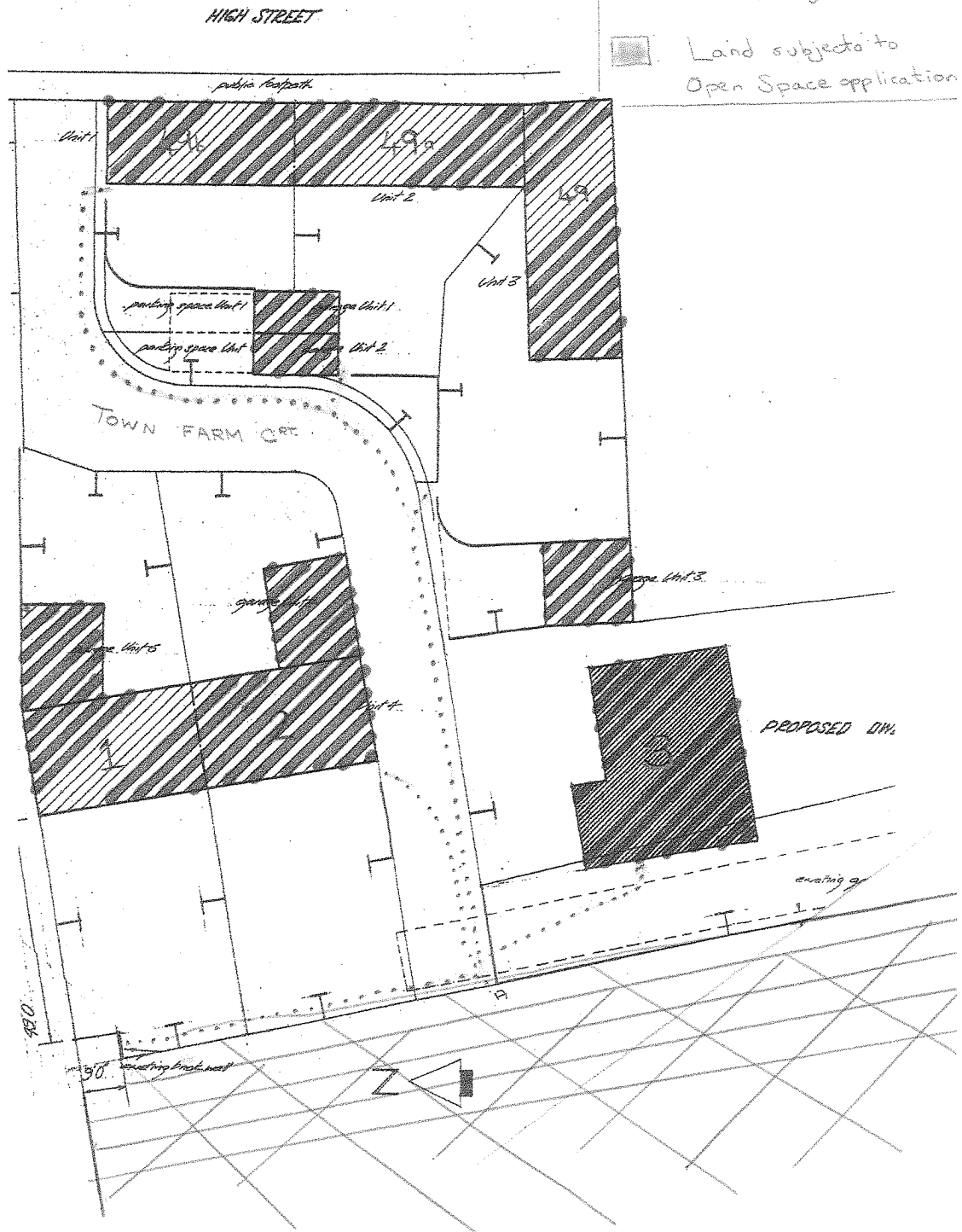
locality Tienlow

Key:

A Pedestrian access (stile)
Pedestrian routes from gates to stile

6 properties, the community, habitual users of green space over 20+ years

Land subject to Open Space application



- Fencing of the land – July 2009
- Blocking off of the pedestrian access (July 2009) by fencing
- Trenching of the field 1st February 2010

This evidence has not yet been considered by the Council, who have recommended that my Application under Section 15 (3) be refused. I consider that at the present time my application has only received consideration under the wider rules of evidence applicable to Section 1 and **the current recommendation is unsound.**

The legal advice offered to Councillors by the Legal Department does not cover the specific requirements of Section 3, and fails to distinguish between the four available routes to registration. Councillors may have received insufficient guidance on this new legislation to the disadvantage of the applicant.

Evidence

The applicants decided to produce no new evidence or to comment on the Objection of Mrs. Peggy Handsome and those making representations. The reasons for this decision are contained in a Letter to Council on 21st December Appendix I refers.

Only one of the representations was from a former resident of Town Farm Court. The letter confirmed his use of a small piece of land for gardening, the plot is photographed to the left of the vertical arrow on Photo E. After Mr. Beavan moved from Town Farm Court I took over the plot and always accessed the plot via the pedestrian access. I am unsure why Mr. Beavan took a route via the private garden of 51 High Street, it was certainly not the only route he took as we frequently met by the orchard gate. The pedestrian access has been trimmed off Photo E. As Mr. Beavan was the only user to use this particular route it fails to refute the applicant's evidence or to substantiate the Objector's evidence.

No residents of the small community have made objection or representation, this is evidence only that they have not made an objection. It cannot be construed that no objections have been made because residents fear publicity. Letter K refers, no apology has been received.

General Notes to assist Council

Neither the residents have not been contacted by their local representative, Cllr A Rogers, to establish the facts and strength of feeling on this issue. Town Farm Residents Assoc. have not been consulted.

The application has been carefully considered and is made for Agricultural Land at Town Farm under clause 15 (3)

The application does not affect the Private Garden or buildings of 51 High Street

The application does not affect the Private Garden or buildings of 53 High Street

The application does not affect Section 106 housing to be constructed at 53 High Street, Central Beds interest is noted.

RECOMMENDATION

I recommend that Council award Open Space status to the field at Town Farm Henlow as the application meets fully the **transitional arrangements afforded by Clause 15 (3)** of the Village Green and Open Spaces Act of 2006.

The transitional arrangements contained in the 2006 Act enable Central Bedfordshire Council to act with consistency to protect its Open Spaces. The legislation is clear, well defined and progressive, enabling councils to preserve open spaces in a climate of garden grabbing. In the past Bedfordshire CC had been leaders in the application of this enabling legislation. (Clifton Duck Pond)

The legislation offers the opportunity through the judicial system, for residents to protect their village spaces, no longer to be regarded as 'brownfield sites' The enabling legislation encourages public involvement in our environment

The application has been made within the strict time limits set out in the transitional arrangements afforded by the OPEN SPACES ACT of 2006 Clause 15 (3) as it is based on written evidence A Letter dated 11th May 2009 *and not 2007 as stated in the recommendation to committee.*



Ray Rapacchi

25th January 2011.

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	Date: 20:January:2011	
	Map Sheet No	
Scale: 1:7068		

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Item No. 14

SCHEDULE C

APPLICATION NUMBER	CB/10/04288/FULL
LOCATION	Rushmere Park, Old Linslade Road, Heath And Reach, Leighton Buzzard, LU7 0EB
PROPOSAL	Construction of new vehicular access (of 'bell mouth' T-junction design) off Old Linslade Road to serve operational traffic and to facilitate public use of Council-owned forestry land.
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	26 November 2010
EXPIRY DATE	21 January 2011
APPLICANT	Central Bedfordshire Council
REASON FOR COMMITTEE TO DETERMINE	Call-in by Cllr Shadbolt and CBC application against which there have been objections
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Rushmere Park lies some 2.75km north of Leighton Buzzard town centre (High Street) and 0.5km north of the edge of the main built-up part of the town. It straddles the Central Bedfordshire/Buckinghamshire boundary and falls within the parishes of Heath and Reach and Soulbury in Aylesbury Vale.

In October 2009, the Council and The Greensand Trust jointly purchased Rushmere Park - an area of predominantly commercial forestry covering 210 acres and incorporating some ecologically valuable habitats and striking landscapes. It was formerly part of the Stockgrove Park Estate and is contiguous with The Greensand Trust's Oak Wood (100 acres) and the Council's long-established Stockgrove Country Park (80 acres). The joint owners have committed to combine their neighbouring landholdings to create a single 400 acre estate to serve as a public asset and facility providing countryside recreation opportunities for the area's existing and future residents.

The proposed new vehicular access to Rushmere Park would be on the north-western side of Old Linslade Road. Opposite is part of the golf course at Leighton Buzzard Golf Club with Rushmere Manor immediately to the south west. The centre line of the new access would be some 250m north east of the crossroads junction of Old Linslade Road/Plantation Road/Bragenham Lane and 0.5km south west of the junction of (Old) Linslade Road with The Stile, Heath and Reach.

The application site is within the Green Belt, within an Area of Great Landscape Value and within the Rushmere Lakes and Woods County Wildlife Site.

The Application:

The existing main vehicular entrance to Rushmere Park is by way of the gateway at South Lodge adjacent the crossroads junction. This was originally the grand entrance to the carriage drive to Stockgrove House. Although it has been used for over a century, it cannot continue to be the main access to Rushmere Park for a number of reasons.

- The gates and piers are Grade 2 listed and are in a deteriorating condition.
- There are highway safety concerns in respect of turning movements to/from the crossroads junction.
- In order to safeguard the amenity of residents of South Lodge, the previous owner of Rushmere Park has placed a restrictive covenant on the gateway entrance barring public access through the gates.

It has therefore been necessary to identify another location along Old Linslade Road for the construction of a new vehicular access to serve operational traffic and to facilitate greater public use of Rushmere Park.

Old Linslade Road is a classified road (C245) and planning permission is required for the formation, laying out and construction of a means of access to a classified road. The new 5.5m wide access would be a simple 'bell mouth' 'T'-junction incorporating 8m radius kerbs, but with no additional flaring or acceleration/deceleration facility. The triangular vision splay on each side would comprise an 'x' distance of 2.4m measured along the centre line of the proposed access from its junction with the channel of the carriageway and a 'y' distance of 120m measured from the centre line of the proposed access along the line of the channel of the carriageway. To enable construction of the new access and provision of the appropriate vision splays, existing clumps of self-set trees, undergrowth and scrub would be removed. The existing roadside ditch would require piping and this would involve the laying of a pair of 300mm diameter pipes with headwalls at either end. An entrance gate would be erected 8m from the edge of the carriageway with the existing boundary fencing realigned accordingly.

The new access would allow a recently-constructed extension to Rushmere Park's internal network of roadways to be connected to the public highway. This roadway extension, constructed as permitted development, would in turn connect the new access to the main drive that links the South Lodge entrance to Rushmere Park Bungalow, a former forestry worker's dwelling within Aylesbury Vale. A parallel planning application has been submitted to Aylesbury Vale District Council for the construction of a car park (with capacity for approximately 92 vehicles and 10 bicycles) on land adjacent the bungalow. The details of this application may be viewed on the District Council's website under reference 11/00009/APP. It is envisaged that the new car park would have a charging regime in the form of either a 'pay on foot' or 'pay on exit' system. Given the current constraints on public spending, the proposed introduction of charges is imperative to ensure that each new development at Rushmere Park is self financing. Any associated vehicle entry/exit barriers would be located at an appropriate distance from the carriageway to ensure that there would be no line of vehicles queuing back onto the road.

In respect of pedestrian access to the land from the south, the principal public footpath is the Greensand Ridge Walk which enters the estate on the north-eastern side of Bragenham Lane at a point some 25m north west of the crossroads.

The application includes a Design and Access Statement/Planning Statement and a Road Safety Audit prepared by Amey on behalf of the Council. Amey are also preparing a Traffic Impact Assessment that is due to be completed in the near future.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.
PPG2 - Green Belts.
PPS7 - Sustainable Development in Rural Areas.
PPS9 - Biodiversity and Geological Conservation.
PPG13 - Transport.
PPG17 - Planning for Open Space, Sport and Recreation.
PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.
SS2 - Overall Spatial Strategy.
SS3 - Key Centres for Development and Change: Luton/Dunstable/Houghton Regis & Leighton-Linslade.
SS7 - Green Belt.
SS8 - The Urban Fringe.
E6 - Tourism.
T2 - Changing Travel Behaviour
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
T14 - Parking.
ENV1 - Green Infrastructure.
ENV2 - Landscape Conservation.
ENV3 - Biodiversity and Earth Heritage.
ENV5 - Woodlands.
WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable/Houghton Regis (with Leighton-Linslade).
Strategic Policy 3: Sustainable Communities.
Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value.

South Bedfordshire Local Plan Review Policies

NE3 - Control of development in Areas of Great Landscape Value.
BE8 - Design and environmental considerations.
T10 - Controlling parking in new developments.
R14 - Protection and improvement of informal recreational facilities in countryside.

Planning History

No relevant history.

Representations: (Parish & Neighbours)

Heath and Reach
Parish Council

The Parish Council accepts that there's little alternative to the entrance siting and its construction and does not object to the application, but has reservations regarding the lack of traffic calming/speed reduction, safe turning access to and from the entrance and the lack of measures in the immediate vicinity to stop casual parking.

Specifically it has the following concerns and comments:

- The application is being dealt with solely as a highways matter in total isolation from the wider development impact and access to the park.
- The entrance could have an adverse affect on those living in the vicinity of the park if adequate traffic management solutions are not put in place prior to the entrance being opened for public use.
- There is no allowance for pedestrian or cyclists using the road.
- There is also nothing to stop people parking on Linslade Road, Old Linslade Road and Plantation Road on roads or on the verges (however dangerous this might be and as has been seen at Stockgrove) probably because only the entrance is being considered. The Golf Club and their local residents already have issues with parking on verges along Plantation Road. Double yellow lines are needed to restrict parking on the delimited roads.
- Local knowledge says that there needs to be speed restrictions on the road, despite the Highways survey results and has concerns regarding their timing and therefore their validity. The road safety audit also refers to the road by the wrong name, including "Leighton Road". This could mean that data is being taken from the wrong source?
- The documents discuss matters such as 'additional trimming back of verges in the future if required' - the Parish Council believes it makes more sense (cost and disruption) to put in an entrance now that is capable of dealing with future levels of traffic rather than having to do more work in future which cumulatively would cost more.
- The application makes little reference to the ditch that runs down Linslade Road. The proposal is to construct a culvert over the ditch. This water course is one of the main drainage systems out of the village; flowing down

the back of the Linslade Road housing gardens, then down Old Linslade Road into the River Ouzel. Restricting the water flow could cause flooding in the gardens of the houses along Linslade Road.

- It is not clear what other work could CBC do under its 'permitted development rights', without consulting further, once this application is approved.

If Central Bedfordshire Council approves the application, then Heath and Reach Parish Council would want to have the following added as conditions to the decision document:

- Additional 'hidden entrance', pedestrian and cyclist signage is provided along the road to give some protection to those living in the immediate area and to non-vehicle users.
- Appropriate traffic management measures are introduced in the immediate area prior to the entrance being opened for public use, including double yellow lines where necessary and traffic turning lanes and signage.
- Traffic volume and speed surveys are repeated, but, including along the residential section of Linslade Road, i.e, within the 30 MPH limit zone and at times when there are no road traffic works in the area, across full weeks and weekends and not during school holidays.
- The reality, time scales and funding for the speed reduction work to be established within three months of any permission, for the work to be undertaken by Highways on behalf of Go Cycle.
- The speed limit is reduced to 40 MPH on the Linslade/Old Linslade Roads where no limit currently exists within 12 months of the permission either as part of the GoCycle scheme or as a freestanding scheme.
- The scheme is reviewed no more than six months after the entrance is open for use to ensure that the road and entrance remain safe and that no nuisance is caused to the immediate local community, with commitments to implement any necessary safety/highways management changes that result within six months of any issues being established. This should then be repeated at regular intervals.

Neighbours

Rushmere Manor, Old Linslade Road

Not against development of Rushmere Park, but have following concerns.

- In terms of speed limit, this section of road is de-

restricted, in contrast to Heath and Reach end which has 30mph limit and Stoke Road at other end which has 50mph limit.

- Whilst well aware that highway authority regards road as 'safe', as there have been no fatal accidents, since first residing at Rushmere Manor have attended accidents on three occasions. Although there were no fatalities, feel it is only matter of time before this happens.
- If this project is to be successful, and sincerely hope it is, then speed restriction must be imposed on this road, if only in vicinity of new access. Am certain that all involved in this project, including Police, would support such recommendation.

Leighton Buzzard Golf Club, Plantation Road

Have following concerns.

- Location of proposed access on what is potentially dangerous stretch of road. Cars waiting to turn into access will present unnecessary hazard for oncoming vehicles, many of which travel in excess of designated speed limit.
- Siting of proposed car park and apparent charging structure to be introduced. Undoubtedly, cars will be parked in Plantation Road (with owners walking down to Rushmere Park) thus causing increased hazards to both drivers and pedestrians.

Rushmere Nurseries Limited, Bragenham Lane

Support application, but have following concern.

- Since Council/Greensand Trust took over Rushmere Park there has been increase in cars/vans parking along Bragenham Lane from crossroads. Have had to unload articulated lorry at crossroads when access to nursery was blocked. Problem likely to increase further as more people learn of Council's joint ownership of land and its access to Stockgrove Country Park. Off-road car park is therefore necessary to maintain good access for deliveries to nursery throughout week, including at weekends. Double yellow lines will have to be put on all surrounding roads to encourage safe parking.

Resident of Linslade Road

Objections.

- Could have very adverse affect on residents of Linslade Road and in vicinity of Rushmere Park - traffic speeds and volumes and possibility of visitors parking on adjacent roads, blocking entrances and/or reducing visibility. Since opening of Linslade Western Bypass traffic volumes on Linslade Road have increased significantly.

- All data given to support application is not relevant to it or is out-of-date and hence meaningless. Submitted traffic speed data was taken in December 2009 when there was frost and snow on roads. Overall traffic speeds were greatly reduced at this time. Traffic volume figures are from Birds Hill after bypass was opened. Unsurprising that data shows reduction of traffic to and from town along Birds Hill as most of that traffic now goes along Linslade Road and Old Linslade Road.
- New access has been designed purely from aspect of drivers that are leaving Rushmere Park. Acknowledge that such drivers will be able to see oncoming traffic, but consider that this is not true for drivers approaching from either side of entrance.
- Concerned that application is being dealt with in total isolation from wider development impact and access to Rushmere Park. Public exhibition or similar ought to be held to give affected people chance to see plans, voice their opinions.

Little Gladley,
Rushmere

Objections.

- Proposal is to connect to internal estate road recently built by Council under 'permitted development' which did not require normal planning application open to public scrutiny. It is clear that such internal road was built with sole intent of gaining access to Old Linslade Road at or near point of current application without any consideration being given at that time to environmental and traffic implications.
- New access will lead to increased traffic volume and dangers along country road - entrance onto Old Linslade Road proposed at point of its greatest traffic hazard. Having used road for past 37 years, aware that it is common to encounter traffic travelling at about 60mph and this is acknowledged in application with recommendation that access is designed accordingly. Analysis of submitted speed data confirms that access is at point of maximum speed for traffic travelling westwards and at point of maximum acceleration for that in opposite direction. Whilst application states that proposed access will reduce need for vehicle movements on difficult Bragenham Lane/Plantation Road junction, fail to see how increase in traffic along road leading to junction can reduce vehicle movements at that point.
- Whilst Road Safety Audit's Report Section contains recommendation that vegetation should be cut back to make new access more conspicuous, its Design Team Response directly contradicts this in terms of safety.
- Road Safety Audit also identifies potential problem

where westbound traffic has to stop/queue to turn right and avoid conflict with accelerating oncoming traffic. This will require rapid braking on part of fast moving following vehicles. Application recognises seriousness of risk that could be caused by queuing and states that with barriers set 15m from highway there will no queuing. Such 15m distance will allow for only two cars; more than this will cause queuing.

- No mention of serious hazard that applies to virtually whole of south side of road between sewage works and crossroads - muddy rut between blacktop and adjacent grass verge. Travelling westwards, have been forced into this either by wide HGVs or fast moving cars cutting across crown of road.
- Doubt over provision of toilets as part of car park development is unacceptable. If consent is to be given, toilets must be provided at inception as condition of consent.
- Proposal will cause urbanisation of rural environment and prejudice amenity of locality designated as Area of Great Landscape Value. (a) Application advises that visibility distances should not be excessive in order to deter inappropriate speed and in keeping with rural nature of surroundings. Thus removal of self-set trees and scrub is only required in relation to construction and need not be maintained. (b) Application refers to provision of 'appropriate white lining' without reference to what is appropriate in rural area. Any white lining will be detrimental. (c) Application's contention that dramatic increase in visitor numbers is not envisaged is in direct contradiction of statement that reason for development is to cater for area's existing and future residents. (d) Note that there will be 'management' of boundary hedges, fences etc. 'Management' is not word indicative of rural appearance. (e) Submitted drawing indicates that visual gap in hedgerow for access and visibility splays will be three times width of road. (f) Application describes charging barrier system incorporating red and white poles and associated control boxes and clutter. All of above is indicative of major intrusion in rural scene, unsuitable in Area of Great Landscape Value.
- Fact that applicant and planning authority are distinct parts of same body should have no relevance to decision which should be determined solely on planning and road safety grounds.

Grange Mill Cottage,
Old Linslade Road

If funds are available for this project, hope that something can be done to prevent cars crashing into each other, crashing into bridge over river or ending up in garden at give-way river bridge. Garden hedge is suffering and bridge is continually having to be repaired.

Old Linslade Grange,
Old Linslade Road

Welcome acquisition of Rushmere Park which will provide major recreational facility for local community. However, have following concerns.

- New access will further exacerbate traffic and safety problems in Old Linslade Road which has three one-way (pinch point) sections along one mile stretch and weight restriction (which is not enforced). Allowing ease of access to Linslade Western Bypass and station and avoidance of town centre congestion, road is classic 'rat run', particularly during rush hours. In spite of traffic increase and road's inadequacies, it has no speed limit. Submitted speed data demonstrates that average speed is in excess of 40mph.
- From road safety perspective obvious choice for vehicle access would be existing entrance. Proposed entrance can only be regarded as second best option and is in close proximity to bends in road with risk of fast through traffic mixing with slow traffic entering or exiting Rushmere Park. Given layout of road, current driving speeds are likely to result in collisions of more serious nature than 'shunt type accidents' mentioned in Road Safety Audit. Suggest extending 30mph speed restriction in Heath and Reach to cover full length of Old Linslade Road and enforce current weight restriction on HGVs.

Consultations/Publicity responses

Aylesbury Vale District
Council

No objection, support proposal.

Highways Officer

Whilst I have no objection to the layout and the proposal there are a number of elements which need addressing.

The application does not include a reduction of the speed limit along this road to 40mph. Since the average speed of the traffic on this highway is around 45mph and the design criteria is to consider this as a speed to be catered for then it would also be reasonable to introduce this as the speed limit.

Within the Road Safety Audit there is a recommendation that vegetation is cut back so that visibility is not impeded. I would not agree with this, as if visibility was increased beyond that required for a speed of a road of 40mph then it is likely to increase the average speed of the traffic above that which has been observed. This would be counterproductive and it must be ensured that only sufficient visibility is achieved to cater for the design speed appropriate for a 40 mph road. It is not normal to

condition that there should be details submitted to manage the forward visibility to a maximum on the public highway, but this is important to ensure that the speed limit is self governing.

Within Problem 2.1.2 in the Road Safety Audit I find the statement made by the designer unacceptable as the evidence and research in relation to promoting a reduced visibility is mainly in the urban environment and not endorsed by any government office.

Within Problem 2.1.4 in the Road Safety Audit there is concern at the skid resistance of the existing surface of the carriageway. The Design Team Response is also valid and for that reason I recommend that the issue of adequate skid resistance is addressed by condition.

It is acknowledged that if parking charges are introduced drivers will seek to avoid this charge by parking on the highway. This will be detrimental as it will cause an obstruction and/or cause damage to the verge. The only way this potential problem could be addressed is either not to introduce parking charges or by implementing a Traffic Regulation Order (TRO) to prevent all parking on the public highway (carriageway and/or verge). The TRO should cover Old Linslade Road, Plantation Road and Bragenham Lane within a radius of 350m from the proposed access junction.

Environment Agency

Proposed access is within Flood Zone 1 and is less than 1ha in area, that is, site has less than 1 in 1000 annual probability of flooding in any year (< 0.1%). Here, main flood risk issue to consider is management of surface water run-off. Drainage from new development must not increase flood risk either on site or elsewhere. Government policy strongly encourages sustainable drainage system approach to achieve these objectives.

Proposal aims to culvert watercourse. Under Section 23 of Land Drainage Act 1991, this will require application for Flood Defence Consent. Although proposed culverting option is pair of 300mm diameter culverts, recommend minimum diameter of 450mm for culverting watercourses. Recommend also that applicant contact Development and Flood Risk Team to discuss appropriate designs for culvert.

Environmental Health
Officer

No objection.

Leighton Buzzard
Society

Objection.

- Creating provision for 100 cars to be parked via new

entrance will obviously generate considerably more traffic along this very busy rural shortcut, around northerly side of Leighton-Linslade.

- Unnecessary urbanisation of countryside is unacceptable, so application should be refused.

Determining Issues

The main considerations of the application are;

1. Principle of development in land use policy terms
2. Highway safety

Considerations

1. Principle of development in land use policy terms

The control of development in 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 caused by virtue of inappropriateness, and any other harm. It is important to be clear about the scope of this application which is solely for the construction of a new vehicular access point off Old Linslade Road (C245). The associated fencing, gates and parking control barriers can be erected as 'permitted development' (provided none exceed 4m in height). PPG2 identifies exclusive categories of development which are, subject to various stipulations, appropriate in the Green Belt. They include engineering and other operations, and material changes of use, where they maintain openness and do not conflict with the purposes of including land in the Green Belt. The new entrance would be constructed in association with forestry operations at Rushmere Park and increased public access to the estate, both of which uses of the land maintain the openness of the Green Belt. Given that the proposed access is appropriate development in the Green Belt, there is no need to consider the second part of the test.

As mentioned above, the South Lodge gateway cannot continue to be the main entrance to Rushmere Park for the reasons stated (listed gates, proximity to crossroads, restrictive covenant barring public access). There are two other secondary access points on Old Linslade Road - a field entrance located 40m west of the proposed access and the gated former entrance to the long-demolished Rushmere Lodge at the eastern edge of the estate, adjacent the allotment field. All three entrances do not have the visibility benefits afforded by the proposed access. It is proposed that the field entrance be closed and not used in the future. The South Lodge gateway will be used as a secondary operational access and will continue to be used by the resident of the lodge dwelling. The eastern (former Rushmere Lodge) entrance will not be used for operational purposes except in special circumstances or for emergency situations. The construction of the new access and provision of vision splays would require removal of self-set trees, undergrowth and scrub. Set against the backdrop of mature woodland, such works that also include the erection of replacement fencing, new gates and vehicle entry/exit barriers and the provision of white lining, are unlikely to have a significantly adverse impact on the rural character of Old Linslade Road or on the wider Area of Great Landscape Value hereabouts. It should be noted that the joint owners intend to repair/replace the

fence and re-lay/re-plant the hedge along the entire Old Linslade Road frontage in due course.

Policy R14 of the Local Plan Review states that the Council, in co-operation with landowners and others, will seek to improve and protect existing facilities so as to ensure access to informal recreation in the countryside by making provision for additional informal countryside recreational facilities and spaces, by improving access for walkers, horse riders and cyclists to the wider countryside and by resolving problems of public access and increasing the informal recreational and amenity value of the countryside - particularly close to urban areas. The 400 acre estate, including Rushmere Park, is in a very sustainable location immediately north of Leighton-Linslade and its acquisition could not have been better timed, given the housing developments under construction and permitted to the south of the town and the urban extension proposed (in the Core Strategy) to the east of the town. Increasing public access to Rushmere Park would lend support to the Council's objective of making its towns and villages more sustainable and self sufficient in terms of the provision of community and environmental infrastructure. There is therefore no objection in principle to the proposed development in land use policy terms.

2. Highway safety

The Parish Council and other consultees have questioned the validity of the traffic count and traffic speed data included within the Road Safety Audit. Whilst the submitted details indicate that traffic monitoring was undertaken on Old Linslade Road in December 2009, it is unclear whether this was before the evening of 17th December when there was snowfall. As indicated above, Amey are preparing a Traffic Impact Assessment (TIA) and as part of this work further traffic monitoring was carried out in the Rushmere Park area over the August Bank Holiday weekend. Given that Stockgrove Country Park is at its busiest at the weekends, Amey are satisfied that the traffic monitoring data is both up-to-date and representative of a 'worst case' scenario in terms of traffic figures. Early indications from the TIA suggest that the increase in traffic volumes would be relatively low and Amey propose to offer possible mitigations to impacts on the junctions within the vicinity of Rushmere Park within the completed TIA.

The objectors point to the apparent contradiction in the Statement submitted in support of the application - the Council's assertion that a dramatic increase in visitor numbers is not envisaged running counter to the statement that the reason for the proposal is to cater for the area's existing and future residents. The immediate aim is to provide a new safe vehicular access to Rushmere Park in order to increase public access to parts of the land that has been acquired on behalf of the local community. In the short term, apart from the proposed car park there will no visitor facilities within Rushmere Park. In the longer term, the adjacent bungalow may offer opportunities to develop a visitor centre and cafe concession and clearly visitor numbers would then increase. A number of future developments are under consideration and these will be the subject of a masterplanning and public/stakeholder consultation exercise. Again, at the present time the primary purpose of the proposed Old Linslade Road access is to re-direct some of the visitors from the Stockgrove Country Park entrance and small car park on Brickhill Road to the proposed larger car park adjacent Rushmere Park Bungalow.

The Highways Officer considers that the design and configuration of the

proposed access is acceptable. It should be noted that it would be on the outside of a curve in the road such that the required 2.4m by 120m triangular vision splay in each direction could be achieved. He agrees with the Parish Council that the application should include a proposal to reduce the speed limit along Old Linslade Road to 40mph and argues that since the average speed of traffic on this road is 45mph and the access has been designed to consider this as a speed to be catered for, then it would be reasonable to introduce 40mph as the speed limit. He recommends that the 40mph be implemented between the junction with The Stile and a point 60m west of the junction with Plantation Road/Bragenham Lane. However, he disagrees with the recommendation in the Road Safety Audit that vegetation should be cut back so that visibility is not impeded. He contends that if visibility was to be increased beyond that required for a road with a 40mph speed limit, then it is likely to increase the average speed of the traffic above that which has been observed. Clearly, this would be counterproductive and the vegetation on both sides of the road should be managed to ensure that only sufficient visibility is achieved to cater for the design speed appropriate for a 40mph road.

The Parish Council and others have expressed concern about the potential problem of on-road parking in the vicinity of the new access as a result of the introduction of parking charges at the proposed car park. It is acknowledged that if parking charges were to be introduced some drivers may seek to avoid this charge by parking on the public highway. In order to address the potential problem of hazardous or inconsiderate parking the Highways Officer recommends that a Traffic Regulation Order be implemented to prevent all parking along Old Linslade Road, Plantation Road and Bragenham Lane (carriageway and/or verge) within a radius of 350m from the proposed access junction.

With regards to the potential for vehicles to queue back onto the road when waiting to pass through the proposed vehicle entry barrier, the intention is for this barrier to elevate automatically as a vehicle approaches and to remain permanently elevated during opening hours if there is a technical problem with the barrier. The efficient operation of the barriers is likely to be overseen by the Greensand Trust Rangers based at the Stockgrove Country Park visitor centre.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 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 Before the proposed vehicular access is first brought into beneficial use visibility splays shall be provided at the junction of the new access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 120m measured from

the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 3 The maximum gradient of the proposed vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

- 4 Before the proposed vehicular access is first brought into beneficial use and notwithstanding the details submitted with the application, further particulars of the following elements of the new scheme and specified off-site works shall be submitted to and approved in writing by the Local Planning Authority.

- Details of any new gates, fencing, white lining and height restriction barrier and details of any vehicle entry/exit barriers and their means of operation;
- Details of the arrangements for implementing a 40mph speed limit along Old Linslade Road between its junction with The Stile and a point 60m west of its junction with Plantation Road/Bragenham Lane;
- Details of the arrangements for cutting back and managing existing roadside vegetation in order to maintain visibility at and adjacent the proposed access such that is appropriate for a road with a speed limit of 40mph;
- Details of the arrangements for implementing a Traffic Regulation Order to prevent all parking along Old Linslade Road, Plantation Road and Bragenham Lane (carriageway and highway verge) within a radius of 350m from the proposed access junction.
- Details of the arrangements for investigating and, if necessary, improving the existing road skid resistance of Old Linslade Road adjacent the proposed access.

Reason: To safeguard the rural character of Old Linslade Road and the landscape quality of the wider Area of Great Landscape Value and in the interest of the safety of persons using the proposed access and users of the highway.

(Policies 7, B.S.P. and NE3, S.B.L.P.).

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, the Site Location Plan - Drawing No. CBC/001 and Drawing Nos. 400621-001-001, 400621-001-003A, 400621-001-004 and 400621-001-006.

Reason: For the avoidance of doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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:

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change:

Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS7 - Green Belt.

SS8 - The Urban Fringe.

E6 - Tourism.

T2 - Changing Travel Behaviour

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T14 - Parking.

ENV1 - Green Infrastructure.

ENV2 - Landscape Conservation.

ENV3 - Biodiversity and Earth Heritage.

ENV5 - Woodlands.

WAT4 - Flood Risk Management.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth:
Luton/Dunstable/Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value.

South Bedfordshire Local Plan Review Policies

NE3 - Control of development in Areas of Great Landscape Value.

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

R14 - Protection and improvement of informal recreational facilities in countryside.

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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 and 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. 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, P.O. Box 1395, Bedford, MK42 5AN.
5. The Environment Agency advises that the proposal to culvert the roadside watercourse will require an application to be submitted for Flood Defence Consent. A minimum diameter of 450mm for culverting watercourses is recommended. It is recommended also that the applicant contacts the Environment Agency's Development and Flood Risk team as soon as possible to discuss appropriate designs for the culvert.
6. The applicant is advised that throughout the duration of the construction period the following facilities should be provided.
 - Wheel cleaning facilities at all site exits in order to prevent the deposit of mud or other extraneous material on the public highway;
 - On-site parking for construction workers.
7. Please note that the unnumbered drawing submitted in connection with this application has been given a unique number by the Local Planning Authority. The number can be sourced by examining the plans on the 'View a Planning Application' pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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