

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



please ask for Leslie Manning
direct line 0300 300 5132
date 2 September 2009

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 9 September 2009 2.00 p.m.

Venue at

**Council Chamber, Council Offices, High Street North,
Dunstable**

Jaki Salisbury
Interim Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT
COMMITTEE:

Cllrs P F Vickers (Chairman), A Shadbolt (Vice-Chairman), P N Aldis,
A R Bastable, R D Berry, A D Brown, Mrs C F Chapman MBE, D J Gale,
Mrs R B Gammons, K Janes, D Jones, H J Lockey, K C Matthews,
Ms C Maudlin, A Northwood, A A J Rogers, Mrs C Turner and J N Young

[Named Substitutes:

R A Baker, D Bowater, I Dalgarno, P A Duckett, M Gibson, R W Johnstone,
P Snelling, B J Spurr, J Street and G Summerfield

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for absence and notification of substitute Members.

2. **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

To receive any announcements from the Chairman and any matters of communication.

3. **MINUTES**

To approve as a correct record the Minutes of the meeting of the Development Management Committee held on 26 August 2009.

(to follow)

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item.
- (b) Personal and Prejudicial Interests in any Agenda item.
- (c) Membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

5. **PETITIONS**

To receive Petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

6. **DISCLOSURE OF EXEMPT INFORMATION**

To consider proposals, if any, to deal with any item likely to involve disclosure of exempt information as defined in the relevant paragraph(s) of Part I of Schedule 12A of the Local Government Act 1972 prior to the exclusion of the press and public.

REPORTS

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
7	Planning Application No. CB/09/05279/FULL Address: 4 Lomond Drive, Linslade, Leighton Buzzard, LU7 2XX Erection of single storey front and two storey side extension Applicant: Mr A Kirk	1 - 6
8	Planning Application No. SB/08/01126/TP Address: Kingswood Works, Woburn Road, Heath and Reach, Leighton Buzzard, LU7 0AZ Demolition of existing industrial unit and erection of four detached low carbon dwellings (Code for Sustainable Homes Level 5 with scope to upgrade to Level 6) Applicant: Metbrook Ltd	7 - 42

Schedule C - Any other Applications

Item	Subject	Page Nos.
9	Planning Application No. CB/09/05299/FULL Address: 99 Chiltern Road, Dunstable, LU6 1ET Erection of single storey front, single storey rear and two storey side extensions, formation of vehicular access and construction of raised decking to rear Applicant: Dr A Chater	43 - 48

Address: Shillington Lower School, Greenfields, Shillington,
Hitchin, SG5 3NX

Installation of a canopy

Applicant: Board of Governors

Schedule D - Minerals and Waste Matters
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Item	Subject	Page Nos.
11	Planning Application Nos. BC/CM/2008/19 and BC/CM/2008/20	55 - 86

Address: Reach Lane Quarry, Heath and Reach

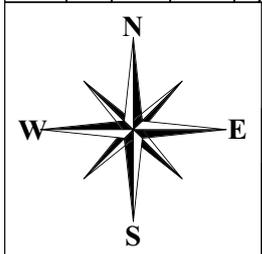
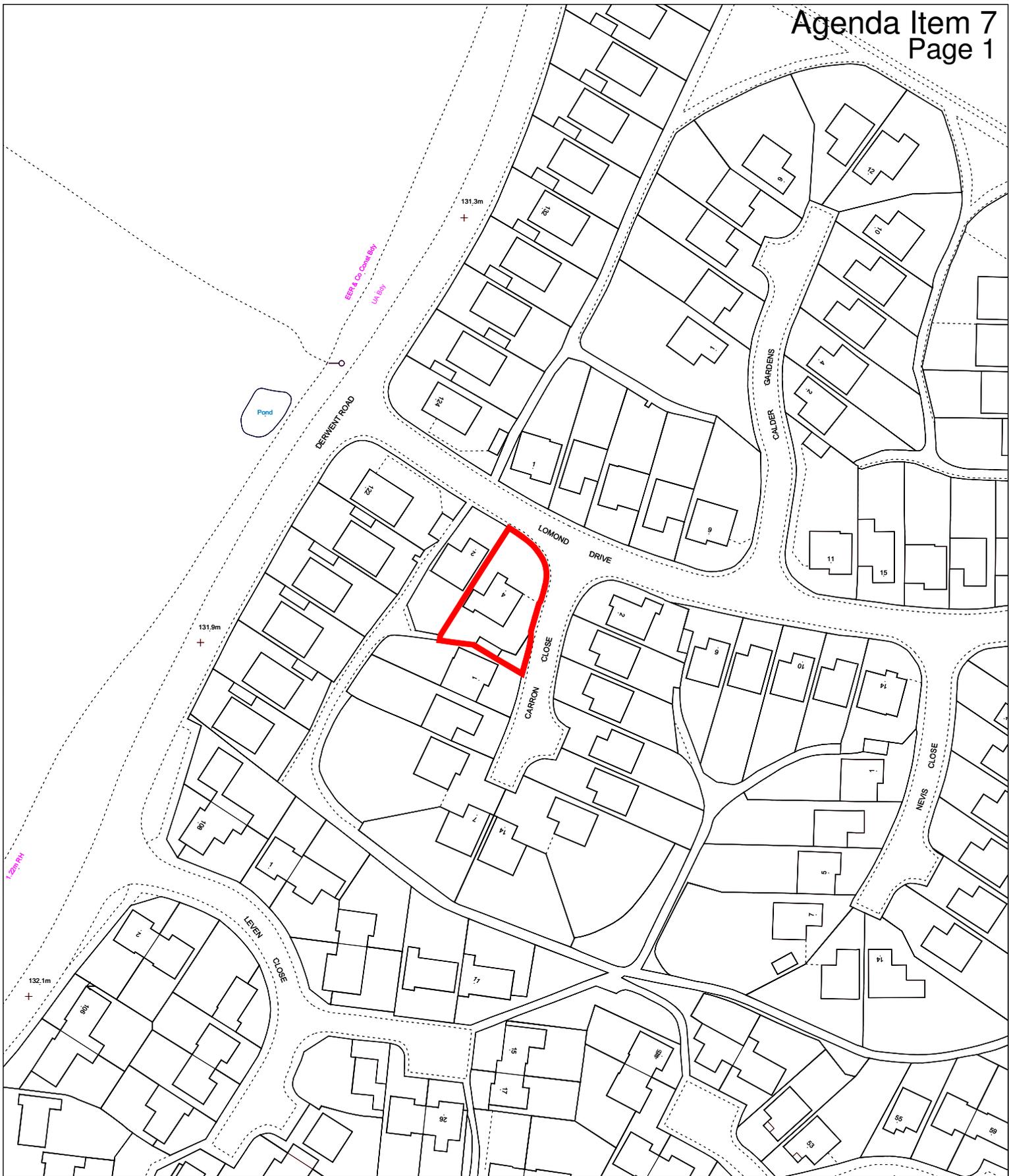
- (i) Revised scheme for phasing of extraction and backfilling (following landslip in June 2007) to comply with conditions 1, 13, 14 and 22 of Planning Permission No. 9/2003 (Application No. BC/CM/2008/20)
- (ii) Importation and disposal of inert waste to enable restoration of Reach Lane Quarry (Application No. BC/CM/2008/19)

Applicant: L.B Silica Sand Ltd

12 **Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 23 September 2009 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members' Planning Code of Good Practice.



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Date: 27:August:2009
Map Sheet No

**APPLICATION NO.
CB/09/05279/FULL**

Scale: 1:1250

4 Lomond Drive, Linslade, Leighton Buzzard

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Item No. 7

SCHEDULE B

APPLICATION NUMBER	CB/09/05279/FULL
LOCATION	4 Lomond Drive, Linslade, Leighton Buzzard, LU7 2XX
PROPOSAL	Erection of single storey front and two storey side extension
PARISH	Leighton-Linslade
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllrs Bowater, Johnstone, Sharer & Spurr
CASE OFFICER	Nicola McPhee
DATE REGISTERED	15 July 2009
EXPIRY DATE	09 September 2009
APPLICANT	Mr A Kirk
REASON FOR COMMITTEE TO DETERMINE	Case called in by Cllr David Hopkin due to highway concerns
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site comprises a two storey, detached dwelling and detached garage, located on the junction of Carron Close and Lomond Drive. The site is flanked by number 2 Lomond Drive to the west, 1 Carron Close to the south and highway to the east.

The rear garden is enclosed by way of a 2m high brick wall.

The Application:

Permission is sought for a part two storey, part first floor and part single storey side extension which would measure 2.6m in width by 9.7m in length. The proposal also includes the erection of a front garage of 3.8m in width by 3m in depth.

Also subject of this application is the relocation of the side garden boundary wall to enclose a portion of land within the applicant's ownership into his own private garden. This land is not considered to be amenity land.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 - Delivering Sustainable Development

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies

H8 - Extensions to Dwellings

BE8 - Design Considerations

Planning History

SB/TP/01/0457 Erection of single storey front and two storey side extension.

Representations:

(Parish & Neighbours)

Town Council No objections.

1 Carron Close No objection to extension but objection due to loss of highway visibility as a result of the relocation of the boundary wall.

Consultations/Publicity responses

None to date.

Determining Issues

The main considerations in the determination of the application are:

1. Impact of the development on neighbouring properties and the character of the street scene.
2. Highway Implications.

Considerations

1. Impact of the development on neighbouring properties and the character of the street scene.

The proposed extensions would be in-keeping with the existing dwelling and character of the street scene. The side extension would be situated approximately one metre from the property boundary and is not considered to have any potential impact of the appearance of terracing.

2. Highway Implications

Objections have been raised by the occupiers of number 1 Carron Close with regard to the relocation of the boundary wall to incorporate some land at the side of the plot. The scheme as submitted proposes the enclosure of this triangle of land in its entirety. However, discussions are taking place between the Highway Authority, applicant and case officer to provide a revised scheme that would allow for satisfactory visibility for the occupiers of number 1 Carron Close and for the occupiers of the application dwelling. Subject to the receipt of this revised plan there would be no objection to the scheme and the application could therefore be likely dealt with under the scheme of delegation.

There would be three parking spaces provided which is in-line with Highways guidance.

Reasons for Granting

The revised scheme addresses the concerns raised by the occupiers of number 1 Carron Close, therefore the proposal is considered to be acceptable and in accordance with local and national policies.

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 The external finish of the walls and roofing materials to be used for the extension shall match that of the existing building as closely as possible.
REASON: To ensure that the development is in keeping with the existing building.
(Policies BE8 & H8 S.B.L.P.R).
- 3 This permission relates only to the details shown on plan/s..... received **/**/** or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

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

**Regional Spatial Strategy
East of England Plan**

ENV 1 - Quality in Town and Country

South Bedfordshire Local Plan Review

BE8 - Design considerations

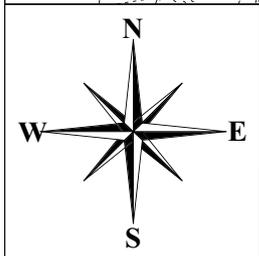
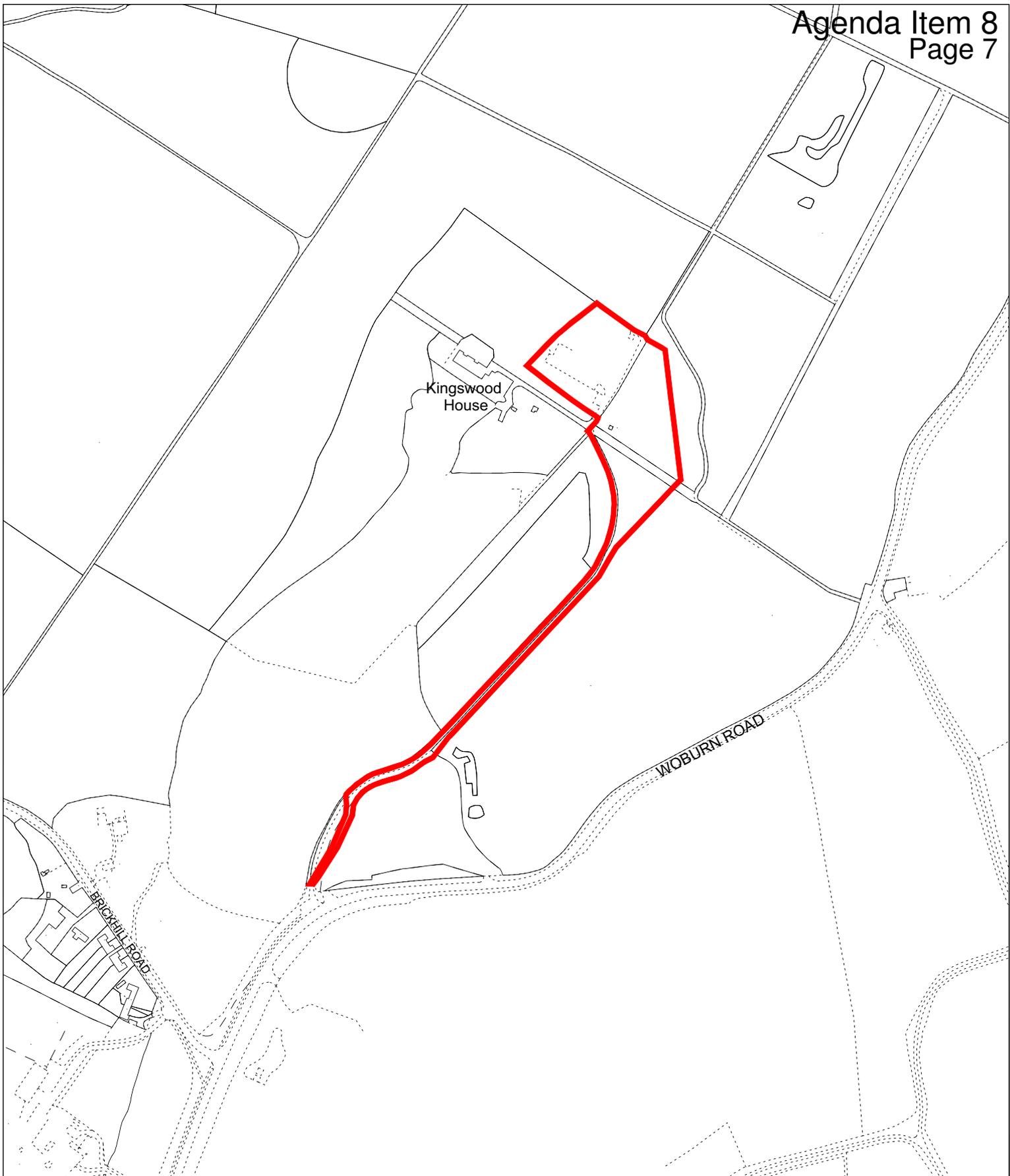
H8 - Control of Extensions to Dwellings

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Central Bedfordshire Council
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Date: 27:August:2009
Map Sheet No

APPLICATION NO.
SB/08/01126/TP

Scale: 1:5000

Kingswood Works, Woburn Road, Heath and Reach

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Item No. 8

SCHEDULE B

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

Site Location:

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

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

The Application:

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

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

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

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

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

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

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

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

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

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

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

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy

East of England Plan (May 2008)

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

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

Strategic Policy 3 – Sustainable Communities.

Bedfordshire Structure Plan 2011

7 Areas of Great Landscape Value.

South Bedfordshire Local Plan Review (2004) Policies

NE3 Control of development in Areas of Great Landscape Value.

BE8 Design and environmental considerations.

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

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

Planning History

7009/LRD/54/328	Permission for use of Kingswood House for residential, office and light engineering purposes.
7176/LRD/55/54	Outline permission for light engineering workshop.
7176/LRD/55/54	Permission for light engineering workshop.
10102/LRD/59/335	Permission for experimental workshop.
10901/LRD/60/579	Permission for extension to experimental workshop.
14811/LRD/65/63	Permission for factory building.
19344/LRD/71/250	Permission for alterations to office building.
20389/LRD/72/452	Permission for extension to existing factory.
SB/TP/90/1036	Permission for demolition of existing office building and erection of single storey factory and office extensions.
SB/TP/96/0184	Permission for single storey front extension to factory.
SB/TP/01/0701	Refusal for demolition of existing factory and erection of 7 dwellings with garages (Outline).
SB/CED/03/1799	Certificate of Lawful Use or Development issued in respect of use of land and buildings for Class B1 purposes.
SB/TP/05/0331	Application for demolition of existing factory and erection of 19 residential units with parking, access and all ancillary works. Withdrawn.
SB/TP/06/0359	Refusal for demolition of existing factory and erection of 17 residential units with parking, access and all ancillary works.

Reasons:

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

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

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

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

**Representations:
(Parish & Neighbours)**

Heath and Reach PC

Objection:

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

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

Kingswood House

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

9 Gig Lane

Objection.

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

Consultations/Publicity responses:

Natural England

Withdraw objection.

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

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

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

Draft S106 appears to cover main points of concern:

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

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

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

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

objected to.

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

The Wildlife Trust

Objection:

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

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

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

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

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

The Greensand
Trust

Objection:

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

Leighton Buzzard
Society

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

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

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

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

Campaign to Protect
Rural England

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

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

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

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

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

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

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

Environmental
Health Officer

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

Building Control
Officer

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

Sustainable Growth
Officer

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

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

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

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

Design Adviser

Recommend approval.

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

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

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

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

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

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

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

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

Determining Issues

The main considerations of the application are:

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

Considerations

1. Impact on Green Belt

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

Openness

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

Decontamination

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

Ecological enhancements

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

(a) Site layout

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

(b) Buffer strip

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

(c) Pennyroyal

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

(d) Private gardens

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

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

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

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

(e) Attenuation ponds

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

(f) Living roofs

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

(g) Lighting

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

(h) Applicant's woodland

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

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

2. Impact on Area of Great Landscape Value

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

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

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

3. Sustainability

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

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

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

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

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

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

4. Efficient use of land

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

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

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

5. Loss of employment land

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

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

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

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

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

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

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

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

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

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

6. Design and layout

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

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

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

In addition, Policy ENV7 requires that new development should

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

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

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

7. Precedent

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

8. Site management strategy

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

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

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

Recommendation

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

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

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

and subject to the following conditions:

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

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

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

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

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

1. Site Characterisation

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

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

An assessment of the potential risks to:

Human health

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

Adjoining land

Ground waters and surface waters

Ecological systems

Archaeological sites and ancient monuments

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

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

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

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

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

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

REASON: To protect controlled waters.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: To protect controlled waters.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
REASON: To protect controlled waters.

- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
REASON: To protect controlled waters.

- 20 **No development shall take place until a Construction Environment Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The Construction**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant

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

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

Regional Spatial Strategy

East of England Plan (May 2008)

Policy SS1 – Achieving Sustainable Development.

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

Policy SS7 – Green Belt.

Policy E1 – Job Growth.

Policy H1 – Regional Housing Provision 2001 to 2021.

Policy ENV1 – Green Infrastructure.

Policy ENV2 – Landscape Conservation.

Policy ENV3 – Biodiversity and Earth Heritage.

Policy ENV5 – Woodlands.

Policy ENV7 – Quality in Built Environment.

Policy ENG1 – Carbon Dioxide Emissions and Energy Performance.

Policy ENG2 – Renewable Energy Targets.

Policy WAT1 – Water Efficiency.

Policy WM1 – Waste Management in Development.

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

Strategic Policy 3 - Sustainable Communities.

Bedfordshire Structure Plan 2011

Policy 7 – Areas of Great Landscape Value.

South Bedfordshire Local Plan Review

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

Policy BE8 – Design and environmental considerations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

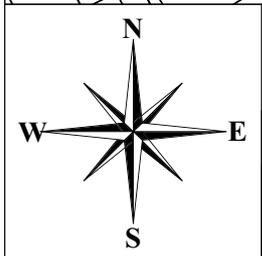
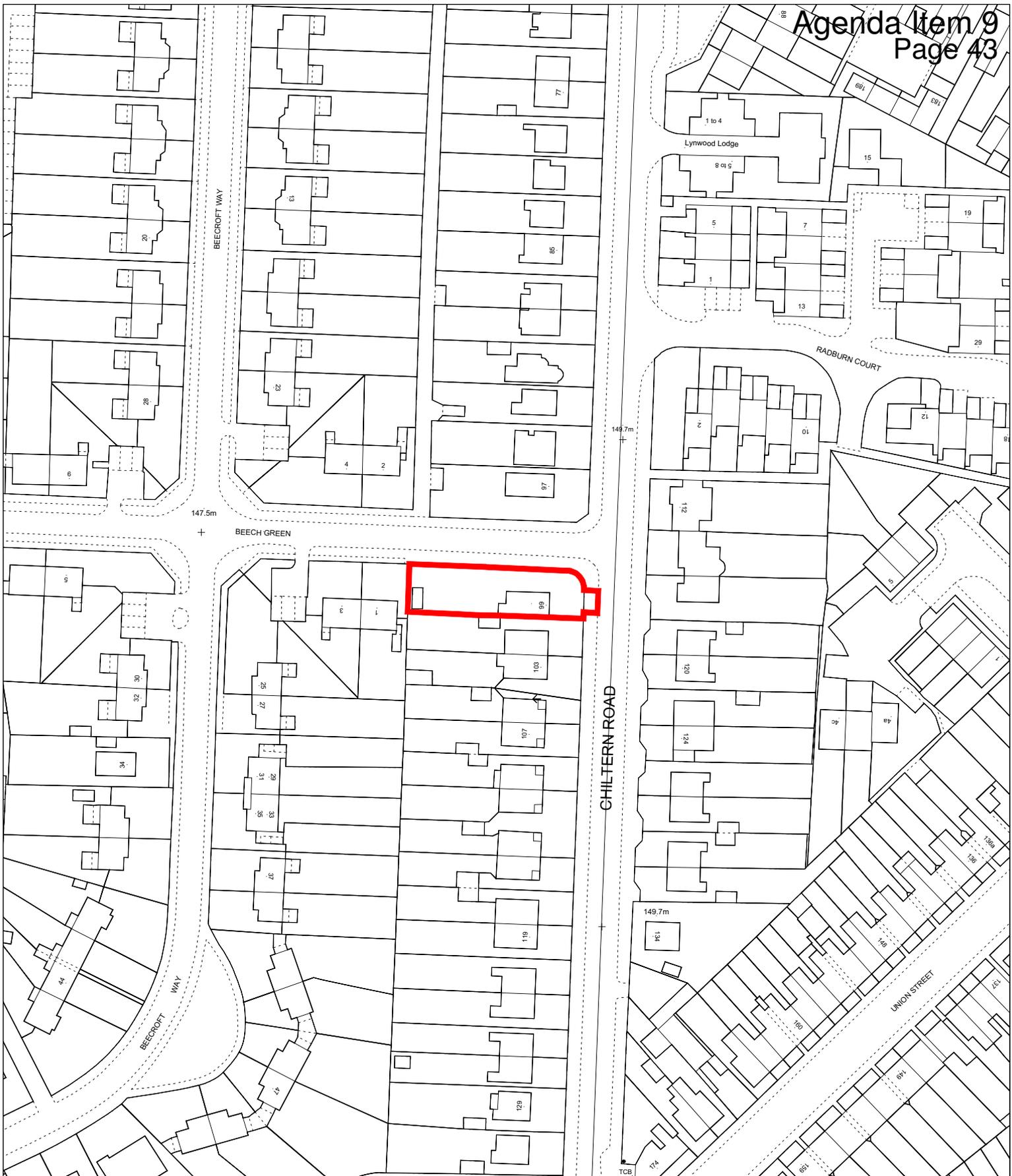
Base of infiltration structures is to be at least 1 metre above the highest seasonal water-table.

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

DECISION

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Central Bedfordshire Council
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Date: 27:August:2009
Map Sheet No

**APPLICATION NO.
CB/09/05299/FULL**

Scale: 1:1250

99 Chiltern Road, Dunstable

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Item No. 9

SCHEDULE C

APPLICATION NUMBER	CB/09/05299/FULL
LOCATION	99 Chiltern Road, Dunstable, LU6 1ET
PROPOSAL	Erection of single storey front, single storey rear and two storey side extensions, formation of vehicular access and construction of raised decking to rear
PARISH	Dunstable
WARD	Northfields
WARD COUNCILLORS	Cllrs Jeanette Freeman & Julian Murray
CASE OFFICER	Simon Barnett
DATE REGISTERED	17 July 2009
EXPIRY DATE	11 September 2009
APPLICANT	Dr A Chater
REASON FOR COMMITTEE TO DETERMINE	Application site includes highway land under the control of Central Bedfordshire Council
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site comprises the curtilage of number 99 Chiltern Road, a detached two-storey dwellinghouse located within the north-west quadrant of Dunstable. The site is a corner plot located on the southern side of the junction of Beech Green with Chiltern Road. The site is flanked to the west by number 21 Beech Green and to the south by number 101 Chiltern Road.

The Application:

Permission is sought for the erection of a front porch, part single, part two-storey side and single storey rear extension, which would, in part replace, an existing conservatory which currently wraps around the side and rear of the dwelling. The application also includes the formation of a vehicular crossover from Chiltern Road and the installation of raised decking to the rear.

At ground floor level the extension would have a width to the side of 4.5 metres, a width to the rear of 10.4 metres and a projection to the rear of 3.5 metres. The single storey elements to the front and rear would have lean-to roofs. The front porch would measure 1.9 metres wide by 1.5 metres deep of which 0.5 metres would project to the front of the existing dwelling. The first floor element to the side would measure 4.5 metres wide by 5.3 metres deep with a subordinate hipped roof.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

PPG13 - Transport

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies

H8 - Extensions to Dwellings

BE8 - Design Considerations

T10 - Parking

PLANNING HISTORY:

SB/TP/80/0750 - Permission for erection of boundary wall.

SB/TP/87/0876 - Refusal for erection of two-storey garage, store and granny annexe.

SB/TP/91/0791 - Withdrawn application for single storey annexe extension.

SB/TP/08/0693 - Refusal for erection of two-storey side and single storey rear extension.

SB/TP/08/0887 - Permission for erection of two-storey side and single storey rear extension and formation of vehicular access.

Representations:

(Parish & Neighbours)

Town Council No objections.

Neighbours No representations received.

Consultations/Publicity responses

Highways Comments will be reported at the Meeting.

Determining Issues

The main issues considered relevant in the determination of this application are:

1. Design & Appearance;
2. Impact on Residential Amenity;
3. Highway Safety.

Considerations

1. Design & Appearance

The application site is located in a prominent corner location whereby any development to the side of the existing dwelling has the potential to give rise to a significant impact on the streetscene. The proposal shows the first floor element of the proposed side extension set some 3.5 metres back from the principal elevation of the dwelling and whilst the extension would be a clearly visible feature within the streetscene, it is considered it would not be so unduly prominent and visually assertive to warrant refusal. The proposed porch and rear extension are in design terms considered to be well related to the existing dwelling and would be in keeping with the area.

2. Impact on Residential Amenity

The proposed extensions, by virtue of their size and siting, would not have an adverse affect upon the residential amenities of the occupiers of neighbouring properties. The proposed raised decking to the rear would be screened from the adjacent property by a substantial outbuilding sited on the common boundary.

3. Highway Safety

The application includes the formation of a vehicular crossover from Chiltern Road to serve an existing parking area currently accessed by 'bumping' over the existing raised kerbs from both Chiltern Road and Beech Green. This element of the scheme is similar to that previously approved which was considered acceptable by the Highway Officer subject to the imposition of appropriate conditions.

Reasons for Granting

The proposal accords with both the provisions of relevant national guidance and all relevant planning policies within the Development Plan and there are no material considerations that dictate any other decision should be made.

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 **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and the extension not be used until the junction has been constructed in accordance with the approved details.**
REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
- 3 New external facing and roofing materials shall match those of the existing building as closely as possible.
REASON: To ensure that the development is in keeping with the existing building.
(Policies BE8 & H8, S.B.L.P.R).
- 4 With the exception of the raised decking to the rear no other part of any of the works hereby granted planning permission shall be used as a balcony, roof garden, terrace or other sitting out area or for any other similar purpose.
REASON: To protect the privacy of the occupiers of adjoining properties.
(Policies BE8 & H8, S.B.L.P.R).
- 5 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
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.
- 6 Before the extensions are first occupied, all on site vehicular areas shall be surfaced in accordance with a scheme submitted to and approved in writing by the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 7 This permission relates only to the details shown on Drawing No. BDL/EXT/207 Rev.D Pages 3 of 7, 4 of 7, 5 of 7 & 7 of 7 received 30/06/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

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

**Regional Spatial Strategy
East of England Plan**

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

H8 - Extensions to Residential Properties

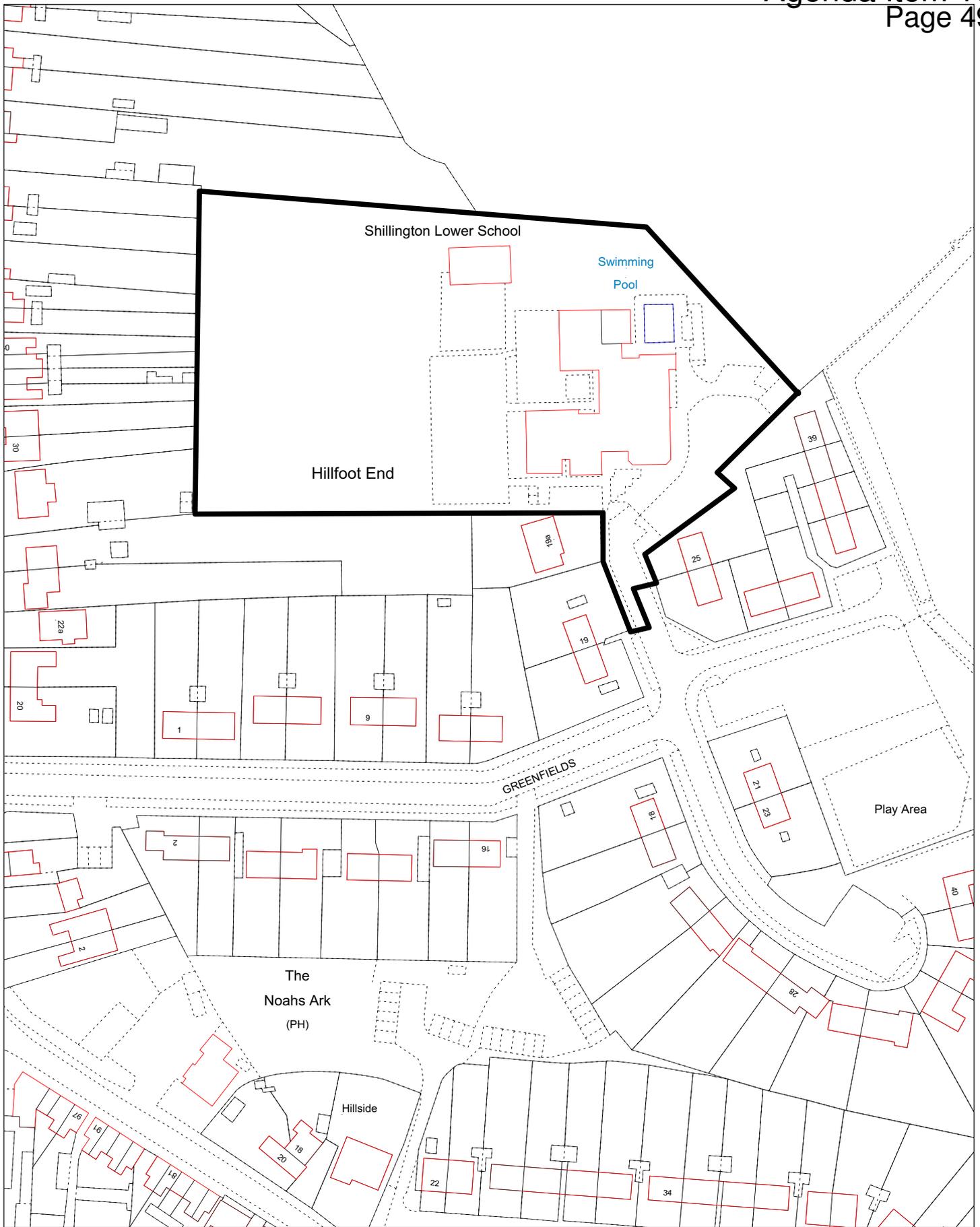
BE8 - Design and Environmental Considerations

T10 - Parking

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN. The applicant is also advised that if any of the works associated with the construction of vehicular access affects or requires the removal and/or relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

DECISION

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Date: 26 August 2009

Scale: 1:1250

ITEM NO. 10

APPLICATION NO. CB/09/05417/FULL



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Central Bedfordshire Council.
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Shillington Lower School, Greenfields, Shillington

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Item No. 10

SCHEDULE C

APPLICATION NUMBER	CB/09/05417/FULL
LOCATION	Shillington Lower School, Greenfields, Shillington, Hitchin, SG5 3NX
PROPOSAL	Full: Installation of a canopy.
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr R Drinkwater & Cllr A Graham
CASE OFFICER	Annabel Gammell
DATE REGISTERED	20 July 2009
EXPIRY DATE	14 September 2009
APPLICANT	Board of Governors
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Land owned by Central Bedfordshire Council
RECOMMENDED DECISION	Full Conditional Approval

Site Location:

The application site is Shillington Lower School and Pre-School which comprises of various school-related buildings within the school campus which is within Shillington Settlement Envelope, surrounded on 3 sides by residential gardens, and open countryside to the north.

A temporary building which houses Shillington Pre-School is within the grounds of the school and to the west of the Lower School. The school site also has a large hard play area and a playing field. There is currently one large tent like canopy on the school site, permission has been granted for two more.

The Application:

This application seeks permission for the installation of a canopy structure to provide a covered area for the pre-school children to play. The canopy would be enclosed within the existing Pre-School play area which is fenced off from the main school play area. The Pre-School play area is west of the main school building. The canopy would be some 4.5 metres in height and would cover an area of approximately 37 sqm.

RELEVANT POLICIES:

National Policies (PPG + PPS)

PPS 1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Not applicable

Mid Bedfordshire Local Plan First Review 2005

Policy DPS6 – extensions and alterations

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Mid Bedfordshire District Council's Technical Guidance:
'Extensions and Alterations: A Design Guide for Householders' (2004)

Planning History

CB/09/00968/FULL	Installation of two canopies. - Full Conditional Approval
MB/06/00428/CC	County Council: Single storey extension to form library and offices at front of school. - Full Conditional Approval
MB/02/02215/FULL	Full: Siting of temporary classroom unit for use by local play group. - Full Conditional Approval
MB/02/01855/FULL	Full: Siting of steel container for use by Shillington Scout group. - Full Conditional Approval
MB/01/01853/CC	COUNTY COUNCIL: ERECTION OF SINGLE STOREY EXTENSION TO FORM LIBRARY AND NEW ENTRANCE.
MB/01/01500/CC	COUNTY COUNCIL: SINGLE STOREY EXTENSION FOR CLASSROOM WITH ANCILLARY WORKS AND PROVISION OF TWO NEW CAR PARKING SPACES
MB/97/00765/CC	COUNTY COUNCIL: SITING OF SINGLE TEMPORARY CLASSROOM.

Representations: (Parish & Neighbours)

Shillington PC:	No objection.
Adj. occupiers:	No responses received.

Consultations/Publicity responses

Site notice posted 11.08.09: No comments received.

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area

2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal

Considerations

1. Effect on the character and appearance of the area

The canopy structure would be situated within the school grounds not visible from the public realm. It would be close to an existing building in order to reduce its visual impact upon the surrounding area and it would be coloured brown and cream, again to reduce its visual impact when viewed against the backdrop of the school. This is designed to match the existing canopy on the school site and the two canopies which were granted permission July 09.

Overall, it is not considered that the canopy structure would detrimentally impact upon the character and appearance of the surrounding area, in accordance with Policy DPS6 of the Mid Bedfordshire Local Plan First Review 2005.

2. Impact on the residential amenity of neighbouring properties

The canopy structure would be within the school grounds approximately 20 metres away from the site's northern boundary, which is currently enclosed by mature trees.

As the proposed canopy would be over 50 metres from a residential house and therefore it is considered that the proposed canopy is not close enough to any neighbouring residential properties to cause an adverse impact on their residential amenity in terms of loss of light or outlook or cause an overbearing impact.

The proposal is therefore considered to be acceptable in this respect.

3. Any other implications

The canopy would be in compliance with the requirements of the Government's "Every Child Matters Agenda" for children to learn outside. The proposed canopy would provide the opportunity for outside learning and minimise potential harm from the elements for children of Pre-School age.

Reasons for Granting

The proposal to erect the canopy structure would not impact detrimentally upon the character and appearance of the surrounding area and there would be no adverse impact upon the residential amenity of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS6 of the Mid Bedfordshire Local Plan First Review (2005).

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

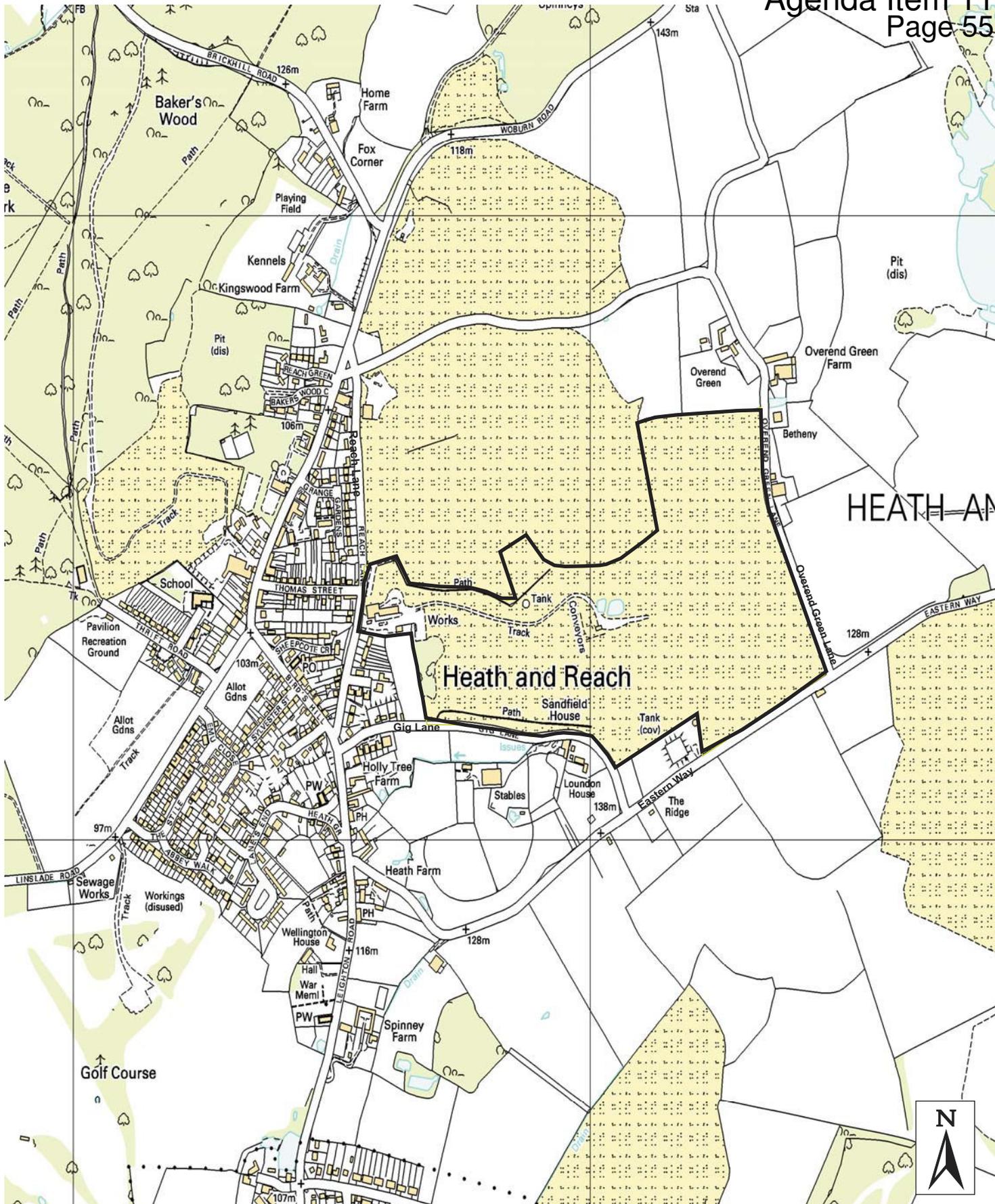
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The materials to be used for the development hereby permitted shall be as detailed in the application hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the surrounding area.

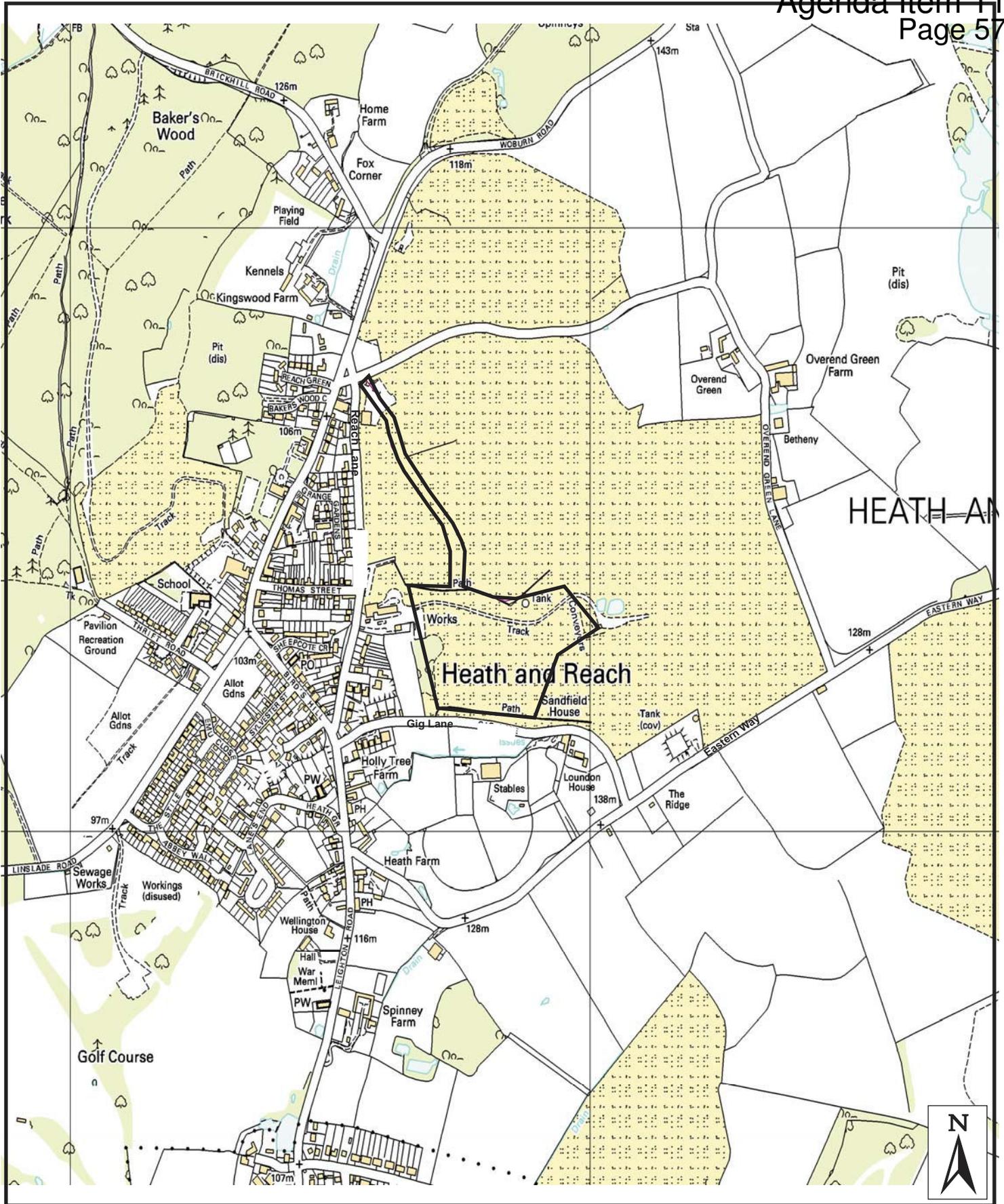
DECISION

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<p>Title: Reach Lane Quarry, Heath and Reach.</p>	<p>Date: September 2009</p>	<p>Roy Romans, Team Leader - (Minerals and Waste), P.O. Box 1395, Bedford, MK43 5AN. Tel: 0300 300 8000.</p>	  <p>Central Bedfordshire Council and Bedford Borough Council working together</p>
<p>Application Number: BC/CM/2008/20</p> <p>Revised Scheme for phasing of extraction and backfilling (following a landslide in June 2007) to comply with Conditions 1, 13, 14, and 22 of Planning Permission No.9/2003.</p>	<p>Scale: 1: 10,000</p>		
<p>Ref No: BC/CM/2008/20</p>			

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<p>Title: Reach Lane Quarry, Heath & Reach.</p> <p>Application Number BC/CM/2008/19</p> <p>Importation and disposal of inert waste to enable restoration of Reach Lane Quarry</p>	<p>Date: September 2009</p>
	<p>Scale: 1:10,000</p>
	<p>Ref No: BC/CM/2008/19</p>

<p>Roy Romans, Team Leader - (Minerals and Waste), P.O. Box 1395, Bedford, MK43 5AN. Tel: 0300 300 8000.</p>	  <p>Central Bedfordshire Council and Bedford Borough Council working together</p>
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Item No. 11

SCHEDULE D

APPLICATION NUMBERS	BC/CM/2008/19 & BC/CM/2008/20
LOCATION	Reach Lane Quarry, Heath & Reach
PROPOSALS	<ul style="list-style-type: none"> (i) Revised scheme for phasing of extraction and backfilling (following a landslip in June 2007) to comply with conditions 1, 13, 14 and 22 of planning permission number 9/2003. (application no. BC/CM/2008/20) (ii) Importation and disposal of inert waste to enable restoration of Reach Lane Quarry (application no. BC/CM/2008/19)
PARISH	Heath & Reach
WARD & COUNCILLORS	Plantation – Cllr. Alan Shadbolt & Cllr. Peter Rawcliffe
CASE OFFICER	David Peachey
DATE REGISTERED	31 st July 2008
EXPIRY DATE	30 th October 2008
APPLICANT	L.B Silica Sand Ltd
AGENT	Atkins Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	<p>SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT</p> <p>Refusal of both applications (ref. BC/CM/2008/20 & BC/CM/2008/19) for the reasons set out at the end of this report.</p>

Site Location:

Reach Lane Quarry comprises an active sand working extending to some 23 hectares, with associated processing plant and an office / worker's residence. It is bound by Reach Lane to the west, which for the most part marks the eastern edge of Heath & Reach village. Gig Lane and Eastern Way form the southern boundary of the working. The eastern boundary is delineated by Overend Green Lane. The nearest residential properties to the Reach Lane pit are situated on Gig Lane and along Thomas Street and Reach Lane, these being as little as 60 metres from the boundary of the curtilage of the quarry.

All commercial vehicles gain access to the public highway via Bryants Lane Quarry to the north, which is contiguous with the Reach Lane site. Both quarries have been operated by the applicant company since 2002, although they are still governed by separate mineral permissions as a consequence of divided ownership historically. The reality on the ground, however, is that the quarries are now worked as a single site, with sand transported from Bryants Lane Quarry into Reach Lane for blending and processing to produce a variety of sands.

All areas of the Reach Lane Quarry permission site have been worked at one time or another. Substantial volumes of clay overburden which originally laid over the sand have been utilised as backfill material to create terraced batters within a deep basin

landform. Only limited permitted reserves now remain. The highest point in the quarry (140 metres AOD) abuts Eastern Way in the vicinity of a water tower, which slopes down to the lowest part of the workings just above the water table (approximately 85 metres AOD).

Background:

An Interim Development Order (I.D.O) consent to extract sand at Reach Lane was granted in June 1948. An updated scheme of conditions and working and restoration was submitted to Bedfordshire County Council, as required by the 1991 Planning & Compensation Act. A fresh I.DO approval with new set of schemes and conditions was determined on 13th February 1997.

Planning permission was granted by Bedfordshire County Council on 1st May 1984 for a 3.85 hectare north eastern extension to the original quarry adjoining Overend Green Lane. The period allowed for sand extraction expired in May 1999 and the area has been exhausted, although not yet finally restored. As this extension area falls within the curtilage of the active quarry site, it is encompassed in the latest amended restoration proposals which have been put forward as part of the current application for variation of conditions attached to the 2003 mineral permission.

On 30th April 2003, Bedfordshire County Council gave planning consent (ref. no. 9/2003) for a revised scheme of working, restoration, landscaping and aftercare as an amendment to the 1997 I.D.O approval. There were two main elements to the development permitted in 2003. First, there was the phased working of an additional 380,000 tonnes of sand from previously disturbed areas in the south western part of the quarry outside those parts of the site permitted to be worked under the terms of the 1997 I.D.O approval. Second, in order to address concerns about the long term slope stability, the existing 1 in 3 terraced sides of the pit were allowed to be re-contoured to a shallower final gradient of 1 in 5 to 1 in 7 utilising indigenous overburden material.

The permanent closure of the substandard Reach Lane Quarry entrance was secured by condition attached to permission no. 9/2003. A further condition was imposed to ensure that the *combined* level of HGV movements in connection with mineral operations at Bryants Lane and Reach Lane quarries did not exceed 160 per full working day, as already specified in the 1997 Bryants Lane consent.

Planning permission no. 9/2003 remains the extant consent for Reach Lane Quarry. It is accompanied by a Section 106 legal Agreement signed by the applicant company which imposes cessation dates for extraction and restoration taking into account the additional mineral permitted to be worked and the additional handling and movement of restoration materials needed to be undertaken. Sand extraction is required to finish and processing plant, machinery and foundations removed on or before 6 years and 9 months from the date of permission (i.e. by 29th January 2010). Final landscaping and restoration of the site is required to be completed on or before the expiry of 8 years from the date of permission (i.e. by 29th April 2011). The current approved afteruse of the quarry is open grassland and pasture with a wetland area at the base and pockets of woodland and hedgerows on the restored slopes.

The Applications:

This report covers two separate but inter-related applications as described below:
BC/CM/2008/20 (Revised scheme for phasing of extraction and backfilling (following a landslip in June 2007) to comply with conditions 1, 13, 14 and 22 of planning permission no. 9/2003) –

This applicant is seeking to vary four conditions of planning permission no. 9/2003 in order to implement revisions to the phasing and timetable of sand extraction, backfilling and restoration design.

Mineral Extraction:

The current approved mineral phasing plan which was devised by the applicant has been found to be unworkable because the phases were drawn too small to allow realistic handling and movement of sand and overburden. As a consequence, the approved sequence of extraction and backfilling has not been adhered to. In order to regularise the situation and find a practicable way forward, the applicant proposes to extract the remaining permitted reserves of approximately 327,000m³ in two broad phases. This mineral is concentrated in the eastern section of the pit near the boundary with the Bryants Lane site and beneath the processing plant. There is also a relatively small volume of mineral in temporary stockpiles totalling 47,000m³. Outside the existing permitted extraction area, the applicant has identified a narrow band of mineral, which he estimates to contain 149,000m³ of high quality silica sand; this comprises the third proposed extraction phase and is situated immediately to the north of the lagoons and processing plant. The mineral would continue to be worked dry in accordance with the present restriction on depth of working (i.e. not less than 1 metre above the water table). An indicative timetable for completion of each extraction phase has been provided. The final area to be worked would be beneath the processing plant, for which there is a proposed finish date of spring 2021. Based on current outputs, Reach Lane would have some 6.1 years of reserves if working was confined solely to that quarry. However, given that approximately half of the sand output includes mineral won from the Bryants Lane site, the timescale for completion of extraction and removal of the plant site is predicted to be as much as 12 years.

Revised restoration plan and afteruse

As the current plan for phased backfilling and restoration is unfeasible, the applicant has devised a new plan for finishing the site in a progressive manner within a specified timescale. The intention is to expedite the final restoration of the upper slopes of the eastern batter and an area abutting the water tower where no further mineral is proposed to be won. By leaving the existing slope profile largely intact except for localised re-grading, the applicant proposes to complete seeding and landscaping of these areas during autumn/winter 2010. Restoration of the south eastern corner of the site would follow, to be completed during autumn/winter 2011. Surplus placed overburden amounting to 86,000m³ would need to be moved from this corner of the site to create the desired gradient on that and subsequent restoration phases. These initial phases constitute almost one third of the Reach Lane site.

The remaining three phases (i.e. phases 3 - 6) would be reinstated undertaken over the period 2015 – 2022 utilising 384,500m³ of reject materials or overburden derived from Bryants Lane and a similar volume of imported inert fill (see application no. BC/CM/2008/19). Condition 18 of planning permission 9/2003 already allows the import of overburden across the boundary from Bryants Lane. Completion of

restoration in phases 3 to 6 is dependant upon completion of extraction and infilling operations in those parts of the site. The processing plant is planned to be removed from the site at the site to in order to allow working of the sand beneath it as the final phase of extraction. The plant would need to be relocated to Bryants Lane, or replaced by a new facility, subject to planning consent being given.

The proposed restoration plan is broadly similar to details agreed in 2003 in that it shows a significant proportion of the quarry as open grassland, which would be suitable for grazing purposes, together with several blocks of tree / shrub planting to break up the extensive slopes. A general maintenance track would run along the southern and eastern perimeters of the site. The scheme also includes a more extensive pond (2.89ha) with a planted island, reedbed and copse. This water feature is proposed to be used for leisure purposes such as fishing if an appropriate user can be found. (Informal fishing would not require a separate planning consent). An access track would connect the fishing lake to the Bryants Lane Quarry entrance, although the lake could not be fully formed until subsequent completion of restoration in Bryants Lane Quarry.

Finished levels

The overall proposed restoration contours are broadly similar to those approved under permission no. 9/2003 and would marry with final levels put forward for the inert landfill area. The proposed batter would range between 1 in 6 and 1 in 7, which is fractionally shallower than the currently approved finished slopes. However, certain aspects of the new profile are different. The contours on the upper section of the eastern batter have been raised by around 2.5 metres to more closely reflect the existing topography and thereby facilitate early restoration by reducing the amount of overburden that would need to be removed from this area. A transitional slope of 1 in 12 has been introduced from the 100m AOD contour at the foot of the southern and eastern batters to tie in with contours at the base of the proposed landfill area. This would merge with an enlarged central pond feature, which would straddle the boundary with Bryants Lane Quarry. The applicant states that the reduced angle of slope at the base of the quarry would be conducive to safe and convenient after-use of the lake for fishing.

The applicant contends that a more interesting landform would be created by adding some variation to the detailed grading. A series of terrace or bench features containing french drains and/or swales would be assimilated into the overall slope profile to control the descent of surface water run off to the pond.

The restoration levels have been developed having regard to the adjoining Bryants Lane site, where most of the water feature would be positioned. A wider restoration Masterplan has been put forward to illustrate how the two restored sites would integrate at the boundary.

Public Access

The extant 2003 consent for Reach Lane Quarry includes provision for a 'public right of way' across the restored quarry site linking Reach Lane and Eastern Way, although the precise standard and alignment of the route has yet to be formally approved.

In light of consultee comments regarding the current application, the operator has offered to provide an additional section of public right of way within the curtilage of the quarry site. It would traverse a short section of the southern boundary eastwards

from the water tower and the entire length of the eastern boundary alongside Overend Green Lane. There would be entry / exit points at either end. The proposed route would effectively function as a continuation of the existing requisite right of way linking Reach Lane and Eastern Way. The applicant has indicated that this additional section of footpath could be installed at an advance stage upon completion of restoration of the initial phases in autumn/winter 2011. Whilst the quarry is still active, the applicant would want the status of the path to be permissive only. However, he is agreeable to it being formally adopted as a public right of way (footpath) when restoration of the whole site is concluded in 2022. This would need to be secured through a fresh Section 106 Agreement.

BC/CM/2008/19 (Importation and disposal of inert to enable the restoration of Reach Lane Quarry) –

The application originally proposed the importation and disposal of 524,000m³ of inert waste in the south western part of the quarry, covering an area of 5.28 hectares. The initial proposal also sought to increase permitted final levels over the tipping area by raising the foot of the restored batter by 15 metres in conjunction with a wider amended restoration scheme for the rest of the quarry, which is subject of the parallel application described above (ref. BC/CM/2008/20).

The applicant has since amended the waste importation proposal by lowering restoration levels over the proposed infilling area (and over the wider quarry site where the import of inert waste would not take place) such that they now more closely resemble the existing approved landform. Modification of the proposed restoration levels has resulted in a reduction in the volume of inert waste required to restore the site. The requested importation figure now stands at 355,000m³, a reduction of 169,000m³ from that originally proposed.

The applicant states that the importation of fill from external sources is necessary for the dual purpose of carrying out long term stabilisation of a substantial landslip close to the Gig Lane boundary and making up a deficit of restoration material for the Reach Lane site as a whole. The overall deficit of restoration material for Reach Lane Quarry is therefore proposed to be made up through a combination of 355,000m³ of imported material and, as specified in the parallel application, 384,500m³ of overburden from Bryants Lane Quarry.

The restored batter profile across the inert fill area would be in the region of 1 in 7.8, which represents a fractionally shallower gradient than the currently permitted gradient of 1 in 7.14. In order to assimilate the foot of the restored landfill area with the wider proposed site profile, the floor of the quarry would be infilled to form a transitional 1 in 12 slope below the 100 metre AOD contour. An indicative drainage plan accompanies the application to illustrate how the direction and velocity of surface water run-off to the pond would be controlled.

Waste would be brought to the operational landfill area where it would be spread, levelled, and compacted by a dozer. Based on a predicted annual tipping rate of 87,000m³, the proposed duration of the waste importation exercise is 4.1 years. Incoming HGVs would utilise the existing Bryants Lane Quarry entrance (where a weighbridge and hut are already situated for the mineral operation) and the existing internal haul road connecting Reach Lane Quarry. The information provided with the application suggests that the daily HGV movements associated with waste

importation exercise could be accommodated within the current combined limit for Reach and Bryants Lane Quarries (i.e. 160 movements per day). The applicant has indicated that a wheel wash would be installed at the site entrance to prevent the deposit of mud and debris on the public highway.

In respect of the existing requirement to provide a 'public right of way right of way linking Reach Lane and Eastern Way', a plan has been provided showing a suggested alignment. The applicant states that it would not be possible to open this route until reinstatement of the inert landfilling phase in autumn / winter 2016. A permissive path would be provided at the outset, which could then be formally adopted as a public right of way (footpath) upon completion of restoration in 2022.

RELEVANT DEVELOPMENT PLAN POLICIES & PLANNING GUIDANCE:

- **Waste Strategy for England 2007**
- **East of England Plan (May 2008) – Revision to the Regional Spatial Strategy**
- **Planning Policy Statement 10 'Planning for Sustainable Waste Management' (PPS10)**
- **Planning Policy Statement 25 'Development and Flood Risk' (PPS25)**
- **Planning Policy Guidance Note 2 'Green Belts' (PPG2)**
- **Planning Policy Guidance Note 14 'Development on Unstable Land' (PPG14)**
- **Planning Policy Guidance Note 24: Planning & Noise (PPG24)**
- **Minerals Planning Guidance 5 'Stability in Surface Mineral Workings and Tips' (MPG5)**
- **Minerals Planning Guidance 7 'The Reclamation of Mineral Workings' (MPG7)**
- **Minerals Planning Guidance 15 'Provision of Silica Sand In England' (MPG15)**
- **Minerals Policy Statement 1 'Planning and Minerals' (MPS1)**
- **Bedfordshire & Luton Minerals & Waste Local Plan Adopted 2005 (MWLP)**
- **South Bedfordshire Local Plan Review Adopted 2004 (SBLPFR)**

Planning History

<p>Interim Development Order no. 1479 SB/83/1060</p>	<p>The winning of sand (dated 28th June 1948)</p> <p>Extraction of sand from 3.85 hectares of agricultural land adjoining existing sand working. (Planning Permission no. 5/1984 dated 1st May 1984)</p>
<p>Interim Development Order no. 1479 BC/CM/97/00031</p>	<p>Determination of schemes and conditions (dated 13th February 1997)</p> <p>Variation of condition 17 of I.D.O no. 1479 to permit the importation of soil/peat for blending with sand (Planning Refusal no. 7/1997 dated 11th December 1997)</p>

BC/CM/2002/19 Revised scheme for restoration, landscaping and aftercare to comply with conditions no. 21 and variation of conditions 2, 3, 6 and 23 of I.D.O. no. 1479
(Planning permission no. 9/2003 dated 30th April 2003)

**Representations:
(Parish & Neighbours)**

Heath & Reach
Parish Council *BC/CM/2009/20 & BC/CM/2008/19* – Strongly oppose both applications and demand that an acceptable restoration plan be implemented which requires no further sand extraction or importation of inert fill, in line with the Section 106 Agreement of 2003. These two applications are not for restoration but for continued sand extraction and for use of the quarry as a waste management site within the Green Belt. The objections and concerns are set out in some detail, but can be summarised as follows:

- The Parish Council should not be obliged to wait more than another 10 years for the implementation of public access and rights of way through the quarry. The cessation dates imposed by the current Section 106 Agreement must be adhered to. The Parish do not regard the reasons given as sufficient to justify any extension of time. If the variation of time limits is permitted as requested, this will set a precedent for future extensions of deadlines.
- There should be a wider discussion of potential long term public use of the quarry.
- According to the information provided, the volume of sand to be extracted is greater than the amount to be imported as inert waste. Thus, there is sufficient material in Reach and Bryants Lane Quarries for immediate restoration.
- How closely would the Council monitor and control waste imported to the quarry to ensure only the deposit of inert waste?
- How would proper drainage be ensured given the large amounts of clay imports?
- As the quarry is so near to the centre of the village, noise is heard coming from the quarry as early as 6am. Proposed operating hours should be reduced to 0730 to 1800 hours Monday to Friday.
- The Parish Council has complained to the Council on a number of occasions about levels of dust on the surrounding highways, verges and pavements. Sand is deposited from the

wheels and bodies of lorries, particularly in wet or windy weather. Lorries delivering clay from Milton Keynes would make the roads muddy.

- Traffic management – Despite there being a HGV ban at Shenley Hill Road, there are still lorry movements through the village.
- What would be done to avoid a repeat of the June 2007 landslip? This has threatened the hedgerows of an ancient way (Gig Lane).
- There is nothing in the proposals which details the implications for Bryants Lane Quarry. The applicant has not provided alternative schemes to demonstrate what restoration could be achieved without the importation of material from Bryants Lane Quarry. The use of materials from Bryants Lane may leave this area deficient of restoration material.
- The proposed final landscaping scheme shows insufficient tree and shrub planting. The margins of the quarry are an eyesore and the old entrance is in a disgraceful condition. Also, there is no provision for the proper long term management of the pond other than a general statement regarding fishing. Substantial parts of the existing boundary tree line may need work, replacement or supplementing.
- The proposed permissive footpaths, whilst welcome, are not considered to be sufficient compensation to the local community for continued work in the quarry. Further benefits ought to be provided in the form of greater open access. The proposed route from the water tower to Overend Green Lane should be expedited as there is an urgent need to get walkers and riders off an increasingly dangerous section of Eastern Way between Gig Lane and Overend Green Lane. It is requested that section 'A' is constructed to bridleway specifications with entry from Gig Lane. This is because this route will connect the village with the bridleways to the east of Miletree Road. It should be a requirement that all routes across the quarry are designated as Rights of Way and not permissive paths, which would have no guarantee of continuity.
- It is suggested that a working / liaison group representing the various interested parties is created to work alongside the company and its agent in a constructive way.

Leighton Linlade
Town Council
Neighbours

No comments to make on either application.

Both planning applications were publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedure) Order 1995, comprising advertisement in the local newspaper, the display of two site notices and notification of neighbours within 200 metres of the site boundary. The waste importation application was advertised as a departure from the Development Plan in accordance with regulations.

A combined total of 27 letters of objection were received from 18 households, plus one letter of objection from an agent acting for a neighbouring landowner (Arnold White Estates Ltd). In addition, Andrew Selous MP has written to the Council on two occasions to request that the comments of named constituents be taken into account by the decision-makers.

As the applicants put forward several amendments to the applications in March and July 2009, the Council undertook two further rounds of consultation and notification of neighbours who had made previously made representations.

An amalgamation of neighbour objections and concerns in connection with both applications is set out below:

- (a) A further extension to the operational life of the site so as to delay final restoration by another 10 years is not justified. The applications are entirely contrary to the Section 106 Agreement and the extraction and restoration deadlines specified therein, which should be enforced.
- (b) There is concern that the proposed further extraction of sand is driving the need for waste importation. There are other sand reserves in the area not close to the centre of a village.
- (c) It has not been demonstrated that the quantity of waste proposed to be imported is specifically needed to buttress the June 2007 slippage. The proposals are more for the purposes of waste management.
- (d) Concern about the nature of the waste which could enter the site and how this would be controlled and the health risks associated with airborne pollutants caused by waste tipping.
- (e) Highways Issues:
 - (i) the import of waste would generate a substantial increase in HGV movements on the route though the village which is already busy and dangerous;
 - (ii) poor state of Woburn Road;
 - (iii) speeding HGV vehicles through the village;

- (iv) noise from increased HGV traffic;
 - (v) an alternative site access could be provided at Eastern Way so that vehicles would utilise the A5 rather than travel through the village;
 - (vi) trafficking of mud and sand onto the highway and pavements; and
 - (vii) no measures are taken to dampen loads of sand.
- (f) Adverse impact of increased noise, dust and general disruption to the village;
- (g) Landscape issues, including loss of countryside views and neglected quarry margins;
- (h) Risk of recurrence of landslips, which could threaten the very existence of Gig Lane.
- (i) Restoration proposals:
- (i) should not involve any further extraction or importation of inert waste;
 - (ii) lack vision and do not offer reasonable long term benefits to the local community in terms of open public access and adequate tree and hedgerow planting;
 - (iii) do not include guaranteed provision of adopted public rights of way (bridleway links across the site would be particularly valuable to the local community). Permissive rights of way are not an acceptable substitute;
 - (iv) the proposed access track off Woburn Road to serve the fishing lake would generate traffic movements pass residential properties. Any such route would be better provided off Eastern Way or Overend Green Lane to avoid bringing traffic into the village.

One resident has commented that the applicant's offer of a right of way around the southern and eastern boundaries of the site should be seized upon.

Consultations/Publicity responses:

Environment Agency *BC/CM/2008/20* – No objection to the revised scheme for phasing of extraction and backfilling and no concerns arise from proposed restoration contours.

BC/CM/2008/19 – No objection. The Agency point out that the importation of inert waste materials will require an Environmental Permit, which will be subject to a groundwater risk assessment. It will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. The Flood Risk Assessment (FRA) submitted with the application is acceptable and the

surface water drainage strategy should be implemented in accordance with this document. The soakaway at the base of the site should be constructed at a suitable distance from the edge of the sidewall liner to prevent undermining of the engineered waste containment.

Internal Drainage Board

BC/CM/2008/20 & BC/CM/2008/19 – Note that the Flood Risk Assessment indicates no surface water flows would leave the site and hence enter the Board's district. Therefore, the Board has no comments to make.

Mid Beds Environmental Health Officer (EHO)

BC/CM/2008/20 & BC/CM/2008/19 – No objection to the revised scheme provided there are no changes to details approved pursuant to conditions 16 and 17 of existing 2003 consent, which deal with noise and dust respectively (with the exception that condition 16 be amended to correctly reflect what is stated in MPG11 and MPS 2).

Heath & Safety Executive

BC/CM/2008/20 & BC/CM/2008/19 – Comment that they have no particular concerns with the earthwork proposals. The document entitled "*Atkins Geotechnical Report on Heath & Reach Quarry June 2007 Slip*" contains an additional section (Addendum 1) which is an update to the original report sent to HSE. It would seem that the stability of the slip area will require the import of additional suitable material.

Anglian Water

No comments received.

Central Beds Highway Development Control Manager

BC/CM/2008/20 & BC/CM/2008/19 – No objection. The information provided with both applications suggest that the daily HGV movements associated with the site would not change as a result of the applications and there is no request for any alteration to the current limit of 160 movements per day. Provided that any planning permissions are conditioned in a way that continues to restrict the operations to 160 movements per day, an objection on highway grounds cannot be sustained.

Natural England

BC/CM/2008/20 & BC/CM/2008/19 – Do not object to the proposals, as it is not thought that the applications would result in an additional impact on the Kings and Bakers Woods and Heaths SSSI. However, the restoration plan is disappointing in both its ambition and detail. The applicant appears to miss a considerable opportunity to create heathland or acid grassland habitats given the geology of the area. These habitats are a priority at both local and national level and would help the authority achieve the aims of the Bedfordshire and Luton Biodiversity Action Plan. The applicant should be directed to improve upon the restoration

Greensand Trust

scheme in this respect.

BC/CM/2008/20 & BC/CM/2008/19 – Would urge the Council to reject both applications. There are no calculations in the applications to show the amount of material that is necessary to specifically repair the slippage. The plans do not refer to the area of slippage or what remedial work is necessary to stabilise it. In fact, a connection between the slippage and the increased quantities of fill needed for restoration cannot be found in the application documents.

The June 2007 slippage occurred on a slope that has already be shown to be unstable. The slippage has occurred in an area where the applicant has only relatively recently acquired a permission to excavate extra sand. The assertion that the cause of the slippage was the diversion of surface water from Gig Lane seems unlikely. Water flowing into the tension cracks that already existed would seem a far more effective way of lubricating the slope. An independent assessment of the cause of the slip failure should be provided.

Despite the impact of the proposed development on the local community, the restoration proposals and their phasing make no attempt to ameliorate these impacts. The application makes no change to the proposed agricultural afteruse. To an extent this determines the requirement for finished land levels and thus generates the requirement for the amount of landfill. The Greensand Trust suggests that the target objective be reviewed, not least in the light of the extended period of disruption to the community, the increased income derived from extended operations and the potential to return value to local people in the longer term. An option to restore the site to open space for the good of the public and wildlife should be investigated. Restoration to a much more varied landscape is recommended.

As a minimum, the proposed public right of way linking Reach Lane and Eastern Way should have an additional arm extending around the site to the east to coincide with the reinstated Footpath No.1 across Bryants Lane Quarry. The creation of such new paths should be within the first phase of restoration. Access to the quarry should be possible from all four sides, with a network of paths across the site rather than minimal restricted rights of way, as part of the opening of the site to the public as a nature reserve. This would contribute to the wider Green Infrastructure network of green space and access for South Bedfordshire.

The proposed timescale for aftercare/maintenance of the site is 5 years – it should be a minimum of 10 years,

Countryside Access
Service (Rights of
Way Officer)

although 25 years would be more appropriate.

BC/CM/2008/20 & BC/CM/2009/19 – Comment that the application should carry some community benefit given the impact of continued sand extraction and infill operations. In essence, this should be handing over the land to the community who would manage it as a public resource. Even though primarily agricultural, the land could still be managed as public open space. There is a need to provide more local and strategic open space in accordance with South Bedfordshire's Green Infrastructure Plan.

The proposed permissive footpaths should be bridleway to connect with the new Miletree ('Webbs Way') bridleway on the other side of Eastern Way and the rights of way network beyond in Hockcliffe and Battlesden. This should be secured by Section 106 Agreement. Anything less will not be accepted by the Countryside Access Service. Further linkages to the local road network should be provided, specifically at Eastern Way and Gig Lane.

As no further working of the section of the quarry alongside Overend Green and Eastern Way to the Water Tower is permitted, the Countryside Access Service does not understand why the first section of path cannot be dedicated with immediate effect. This would not compromise the restoration of the quarry.

In terms of the route alignment, it is shown to be very close to the existing boundary hedge on Overend Green, which could lead to a reduction in public access. Therefore, the route should run several metres in from the hedge. It is preferable that the route is not fenced and should be at least 4 metres-wide to allow for options for upgrading the surface of the route at a future date.

The proposed gradients appear to be suitable for bridleway access.

It is considered that current proposal still does not satisfy the requirements of condition 26 of planning permission 9/2003. If the applicant is prepared to provide a Public Bridleway between Reach Lane and Eastern Way and a Public Footpath from Overend Green to Eastern Way then the Countryside Access Service would be content to discharge on this condition.

The location and size of the proposed enlarged water body (mainly within Bryants Lane) has changed and now comes into conflict with the reinstatement of the legal alignment of Public Footpath No.1. There is concern that no provision is being made to safeguard the route of the public footpath and the lake itself could over time obstruct the legal line of the footpath. The Countryside Access Service would

therefore like to see either the size of the lake reduced or moved, or an undertaking via a Section 106 Agreement to provide suitable bank stabilisation to ensure that the footpath surface will not slip into the lake.

Parish Paths
Partnership (P3
Group)

BC/CM/2008/20 & BC/CM/2009/19 – The P3 Group are pleased to note the offer of an additional length of footpath from Overend Green Lane to the Water Tower, which will help with our aim of providing a safe route along Eastern Way. It is expected that the route linking Reach Lane, Eastern Way and Overend Green should be a Public Bridleway, with additional access points. There is no reason why the route from the water tower to Overend Green should not be declared a right of way within the next two years.

Clarification is sought as to whether condition 26 attached to the 2003 permission is met by the current application proposals.

There is concern that final restoration has been pushed back to late 2022.

Ramblers Association
(Leighton Buzzard
Group)

BC/CM/2008/19 & BC/CM/2009/20 – The Ramblers Association welcomes the eventual return of mining land to public use. The modifications to the applications are noted.

Beds & Cambs.
Wildlife Trust

No comments received.

Leighton Buzzard
Society

Indicate their support for the proposed stabilisation works on the Gig Lane boundary.

Determining Issues

The main considerations relating to these applications are:

1. **Green Belt**
2. **Environmental Considerations: Disturbance & Pollution Control**
3. **Landscape Impact**
4. **Transportation**
5. **Restoration, Rights of Way and Environmental & Community Benefit**
6. **Assessment of Justification and Need for Development**
7. **Conclusion and Fallback Position**

Considerations

In deciding these applications, the Council must have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004. Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan consists of The East of England Plan (May 2008), which effectively superseded the

Bedfordshire Structure Plan. Until the emerging policies of the Minerals & Waste Local Development Framework are adopted, the policies of the Bedfordshire & Luton Minerals & Waste Local Plan, Adopted January 2005 (MWLP) and the South Bedfordshire Local Plan First Review, Adopted January 2004 (SBLPFR), are formally saved and form the policy framework against which applications should be determined.

Policies M6 (*Requirements for determination of minerals applications*) and GE1 (*Matters to be addressed in planning applications*) of the MWLP set out the criteria for assessing minerals and waste applications. The applicants have sought to demonstrate the existence of remaining workable deposits and have put forward a programme of working and progressive restoration accompanied by a timetable. These are standard information requirements for the type of applications under consideration, as set out in policy M6 of the MWLP.

Policy GE1 of MWLP advises that minerals and waste planning applications must provide sufficient information to enable a full and proper assessment of all the issues arising, including need in the national, local and regional context, traffic implications and all relevant environmental impacts, as addressed below. A judgement needs to be made in each case as to whether or not adequate information has been provided on all relevant issues.

Policy W1 of the MWLP (*Key Principles*) states that planning permission for waste management proposals will only be granted where it:

- contributes to meeting the strategic aim of the Plan to reduce the amount of waste which goes to landfill;
- takes account of the waste hierarchy;
- does not significantly increase development options further up the hierarchy; and
- conforms with the proximity principle.

The applicant expects that much of the inert material would be sourced from the Bedfordshire and Milton Keynes area. Bedfordshire does not presently have sufficient capacity to recycle all construction and demolition waste arisings in the county and although landfill is considered the last resort within the waste hierarchy, inert waste landfills offer a solution to manage this waste. In this case, the applicant argues that the landfill proposal will be contributing to the restoration of a quarry void. It is not considered that the granting of permission for inert landfill at Reach Lane would impede development options further up the waste hierarchy (i.e. recycling and re-use). In this context, the proposal is deemed to accord with Policy W1 of the MWLP.

Policy W21 (*Inert waste landfill*) of the MWLP advises that the Planning Authority will not grant planning permission for landfill or other disposal to land of inert wastes except where proposals contribute to the restoration of old mineral workings or demonstrate a net environmental benefit. This mirrors the advice in MPG 7 (para. 21), which promotes the development of high standard restoration proposals and advises that landfilling of some sites can "...provide opportunities to re-create pre-working or acceptable, new landscapes". The proposal to import 355,000m³ of inert material to make up

a deficit of restoration material and thereby achieve a landform capable of sustainable a suitable afteruse would, on the face of it, appear to accord with policy W21 and MPG7.

Green Belt

PPG2 sets out national planning guidance in respect of sites within designated Green Belts. Reach Lane Quarry lies wholly within the South Bedfordshire Green Belt. The two-part test to be applied is whether development represents inappropriate development in the Green Belt and, if so, whether there are very special circumstances present which clearly outweigh both the harm caused by virtue of the inappropriateness and any other harm.

PPG2 lists the five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large-built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The most important attribute of Green Belts is openness. This should be interpreted as meaning free from development in a broad sense; there is no definition placed upon it, and it is a matter of planning judgement in each case.

At a local level, guidance on Green Belts is contained in Policy GE5 (*Protection of Green Belt Land*) of the MWLP. It states that planning permission for waste development will only be granted where very special circumstances can be demonstrated to justify the proposal, such as securing the satisfactory restoration of a quarry or there are overriding community and environmental benefits. For all minerals and waste development, proposals should preserve the openness of the Green Belt.

Application BC/CM/2008/20 –

Whilst there is not a general presumption against mineral working in the Green Belt, as there is with waste disposal operations, it is still necessary to consider whether proposed mineral extraction would compromise openness and conflict with the purposes of including land within the Green Belt. The advice in PPG2 at paragraph 3.11 is that minerals are exceptional in that they can be worked only where they are found and their extraction is only a temporary activity. Further guidance is provided in MPS1. In recognising that minerals are “*essential for development and through that for our quality of life and creation of sustainable communities*”, MPS 1 goes on to state that “*.....mineral extraction need not be inappropriate development in the Green Belt, nor conflict with the purposes of designating Green Belts*” but “*.....in permitting minerals development in the Green Belt, authorities should ensure that the high environmental standards are maintained during operation... and that sites are well restored to afteruses consistent with Green Belt*

objectives.”

The significantly greater time frame over which both extraction and restoration is intended to take place would undoubtedly have a degree of impact upon the scene, character and setting of the South Bedfordshire Green Belt in the Heath & Reach area. Although there would be no lateral extension of the quarry void, a considerable area of land (26 hectares) is affected by the proposals. Importantly, it is considered that the applicant could expedite restoration over a greater part of the quarry than shown on the proposed phasing plan. It is arguable therefore that this application for a revised scheme of phasing does not meet the dual criteria of ‘high environmental standards’ and ‘well restored’. On balance, it is concluded that such is the long delay to final restoration brought about by the revisions to phasing of extraction and backfilling that the development is deemed to be inappropriate development in the Green Belt contrary to national and local Green Belt policy.

However, the proposed final landform and proposed afteruse of the site for agriculture, amenity and areas of woodland is consistent with Green Belt objectives.

Application BC/CM/2008/19 –

Paragraph 3.12 of PPG2 states that the carrying out of engineering operations and other operations and the making of material changes of use of land will be inappropriate development “*unless they maintain openness and do not conflict with the purposes of including land within the Green Belt*”. It follows therefore that the disposal of waste is, by definition, considered to be inappropriate development, which is itself a source of policy harm.

Landfilling is not the currently approved method for restoring the quarry; the current consent stipulates that only on-site materials are permitted to be used (with an allowance for movement of restoration material across the boundary from Bryants Lane). The landfill element of the proposals must therefore be tested against Green Belt policy as an entirely new development.

The applicant contends that the proposed importation is in association with the restoration of a mineral working and therefore that the location of the development is integral to the application. There is recognition in Policy W21 of the MWLP that disposal of waste to contribute to the restoration of old mineral workings can be acceptable (subject to other relevant policies of the Development Plan).

In my judgement, the operations associated with the landfilling, the fact that these operations would take place for more than 4 years, the potential for the operations to be seen from time to time and the likely need for items such as security fencing and screen bunds would result in the landfilling element having an urbanising effect on an area of land which is supposed to be fully restored without the need for infill by April 2011. Weight should be attached to the *impact of operations and activities* to import waste. I am of the view that this would detract from the openness of the Green Belt. Whilst it is arguable that views of the landfill operation would be somewhat limited given the local topography and boundary vegetation, lack of visibility does not mean that openness would be preserved. If this approach was accepted, it

could be repeated and seriously compromise Green Belt policies. It is concluded that the application conflicts with PPG2 and policy GE5 of the MWLP.

Environmental Considerations: Disturbance & Pollution Control

It is necessary to consider whether the development proposals would cause any other harm in terms of environmental disturbance or pollution.

BC/CM/2008/20 & BC/CM/2008/19 (both applications) –

Policy GE18 (*Disturbance*) of the MWLP states that planning permission will only be granted for minerals and waste development proposals which are likely to generate disturbance from noise, dust, mud on the highway, fumes, gases, odour, illumination, litter, birds or pests, where the anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposals. Furthermore, policy BE8 of the SBLPFR advises that proposals likely to generate disturbance and other pollution emissions must ensure that they do not unacceptably disturb or otherwise affect adjoining properties and uses.

The closest residential properties are 60 metres from the boundary of the curtilage of the quarry. Local residents have cited noise and dust emissions as reasons for objection to the proposals. My records indicate that there have been occasional complaints to the Minerals and Waste Team about noise relating to vehicle / plant activity near the entrance. There are however no technical objections from the Environmental Health Officer. Whilst I consider that there is a risk of nuisance at the nearest dwellings if proper controls are not in place, I am satisfied that noise and dust could be the subject of appropriate planning conditions in order to overcome any harm. Having regard to the advice in PPG24, I concur with the Environmental Health Officer's view that the same scheme of monitoring and control of noise can be imposed, as approved pursuant to the current mineral consent, in order to satisfactorily mitigate any noise impact. The applicant proposes to retain the same operating hours for all activities as specified in the existing minerals consent for Reach Lane (i.e. 0700 to 1700 hours Mondays to Fridays and 0700 to 1300 hours Saturdays). These are standard operating times for minerals and waste development and I do not see any overriding case for further restricting them in the event that new permissions are forthcoming.

At the present time, there is only a wheel shaker grid next to the weighbridge and this has not necessarily proved to be effective in preventing the deposition of sand and debris on highway and pavements. Indeed, this issue has given rise to several complaints over recent years and is also identified as a concern by residents and the parish council in response to publicity of the applications. However, it is considered that the existing approved scheme for monitoring and control of dust could be carried forward and attached as a condition on any new grant of permission, provided that it is reinforced by a requirement for installation of a wheel wash.

Policy GE20 (*Water Resources*) of the MWLP states that permission will not

be granted for minerals and waste development proposals where the proposal would have an unacceptable impact on the quality of quantity of groundwater and/or surface water drainage, and the flow of groundwater on or in the vicinity of the site.

The applicant considers that both applications do not pose any risk to the water environment. The Environment Agency has no adverse comments to make in respect of either application.

The importation of inert waste materials will require an Environmental Permit from the Environment Agency, which will be subject to a groundwater risk assessment, and it will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. The process of obtaining an Environmental Permit has been progressed in tandem with landfill application but can only be issued upon the grant of a relevant planning permission.

In accordance with the requirements of PPS25, a Flood Risk Assessment (FRA) accompanies the inert landfill application. This to ensure that sufficient attenuation for a flood event with a 1 in 100 annual probability is catered for in the landfill design. Rainwater will primarily run off the waste due to low permeability.

A surface water management strategy has been submitted for the landfill area and the wider quarry site. Control of run off is paramount in maintaining the quality of the restored surface in the long term. The strategy has been designed with the terrace features in mind, which would accommodate french drains and/or swales to direct surface run off to the water body. The Environment Agency has confirmed that the drainage details are acceptable and should be implemented in accordingly. I therefore find that both applications comply with policies GE20 and GE26 of the MWLP.

Landscape Impact

BC/CM/2008/20 & BC/CM/2008/19 (both applications) –

Policy GE9 (*Landscape Protection and Landscaping*) of the MWLP requires that development proposals must be sympathetic to local landscape character and any adverse impacts should be reduced as far as practicable and outweighed by other planning benefits.

The site lies within open countryside on the north east side of Heath and Reach village. I am of the opinion that the proposed extension to the operational life of the mineral site and the subsequent postponement of restoration, together with the introduction of landfill operations, would bring additional harm to the visual amenity of the Green Belt and detract from the rural character of the area.

In terms of the proposed *final* landform, the levels are deemed to be broadly acceptable, subject to the inclusion of a larger extent of woodland and woodland edge planting in the proposals so as to ensure harmony with local landscape character.

Transportation

Application BC/CM/2008/20 –

Policy GE23 (*Transport: Suitability of Local Road Network*) of the MWLP states that planning permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of access routes must also be taken into account.

No additional HGV movements are proposed in connection with the proposed revisions to the mineral operation. On this basis, there is no objection from a highways perspective.

Application BC/CM/2008/19 –

Reach Lane and Bryants Lane Quarries are currently permitted a combined maximum of 160 movements per day, utilising the recently improved shared entrance off Woburn Road. The applicant has calculated that over representative three-month periods during 2006 and 2007, the combined mineral operation for both quarries generated an average of 71.3 movements. Based on the assumption that all loads delivered to the site would involve 20 tonne gross weight tipper lorries with a maximum body volume of 15m³, there would need to be an average of 22 loads delivered per full working day (equating to 44 vehicle movements) in order to achieve the desired importation figure of 355,000m³ over the 4 year tipping period requested. Without doubt, therefore, waste importation traffic could be accommodated within the daily movement limit currently imposed by the 2003 permission, unless mineral operations intensified. In reality, however, there are fluctuations in available waste volumes as and when large contracts became available, so at certain times the applicant would want to operate at the maximum level of 160 movements.

Neighbours have raised the concern that there would a significant increase on recent *actual* traffic levels. However, my Highways Development Control Officer is of the opinion that there are no sound highway reasons for imposing a reduced limit on traffic movements in and out of the shared access. The access itself and the approach roads are adequate to cater for the peak level of traffic currently permitted to use the site.

The site entrance lies on the edge of Heath & Reach village, approximately 1.75 km to the south of the A5 roundabout at Sheep Lane, which forms the nearest point on the strategic highway network. The recent implementation of lorry ban zones covering the north and east of Leighton Buzzard means that *through* traffic must not use Woburn Road, Heath & Reach. Unless mineral deliveries or waste collections are made locally, HGV movements must not take place through the village and all lorries must instead turn right (northwards) towards the A5.

An alternative route to the strategic highway has been suggested by a local resident. This would involve the creation of a new access onto Eastern Way from which vehicles could head north eastwards to the Fourne Turn junction on the A5 trunk road, thereby ensuring that traffic would avoid Heath & Reach altogether. However, it is known from dealing with traffic issues on other sites in the Heath & Reach area that the Highways Agency would resist

any development which increased current traffic flow on the Fourne Turn junction due to topography and visibility concerns.

I conclude that the landfilling application conforms to policy GE23 of the MWLP.

Restoration, Rights of Way and Environmental & Community Benefit

BC/CM/2008/20 & BC/CM/2008/19 (both applications) –

Policy GE26 (*Restoration*) of the MWLP requires that all proposals for all non-permanent minerals development include high quality restoration of the site within a reasonable timescale. Opportunities for habitat creation should also be considered and, where practical and desirable, incorporated into restoration proposals.

MPG7 (Annex A, para. A9) states that the final landform should be the best available compromise between the intended afteruse, compatibility with the natural landscape and slope stability. Shallower slopes are necessary towards the base of the quarry to ensure safe and convenient use of the water body for fishing / other amenity use and to enable silt fall out. The proposed southern and eastern batter slopes of around 1 in 5 to 1 in 8 contain subtle changes to the existing approved gradients, but are seen as adequate for long term quarry slope conditions at the site. The proposed overall landform would be capable of sustaining the main intended afteruse of the site for agriculture (i.e. grassland / grazing).

The revised restoration drawing is broadly similar to the currently approved one. It contains the same component parts of open grassland with a central water body feature and blocks of tree planting. Whilst it is recognised that the creation of an extensive area of species-rich grassland would be of benefit to biodiversity, the new plan does not confer any significant improvement over the agreed one in terms of habitat creation and landscape design. I note that the latest plan appears to contain marginally less planting and two additional hedgerows to partition the site have been deleted from the proposals.

Policy GE21 of the MWLP requires minerals proposals, that would lead to disruption of the public right of way network, to provide suitable alternative arrangements to maintain or enhance public access opportunities and restoration proposals to enhance and/or extend opportunities for public access. The applicant offers to provide a permissive footpath from the water tower on Eastern Way to Overend Green Farm following the perimeter of the site. This would be installed in two years' time upon reinstatement of the eastern batter. The applicant has indicated that this route could be dedicated as a public right of way (footpath) upon completion of final restoration in 2021-22. Taken together with the existing requirement under the 2003 permission for a right of way across the southern part of the restored quarry, a crucial link to the wider path network could be secured. Implementation of the existing right of way requirement would have to put back from 2011 until 2021-22 as a consequence of the inert landfill and revised phasing proposals. The delay to restoration of the Reach Lane site until 2021-22 would not

disrupt the *existing* rights of way network - a footpath closure and temporary diversion order affects the Bryants Lane permission site only. The applicant is also intent on providing the route of the current temporary diversion across Bryants Lane as a Public Footpath upon final restoration although, potentially, adoption of that route could not take place until 2042.

The applicant has rejected the suggestion, as put forward by certain consultees and the parish council that the proposed route around the edge of the restored quarry should be dedicated as a Public Bridleway and that more general public access should be provided. Such improvements to the restoration scheme would help to mitigate the extended period of disruption to the community and accord with the aims and objectives of the Greensand Trust, thus finding support under policies GE3 and GE21 of the MWLP.

Assessment of Justification and Need for Development

Application BC/CM/2008/20 –

Mineral Extraction and Importance of Deposits: The applicant seeks to extend the period of extraction at the site beyond the current expiry date of 30th January 2010 (which itself was a 6-year extension of time) until spring 2015. This will allow 327,000m³ (523,200 tonnes) of remaining sand to be won from existing permitted phases plus a further 149,000m³ (238,400 tonnes) of additional reserves outside those permitted areas, which appears to have been sterilised historically due to the incompatibility of the two quarries when ownership was divided. Given that the two sites are now in single ownership, it is now possible to extract mineral up to the boundary.

When the previous application was being considered in 2002/03, there were said to be approximately 500,000 tonnes of permitted reserves (i.e. within the current permitted extraction area). The Council has questioned why, some 6 years later, the quantity of mineral left in the permitted phases has increased considerably when it is not being proposed to increase the depth of working. (Extraction is currently restricted to 1 metre above the water table and it is understood that the current materials balance modelling exercise was undertaken using this basal contour as the typical water table levels and not been reviewed and changed). According to the applicant, this discrepancy may have occurred due to incorrect assumptions used for the basal levels, although there is no clear explanation.

There is no question that the Reach / Bryants Lane complex contains some valuable silica sand reserves. However, the proposed extraction has implications for the environment, landscape and local community in that not only would it lead to significant delay to final restoration and thus bring a degree of prolonged disturbance to the area, but also exacerbate a shortage of on-site backfill material. This must be carefully balanced against the need for the mineral.

Silica sand (also known as industrial sand) is recognised as a scarce resource limited to a few areas of the country. It is an essential raw material, principally for glass manufacture and foundry castings, although none of the deposits in Bedfordshire are used for these purposes. Instead, the purest

'silver' sands in this area tend to be used as specialist non-staining and neutral sports applications. Other local silica sands which are yellow, orange or brown in colour have a range of different end-uses such as water filtration and for types of horticultural, root-zone and amenity products.

MPG15 advocates the importance of safeguarding nationally important silica sand resources, stating in paragraph 2 that there is a "...need to protect unworked silica sand deposits against sterilisation by other forms of development except where there are overriding planning reasons for releasing this land for other purposes". Further, in paragraph 65, MPG15 goes on to state that regard should be given to ".....whether the particular nature and qualities of the silica sand, such as suitability for particular end-use not met by other available sources in the area or region, in itself justifies granting permission".

The applicant's 'need' argument for the current extraction proposal is that sand deposits in Reach Lane Quarry are capable of being used in a wide range of final products, perhaps more so than any other silica sand deposit in the country. The versatility of the sand in Reach Lane is illustrated by the different uses, which have included leisure uses (e.g. Queens Club, Wimbledon), railway engineering, laboratory testing for experiments in space with NASA, film sets and horticulture. In view of the versatility of the sand, the applicant considers that it should be treated as 'unique'. The applicant estimates that 65 - 70 per cent of the sand in the additional area of workable reserves (phase B) contains industrial sand, with the remainder comprising building sand. Information on the quality of the reserves in terms of a chemical analysis of two sand products show that silica content is in excess of 98 and 99 per cent respectively.

The recent '*Bedfordshire Silica Sand Study 2006/07*' commissioned by Bedfordshire County Council and published in February 2008 demonstrated that a number of silica sand quarries within the area supply a range of specialist sands to a similar range of end-uses as those indicated in a 2002 report on the Reach Lane deposits (submitted by the applicant company as supporting information for the current application). However, the '*Bedfordshire Silica Sand Study 2006/07*' only considered Reach / Bryants Lane Quarry in very general terms due to a lack of information provided by the operator. Therefore, the Mineral Planning Authority has sought specialist advice from the author of the Silica Sand Study (Cuesta Consulting Ltd).

As noted in the *Bedfordshire Silica Sand Study*, subtle colour differences are commonly a major factor in the suitability of a particular sand for specific end uses, and are usually associated with differences between individual layers of sand within the overall deposit. The applicant has previously indicated that such differences are of great importance and that particular care is taken to extract the different colours and qualities of sand so that they can be either processed separately or blended to meet customer requirements.

In view of this, it is surprising that no detailed site investigations appear to have been carried out by the operator to assess the variations in colour and grading within the deposits now proposed for extraction. Evidence provided by the applicant shows only rudimentary descriptions, including only 'brown sands', 'blue clays' and rubble sandstone. This suggests either that the

individual coloured sand horizons do not exist in this part of the site, or that the applicant was not interested in such detail. Either way, it is difficult to understand how, in the absence of such information, the applicant can claim that the proposed extraction will yield the suggested range of specialist sand types.

Taken together, the information supplied by the applicant, and (just as importantly), the lack of more detailed information, suggest that the sands to be extracted as part of the proposed extraction are likely to be dominated by low grade construction sands rather than specialist sands for industrial and other uses. Although the applicant has suggested that a range of products are capable of being supplied from the proposed excavations, he has not offered robust and credible evidence to support this assertion.

In the absence of robust and credible evidence to the contrary, and in light of evidence which shows the presence of only brown sand, the Council's consultant is of the view that the proposed extraction will yield sand that is likely to be suitable only for general construction uses. As previous studies have shown, there is no shortage of permitted reserves of such material in Bedfordshire.

Based on the consultant's verdict that the need for mineral has not been demonstrated, it not possible to consider what landbank, if any, is appropriate.

Backfilling & Restoration:

A modelling exercise has been undertaken by the applicant comparing the base of sand extraction to the proposed restoration contours in order to calculate the overall volume of material needed to achieve the desired landform and the volume of indigenous overburden materials available for this purpose. It is calculated that there is a total restoration material deficit of 739,000m³. Given that the previous modelling exercise accompanying the 2002 application determined that no importation of fill was necessary to achieve the desired final levels, it is not clear how such a substantial shortage of material has come about (even taking into account the slight increase in proposed restoration levels). I can only conclude that serious miscalculation occurred when the previous modelling exercise was undertaken.

The applicant has confirmed that the restoration materials deficit is based on the assumption that all of the remaining permitted reserves (327,000m³) and the additional volume of 149,000m³ from the new proposed phase would be extracted. It would appear therefore that the proposal to continue sand extraction at the site in order to exhaust the existing permitted area and exploit a newly identified wedge of mineral is a factor in the stated shortage of restoration material.

If the Council decided that no further extraction of material should be allowed beyond the expiry date of 30 January 2010, it seems to me that this would most likely eradicate the need to import fill, although there would still be a need to source restoration material from Bryants Lane. Even if a limited proportion of the identified mineral reserves were permitted to be worked after January 2010, it seems that there would be scope to obtain more

restoration material from Bryants Lane than presently proposed since the total quantity of available overburden in Bryants Lane Quarry is substantial at 604,000m³. Indigenous reject materials on Bryants Lane Quarry are available for use in the restoration of Reach Lane Quarry and supporting the June 2007 slip area and this approach would not bring about the same degree of delay to final restoration than would result from reliance upon imported fill to make up a large proportion of the material deficit. A caveat of this approach, however, is that increasing the volume of clay sourced from Bryants Lane raises the prospect that some inert waste *may* be required to achieve a suitable restoration of that site and ensure integration at the boundary with Reach Lane Quarry. I am very much of the view, however, that a clear and tangible planning benefit arises from getting one site fully restored without further significant delay, rather than potentially ending up with a scenario where both quarries are being restored simultaneously in a number of years' time. This approach accords with policy GE26 of the MWLP bearing in mind that any proposal to import waste to Bryants Lane may not necessarily extend the overall operational life of that site since, as things stand, it does not have to be finally restored until 2042. (The merits of any proposal to bring waste into Bryants Lane would need to be addressed as an entirely separate exercise through the planning application process. Final contours have yet to be approved and cannot be considered as part of these applications).

The applicant has submitted new drawings showing a completely revised sequence of extraction, backfilling / infilling and restoration material movements together with a timescale for progressive working and restoration. This has been devised to tie in with the proposed programme of further sand extraction and landfilling, although it is not clear from the submitted plans whether or not minor re-profiling of the 1999 slip area behind the processing plant is intended take place as part of the restoration programme. This phasing information is a standard requirement for determination of applications of this nature, as prescribed by policy M6 b) & d) of the MWLP, particularly as in this case the operator has not adhered to current approved phasing plans and seeks to regularise the situation on the ground by demonstrating a clear and progressive way forward.

Application BC/CM/2008/19 – The applicant asserts that there is a fundamental need for the import of waste to the quarry. First, inert material would be placed from the base of the June 2007 slip failure to provide an overall buttress and address the issue of long term stability. Second, an overall deficit of restoration material exists such that the proposed final contours cannot be achieved without fill from external sources.

An application of this nature must be accompanied by a slope stability report prepared by a “competent person”, in accordance with advice in PPG14 and MPG5. The report included with this application explains the emergency interim works that have already been undertaken and approved by the Health and Safety Executive. Essentially these works involved reducing the steepness of the temporary clay overburden slope to a batter of between 1 in 3 and 1 in 4. The slope stability report recommends that further earthworks are now put in place to address the long term risk of further slippage by

creating a safe permanent batter in the region of 1 in 5.

The application fails to demonstrate that imported inert wastes are *specifically* needed to remediate the slip in the long term and nor has any evidence been provided to substantiate the assertion that there is a lack of suitable overburden material on site (i.e. including Bryants Lane Quarry) to address the slope failure.

There is no apparent geotechnical reason why formation of the existing approved restoration batter across the June 2007 slip area would not provide a suitable long term solution since it comprises an overall gradient in the region of 1 in 5, as advocated by the latest slope stability report. In other words, the amended contours put forward for the slip area, which as already mentioned are not substantially different from those already agreed, do not appear to be necessary on grounds of slope stability alone. In fact, this view must apply to the wider site. A key benefit of the changed restoration scheme that was agreed in 2003 is that it presented an adequate long term solution to slope stability concerns in light of a previous major landslide which occurred in 1999 on a different section of the Gig Lane slope near the processing plant and other minor failures. There is no evidence to suggest that the current restoration scheme, which provides for overall slopes of 1 in 5 would not now provide an adequate factor of safety. The most recent major slippage in June 2007 occurred on a temporary, steep-sided backfilled slope shortly following extraction operations there rather than on any reinstated slope. Therefore, the June 2007 incident concerns operational issues and is not a reflection of any inadequacy of the current approved final slopes.

Conclusion and 'Fallback' Position

It is necessary to conduct a balancing exercise, weighing against the harm by reason of inappropriateness, and any other harm, other circumstances (which may include claimed advantages) in order to form a view whether the other circumstances amounted to very special circumstances, thereby justifying the grant of planning permission. This is the test to be applied, as set out in para. 3.2 of PPG2. The fact that harm may be slight or absent will rarely be sufficient to constitute very special circumstances. It is incumbent on the applicant to demonstrate very special circumstances.

Having concluded that the proposals would constitute inappropriate development in the Green Belt, and attach substantial weight to that harm, I have identified that it would further harm the Green Belt because it would cause some loss of openness.

In terms of landscape impacts, I have concluded that there would be prolonged disturbance to the rural locality to the extent there would be conflict with the aims of policy GE9 of the MWLP.

I have also formed the view, taking into account the advice of Cuesta Consulting Ltd, that there is no evidence of an overriding need for the proposed excavation of mineral. Nor is there an overriding need to import inert waste. I have come to the view that the proposed importation exercise is not essential to achieve a satisfactory restoration of the Reach Lane site because it has not been demonstrated why overburden and reject materials

should not or cannot be sourced from elsewhere on the quarry complex.

Having considered the harm which the development would cause, I am required to assess whether the applicant has demonstrated that there are other factors which clearly outweigh the harm and other matters identified above.

It is recognised that there are some benefits with the proposals. I afford some weight to the additional community benefit which would accrue from the amended restoration plans, in particular the offer of an additional stretch of public right of way which would provide an important link to other routes on the network. However, this alone is not capable of outweighing the harm to the Green Belt and the other concerns identified.

In the event that this Committee is minded to refuse both applications, the applicant will be required to comply with the timescales contained within the current Section 106 Agreement by ceasing mineral extraction on 30 January 2010 and implementing the approved restoration plans by 30 April 2011. A quantity of remaining mineral would be sterilised. A further consequence of refusal is that it will not be possible to implement the applicant's offer of a permissive footpath from the water tower to Overend Green Farm, and dedication of this route upon final restoration in 2021/22.

Because the applications are inextricably linked, refusing one of the applications and approving the other is not deemed to be an option.

RECOMMENDATION

BC/CM/2009/20 - Revised scheme for phasing of extraction and backfilling (following a landslide in June 2007) to comply with conditions 1, 13, 14 and 22 of planning permission number 9/2003

- That planning permission be refused for the following reasons:

1. The proposal is in conflict with PPG2 and Policy GE5 of the MWLP in that it constitutes inappropriate development in the South Bedfordshire Green Belt, for which no very special circumstances have been demonstrated.
2. The site would not be finally restored within a satisfactory timescale, contrary to policy GE26 of the MWLP.
3. The proposal fails the test in policy GE9 of the MWLP in that it would considerably prolong the adverse impact of the rural landscape and no other benefits have been demonstrated to clearly outweigh the harm to the landscape character of the area.
4. No overriding need for the proposed extraction of mineral from the site has been demonstrated, contrary to policies M6 a), M33 and GE1 a) of the MWLP.

- 5. The amended restoration proposals in terms of landform, landscaping, public access and afteruses do not present any significant benefit over the currently approved plans, and are therefore not supported by policies GE3, GE21 and GE26 of the MWLP.

BC/CM/2008/19 - BC/CM/2008/19 (Importation and disposal of inert to enable the restoration of Reach Lane Quarry)

- That planning permission be refused for the following reasons:

- 1. The proposal is in conflict with Policy GE5 of the MWLP in that it constitutes inappropriate development in the South Bedfordshire Green Belt, for which no very special circumstances have been demonstrated.
- 2. It has not been demonstrated that there is an overriding need to import inert waste to the site. Nor has any overall planning benefit been demonstrated. The proposal is therefore contrary to policies GE1 a) and W21 of the MWLP.
- 3. The proposal fails the test in policy GE9 of the MWLP in that it would considerably prolong the adverse impact of the rural landscape and no other benefits have been demonstrated to clearly outweigh the harm to the landscape character of the area.
- 4. The development would bring about a substantial delay to the final restoration of the site contrary to policies GE26 and GE21 of the MWLP.

DECISION

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