

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 10 June 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 23 June 2010 2.00 p.m.*

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

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

[Named Substitutes:

R A Baker, Mrs C F Chapman MBE, 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

****As there are no Strategic Planning or Minerals and Waste Matters to be considered the meeting will start at 2.00p.m.***

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS**

If any

3. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 28 April 2010.
(previously circulated)

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the **nature** 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 in accordance with the scheme of public participation set out in Annex 2 in Part 4 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.

REPORT

Item	Subject	Page Nos.
7	Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	7 - 14

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Report

Item	Subject	Page Nos.
8	Confirmation of Tree Preservation Order No. 1/2010 - Land at Aubers Farm, Manor Road, Lower Sundon To request that the Committee consider the unresolved objection made from Mr D Wilson of Lowesby Hall, Lowesby, Leicestershire, following the making of Tree Preservation Order No. 1/2010, and to confirm the Order without modification.	15 - 38

Schedule A - Applications recommended for Refusal

Item	Subject	Page Nos.
9	Planning Application No. CB/10/00859/FULL Address: Land at Derwent Road, Linslade, Leighton Buzzard LU7 2XT Formation of a secondary vehicular access on land off Derwent Road to serve development proposed within Aylesbury Vale District under an outline planning application for Mixed Use Development including Residential (C3) – some 900 dwellings, Employment (B1) Commercial (A1, A2, A3, A4, A5), Primary School, Health Centre (D1), Leisure and Community (D2) Land uses and associated roads, Drainage, Car parking, Servicing, Footpaths, Cycleways, Public Open Space/Informal Open Space and Landscaping (revised application SB/09/00176/TP) Applicant: Paul Newman New Homes	39 - 96

<p align="center">Schedule B - Applications recommended for Approval</p>

Item	Subject	Page Nos.
10	<p>Planning Application No. SB/07/01448/OUT</p> <p>Address: Land at Houghton Quarry, Houghton Road, Dunstable</p> <p>Erection of up to 140 dwellings with associated car parking, amenity space and landscaping, formation of new vehicular access to Houghton Road and drainage works. (Outline).</p> <p>Applicant: Cill Dara Property Partnership</p>	97 - 130
11	<p>Planning Application No. CB/10/01535/FULL</p> <p>Address : Land to the Rear of 57 Cambridge Road, Sandy</p> <p>Erection of 2 no. 1 bedroom semi-detached dwellings.</p> <p>Applicant : NJF Developments Ltd.</p>	131 - 142
12	<p>Planning Application No. CB/10/00922/FULL</p> <p>Address : 11 Brook Lane, Flitton</p> <p>Erection of detached two bay open garage with lean-to to side.</p> <p>Applicant : Mr English</p>	143 - 152
13	<p>Planning Application No. CB/10/01172/OUT</p> <p>Address : Roker Park, The Green, Stotfold, Hitchin SG5 4DG</p> <p>The erection of 43 No. dwellings (all matters reserved except access).</p> <p>Applicant : Stotfold Town Council</p>	153 - 166

Address : Unit 1, 3 and 4 Grove Park, Court Drive, Dunstable
 LU5 4GP

Variation of condition 18 of planning permission
SB/TP/03/01863 in order that the specified units
can be used for class A1 (Retail) class A3
(Restaurant and café), class A4 (Drinking
establishment) and for purposes within class D1
(Non-residential institutions) and class D2
(Assembly and Leisure)

Applicant : CDP Dunstable Ltd.

Address : 95 Beecroft Way, Dunstable LU6 1EF

Erection of single storey rear extension

Applicant : Central Bedfordshire Council

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 21 July 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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Meeting: Development Management Committee

Date: 23 June 2010

Subject: Planning Enforcement cases where formal action has been taken

Report of: Director of Sustainable Communities

Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken

Contact Officer: Sue Cawthra (Tel: 0300 300 4369)

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATIONS:

To receive the monthly update of Planning Enforcement cases where formal action has been taken

Background

- | | |
|-----------|--|
| 1. | This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn. |
| 2. | The list briefly describes the breach of planning control, dates of action and further action proposed. |
| 3. | Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 0300 300 4369. |

CORPORATE IMPLICATIONS
<p>Council Priorities: This is a report for noting ongoing enforcement action.</p> <p>Financial: None</p> <p>Legal: None</p> <p>Risk Management: None</p> <p>Staffing (including Trades Unions): None</p> <p>Equalities/Human Rights: None</p> <p>Community Safety: None</p> <p>Sustainability: None</p>

Appendices:

Appendix A – (Planning Enforcement Formal Action Spreadsheet – North & South)

Appendix B – (Planning Enforcement Formal Action – Minerals & Waste)

Planning Enforcement formal action (DM Committee 23rd June 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/09/0555	Satco Plastic Ltd, Satco House, Unit 7 Argan park, Foster Avenue, Dunstable	Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2. 2nd Notice issued	8-Dec-09	8-Dec-09	18-Jan-10			Not complied	Noise abatement notice. Planning application for new fan/extractor units to reduce noise not received. Assess for further action - prosecution.
2	CB/ENC/09/1006 Case closed	Land and buildings adjacent to Springwood House, 22 Ickwell Green, Ickwell	Enforcement Notice change of use of the land to a use as a commercial livery	1-Apr-10	29-Apr-10	29-May-10			Complied	
3	CB/ENC/09/1015	Land south of Pond Farm house, 7 High Street, Pulloxhill	Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site.	30-Nov-09	11-Jan-10	10-Feb-10	Appeal Received 08/01/2010			Await outcome of Appeal
4	CB/ENC/09/1079	Arcade Nursery, A507 Stotfold Road, Arlesey	BOCN - breach of condition 3, no retail sales	21-Oct-09	21-Oct-09	20-Nov-09				New planning application to vary condition to allow limited retail sales to be submitted early July. Mobile home has been removed
5	CB/ENC/09/1179	Northfield Farm, Great Lane, Clophill, Bedford, MK45 4DD	Enforcement Notice - change of use to siting mobile home for residential purposes	15-Apr-10	13-May-10	13-Nov-10				Check compliance after 13/11/10
6	CB/ENC/09/1180	Northfield Farm, Great Lane, Clophill, Bedford, MK45 4DD	Enforcement Notice, operational development comprising the construction of a structure.	10-May-10	14-Jun-10	14-Jul-10				Check compliance after 14/7/10
7	CB/ENC/09/1304	Land To The Rear Of 153, Biggleswade Road, Upper Caldecote	Unauthorised buildings and structures on agricultural land.	13-Apr-10	11-May-10	varied				Check compliance after 8/6/10 for use and 6/7/10 for buildings
8	CB/ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Planning application received, await decision, CB/10/00786
9	MB/ENC/04/0282	Land at Etonbury Farm, A507, Arlesey	Unauthorised dwelling. Enforcement Notice not complied with.	6-Dec-06	10-Jan-07	10-Apr-07	12-Dec-06	5-Dec-07	Appeal dismissed. High Court upheld Inspectors decision	Demolition commenced 10/5/10, works being monitored.

Planning Enforcement formal action (DM Committee 23rd June 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	MB/ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home.	9-Apr-09	9-May-09	9-Nov-09	Appeal received 7-May-09		Inquiry held 3rd to 5th Feb 2010	Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Check details submitted by 19/6/10.
11	MB/ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn, extension agreed to compliance period		Barn extension built.	1 cabin removed, 2nd cabin moved awaiting being sold
12	MB/ENC/06/0244	Land at The Green Man, Broom Road, Stanford	Enforcement Notice - extractor fan duct, 2 masts supporting security cameras and flood lighting.	9-Dec-08	9-Jan-09		Appeal received 4/2/09	26-Nov-09	Appeal dismissed & uphold enforcement notice.	Revised planning application CB/09/6800 refused, lighting being assessed by Environmental Health.
13	MB/ENC/07/0085	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal received. Hearing 14-Oct-08	3-May-10	Appeal dismissed & uphold enforcement notice	Have not complied with Enforcement Notice. Full assessment to decide further action.
14	MB/ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Land now cleared of vehicles awaiting repair. Enforcement Notice complied.	Awaiting further planning application for earth bund, hard surface, unit extension, and named occupants of units, pre-app received. Rear yard not in use. Site meeting 8/6/10
15	MB/ENC/08/0370	Land at Hadenham Farm, Gravenhurst Road, Shillington	Enforcement Notice - Mobile Home	11-Feb-10	11-Mar-10	9-Jun-10	Appeal received 8/3/10			Revised planning application CB/10/01092 refused. Await outcome of appeal.
16	MB/ENC/08/0381	Land and Buildings on the West side of Foundry Lane, Biggleswade	Enforcement Notice - change of use to hand car wash	22-Dec-08	22-Jan-09	22-Feb-09	Late appeal not accepted by PINS		New planning application received 09/06135/full	Await outcome of planning application, further plans now submitted.
17	MB/ENC/09/0034	Land at Whatsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal recived 12/01/2010		Inquiry to be held jointly with planning appeals 10th to 11th August 2010	Await outcome of Appeals. Discussions re compliance periods.

Planning Enforcement formal action (DM Committee 23rd June 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	SB/ENC/07/0012	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Nov-07	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended.	Planning application CB/09/07011/full refused 4/3/10, meeting 22/4/10 to discuss further action.
19	SB/ENC/07/0059	Land at 2A Mardle Road, Linslade, LU7 2UT.	Enforcement Notice, unauthorised erection of fence exceeding 1M in height adjacent to the highway.	20-Aug-09	17-Sep-09	15-Oct-09	21-Sep-09	12-Jan-10	Appeal dismissed	Fence to be removed by 01/07/2010
20	SB/ENF/04/0002	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
21	SB/ENF/04/0003	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
22	SB/ENF/04/0004	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
23	SB/ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Laying of Hardcore and tarmac, erection of fencing and installation of services	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
24	SB/ENF/04/0007	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of Timber Clad Building for residential purposes & laying of hardcore surface	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & Section 106 Agreement	New planning applications withdrawn. Discuss with Legal re S106 agreement.
25	SB/ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Change of Use from agricultural for stationing of mobile home & storage of machinery/building materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & Section 106 Agreement approved allowing 2 years for compliance.	New planning applications withdrawn. Discuss with Legal re S106 agreement.
26	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Further evidence being gathered for Legal to commence prosecution.
27	SB/ENF/05/0007	Long Yard, Dunstable Road, Studham	Unauthorised stationing of mobile home for residential use	29-Jul-05	1-Sep-05	1-Dec-05	28-Sep-05	28-Dec-05	Appeal dismissed & enforcement notice upheld	Planning application submitted for residential use of barn CB/10/00783. Await outcome.

Planning Enforcement formal action (DM Committee 23rd June 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
28	SB/ENF/06/0001	Land at 34 The Rye, Eaton Bray	Construction of an area of hardstanding for mobile home	4-May-06	6-Jun-06	6-Sep-06	25-Jun-06		Appeal dismissed but period of compliance extended. Not complied	Mobile home not now occupied independently. Not expedient to take further action at present, but continue to monitor.
29	SB/ENF/07/0006	Dunedin, Harlington Road, Toddington	Change of use of buildings to bedsit accommodation	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information to Legal 29/4/10 for prosecution.
30	SB/ENF/07/0007	Dunedin, Harlington Road, Toddington	Erection of building and alteration and extension of two other buildings	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information to Legal 29/4/10 for prosecution.
31	SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Failure to comply with Condition 2 of Planning Permission SB/TP/98/0838 issued 31 December 1998	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed but period of compliance extended to 9/1/09	Not complied, further information to Legal 29/4/10 for prosecution.
32	SB/ENF/07/0009	12-14 North Street, Leighton Buzzard	Installation of Shopfront on front elevation of premises	17-Aug-07	19-Sep-07	11-Dec-07		Not complied	Planning permission refused to retain	Work agreed with Conservation Officer and Planning Officer, not yet implemented.
33	SB/ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	3-Mar-08	4-Apr-08	2-May-09	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months. Not complied	Further prosecution. To vacate by 14/6/10.
34	SB/ENF/08/0006 Case closed	Land adjacent Hillside, The Green, Whipsnade	Change of Use from amenity land to private residential & enclosure of land by fence and hedge	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Appeal dismissed but compliance periods extended. Substantial compliance.	Further tidying and planting taking place, further action not expedient.
35	SB/ENF/08/0007 Case closed	Land adjacent Hillside, The Green, Whipsnade	Enclosure of land and laying of hedge & construction of gravel topped hardsurfacing	9-Apr-08	9-May-08	5-Jun-08	13-Nov-08	13-Feb-09	Land adjacent Hillside, The Green, Whipsnade Case closed	Further tidying and planting taking place, further action not expedient.
36	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed. Not complied.	Further evidence being gathered for Legal for prosecution.
37	SB/ENQ/08/0035	69 Princes Street, Dunstable	Enforcement Notice - Front and rear dormers	4-Jan-10	1-Feb-10	2-May-10			Not complied	Assess for further action for non compliance

Planning Enforcement formal action (DM Committee 23rd June 2010)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
38	SB/PCN/08/0011	Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton	2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use.	30-Nov-09	11-Jan-10	Varied	received 29- Dec-09			Await outcome of appeal

Planning Enforcement formal action (DM Committee 23rd June 2010)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - timber fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	Appeal received	23-Nov-09	Appeal dismissed and enforcement notice upheld.	Planning application for an alternative green mesh wire fence granted permission on 25 February 2010. However, a further application for a non-material amendment in order to extend the height of the fence from 2m to 2.5m, accompanied by an amended landscaping scheme, is being determined.
06/67	Former Fullers Earth Quarry, Clophill	Enforcement Notice - failure to complete the approved restoration scheme and permit public access	2-May-07	6-Jun-07	6-Oct-07	Appeal received		Enforcement notice quashed on 30-Oct-2009.	The Inspector determined that the notice was invalid as it does not specify with sufficient clarity the steps required for compliance. It is open to the Council to issue a revised enforcement notice and that course of action is currently under consideration with the Council's solicitor.
CB/ENC/09/1528	Erin House, Dunstable Road Caddington	Breach of Condition Notice - failure to carry out replacement tree planting as part of aftercare regime for former landraising site	5-Feb-10	05-Feb-10	02-Apr-10		16-Apr-10	Not complied with.	Further action under consideration with the Council's solicitor.
09/31	Ledburn Road Sand Quarry, Leighton Buzzard	Enforcement Notice - change of use from disused quarry to a mixed use for a disused quarry and the importation and deposit of waste materials	10-May-10	21-Jun-10	21-Sep-12				Notice requires restoration of site to former quarried levels with landscaping works.

Meeting: Development Management Committee

Date: 23 June 2010

Subject: Confirmation of Tree Preservation Order No. 1/2010 -
Land at Aubers Farm, Manor Road, Lower Sundon

Report of: Andy Jones - Tree and Landscape Officer

Summary: To request that the Committee consider the unresolved objection made from Mr D Wilson of Lowesby Hall, Lowesby, Leicestershire, following the making of Tree Preservation Order No. 1/2010, and to confirm the Order without modification.

Contact Officer: Andy Jones X 75161

Public/Exempt: Public

Wards Affected: Barton

Function of:

CORPORATE IMPLICATIONS

None

RECOMMENDATIONS:

<p>That the Committee confirms the Tree Preservation Order (TPO) without modification, subsequent to the TPO being made provisionally for 6 months, with the provisional Order due to expire on the 28th July 2010.</p>

Background

- The Tree Preservation Order (TPO) was instigated in response to an application to erect a double garage and build a replacement brick wall with railings. Site investigations revealed that the application would involve the removal of a mature Silver Birch and cause root damage to an adjacent Horse Chestnut. It was noted that any attempt to re-locate the garage would subsequently bring it into conflict with the root spread of a nearby Robinia tree. Concerns were made in respect of this aspect of the planning application and the application was subsequently refused permission on the grounds that the application would result in an adverse impact on significant trees. It was recognised that the property of Aubers Farm was situated within an important landscape area, being a designated "Area of Great Landscape Value" and "Area of Outstanding Natural Beauty" It was noted that the trees made a significant contribution to the amenity and character of the area, being visible from public areas, and that a Tree Preservation Order was therefore justified and considered expedient in the circumstances.

2. A TPO was then made on one individual Silver Birch (T1), a Horse Chestnut (T2), a Robinia (T3) and a Beech (T4) and one group (G1) containing 2 Horse Chestnut and 2 Silver Birch for the reasons that:-

- The trees make an important contribution to a designated “Area of Great Landscape Value” and their destruction would be harmful to the character and visual amenities of the area.
- The trees make an important contribution to a designated “Area of Outstanding Natural Beauty” and their destruction would be harmful to the character and visual amenities of the area.
- The trees are visible from the surrounding public highway and make a positive contribution to the visual amenity and character of the area.
- The trees form an important component of the surrounding treescape, many of which are covered by existing Tree Preservation Orders and therefore protecting these trees is ensuring suitable continuity of tree protection in the wider landscape that is characteristic of Lower Sundon.

3. Following the serving of the TPO, an objection was received from Mr D Wilson of Lowesby Hall, Lowesby, Leicestershire on the 19th February 2010, who owns Aubers Farm. The specific grounds for the objection were given as follows:-

- That the Silver Birch tree T1 is past its best and will fall over in the next few years and it is therefore proposed to plant two additional Silver Birch trees to plan for the end of the life of T1.
- Beech tree T4 is a mature Beech, arguably past its best, although it is accepted forms a major part of the landscape. However, it is situated close to the listed farmhouse and could fall over at any time.
- Whilst there are cracks in the house it is not beyond doubt that Beech tree T4 is responsible but experience suggests that the roots must be already close to the house if not already under the foundations. There must be a good chance that obvious damage will start to emerge at any time in the future. The tree has already damaged the brick garden wall and is making repair of this wall difficult.
- Beech tree T4 is very substantial and could fall quite unexpectedly in the future. Given the close position of the tree to the property, there is a high chance of the tree causing severe damage, with the risk to life and limb.
- Beech tree T4, whilst having a positive effect on the landscape of the area, has a quite detrimental and overwhelming effect on the occupants of the property of Aubers Farm, and in summer makes the rooms very dark compared to what they should be.

4. The Tree & Landscape Officer's reply to these points in respect of the objection were:-
- The Silver Birch T1 was identified as being at risk from the recent planning application and the LPA have a duty under the Town and Country Planning Act 1990 to protect trees under threat from development where it is considered expedient to do so.
 - The LPA welcomes any proposal to plant replacement trees in anticipation of replacing existing trees as they become over-mature, but it is not accepted that T1 is past its best and should be felled. Such a decision would undermine the TPO process and would be unacceptable.
 - There is no evidence that T4 Beech is also "past its best" and could "fall over at any time". As a Local Authority Tree Officer, there is a requirement to defend against removal and work to good arboricultural practice and principles. Tree Officers cannot condone tree removal in the absence of recognised defects that do not constitute risk and where they are being proposed to be felled purely on the basis of hypothesis.
 - The potential threat to this tree from the removal of the adjacent wall and replacement with railings has been evaluated and it is considered that with care and good practice, any damage to the tree could be avoided. It is accepted that tree roots have the capacity to lift lightly loaded structures such as walls, paving and garages, but is considered that the load bearing is too great to cause direct damage to house foundations, although indirect damage caused by soil shrinkage may be attributed to soil desiccation caused by tree roots.
 - Therefore, the cracking found in the house may or may not be attributed to the Beech tree, although it should be recognised that many properties in Lower Sundon have protected mature trees within their gardens, and there is no record of any history of subsidence damage caused by trees. In dealing with building crack damage, evidence should always be obtained in the form of a structural Engineer or Chartered Surveyors Report. If any findings implicate adjacent trees, which are recommended for removal, then such evidence should be used as a basis to apply to the LPA to fell the tree.
5. The trees were assessed under TEMPO ("Tree Evaluation Method for Preservation Orders"), which is a nationally recognised system, produced by an independent arboricultural consultant, where scores are allocated towards meeting certain criteria needed required to justify a TPO. The scoring produced by the valuation method indicates that any score between 11 to 14 points merits a "*defensible TPO*" and that any score over 15 points "*Definitely merits a TPO*". Following an inspection on the 21st January 2010, it was found that the following scoring was applicable to these trees:-
- (where groups of trees are included, a typical specimen within that group has been scored):-

Silver Birch (T1)

The Silver Birch has a score allocation of 14 points based on the fact that it is

- In good condition (5 points)
- Has a retention span of between 20 to 40 years (2 points)
- Medium tree with limited view only (3 points)
- Tree has no other factors (1 point)
- There is a foreseeable threat to the tree (3 points)

Horse Chestnut (T2)

The Horse Chestnut has a score allocation of 16 points, based on the fact that is-

- In good condition (5 points)
- Has a retention span of between 40 to 100 years old (4 points)
- Medium tree with limited public view only (3 points)
- Tree has no other factors (1 point)
- There is a foreseeable threat to the tree (3 points)

Robinia (T3)

The Robinia tree has a score allocation of 17 points, based on the fact that it is:-

- In good condition (5 points)
- Has a retention span of between 40 to 100 years (4 points)
- Large or medium tree clearly visible to the public (4 points)
- Tree has no other factors (1 point)
- There is a foreseeable threat to the tree (3 points)

Beech (T4)

The Beech tree has a score allocation of 19 points, based on the fact that it is:-

- In good condition (5 points)
- Has a retention span of between 40 to 100 years (4 points)
- Is a prominent large tree (5 points)
- Tree is of particularly good form (2 points)
- There is a foreseeable threat to the tree (3 points)

Group G1

The principle tree of the group has a score allocation of 13 points, based on the fact that it is:-

- In good condition (5 points)
- Has a retention span of between 20 to 40 years (2 points)
- Large or medium tree clearly visible to the public (4 points)
- Tree has no other factors (1 point)
- There is just a precautionary threat to the trees only (1 point)

6. Following the response from the Tree & Landscape Officer, there was no further correspondence received from the objector and the objection therefore remains unresolved.

Appendices: - Copy of Tree Preservation Order No. 1/2010



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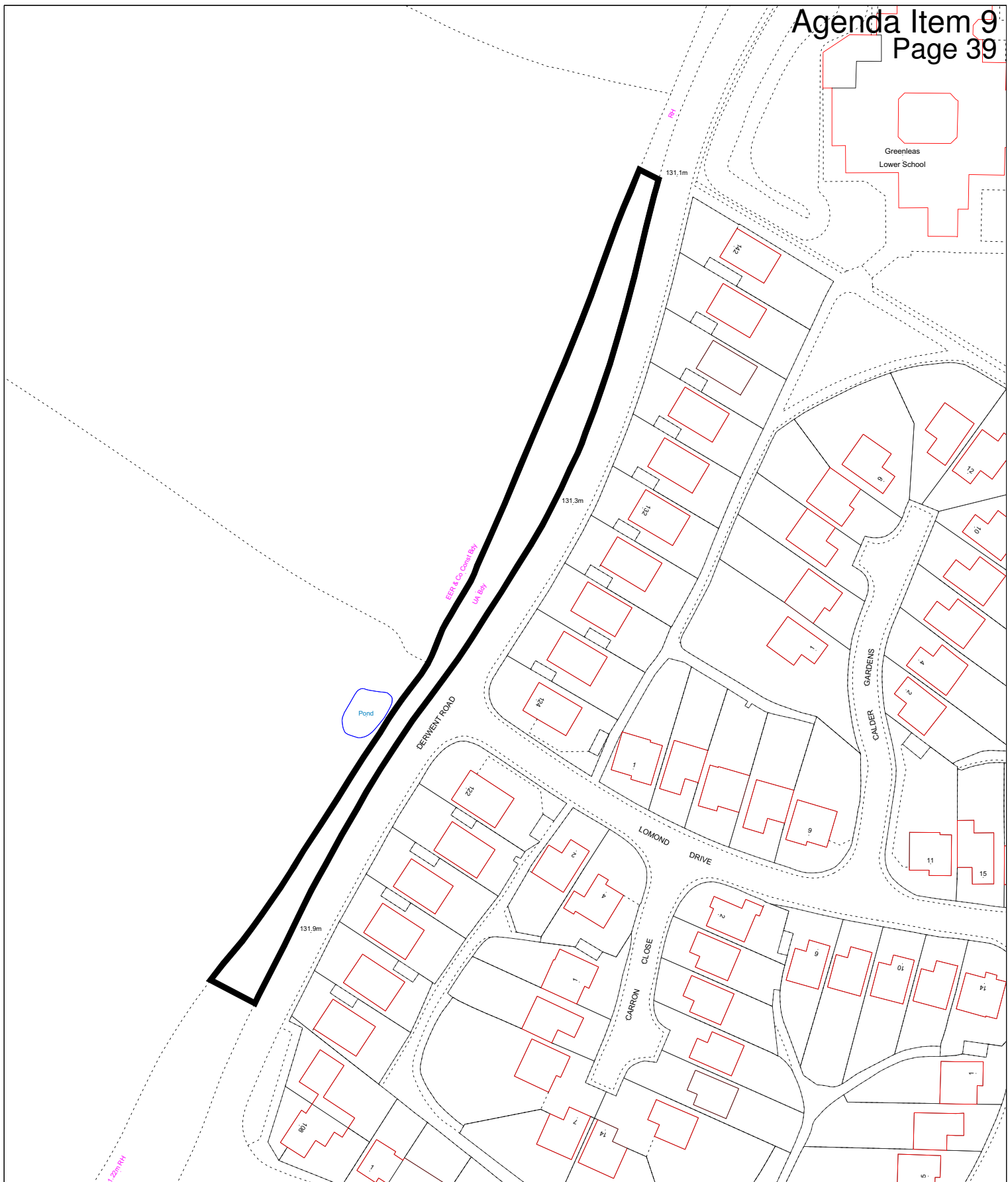
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	<p>© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)</p>	<p>CASE NO.</p>
	<p>Date: 09:June:2010</p>	
	<p>Map Sheet No</p>	

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SCHEDULE A

APPLICATION NUMBER	CB/10/00859/FULL
LOCATION	Land at Derwent Road, Linslade, Leighton Buzzard, LU7 2XT
PROPOSAL	Formation of a secondary vehicular access on land off Derwent Road to serve development proposed within Aylesbury Vale District under an outline planning application for Mixed Use Development including Residential (C3)- some 900 dwellings, Employment (B1) Commercial (A1, A2, A3, A4, A5), Primary school, Health centre (D1), Leisure and Community (D2) Land uses and associated roads, Drainage, Car parking, Servicing, Footpaths, Cycleways, Public Open Space/Informal Open Space and Landscaping (revised application SB/09/00176/TP)
PARISH	Leighton-Linslade
WARD	Southcott
WARD COUNCILLORS	Cllr David Hopkin & Cllr Peter Snelling
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	19 March 2010
EXPIRY DATE	14 May 2010
APPLICANT	Paul Newman New Homes
AGENT	DPDS Consulting Group
REASON FOR COMMITTEE TO DETERMINE	Call-in by local Members and in response to significant local interest in proposed Valley Farm urban extension development adjoining application site
RECOMMENDED DECISION	Full Application - Refused

Site Location:

Constructed in the 1960's and 1970's, the Southcott residential estate is in the western part of Linslade, south of the B4032 Soulbury Road and adjacent the boundary with Aylesbury Vale District in Buckinghamshire. Derwent Road is the main spine road serving the Southcott estate. It runs parallel to the county boundary for approximately 1km before turning 90° east towards Himley Green and Southcott Village. The northern section of Derwent Road has dwellings on both sides, whilst the southern section serves Greenleas Lower School and dwellings on the eastern side of the road. The existing speed limit on Derwent Road is 30mph.

An outline planning application has been submitted to Aylesbury Vale District Council for a residential led mixed use development referred to by the applicants as the 'West Linslade Urban Extension'. Such development would involve the use of 45ha of agricultural land at Valley Farm in the parish of Soulbury, adjacent the county boundary and immediately to the west of Linslade. The greater part of the proposed urban extension site, 41ha, is south of the B4032 Leighton Road between the Derwent Road/Malvern Drive/Cotswold Drive area of Southcott estate and the A4146 Linslade Western Bypass. The proposed urban extension site includes also

a 4ha parcel of land to the north of Leighton Road, opposite the dwellings and buildings at Valley Farm and to the south west of the Council-owned Linslade Wood.

The Valley Farm urban extension development would include 900 dwellings, an employment area, a primary school, a leisure centre, a health centre, community facilities and local shops as part of a local centre, small offices and professional service providers as part of mixed use blocks and a public open space area ('country park') incorporating a senior all weather pitch and three five-a-side/mini football pitches, trim trails and an all weather sprint track.

The proposed primary access to both parts of the urban extension site would be via a new signalised crossroads at a position on Leighton Road adjacent the existing entrance to Valley Farm. A secondary access is proposed off the western side of Derwent Road, opposite Nos. 130 and 132. This would involve a narrow strip of land in Central Bedfordshire, the site of the current application, and comprises hedgerow and highway verge. The land extends to some 205m in length, from a position opposite Nos. 110 and 112 Derwent Road in the south to a position opposite No. 142 Derwent Road and the southern boundary of Greenleas Lower School in the north. It is 10m in depth and has an area of 0.15ha, less than 1% of the total area of the proposed urban extension site.

A consultation letter dated 18th May 2010 in respect of the proposed urban extension was received from Aylesbury Vale District Council and the response to that letter dated 2nd June 2010 is reproduced as an appendix to this report. The details of any further response to Aylesbury District Council will be reported at the meeting.

The Application:

The proposed secondary access would be formed as a priority junction and a raised table would be constructed across the bellmouth to act as a traffic calming measure and to assist pedestrians crossing the new junction. Footways would be provided on both sides of the access and a controlled pedestrian crossing would be provided at a position some 20m north of the new junction to enable vulnerable road users to gain access to/from Greenleas Lower School. Traffic calming measures in the form of 'virtual road humps' and vehicle activated speed signs may also be provided to control vehicle speeds on the approach to the proposed pedestrian crossing and the access to the school. The applicants advise that the northern and southern visibility splays would be 4.5m x 60m and would therefore exceed the requirements of *Manual For Streets* for a design speed of 30mph.

The new priority junction would be positioned with a stagger distance of approximately 50m from the Lomond Road junction. The applicants advise that this stagger distance would ensure that additional turning movements would not affect the performance of the existing junction. They advise also that the stagger distance would be sufficient to enable a large refuse vehicle to travel from the proposed urban extension site into the existing residential area, although signage would be provided to prohibit other large vehicles from entering the secondary access, as this would predominantly accommodate small vehicles.

The applicants acknowledge that there is an existing problem with congestion and on-street parking along Derwent Road, particularly adjacent Greenleas Lower School during school drop-off and collection times. Yellow lines are proposed to be

implemented around the secondary access junction to reduce the chicaning effect that currently occurs along Derwent Road, south of the school, and to allow improved passage for the No. 36 bus along Derwent Road, thereby reducing delays. The applicants advise that parking restrictions could be imposed on Derwent Road in the vicinity of the school and additional parking could be provided in a more appropriate location within the proposed urban extension site.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.
PPG2 - Green Belts.
PPS3 - Housing.
PPS4 - Planning for Sustainable Economic Growth.
PPS9 - Biodiversity and Geological Conservation.
PPG13 - Transport.
PPG15 - Planning and the Historic Environment.
PPG17 - Planning for Open Space, Sport and Recreation.
PPS23 - Planning and Pollution Control.
PPG24 - Planning and Noise.
PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.
SS2 - Overall Spatial Strategy.
SS3 - Key Centres for Development and Change.
SS7 - Green Belts.
SS8 - The Urban Fringe.
E1 - Job Growth.
E2 - Provision of Land for Employment.
H1 - Regional Housing Provision 2001 to 2021.
T2 - Changing Travel Behaviour.
T4 - Urban Transport.
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
ENV1 - Green Infrastructure.
ENV3 - Biodiversity and Earth Heritage.
ENV6 - The Historic Environment.
ENV7 - Quality in Built Environment.
WAT1 - Water Efficiency.
WAT2 - Water Infrastructure.
WAT4 - Flood Risk Management.

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

Strategic Policy 3: Sustainable Communities.
Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review

Policy B8 - Design and environmental considerations.

Planning History

SB/09/00176/TP Withdrawn application for construction of vehicular access off Derwent Road, Linslade in conjunction with proposed development within Aylesbury Vale District under outline application for mixed use development - 900 dwellings, commercial A1, A2, A3, A4, A5, primary school, health centre (D1), leisure and community (D2) land uses and associated roads, drainage, car parking, servicing, cycleways, public open space/informal open space and landscaping.

(A.V.D.C)
10/00500/AOP Outline application submitted to A.V.D.C for 900 dwellings, commercial A1, A2, A3, A4, A5, primary school, health centre (D1), Leisure and Community (D2) land uses and associated roads - current application.

Representations: (Parish & Neighbours)

- Leighton-Linslade Town Council
- Objection to Derwent Road vehicular access.
- Loss of amenity for local residents.
 - Inappropriate siting near lower school.
 - Too close to perceived traffic hazard - bend on Derwent Road.
- Objection to development at Valley Farm, Leighton Road, Soulbury.
- Although not formal Green Belt, openness of site and current accessibility play important role as green buffer around town.
 - Inappropriate urban extension when compared to existing size and market town nature of parish.
 - Proposed development would place further unreasonable demands on already overburdened existing infrastructure - revised application does not make adequate allowances for this.
 - Luton and South Bedfordshire Joint Committee rejected this area as growth area.
 - Town Council's current policy is that land to west of Linslade should be excluded from any future development.

Neighbours

Greenleas Lower School

Objection.
I am writing on behalf of the governing body to again express our considerable concerns regarding the proposed road access onto Derwent Road in very close

proximity to the school.

Parents and children access the school from 8am to 6pm daily, mostly via the side access pathway next to the bungalows. Parking and safety is already a major concern along Derwent Road, well beyond the Lomond Drive turn, as children are dropped off and collected throughout the extended school day.

Greenleas Lower School is a 2-form entry school with a nursery and wrap around care provision. The school has an excellent reputation, rated "outstanding" by Ofsted. Not surprisingly the school is very popular and operating at near capacity requiring us to build 2 new classrooms, which opened in January 09.

We provide morning and afternoon nursery sessions, 2 reception classes, 2 Year 1 classes, 2 Year 2 classes, 2 Year 3 classes and 2 Year 4 classes for over 300 children.

Since September 2009 we have also opened purpose built facilities for a local playgroup and our out of hours provision including holiday clubs. Access to this building is from the footpath at the 'bungalow' side of the school. The playgroup operates daily sessions in the morning and afternoon for 26+ children and a lunchtime club. Some of this increased footfall is pedestrian accessed but there is also additional traffic at drop off and collection times during the day. On any day there is considerable coming and going of vehicles along this stretch of Derwent Road. Parking space is always an issue.

Our out of hours provision operates a breakfast club for 40 children from 8am and after school care for 40+ until 6pm. In addition to this we provide a wide range of before and after school activity clubs, which are well attended.

A thriving youth football club uses our grounds on Saturday mornings. The site is used during school holidays for a range of sports activities and we anticipate that this will increase considerably in 2010.

More than 30% of our families travel from outside of the immediate catchment, from choice, partly because of the lack of schools on the newly built estates at the far side of Leighton Buzzard and also our proximity to the new bypass.

Derwent Road is already narrow and when vehicles are parked alongside the pavement to drop off children, the bend in the road restricts vision. Over many years the governing body have raised concerns about safety issues and the need for speed calming. We are currently pursuing some safety barriers at the end of the pathway due to the volume of very young children now using the school site.

This proposal to introduce a road between Lomond Drive and the school is ill-conceived and takes no account of the safety needs of large numbers of very young children accessing the school throughout the day and the current

traffic flow to this thriving popular school.

Southcott Management
Company Limited
(managing agents for
1,100 plus dwellings)

Objection.

- Question suitability of Derwent Road to handle new access and additional vehicles generated so close to Greenleas Lower School with its inherent danger to pedestrians including schoolchildren.
- Derwent Road is characterised by number of bends, especially in area of proposed access where it is almost impossible to have clear view of traffic using road and where there would be danger to any driver exiting development.
- Residents would not accept any foul or surface water from development entering private drainage system managed on their behalf. Such private sewers can hardly cope with current flows, so any additional usage would create insurmountable problems for residents.

Southcott residents

Objection.

Derwent Road access

- Large influx of vehicles entering road, particularly at peak movement times, would create significant congestion problems and greatly increase noise and air pollution levels.
- Position of new junction and extra traffic involved would increase complexity of navigating this section of road and increase risk of accident very close to school entrance.
- Visibility along this section of road is limited due to bends and vehicle parking for access to homes and school; parked cars turn road into single lane, obscuring bend and forcing traffic onto opposite side of road into path of oncoming vehicles.
- Traffic turning into and out of new access would be particularly dangerous in view of visibility problems and proximity of Lomond Drive junction and proposed pedestrian crossing.
- Pavements in road are too narrow for people to pass each other safely, let alone those parents negotiating with pushchairs and buggies; may have been acceptable 40 years ago, but not today; road therefore unsuitable for large amounts of traffic.
- Significant growth in traffic outside school over last 10 years; in past, vehicles were only parked in front of school, now parked 200m - 300m either side of entrance with side roads also being used; applicants' proposed double yellow lines along one side of road to clear road around new junction would lead to either parents parking further from school, thereby extending footprint of problem, or ignoring lines.

- Applicants' proposed yellow lines parking restrictions on west side of road would replicate current practice - drivers do not park on that side but on school and dwellings side.
- Applicants' proposed 'virtual speed humps' and 'raised table' to calm traffic is admission that new junction would be cause of problems associated with speeding traffic.
- Applicants refer to opportunity to mitigate existing parking problems by providing parking spaces within site, but there is no evidence of this or any alternative mitigation.
- Grant of permission would mean lorries and construction machinery using road to access site, increasing likelihood of accidents.
- Whilst recent closure of bypass due to accident and use of Derwent Road as diversion caused chaos during school run, it did indicate level of congestion caused by additional traffic in road.
- Speed cameras are needed on this stretch of road to slow down existing traffic, not even more cars to speed along it.

Soulbury Road and wider road network

- Town is already plagued by traffic congestion resulting from too many houses being built in small market town, road layout of which was never designed for level of traffic it now has to endure.
- Town's traffic problems were supposed to be alleviated by building bypasses, but these have only served to generate more housing.
- Applicants' own estimates recognise that additional traffic generated by development would exceed capacity of road system.
- Whilst Soulbury Road, C256, is now classified as minor road, it would still be obvious route for new residents to access station, main (Tesco) supermarket and town centre shops; alternative access to these destinations is even more restricted by traffic lights and single lane at Wing Road railway arch; these routes are difficult and time consuming without addition of average 2 cars per household from new estate - 1,800 vehicles.
- New bypass has already created greater traffic flows along Soulbury Road than was anticipated and this despite traffic calming measures being introduced at four locations to deter motorists from using road.
- Additional car journeys through pinch points caused by commuter parking would run counter to efforts and expenditure made by authorities to reduce traffic dangers in these areas and would be incompatible with attempt by authorities to restrain and improve

traffic flow in Soulbury Road.

- As well as traffic calming in Soulbury Road, there has been extensive re-working of Leighton Road and West Street - replacement of traffic lights by mini roundabouts; although changes have eased congestion, roads still prone to congestion at rush hour and weekends; new residents' journeys would increase congestion back to levels prior to re-working of road system.
- Applicants' assumption that increased use of buses, cycling and walking would mitigate increase in traffic to any significant extent is naive - bus services have actually decreased in Southcott area; small number of people may use alternatives, but most would always use cars - applicants argue that proximity to bypass is one of site's advantages.
- Applicants state that provision of facilities on site represents further mitigation, but convenience store would be used for minor shopping not larger weekly shop and would not mitigate traffic to larger Tesco supermarket and town centre at weekends; provision of leisure centre, should it materialise, may reduce traffic leaving site, but may equally attract further traffic into area, as there is already considerable demand for such facilities.

Valley Farm development proposals

General comments

- Rapid expansion of once small market town is destroying its character and identity.
- Contrary to both CBC and AVDC development plans.
- If scheme is approved, it would set precedent for more piecemeal unsustainable development in surrounding countryside.
- Site is not designated as Green Belt because such status is not issue for AVDC, as it has no urban area of its own nearby; if site was in CBC area, it would be designated as Green Belt in order to protect western side of town from development.
- Proposal is unnecessary for meeting Government housing targets and would lead to deterioration in quality of life for many existing residents and give sub-optimal quality of life for new residents because of infrastructure shortcomings.
- Although proposal could help AVDC meet Government housing targets, it does nothing for CBC targets - hope proposal is not means of AVDC fulfilling its quota for housing without having any impact on its residents.
- Any service or infrastructure supplied to development would be from Central Bedfordshire; boundary changes are therefore required to incorporate site

within this area.

- Site is too small to warrant applicants putting in adequate infrastructure.
- Sustainability requires employment opportunities that town does not have; expansion on other side of town has not created jobs for local residents; proposal would bring few new jobs to town, but instead would add to road and rail congestion as people commute to jobs elsewhere.
- Applicants propose to provide primary school, health, leisure and community centres and 'country park'; such amenities were also promised by developers of major sites on other side of town, but these promises have not been fulfilled.
- Town's schools, healthcare and leisure facilities are already overstretched and cannot cope with demands generated by another 900 households.
- Clearly, whilst new residents would use town's facilities, their council tax would be paid to AVDC and Buckinghamshire CC; CBC would receive no revenue to improve either infrastructure or facilities to accommodate this growth.

Environment

- Existing residents on Southcott side of brow of hill suffer traffic noise from bypass even at that distance and even with some protection from hill, trees and other housing; proposal would add to this noise if permitted.
- Site is unsuitable for housing because noise level from bypass is intense and although applicants propose some screening by trees, these would be ineffective even when fully grown many years ahead.
- Site would not be healthy living environment - proposed school, tiny 'country park' and other leisure facilities would be next to 'race track' (bypass).
- Applicants' proposal to include environmental area is ridiculous - it would be unsustainable in such close proximity to bypass, new homes and children's play areas.
- Applicants state that there would be deterioration in air quality resulting from additional traffic generated by new development, but that this would be within acceptable limits; any deterioration in air quality would be unacceptable to local residents with asthma or other breathing difficulties.

Landscape

- Quality of landscape prompted Joint Committee to reject site as potential development area.
- Although not Green Belt, site forms natural boundary to western part of town.

- Valley has already seen construction of bypass reducing its views and access to rural area.
- Current view from bypass is uninterrupted valley slopes to either side, as Southcott houses are hidden just beyond rim; new housing would be fully exposed on side of valley and ruin view from opposite side.
- According to survey carried out when bypass built, existing hedgerows are over 600 years old, put in before Enclosure Acts, especially prominent beside Derwent Road.

Countryside

- Applicants state that site is of poor agricultural value, although it has maintained dairy herd for many years; whilst applicants argue that farm is unsuitable for arable crops, adjoining fields have been used for this purpose for many years.
- Site is crossed by footpaths that enable local residents to enjoy town's rural setting; when surrounded by 900 houses in future, experience of walking them would be ruined.
- Green spaces proposed in new scheme would in no way compensate for losses.

Wildlife

- Unlike surrounding area, site has been traditionally farmed in recent times resulting in landscape with hedgerows and varied fauna and flora that is unique to locality having developed over several hundred years; some species are of significant local or historical importance; there are springs, wet areas and small ponds which are breeding areas for amphibians and dragonflies; applicants so-called 'country park' would not compensate for loss of this biodiversity.

Drainage

- Part of development would be on elevated ground running down towards lower part of Derwent Road and Coniston Road where work has been undertaken to improve water management to reduce flood risk in Coniston Road/Ullswater Drive area; new housing would increase run-off towards already threatened area.
- Drainage system on Southcott Estate, much of it privately owned, experiences considerable overloading; climate change is producing additional heavy rainfall events that cannot be handled by system leading to flooding of private and public areas of estate.
- Applicants state that most cost effective foul water disposal option would be Himley Green sewerage system which is already prone to blockages; extra

loading would only exacerbate problem and existing residents downhill would suffer, not new residents higher up; local residents would be faced with bill for upgrades to sewerage system for benefit of new non-paying residents.

- Anglian Water state that it would not be able to service all extra demands from development proposals within and adjoining town and there is no space for expansion at its sewage treatment works unless it encroaches onto protected water meadows which would be another blow to environment.
- Applicants advise that there are discussions with Anglian Water, but there are no definite solutions to drainage issues identified; development cannot be approved with such major issues left unresolved.

Water supply

- There is already lack of water pressure in higher parts of Southcott Estate which has to be boosted by electric pumps during periods of peak usage; several times each year water supply is either drastically reduced due to low water pressure or cut off altogether which is symptomatic of water infrastructure, pipework and pumping stations struggling to cope with existing demand; adding another 900 homes to load would exacerbate problem.

Education

- Buckinghamshire CC operates different two tier education system as opposed to CBC's three tier system; proposed primary school would be incompatible with town's existing schools.
- Three tier system considered preferable for pupils' development leading to new estate's residents using town's schools; their council tax would be paid to Buckinghamshire CC, but education costs would fall on Central Bedfordshire residents.
- Schools in area are already near capacity, especially Greenleas Lower School which has recently been expanded to deal with increased demand.

Rail commuting and station surrounds

- Many commuters already experience regularly overcrowded trains which suggests there is insufficient capacity now; proposed development would undoubtedly increase numbers wishing to commute to London adding not only more congestion on trains, but also increasing parking problems, as it would take over 30 minutes to walk to station from new estate.
- High cost of station parking means commuters are finding alternative parking places, often dangerously located, in surrounding roads causing significant

disruption; parking restrictions have been introduced in Himley Green and Soulbury Road to deter commuters parking where they would otherwise cause congestion.

Consultations/Publicity responses

Highways Officer

General Layout

The development proposes to provide access onto the existing highway network via two new junctions (Leighton Road and Derwent Road). It splits this traffic such that 482 would be via the Leighton Road junction and 206 via the Derwent Road junction. The 2018 flow on Derwent Road, without the development, would be 711(am peak).

Derwent Road

The percentage increase of traffic on Derwent Road would be from 810 to 963 to the NE and 761 to 1010 to the SW. This is an increase of 19% and 33% respectively. While Derwent Road is a distributor road, this flow would be a significant increase and it is questionable whether or not this is acceptable. Furthermore, with this type of flow it is also debatable whether or not a simple junction is appropriate to facilitate the movement and type of vehicles expected to use the access. Derwent Road is a 7.3m carriageway with only a 1m hard strip on the east side in the location of the proposed junction. This means that its junction with Lomond Drive has not got the driver to driver intervisibility specified in either the *Design Manual for Roads and Bridges* or *Manual for Streets*. Furthermore, the alignment of Derwent Road does not comply with the *Design Manual for Roads and Bridges*. The proposal includes a controlled pedestrian zebra crossing onto what is a 1m strip and this is not acceptable. Therefore, it cannot be considered to be a link to promote sustainable modes of transport. While the layout on the existing development off Derwent Road was to cater for pedestrian movements internally, the principle has now changed where pedestrians should be catered for within the corridor of the main road. As the placing of the zebra crossing would suggest, it is the applicants' intention that pedestrians should be catered for within this corridor which is (on a 1m path) clearly not appropriate. As part of the application I would expect, at the very least, a 2.0m footway on one side with a 3.0m shared surface on the other. This is not possible and would need further consideration before this element of the application could be considered for approval.

Leighton Road

While the Leighton Road traffic signal controlled junction would not be in Central Bedfordshire, its operation would affect traffic within the authority's area. The proposed

junction to Leighton Road would increase the AM peak such that it leads me to be concerned about the capacity of the junctions on the bypass, as well as the junctions within the town – see comments below. I am concerned about the 30mph speed reduction just for the junction and question if this is good design practice. Soulbury Road has been traffic calmed to discourage traffic from the bypass and this has not been considered in the layout. The removal of this traffic calming would be contrary to policy. The proposed footpath/cycleway would be reduced from 3m to 2m between the proposed junction and the Derwent Road roundabout. The alignment of Soulbury Road would even be changed to make way for this 2m path. Considering that Leighton-Linslade is a Cycle Town, I find a 2m shared surface unacceptable. This 2m path would be provided at the expense of reducing the verge on the opposite side to below standard which I could not support. Furthermore, since there is development on both sides of the road, there should be a footway/cycleway on both sides.

Trip Generation

I am sceptical regarding the trip generation submitted within the application and will revisit this and substantiate my findings, but in general the trip generation would appear to be a little low.

Highway network – main corridor

The application demonstrates that it has considered the West Street corridor as individual junctions and assessed them under the various recognised programmes such as LIGSIG and ARCADY. The roundabouts in question are mini roundabouts (with the exception of North Street and Hockliffe Street). While the programme ARCADY allows for the modelling of a mini roundabout, it is recognised that for this type of roundabout the results are unreliable. For that reason, and since the corridor from Old Road to North Street was considered problematic, the authority has produced a Micro Simulation Traffic Model (VISSIM). Due to this and the fact that the application identifies that there are problems along this corridor then there has to be further investigation. While I will not go through every junction detail, I will highlight those that give me the most concern.

West Street/Bridge Street junction

The application identifies that in 2020, with the increase in traffic from the application site, there would be RFC (Ratio of Flow to Capacity) in excess of 85% which also quadruples the queue length in the PM peak. Congestion would be unreasonable and this level of RFC (in design parameters) should not be permitted. The remedial works identified are to widen the carriageway and

increase the central island to 6m. In relation to roundabout design the island of a mini roundabout should not be greater than 4m. These alterations would not therefore meet that criterion. Furthermore, the alterations would just increase the entry width which, in reality, would not increase the through capacity, as the modelling programme suggests. The affect that this proposal would have on this junction has not been fully proven or mitigated against and for that reason the alterations as detailed should not be permitted.

West Street/North Street junction

The application identifies that in 2018, with the increase in traffic from the application site, there would be RFC in excess of 85% which also results in a doubling of the queue length in the PM peak. The remedial works identified would be to widen the carriageway and introduce a left 'filter lane'. This would have the disbenefit of reducing the entry angle below 20° and reducing the length of the zebra crossing on Leston Road. This is not only hazardous to pedestrians crossing on the zebra crossing, but would also be a hazard to motorists and vulnerable road users. The widening of North Street to cater for this would also lengthen the zebra crossing and this too would not be beneficial to pedestrians. The affect this proposal would have on this junction has not been fully proven or mitigated against and for that reason the alterations as detailed should not be permitted.

Hockliffe Street/Leston Road junction

The application identifies that in 2018, with the increase in traffic from the application site, there would be RFC in excess of 85%. The remedial works identified would be to widen the carriageway entry width and the circulatory carriageway. In turn, this would slacken the entry and exit radius and would therefore increase entry and exit speeds. Considering that there is an access onto the radius at this point and a commercial access quite near to the exit, this increase in speed would be hazardous to motorists and vulnerable road users. The affect this proposal would have on this junction has not been fully proven or mitigated against and for that reason the alterations as detailed should not be permitted.

As mentioned above, the method of assessment of this corridor has not been conducted in a manner that indicates that the full affect of the application has been adequately assessed or that the mitigation proposed is acceptable.

Highway network – Bunkers Lane/Wing Road

The application identifies this junction as a priority junction and that it already has an RFC in excess of 85%. It shows alterations which while not reducing the RFC to an acceptable level, demonstrates that there is no overall disbenefit to the highway network. However, since the application was submitted, the highway authority has introduced a junction improvement by way of a mini roundabout and hence improved the flow and reduced the queuing. Considering this implemented improvement, the proposal here would be detrimental and not beneficial to the highway network. The affect this proposal would have on this junction has not been fully proven or mitigated against and for that reason the alterations as detailed should not be permitted.

Sustainable Transport
Officer

Objection.

Cycling – Primary access off Leighton Road

- The shared footpath/cycleway on either side of the access would be discontinuous and a realignment of Leighton Road would be necessary to facilitate continuous length.
- The proposal does not indicate how cyclists would transfer from the cycleway to the highway, nor does it explain why cyclists wishing to go towards Soulbury would have to divert into the estate in order to go straight on.
- The cycleway should also extend down the hill towards the town, as well as providing a continuous link to the railway station.
- There appears to be a lack of connectivity to the north west
- If a signalised access is preferred, advance stop lines would be necessary to give cyclists the advantage. However, a 'continental' style roundabout with single lane entry and zebra crossings on all four arms would be more attractive to cyclists and pedestrians.
- Cyclists are allowed to use the road and it should be designed to allow this to happen safely. The junction design fails to incorporate features that result in naturally lower speeds and a safe environment for cyclists and pedestrians. The use of right turn lanes is one shortcoming.
- The separate bus access should also accommodate cyclists and may be a preferred option, although the discontinuous cycle route would remain.

Cycling – Secondary access off Derwent Road

- The design of the access should be revisited in the context of *Manual for Streets* which would suggest that the proposed visibility splays would be excessive in this location and would encourage higher speeds.
- In terms of promoting sustainable travel, Derwent

Road has the potential to be an extension to the site. Measures should be introduced in Derwent Road to encourage 20mph speeds, for example, actual road humps rather than the virtual option proposed and a school safety zone to facilitate safe and sustainable travel to the lower school and beyond.

- Given the site's proximity to the internal path network across Bideford Green to the railway station, cyclist and pedestrian access from the site should be a priority at the Derwent Road junction, although it is not clear whether the access would be of sufficient width to provide an attractive and safe opportunity for cycling and walking.
- There should be enhancements to the roadside footpath network, in particular to address the lack of an adequate footpath along Derwent Road. Financial contributions should be made towards upgrading the existing internal footpath network to cycle route standard. This network is not public highway, but the responsibility of the Southcott Management Company Limited, so some negotiation would be required.
- There is a lack of clarity about management of the secondary access, as it has the potential to encourage 'rat running' and cause problems at the Bunkers Lane/Wing Road junction which is now working well as a mini roundabout that supports cycling use and slows down traffic. The secondary access should be for sustainable travel modes only therefore facilitating these modes rather than the car.
- If the development is to maximise the opportunities available for sustainable travel, enhancements to the interchange facilities at the railway station should be considered. This would include improvements to the existing railway footbridge and bus facilities.
- With regard to on-site provision, whilst designs that encourage lower speeds are supported, the needs of more vulnerable road users, such as schoolchildren, must be taken into account. There is concern that whilst a number of routes through the development would be designated 'pedestrian only', only one would be a 'cycleway'. All segregated routes should be open to all in order to maximise the potential for cycling. The one off-road route is to the west of the site, ignoring the fact that all of the key destinations are to the east.

Public transport

- The bus strategy is inadequate due to the nature of the existing service which does not provide direct access to the town centre. It would likely discourage residents from using public transport.
- A direct, bespoke bus service is required, travelling

along the Soulbury Road corridor only, for commuters using the railway station and facilitating access to the town centre. The applicants would be expected to provide this service and it should run from 6.00am to 9.00pm with frequencies of 20 minutes in the peak and 30 minutes off peak from commencement of development and frequencies of 15 minutes and 20 minutes upon full occupation. The service would need to incorporate real time technology and financial contributions towards enhancing bus infrastructure along Soulbury Road would be required in addition to the necessary waiting facilities within the development.

Travel plan

- The framework travel plan falls short in terms of a commitment to provide everything that is deemed necessary to encourage sustainable travel from/to the site. The management of this is crucial to mitigate the traffic that would otherwise be generated and a more detailed travel plan should be submitted and secured as part of this planning application.
- The travel plan is also deficient in terms of the setting of targets in that this Council would expect a target of a 20% reduction in single occupancy car use over and above the baseline figure referred to in the Transport Assessment rather than a target to achieve that baseline figure only.
- There is a lack of clarity about how the different uses on the site would be dealt with in terms of travel plan obligations and about the role of the travel plan co-ordinator to manage the whole.

Tree and Landscape
Officer

Objection.

- In comparison with previous application for secondary access, whilst the length and position of visibility splays remain unaltered, their width would increase. Total length of hedgerow to be removed would be 110m. Hedgerow has been assessed against Hedgerow Regulations 1997 criteria in respect of woody species composition and is deemed to not be 'important' in terms of botanical criteria. However, hedgerow is of size and depth that contributes significant visual amenity and loss of such substantial length of hedgerow would have significant detrimental impact on streetscene.

Historic Environment
Information Officer

Were hedgerow to be subject of Hedgerow Removal Notice it would satisfy at least two of five historical criteria defined in Hedgerow Regulations 1997, that is criteria 1 - it marks historic parish boundary between Linslade and Soulbury parishes and, criteria 4 - it marks line of Anglo-

Saxon estate boundary described in charter of AD 966; moreover, it has been demonstrated that boundary described in charter equates almost exactly to what became Linslade parish boundary and it certainly coincides with stretch of hedgerow in question. Hedgerow is thus 'important' according to Hedgerow Regulations. It is rare for any hedgerow to meet two of historical criteria. Applicants' hedgerow survey (2008) labels hedgerow as H9 and describes it as one of those "not considered as 'important' under the Hedgerow Regulations 1997" which is clearly incorrect. Question whether survey was conducted on botanical/wildlife/landscape grounds alone. Hedgerows H5, H15 and northern two thirds of H14 all meet same historical criteria as H9, so all should be deemed 'important' according to Hedgerow Regulations.

Archaeological Officer

No objection.

Conservation and
Design Team Leader

Objection.

I am concerned regarding the visual impact of this development and do not consider that this proposal will relate sympathetically to the topography of the site and provide a positive urban edge to Linslade.

The current edge of Linslade is well defined green space and is set back from the new bypass by rising topography with mature trees and linear hedgerow field boundaries; the existing residential edge is screened from wider landscape view by a mature hedgerow along Derwent Road. The proposed development would breach this landscape edge and descend down from the ridge in terraces of buildings which will be highly prominent in wider views and from the recently constructed bypass.

Views of the development would be extensive and would be seen for many miles, for example, the southern edge of Bletchley and Milton Keynes, and from the greensand ridge. The development would also have a negative impact on the wider setting of Soulbury Conservation Area and will be detrimental to views from the Church tower. Views of the development would be particularly emphasised by the use of 3 storey buildings along the ridge and the higher topography of the site.

Whilst much of the existing landscaping is proposed to be retained on the periphery of the site, it is unfortunate that many of the internal linear field boundaries will be removed (which currently subdivide the landscape and shield much of the variation in site levels). This is to be replaced with avenue planting along streets which whilst attractive is somewhat alien to the surrounding landscape which is formed by hedgerows, mature trees and clumps

of trees. It is also unfortunate that the mature hedgerow along Leighton Road which provides a welcomed green entrance to the town is to be removed.

Regarding layout, it is unfortunate that the site is not better connected to the town and surrounding development. There is somewhat of a lost opportunity to provide a more cohesive centre by integrating the school closer to the mixed use centre. The centre is on one of the most elevated positions of the site and the mixed use area is unfortunately severed by the valley and hedgerow which may produce difficulties for disabled and pushchair users. The LAP in the southernmost corner has somewhat poor natural surveillance and is separated from much of the residential development by the water course. The LEAP near the sports centre has potential to also have little natural surveillance. Regarding the sports centre, it is unfortunate that the larger buildings are located at the periphery and on the most prominent edges with views from the bypass and from houses on the higher ground; the proposed rear parking area and that of the adjacent proposed employment uses potentially could create a very dead area of car parking courts with no surveillance or frontage development to break up the sea of vehicles. It is also an issue that the sports centre is severed from the playing fields located in the south of the development which restricts usage and the ability to share parking and changing facilities. I wouldn't support the housing area north of Leighton Road as this is severed from the proposed new community.

I am concerned regarding light pollution from this development particularly at night when the site will be visible from many vantage points within the wider landscape.

In conclusion, I am concerned at the allocation of this site for development since it forms a natural edge to the town and is highly prominent from the wider landscape. I do not consider that the stepped terrace form of development produced by the topography and the proposed layout will sit comfortably within wider views and am concerned about the lack of integration and connectivity to the overall settlement. I am concerned at the layout and form of the proposed mixed use centre and consider that this is too dispersed by topography and lack integration with the school.

Education Officer

The new scheme would incorporate the provision of a primary school on site to serve the development (that would have its own catchment area) and financial contributions, appropriate to the scale of the development, would be made to satisfy both secondary

and special education needs off site. There would be limited, if at all any, surplus capacity at any of the nearby middle or upper schools in Central Bedfordshire to accommodate pupils from the proposed development, as any existing surplus is expected to be absorbed by the additional pupil yield from both existing and future planned developments in the Leighton-Linslade area.

Play and Open Space
Officer

Outdoor Sports Facilities
Issues

- The proposed amount of sporting space has been calculated using the NPFA standard rather than the SBDC Sports and Pitch Strategies (above). As this development would be part of Leighton-Linslade it would be more appropriate to use the standards applied for the rest of the town. Sport England supports this view. This should be reviewed.
- The range and type of outdoor facilities also does not reflect the former SBDC strategies which indicate the need for rugby, tennis, basketball, cricket and bowling facilities, as well as multi use games area (MUGA) provision, to meet the needs of the development and existing local needs. These needs must be considered when the mix of sporting facilities is decided.
- The spread-out locating of outdoor sports facilities is not logical for access, or primarily for management. Similarly, creating two separate buildings i.e. leisure centre and changing pavilion, will duplicate facilities and hinders cost effective usage and management.
- Also locating the pitches away from the leisure centre also means that letting and supervision of the outdoor pitches would be difficult, and users of outdoor facilities cannot easily benefit from indoor facilities.
- If on-site sporting facilities are to be provided, it is essential that both indoor and outdoor facilities be located together. This however would not be the preferred option (see below). This is with the specific exception of the all weather pitch which should be a third generation pitch which may be more sensibly located at a nearby upper school (Sport England proposes Cedars Upper).
- The potential flood area where the pitches are located is not appropriate. Usage can be severely limited and damage to both grass and artificial pitches can be significant and expensive to repair.
- Both Sport England and the Football Association identify the need to create large, multi-functional football sites which allow progression through the age groups, potential for expansion and attracting national funding, rather than single pitch sites. Local evidence confirms that single pitch sites offer limited benefit to

teams due to their inflexibility of use, the need to travel to various sites, duplication of changing facilities and the increased management costs associated with these issues.

Conclusions

- The provision of on-site outdoor sports facilities of this scale and in this manner is not supported by the requirements of the former SBDC Sports & Pitch Strategies, by Sport England or by the Football Association. Both local residents and sporting clubs would be better provided for by improving nearby facilities which provide more comprehensive and sustainable facilities, specifically:
- Sport England's proposal to locate a full size all weather pitch suitable for football (3G), on the Cedars Upper School rather than on-site, is supported subject to agreements.
- Sport England's proposal for a financial contribution to improve rugby pitches, and associated infrastructure quality at Leighton Buzzard Rugby Club which is the closest rugby club to the development. Such a contribution would be supported subject to agreement of relevant parties.
- In lieu of the provision of on-site pitches, a financial contribution towards improving football facilities at the Astral Park site be sought.

Indoor Sports Facilities

Issues

- As no detail is provided on the specification for the proposed leisure centre, its potential uses and therefore its adequacy to meet the needs of the development cannot be determined. The need, however, for an on-site indoor facility is questioned for a development of this size. Due to the management issues and costs associated with operating an indoor facility, its sustainability is questioned, especially in light of the above conclusions to remove all outdoor sporting facilities to other sites/operators.
- The former South Bedfordshire Sports Facilities Strategy 2008-2021 identifies the need for additional indoor sporting facilities to meet the needs of growth in this area. In particular it highlights the need for additional sports hall provision and swimming pools across the district, and within the vicinity of the development it identifies that the Tiddenfoot Leisure Centre is currently operating at over-capacity and in need of major refurbishment / replacement.

Conclusions

- As no on-site outdoor sporting facilities are supported for this development, and as the sustainability of an indoor facility for a development of this size is

questionable; no on-site indoor facility should be provided.

- Instead, in lieu of the proposed leisure centre and changing pavilion, a financial contribution should be sought toward improving indoor facilities at the Tiddenfoot Leisure Centre.

Children's Play Facilities

Issues

- The proposals indicate the use of the NPFA Six Acre Standards for calculating the number and age/type of play areas to be provided. The use of this standard's calculation would result in a requirement for the following play areas:
- 4 NEAP play areas (trigger every 200 dwgs) (1,000sqm age 8-14yrs, 8+ pieces of equipment), plus
- 9+ LEAP play areas (trigger every 50-100 dwgs) (400sqm age 4-8yrs, 5+ pieces of equipment), plus
- 45 LAP play areas (trigger every 15-20 dwgs) (100sqm age 3-6yrs 3+ pieces of equipment)
- The above direct use of the NPFA calculation would result in far too many play areas, however, the 3 LEAP's and 12 LAP's proposed is too low a level of provision which relies too heavily on provision for 3-6year olds and completely ignores the 8+ age group. The omission of facilities for 8+ children would be unacceptable.

Conclusion

- A more sensible level of play provision would be something like:
- 3 NEAP's, plus 3-5 LEAP's plus approx 9 LAP's. While individual LAPs should be located 'close to home', providing combined NEAP, LEAP and LAP sites offers an appropriate mix of play opportunities on one site which allows parents to take all their children to, whatever their age
- In particular, the section of the site separated by the road must include a LEAP as well as a LAP.
- Locating the majority of the older provision within the green area is logical, however, consideration should be given to locating one LEAP and LAP near the school.
- While the application of the above standard establishes a guide for the quantity of play space required, it does not address the quality of the design. In conjunction with the provision of formal play equipment, the design of the play spaces must be carefully considered to incorporate more natural elements and play opportunities. The large green area gives scope to provide play facilities which could be fence-free, use natural landforms as boundaries and incorporate planting into the play experience.

Countryside Access
Officer

No comments on Derwent Road access.

Valley Farm proposal
General comments

- The proposed open space, country park, woodland planting and other informal spaces appear to be sufficient for a development of this size, although the masterplan is obviously locating these areas where there are considerable constraints rather than where there has been assessment of need/deficiencies.
- Development of this size would place additional pressure on the existing green infrastructure around Leighton-Linslade. I refute the suggestion in the '*Open Space and Recreation Technical Appendix*' that there would be only a 'minor' increase in residents using Linslade Wood. All user surveys and countryside data suggest that people want to use established landscape areas (due to their longstanding beauty, topography, etc.) for their informal recreational enjoyment and it would take time for users to change habits and to be attracted to newly laid out and planted provision. New residents may use the new 'country park', however, they are more likely (especially those in the north of the development) to use existing facilities – namely Linslade Wood and Stockgrove Country Park.

'Country park'

- In order for the applicants' 'offer' to be credible, the Council need to see much more detail on the quality of provision on this site. I would suggest that if the site is to be considered as 'country park' standard – they should be expected to conform to Natural England's 'Green Flag' standards.

Access routes and rights of way

- The access routes (footpaths and cycle ways) in some areas are sufficient. However, there is a need to provide more access, particularly bridleway access, which is an acknowledged deficit in the area. I would like to see the route to the north east into Linslade Wood to be provided to a full multi-user standard, that is, access should be sufficient for walkers, cyclists and horse riders. I would expect to see a Pegasus crossing provided on the B4032. Given appropriate highways design, this should be achievable.

Existing sites

- There are a number of important Council-owned countryside sites which are in close proximity (15 minute drive) to the proposed development – Linslade

Wood, Stockgrove Country Park and Tiddenfoot Waterside Park. Based on surveys, it is estimated that at least 30% of the new residents would visit these sites.

- I am particularly concerned about the impact this development would have on Linslade Wood (both the community woodland and the ancient woodland). The development proposes a number of properties to be built in the adjacent field and with access routes from the development into Linslade Wood. The applicants should provide a wider landscape buffer between the housing and the wood. Furthermore, substantial S106 contributions should be offered to enable the wood to deal with the increased demand.
- Stockgrove Country Park will come under increased pressure throughout the development (particularly until all elements of the proposed 'country park' are provided) and even once the development is complete. Stockgrove Country Park is an established country park which comprises 80 acres including a SSSI, lakes, marshes, ancient oak woodlands and meadows. It will always be popular and visitor forecasts suggest that visitor numbers, including visitors from the proposed development, will continue to grow.

S106 contributions

- PPG17 is clear that planning obligations may be used as a means to remedy local deficiencies in the quantity or quality of open space and countryside recreational provision. A suite of contributions would have to be provided to mitigate the impact that this development would have on the countryside and particularly those sites which would be under greater pressure. These improvements can only be achieved by means of S106 obligations to improve countryside access.
- If granted permission on appeal, the proposed 'Stoke Road' development (adjacent to the eastern boundary of Linslade Wood) would deliver significant contributions towards Linslade Wood and the Leighton-Linslade Green Wheel proposals.

Conclusions

- The proposed development would put the Council's countryside facilities under pressure. It would take a significant number of years before the proposed 'country park' could compare with the existing facilities at Linslade Wood and Stockgrove Country Park
- The open space and 'country park' would have to be provided early in the phasing. Delay in providing such green infrastructure should have a bearing on the

amount of funds provided through the S106 obligations to support the other sites.

Anglian Water

There are assets owned by AW or those subject to an adoption agreement within or close to the site boundary that may affect the layout of the development.

There is sufficient water resource capacity to supply the development. However, AW would wish to see measures taken by the applicants to ensure that the proposed buildings are constructed to high water efficiency standards to minimise growth in demand for water from the new development and help ensure sustainable use of the region's water resources.

The proposed development could not be supplied from the water supply network that at present has inadequate capacity.

The foul sewerage system could not accommodate flows from the development. AW is not aware when capacity will become available, but this is unlikely to be within the standard planning permission timescales. If development proceeds before further capacity is provided, it is possible that this would result in environmental and amenity problems downstream.

The foul drainage from the proposed development would be treated at Leighton-Linslade Sewage Treatment Works (STW) that at present has not got available capacity for these flows. Whilst the STW has sufficient consented dry weather flow capacity, process capacity is a constraint. As the STW is currently environmentally compliant, AW would have no plans for process upgrades during the next charging period.

Campaign to Protect
Rural England:
Bedfordshire

Objection.

- Proposals would have unacceptable adverse impacts on landscape of considerable attraction and value. Although applicants argue that landscape west of Linslade is not protected by any local landscape value designation, PPS7 (2004) indicates that use of local designations to protect valued local landscapes should be phased out in favour of criteria-based assessment processes such as landscape character assessment. Environmental sensitivity assessment report for JTU in respect of land in adjoining council areas potentially affected by delivery of growth indicates that application site is in Sensitivity Grade 1 with significant constraints such that it is not considered appropriate for development to take place. As for possibility of mitigation, report repeats that given high sensitivity of landscape, development is not

recommended. It should be noted that this assessment is reached notwithstanding presence of Linslade Western Bypass along valley floor and report advises that further development around bypass or to settlement edge would be inappropriate in landscape and visual terms. Such judgement is in response to role of land in containing settlement edge and providing rural approach to town.

- Proposals would involve significant unsustainable impacts on town. Unlike preferred growth option on eastern side of town, proposals for west of Linslade would bring no new road infrastructure to town. Scale of impacts is obvious from substantial programme of junction improvements proposed throughout town which, taken together with promotion of 'green travel' options, is seen as providing mitigation of problems. Applicants concede that even after mitigation proposals would have at least some ongoing level of adverse impact on town that is in no position to accept any further adverse impacts. Such impacts would be far greater than applicants calculate because they are based on totally unrealistic expectations of degree of mitigation to be obtained from enhanced walking, cycling, public transport and other 'green travel' initiatives proposed. Average car ownership at Valley Farm could be 1.5 cars per household (nearly 1,500 cars overall). Influence 'green travel' options would have on modal choice would be relatively marginal - vast bulk of movement for off-site shopping, employment, social, leisure and other purposes would be by car.

Central Linslade
Residents Association

Objection.

- Given its proximity to entrance to Greenleas Lower School, exit from new development in Derwent Road would represent considerable hazard to both schoolchildren and those who transport them to and from school.
- Number of traffic movements generated by vehicles serving 900 homes - conservative estimate of 1,400 vehicles - particularly during peak periods, would inevitably cause congestion and raise pollution levels in vicinity of school.
- Development would be detrimental to quality of life of all town's residents.

Environment Agency

No objection.

Applicants should ensure that surface water drainage from new section of road is taken to positive system, either into existing roadway (with approval of highways authority) or into site's surface water drainage system. Similarly, agreement should be reached with highways

authority that proposed 'raised table' on Derwent Road would not cause any drainage issues by blocking existing surface water drainage routes.

The Greensand Trust

The Greensand Trust is involved as part of the Ouzel Valley Park project with biodiversity, public open space and access around Leighton-Linslade. As such our comments relate purely to those offerings within the proposals and imply no endorsement or otherwise of development in this part of town which we see as policy issues for other parties. We have concerns at the level of provision of greenspace and access and there remains some disappointment that the new proposals do not markedly improve upon those presented in AVDC 09/00513/AOP and SBDC TP/09/0176 and commented on at the time. Our present comments are as follows.

Scale of development and impact on valley and landscape generally

- Whilst we acknowledge the comments that the area is not in an area of designated Green Belt, this reflects the lack of such a policy on the Buckinghamshire side of the boundary rather than a statement as to the basic lack of need. The area clearly links the two units of SBDC-designated Green Belt to the north and south of the development around the edge of the present urban development and obviously, had Linslade not been built up against the county boundary, the area of the proposed development would have been so designated.
- Whilst the area itself does not have a primary landscape designation, it is a clear crossroads linking neighbouring areas bearing designation. It is contiguous with the Brickhills Area of Attractive Landscape (AAL) (AVDC Policy RA8) and the SBDC-designated Area of Great Landscape Value (SBDC Policy NE3) around Old Linslade and Linslade Wood. It also provides the essential landscape link between those areas and the Quanton Hills AAL and Southcott areas to the south.
- Whilst significant mention is made of the existing visibility of the present Linslade houses at the top of the hill, these largely merge with the dense, mature hedge and tree boundary and, particularly in summer, the buildings are not a dominant feature in the landscape.
- As the proposed development not only sits on the flatter top of the hill, but also advances down the slope with buildings occupying slopes sometimes in excess of 10%, it will fundamentally change the landscape character of an essentially green valley and instead create an urbanised view to the east of the bypass.

Given the level of development down the hill slopes, we do not accept that relying on the bypass planting as screening is an effective mitigation to this urbanising influence of a rural corridor.

- We consider the number of proposed dwellings to be excessive for the nature of this site on sloping land; with significantly reduced numbers of dwellings the landscape impact could be markedly reduced.

Accessible greenspace and access routes

- Much is made in the documentation of the importance of green infrastructure, with references to the provision of elements of the Leighton-Linslade Green Wheel, linkages to surrounding paths and the provision of substantial public open space, particularly in the wetter flat bottom land, much of which is designated as a 'country park'. We believe that the reality of provision is substantially less than is necessary to justify the statements made.
- Proposals to create a joined up network for different users within the development is consistent with the ethos of a Green Wheel approach. However, the green corridor is absent, and the access network weaker, at the northern end of the site where the area of 'county park' is clearly separated from the Linslade Wood area by an area of urban development either side of the B4032 Leighton Road. We do not accept that a footpath and cycleway around the western edge of the development constitutes a fulfilment of the concept of a 'green corridor' continuing the 'Green Wheel' around into Linslade Wood.
- There is an improvement on previous proposals in that a new horse riding route links the bridleway at the southern end of the site with that being developed by Buckinghamshire County Council under the bypass at the north-western corner from the footpath (SU15). We assume that there will be some bridge provided over the stream at this point either by the applicants or through S106 provision. This remedies a lack of linkage at this point on the previous proposals. We do however challenge the lack of extension of this horse riding route to Linslade Wood. The latter has been purchased by Central Bedfordshire Council as part of the Ouzel Valley Park and contains permissive riding facilities. Whilst paragraph 5.25 of the Technical Appendix to Chapter 13 'Informal Open Space and Recreational Activity' notes the lack of hoof prints in this area, this is a function of the orphan nature of the site, poorly connected into a wider contiguous network. Work by the Trust with the regional committee of the British Horse Society clearly lays out the aspirations for wider, continuous off-road network.

Key in the area of the development is a requirement to link the equestrian properties along the Wing-Soulbury Road through the area to Linslade Wood and on to the permissive riding areas in Oak Wood and Rammamere Heath. The purchase last year of the 200 acres of Rushmere Park between Heath Wood and the Oak Wood – Stockgrove complex to create a 400 acre plus new country park clearly makes the onward linkage of this network viable and the link through the Valley Farm development to the now Central Bedfordshire-owned Linslade Wood, an essential provision down a corridor of appropriate width and green character.

- The comments regarding the efficacy of linkages down through Linslade to the station and town need review. They presently offer an at-best ill-defined and convoluted network which needs improvement to be effective. There would need to be clear marking of routes for pedestrians and cyclists so that they could access services and the wider green infrastructure network throughout Leighton-Linslade. To people who do not know the area, housing estates can appear quite impenetrable. All routes within and from the development to outside destinations such as shops, schools and the railway station should be clearly marked and easily followed, rather than lost in a network of alleys and cul-de-sacs.
- We are unhappy at the widespread and routine use of the term 'country park'. We feel this is a misrepresentation. Although there is no strict legal definition, the Country Parks Network, a Natural England supported initiative, sets out a series of essential and desirable criteria for country parks. To be considered a 'true' country park all of the essential criteria need to be met. This proposed 'country park' does not meet the criteria for size (a minimum of 10ha), facilities (toilets within the site or nearby) or management (daily staff presence). Using the typology and hierarchy recommended in PPG17 this development proposes a combination of amenity greenspace and accessible natural greenspace of only middle order significance.
- As the proposals stand, there is going to be an increased demand on existing green infrastructure facilities, particularly on Rushmere – Oak Wood – Country Park (the nearest strategic green infrastructure and 'true' country park) and also on Linslade Wood. Financial resources need to be provided to support the development of facilities in the new Rushmere area and in Linslade Wood to enable them to absorb the additional visitors generated by this development.

- Whilst it is important to secure and enhance green infrastructure when creating new developments, it is equally important to ensure that there is an appropriate mechanism for managing such areas in the long term, including revenue generation to fund such requirements. This key issue is left to later negotiation but is fundamental to the sustainability of the development proposal.
- In conclusion, this development is in a key crossroads area between the Quainton-Wing Opportunity area, the River Ouzel Corridor, and the Greensand Ridge and Brickhills Areas and we need a substantially better level of greenspace and access provision if the true intent of the Green Wheel is to be achieved in this area. We need a much stronger green corridor right through the site.

Ecological significance

- Whilst we appreciate the potential protection afforded to the existing Valley Farm Fen Local Wildlife Site, overall ecological impact will be significant. Though the fen would not be directly destroyed as a result of this development, there is a possibility that the springs that feed the fen could be affected or polluted by run-off, which could result in the loss, or otherwise have a negative impact, on the wetland plant communities that are the primary interest of the site. Although not designated, previous ecological surveys have indicated that wider parts of the site support areas of lowland meadow of county wildlife site standard, with a high botanical interest, including 3 Biodiversity Action Plan (BAP) plant species and one county uncommon species. Lowland meadows are a priority habitat in the national and local BAP. One of the targets in the UK lowland meadows BAP is that there should be “no loss of the current extent of lowland meadows in the UK.” At least some of the fields support plant communities that are typical of lowland meadows, and these would be lost if the development went ahead. These fields are likely to be diverse enough to be identified as a county wildlife site and the only reason they are not identified is that they were not able to be assessed by the relevant county nature conservation panel. If they had been identified there would be a presumption against their development in the LDF Conservation Strategy.
- The impact and people pressure resulting from a housing development of this size far outweigh the benefits offered. Whilst we can see that some effort has been made to take on board green infrastructure planning principles and create networks for people and wildlife, the end result will be that areas of

ecological value will be constrained on all sides, subject to heavy visitor pressure and gradually degraded. It is not clear whether people will be excluded from areas of high ecological sensitivity – there is hatching across the existing LWS. Excluding people (and dogs) is an important part of managing some of the more sensitive habitats, but also means that such areas cannot be counted as ‘accessible greenspace’. Green infrastructure planning looks to establish a multi-functional network, but that does not mean every part of the network needs to be accessible – non-accessible green infrastructure is an important element of the network.

- The water bodies will be subject to significant run-off and significant fluctuations in water levels, reducing their ecological interest and also reducing areas that are accessible during wetter periods.
- The location of sports pitches to the lower flat land to the south of the development, contiguous with the fen, is noted. We do not believe that such manicured greenspace is conducive to wildlife transit to the wider environment. Moreover, the general claims that the development offers links for wildlife through a network of open spaces is not supported by the blockage of the green corridor at the northern end of the site. The impact of the latter, the bypass, the southern pitches and the development itself, will be to effectively create the area of ‘country park’ as a relatively isolated greenspace.
- We believe that the area is too small to effectively deliver all the ecological elements claimed in the proposals. The fen area, even if protected, will be isolated in the greenspace, the area of proposed wet woodland is little more than a hedgeline, and much of the wet-grassland areas will be also used for new balancing ponds, trim trails and general public access. The overall pressure of public use on such a restricted area, with the need for more manicured leisure areas, is not compatible with the more sensitive biological aspirations. The area needs greater space provision to enable better gradation between usage areas for the various elements to work effectively. We believe that a much better standard of biodiversity offering is required for this greenspace.

Historic environment

- There is a need to help preserve, enhance and interpret known historic features – these include earthworks, ridge and furrow and evidence of strip lynchets. Whilst the proposals reference the loss of ridge and furrow, little is made of this and we would particularly comment on the loss of the better

preserved areas to the higher, southern end of the site where the features are clearly visible but will be lost within the built environment.

Conclusions

- Our comments relate purely to matters of landscape, biodiversity, greenspace and access within the proposals. Significant issues of green infrastructure are referenced in the proposals indicating that its importance as a policy objective is well recognised, with the need to provide elements of the Leighton-Linslade Green Wheel, links to wider path networks and into town, in-development open space and clear biodiversity corridors, habitat improvement, hedgerow retention and the like.
- Nevertheless, the level of provision is disappointing in this regard. In particular, key linkages through to Linslade Wood and beyond are blocked by the built environment. Moreover, the areas of 'country park' are too small to be properly so designated and also do not offer the special separation to contain the level of diverse pressures of public use with the level of habitat retention and improvement claimed.
- Our belief is that the size of built development is larger than this site can bear to still deliver the greenspace and access objectives. Moreover, its level of extension down the steeper slopes will make serious impact on the existing green valley that provides a key link between the areas of Green Belt and otherwise designated land areas surrounding it.

The Leighton Buzzard Society

Objection to Derwent Road vehicular access:-

- It is in area designated in local plan both as Green Belt and/or as Area of Great Landscape Value.
- It is opposite to Greenleas Lower School entrance.

Objection to 900 dwellings etc:-

- This is Area of Sensitive Landscape, so should be safeguarded by environmental policy, even if not regulated by Green Belt provisions.
- It will be overdevelopment.
- Open space is there now.
- Leisure centre is nearby.
- Local centre would be inadequate.
- Health centre has failed to be built in Linslade where it is most needed.
- Primary school would have pupils with nowhere to go locally.
- Transport is badly served by existing services, with congested trains.
- There are no other commercial facilities in area.

Leighton Buzzcycles

Application emphasises importance of sustainable travel and incorporates number of welcome features to support cycling. However, there are some aspects that undermine sustainable travel.

Derwent Road access

Access would be open to all traffic and would form through route to other access on Leighton Road. Such through route would be used as 'rat run' and it is not clear why car access is required at this point. Derwent Road has long history of vehicles being driven at inappropriate speeds and has been considered for traffic calming in past. Access is also close to Greenleas Lower School. Volume of traffic using access and travelling along bendy road via Himley Green and Bunkers Lane to Wing Road, which are also principal routes for schoolchildren going to local middle and upper schools, means justification for access is further reduced. Proposed access should be open only for buses, cycles, service and emergency vehicles.

Leighton Road accesses

Accesses raise number of queries. It is unclear (a) how pedestrians and cyclists from part of site north of Leighton Road cross road to access schools and services on south side; (b) how cyclists transfer from cyclepath to highway; why right turn lanes are needed on approach to junction; (c) why cyclists going towards Soulbury have to divert into estate in order to go straight on; (d) why bus lanes are shown as not open to cyclists, as is common practice in former South Bedfordshire; (e) why cyclepath does not extend down hill or at very least why it is not available on uphill stretch; (f) why there is no cyclepath on north west section. Cyclepath should extend down hill to provide cyclepath on Leighton Road to station, as mentioned in para 2.3.9 of Design and Access Statement. Whilst cyclepaths are of great value to novice cyclists, experienced cyclists often do not use them as they are poorly designed, are designed for lower speeds and have many interruptions, for example, giving way to every minor road. Cyclists are allowed to use road and it should be designed to allow this to happen safely. Junction design does not incorporate features that result in naturally lower speeds and safe environment for cyclists and pedestrians. Continental style roundabout with single entry and exit lanes should be used instead of crossroads. This would slow traffic and allow safe progress for non-motorised users. Use of zebra crossings on all four arms would solve crossing issues. Junction and road design needs significant alterations to produce design that works safely and efficiently for all road users.

Speed limits

Support moving start of 30mph zone and suggest setting 30mph limit as far as bypass or at least setting 40mph limit between bypass and 30mph zone. It is also important that main road is designed to encourage lower speeds - lacking from current design. Speed limit within site is not specified and whilst roads are designed to discourage high speeds, would suggest setting 20mph limit.

Cycle routes to station and Rock Lane bridleway

Potential for upgrading some of Bideford Green footpath network to cycle route through estate from Derwent Road access towards station and town centre should be examined. Opportunities should be taken to upgrade Rock Lane bridleway to cyclepath standard and to provide links on eastern boundary of site to Derwent Road opposite Lomond Road and Greenleas Lower School. Extending bridleway along existing footpath via Rocklane Farm to minor road to west would be worthwhile addition to local routes.

S106 etc. funds

Site being within Buckinghamshire raises important question of where any S106, LTP, GAF etc money would be spent. Leighton-Linslade is most affected by proposal and bulk of money should be spent in town. Proposal is likely to lead to significant increases in traffic along B4032/Soulbury Road with Tesco's, schools, leisure centre and station being key destinations. To alleviate congestion caused, contributions should be sought to encourage modal shift to buses and bicycles. S106 money should be sought for:

- Continuous production of Go Cycle's Cycling & Walking Map.
- Upgrading Bideford Green paths to shared use.
- Upgrading of Rock Lane bridleway and beyond to cyclepath status.

Support for sustainable transport

Concerned that applicants' support for sustainable transport is only thin veneer. At applicants' public exhibition (November 2008), basic view was that people will get in their cars and travel on bypass whether to work or to facilities in town. Whilst there have been some token additions for sustainable transport, these do not go far enough. The following should be sought:

- Residential travel plan - such travel plans have been provided for other recent developments in town.
- Diversion of bus route 100 via site giving access to Aylesbury and Milton Keynes.

Cycle parking

Cycle parking should be provided at new school, shops and businesses and cycle storage should be provided for all dwellings. Bedfordshire cycle parking guidelines, now adopted by Transport for London, should apply to proposal.

Conclusion

Proposed development could be flagship sustainable transport site. However, apart from few token items, it is really just another car based one. Accesses would have serious shortcomings for cyclists, connectivity to wider cycling network would be poor and impact on rest of town has not been properly examined. Whilst support for cycling within development is fairly good, poor design of site accesses and potential for through route for cars undermine claims to promote sustainable transport. Unless issues raised are addressed, application should be refused.

NHS Bedfordshire

No objection to Valley Farm proposals.

Town is one of NHS Bedfordshire's strategic locations for siting of new all-encompassing health facility and organisation is working with both CBC and LLTC to provide such facility. To this end NHS Bedfordshire is scoping service needs of community to ascertain best way to provide appropriate health care facilities. At present, organisation is not clear whether it would seek to have accommodation within proposed development, as branch of existing surgery, or seek financial contribution towards town-based development that would cover both existing and emergent community. Valley Farm represents possible location for health care facility, but it would be one of options considered in business case to be put to Board of NHS Bedfordshire. Whilst there is no objection to application, final location of health centre would be determined by services that would be provided by organisation in liaison with CBC. Masterplanning of town centre sites - south of High Street and Bridge Meadows area - offers opportunity to consider joint working where social care and health care could be delivered from joint location to benefit of patients. In order to deliver health facilities as part of this growth development it is vital that S106 contributions are provided - be it for off-site facility, provision of land option or design and build option.

Natural England

No objection, subject to Valley Farm proposals being carried out in strict accordance with terms of application and submitted plans.

Protected sites

- To ensure that Kings and Bakers Woods and Heaths

SSSI/NNR is not affected by increase in recreational pressure proposed green infrastructure must be established as early as possible in development so that as development becomes occupied this is available for use.

- To ensure that Nares Gladley Marsh SSSI is not affected by hydrological changes caused by development Environment Agency's best practice guidelines should be followed.

Local wildlife sites

- Valley Farm Local Wildlife Site, 0.52ha area of fen/wetland habitat and associated marginal vegetation, lies within urban extension site. As fen habitats are sensitive to change in hydrology, NE suggests use of sustainable urban drainage (SUDs) to ensure flow rates are not affected. However, system should be properly assessed before being put in place. Whilst fen habitats would be retained as part of POS proposals, NE strongly recommends measures be undertaken to restrict access and maintain this sensitive area, through fencing and interpretation boards, during development's construction and occupation phases.

Protected species

- Although no bat roosts were found within site, bat survey indicated that site is used for foraging and commuting. During development's occupation phase illumination should be installed in sensitive manner using directional lighting.
- Demolition and construction works should be undertaken outside of bird nesting season - 28th February to 1st October.
- NE recommends that biodiversity enhancements form part of development and that ecological management plan is produced and secured by condition to ensure long term management, maintenance and monitoring of site's biodiversity.

Landscape

- NE welcomes mitigation measures proposed to protect integrity of landscape and welcomes retention of both historically and ecologically important landscape features such as proposal to retain 84% of current hedgerow network on site.

Green infrastructure

- NE highlights importance of delivering adequate green infrastructure as part of development to ensure there are no significant impacts on nearby Kings and Bakers Woods and Heaths SSSI/NNR from visitor

pressure. NE has been made aware of significant concerns raised by The Greensand Trust in terms of quantity, design and deliverability of green infrastructure proposed which would appear to be well founded. Certainly, there is virtually no detail regarding delivery and long term (in perpetuity) management which should be fundamental part of any proposals submitted.

Suggested enhancements to green infrastructure should include:

- Provision of 'green bridges' across Leighton Road and bypass to link relatively restricted and isolated 'country park' to wider countryside and help create 'wildlife corridors' for greater connectivity between habitats.
- Incorporation of green roofs into new buildings.
- Provision of allotments.
- Native tree planting - this should be less easily vandalised semi-mature standards (10 years old) as continuous canopy to maximise habitat potential.

Sport England East
Region

Valley Farm outdoor sports facilities - quantity

- Application identifies 3.92ha of formal POS concentrated in southern part of proposed 'country park'. In assessing required provision, it is unclear why NPFA standard of 1.6ha per 1,000 population has been used rather than local standard, as recommended in PPG17. Given that development would be urban extension to Leighton-Linslade, new standards for outdoor sport set out in former SBDC Playing Pitch Strategy (2008-2021) would be most appropriate to apply to proposed scheme because in functional terms development would form part of town and standards should therefore be consistent with those applied to rest of urban area.
- Conclusions of Playing Pitch Strategy should inform mix of outdoor sports facilities to be provided, so in addition to turf pitches, all-weather pitch and synthetic running track, development should include multi-use games areas (MUGAs), tennis/netball/basketball courts and bowling greens.
- Development would only have space for one all weather pitch and three small mini football pitches and FA is concerned that area is relatively small for community playing field. Clubs prefer large multi-pitch provision because at peak times they can supervise several teams from same site at same time rather than playing on pitches across number of smaller sites. Many local authorities have sought to rationalise sites of size proposed and focus investment on larger multi-pitch sites. Question whether playing field of size proposed should be

provided or whether off-site solution would be more appropriate, for example, on existing or proposed school sites, so that strategic approach is taken. Financial contribution towards dual use full size all weather pitch on nearby upper school would be more appropriate than facility just for community use within development. School sites are preferred for all weather pitches due to operational and sports development benefits offered both to schools and community users. Without such consideration, it is possible that facilities could be provided that duplicate those existing or proposed in local area or which could be provided in alternative way. Applicants should liaise with key local organisations that are best placed to inform sports facility needs in area. For example, RFU advises that it would be appropriate for development to meet additional rugby pitch needs that it generates through improving quality of facilities at local rugby club ground rather than providing turf pitches on development site. Such provision would be secured by S106 financial contribution. The needs of other individual sports should be considered in similar way, although football authorities would expect on-site provision within development.

Outdoor sports facilities - siting and layout

Objection.

- From both sports development and operational/management perspective indoor and outdoor sports facilities in major new developments are best provided together. Playing field in south of Valley Farm site would be completely divorced from proposed leisure centre in north of site.
- Playing field would be divorced from residential area it would serve and associated sports pavilion by belt of trees. Whilst this may assist with screening of fencing and any floodlighting, visibility of facility to community would be reduced and there would be concerns about personal safety associated with changing facilities not being visible from pitches. Furthermore, it would be difficult to monitor unauthorised access to all weather pitch which is pertinent given cost of provision and maintenance.
- Proposed primary school would be remote from both leisure centre and playing field and potential for shared use of sports facilities would therefore be limited. Sports development opportunities such as school-club links may be reduced and potential to reduce capital and maintenance costs by providing shared facilities such as sports halls and MUGAs would be limited.

Outdoor sports facilities - quality

- Recommend condition requiring ground conditions assessment to be undertaken to confirm whether topography and ground conditions of site would provide any constraints to ensuring that good quality playing surfaces can be developed that would sustain high levels of use. If survey identifies drainage capacity and/or levels constraints, condition should require mitigation measures to be implemented.
- Whilst pavilion and changing rooms would be provided, it is unclear if adequate dedicated parking would be provided in order to avoid users parking in surrounding residential roads and generating potential amenity conflicts.
- It is unclear if all weather pitch is to be fenced and floodlit. Fencing would be essential to ensure facility is fit for purpose - security, controlling loose balls, surface contamination, spectator safety. Floodlighting is also necessary; without it use of pitch may be restricted by default to weekends which is inappropriate given significant investment required to provide facility.
- Recommend condition requiring facilities to be designed in accordance with Sport England's relevant design guidance.
- No objection in principle subject to issue of fencing and floodlighting of all weather pitch being clarified.

Indoor sports facilities

- Additional population of 2,232 people (average occupancy of 2.48 persons per dwelling) generated by proposed development would create significant additional demand for indoor sports facilities. Former SBDC Sports Facility Strategy (2008-2021) identified significant deficiencies of all types of indoor sports facility provision across southern Bedfordshire, particularly in Leighton-Linslade and especially in sports hall and swimming pool provision. There is clear and robust basis for justifying significant on-site or off-site provision, in particular as Tiddenfoot Leisure Centre is currently operating above its capacity and has significant qualitative deficiencies.
- Whilst principle of providing new leisure centre is acceptable, it is unclear how Valley Farm development would meet full range of additional indoor facility needs that it would generate, for example swimming pool provision, in view of deficiencies that exist in area. Due to level of investment required to provide new leisure centre, it is essential that it is strategically planned to ensure that it complements existing and proposed provision in area, for example, improvements to Tiddenfoot Leisure Centre, possible new leisure centre in

proposed urban extension to east of town, proposed investment at upper school sites in town. Significant financial contribution towards provision of off-site indoor sports facilities may be more appropriate than on-site provision, especially as Tiddenfoot Leisure Centre is only 2km from Valley Farm site.

Youth provision

- Whereas proposed LAPs and LEAPs would meet children's play space needs, no provision of facilities such as skate parks, BMX tracks or small MUGAs would be made for meeting specific needs of youths.

Primary school

- To ensure that school sports facilities would be dual use in practice, recommend condition requiring formal community use scheme to be approved before school is opened.

Voluntary and
Community Action
Central Bedfordshire

Objection.

- Building new communities is not just about erecting hundreds of new dwellings. It must have regard to the people that would make up those new communities. Those moving into a new housing development would include many new and young families; providing a need for parent and toddler groups, play facilities, etc. Residents' groups, new community groups, volunteering opportunities, and opportunities for people to get together through a range of social activities would also be needed.
- People arriving in new communities would not know other new arrivals or the availability of local services, both public and community based. They would need to be provided with information, advice and guidance on local services and enabled to create and participate in local community activities, clubs and societies.
- All these activities would contribute to the creation of a strong sense of community. If these facilities and services are not provided, people would move away from the area, feel isolated, insecure and unable to contribute to civil society. Ultimately, it would create a failing community, rather than a sustainable one, causing further isolation, insecurity and low levels of volunteering and community activity.
- If AVDC determines that the scheme should go ahead then the building of a sustainable community in the proposed West Linslade Urban Extension would require the provision of permanent and interim community facilities, and a dedicated worker to address the social infrastructure needs of new communities. This worker would have specialist

community development skills to welcome and work with new residents; provide opportunities for new residents to meet, socialise and set up new community groups, promote and facilitate access to local volunteering opportunities; and identify and support emerging local community leaders.

Determining Issues

The main considerations of the application are;

1. Impact on highway safety
2. Impact on street scene

Considerations

1. Impact on highway safety

The new road junction in Derwent Road would serve as a secondary access for the urban extension development proposed at Valley Farm. The applicants indicate that, as a result of the use of this access, traffic on Derwent Road would increase by 33%. In the vicinity of the proposed junction Derwent Road has a number of existing significant shortcomings.

- Its alignment does not comply with the requirements of the *Design Manual for Roads and Bridges*.
- It is a 7.3m wide carriageway with a 1m only footway on the eastern side and no footpath on the western side.
- Its junction with Lomond Drive does not have the driver to driver intervisibility specified in either the *Design Manual for Roads and Bridges* and *Manual for Streets*.

In the layout of the existing estate off Derwent Road, pedestrians are catered for internally - by way of roadside footways and segregated footpaths. With regard to the current proposal, the emphasis would change whereby pedestrians would be catered for within the corridor of the main road. The proposed provision of a zebra crossing beside the new junction indicates the applicants' intention here. To create a safe and convenient route for pedestrians, the Highways Officer would expect the provision of a 2m wide footpath on one side of Derwent Road and a 3m shared surface footpath/cycleway on the other side. Given the width of the public highway in this location, such requirements cannot be met. It follows that pedestrians, including young children attending Greenleas Lower School, would continue to use the inadequate footpath on the eastern side of the road. The increase in vehicle movements in Derwent Road as a result of the new junction would therefore increase the hazard to pedestrians and is clearly unacceptable. Furthermore, in order to support sustainable travel modes, residents of the new estate at Valley Farm would be encouraged to use the local footpath network and would, by virtue of a lack of a footpath on the western side of Derwent Road and the inadequate width of the footpath on the eastern side, be subject to the same hazard.

Between the primary access junction and the county boundary, it is proposed to provide a 3m wide footpath/cycleway on the southern side of Leighton Road.

However, between the county boundary and the Soulbury Road/Derwent Road junction the width of the proposed footpath/cycleway would be reduced from 3m to 2m. To accommodate this 2m footpath/cycleway on the southern side of Soulbury Road a realignment of the road on its northern side is proposed. Given that Leighton-Linslade is a Cycle Town, the proposed 2m wide shared surface footpath/cycleway is unacceptable. Moreover, the proposed realignment and narrowing of Soulbury Road between the county boundary and its junction with Derwent Road would be detrimental to highway safety and the free flow of traffic.

In respect of the wider highway network, the applicants have assessed how various junctions would operate in the future as a result of the increased traffic generated by the Valley Farm development. Where required, mitigation is proposed to address specific junction capacity issues. In his comments, the Highways Officer raises the following objections to the scheme's impact on the wider highway network.

- West Street/Bridge Street junction - The congestion arising from a quadrupling of the traffic queue length in the PM peak would be unacceptable. The mitigation proposed, which would involve widening the carriageway and increasing the diameter of the central island to 6m, would not achieve the capacity improvements that the applicants' modelling programme suggests.
- West Street/North Street - The increase in traffic would result in a doubling of queue length in the PM peak. The mitigation proposed would involve widening North Street (to the north of the roundabout) and introducing a left 'filter lane' here. The reduction in the entry angle below 20 degrees and the reduction in the length of the zebra crossing on Leston Road would be not only hazardous to pedestrians using the zebra crossing but also to other vulnerable road users and motorists.
- Leston Road/Hockliffe Road - The mitigation proposed would involve widening the carriageway junction entry width on both Leston Road (north of the roundabout) and Hockliffe Street (east of the roundabout). In turn, this would slacken the entry and exit radius curves and thereby increase entry and exit vehicle speeds. Given that there is an access (to a flats development) onto the radius at the location north of the roundabout and the Town Council/commercial access close to the exit, this increase in vehicle speeds would be hazardous to both vulnerable road users and motorists.
- Bunkers Lane/Wing Road - Since the application was submitted the Council has introduced a junction amendment by way of a mini roundabout which has improved flow and reduced queuing. The works proposed here would be wasteful and detrimental to the highway network.

The proposal has not demonstrated that it would cater for the increase in traffic that the Valley Farm development would generate. Such additional traffic is likely to increase traffic congestion at a number of junctions within the Leighton-Linslade urban area. Furthermore, the mitigation measures proposed by the applicants would be detrimental to highway safety.

With regard to the sustainable transport aspects of the Valley Farm development, the Sustainable Transport Officer raises the following objections.

- A shared footway /cycleway would not be provided either side of the primary (Leighton Road) access and would not be continuous to the town centre. The realignment and narrowing of Leighton Road would be necessary in order to facilitate a footway on one side to the Derwent Road junction. The current proposal does not detail how cyclists would transfer from the cycle path to the highway and indeed if the carriageway was to be narrowed in this location, then it would not be safe for these vulnerable road users. There would also be a lack of connectivity to the north west and into Buckinghamshire.
- There would be a lack of provision for pedestrians and cyclists from the part of the site north of Leighton Road to cross the road to access schools and other services on the south side.
- Measures would need to be introduced in Derwent Road that would encourage 20 mph speeds and these should take the form of actual road humps rather than the 'virtual' option together with a school safety zone to facilitate safe and sustainable travel to the lower school and beyond.
- Pedestrian and cycle access from the site should have priority at Derwent Road, being suitably located to facilitate use of the internal network of footpaths across the Southcott area to the railway station.
- There is a need for financial contributions to upgrade the internal network of footpaths to cycle route standard. However, this footpath network is not public highway and some negotiations would be needed with Southcott Management Company whose responsibility these remain. This is not within the applicants' control so must be considered not possible.
- Further opportunities should be taken to facilitate both walking and cycling through enhancements to the Rock Lane bridleway which would provide an excellent opportunity for links from the eastern boundary.
- With regard to on-site provision, there is only one 'cycleway'. All segregated routes should be open to all in order to maximise the potential for cycling. In fact the one off-road route is to the west of the site ignoring the fact that all of the key destinations are to the east.
- The main proposals in respect of public transport are for diversions to existing services from Leighton Road into the Valley Farm site through a bus only access. These proposals are inadequate due to the nature of the existing service which does not provide direct access to the town centre and would be likely to discourage residents from using public transport.
- A direct and bespoke service is required, using the Soulbury Road corridor only, that meets the needs of commuters using the railway station and facilitates access to the town centre. The developer should provide this service, but it is not offered within the application.
- A more detailed travel plan is therefore expected that would need to be secured as part of this planning application.
- The travel plan is also deficient in terms of the setting of targets in that Central Bedfordshire would expect a target of a 20% reduction in single occupancy car use over and above the baseline data provided in the Transport Assessment, rather than a target to achieve the baseline figures only.

Having regard to the objections set out above, it is clear that the application fails

to make adequate provision to promote sustainable travel modes.

2. Impact on street scene

The construction of the proposed secondary access would involve the removal of 110m of hedgerow that adjoins the Derwent Road carriageway on its western side. The Tree and Landscape Officer has assessed the hedgerow and it is not considered to be 'important' in terms of the botanical criteria set out in the Hedgerow Regulations 1997. The Historic Environment Information Officer advises that given it marks the historic parish boundary between Linslade and Soulbury parishes and marks the line of an Anglo-Saxon estate boundary described in a charter of AD 966, the hedgerow is 'important' in terms of the historical criteria described in the Hedgerow Regulations. Whilst this is not an application to which the Hedgerow Regulations apply, given its size and depth, the hedgerow makes a significant contribution to the visual amenity of the Derwent Road street scene and is of significant local historical interest. The loss of such a substantial length of hedgerow would have a significant detrimental impact on the visual amenity of the streetscene and on the local historic environment.

Recommendation

That Planning Permission be REFUSED for the following:

- 1 The introduction of an access on Derwent Road that would serve a major urban extension development on adjoining land at Valley Farm (Leighton Road, Soulbury) would increase vehicular movements onto a road which, by virtue of the inadequate width of the footpath on the eastern side, would increase hazard to vulnerable road users. Furthermore, if granted permission, the proposed urban extension development would increase pedestrian traffic along Derwent Road which, by virtue of the lack of a footpath on the western side and the inadequate width of the footpath on the eastern side, would be hazardous to all road users. The proposal is, therefore, contrary to national guidance in Planning Policy Guidance 13 (Transport) and Policies T2, T4, T8 and T9 of the East of England Plan.
- 2 The proposed realignment and narrowing of Soulbury Road between the county boundary and its junction with Derwent Road would be detrimental to highway safety and the free flow of traffic. The proposal is, therefore, contrary to national guidance in Planning Policy Guidance 13 (Transport) and Policies T4 and T8 of the East of England Plan.
- 3 The proposal fails to demonstrate that it would make adequate provision for the increase in traffic that would be generated by the urban extension development at Valley Farm (Leighton Road, Soulbury) and is likely to lead to an increase in traffic congestion at a number of junctions within the Leighton-Linslade urban area. Furthermore, the proposed mitigation measures described in the application would be detrimental to highway safety. The proposal is, therefore, contrary to national guidance in Planning Policy Guidance 13 (Transport) and Policy T8 of the East of England Plan.
- 4 The proposal fails to make adequate provision to promote sustainable travel

modes such as cycling, walking and public transport. The proposal is, therefore, contrary to national guidance in Planning Policy Guidance 13 (Transport) and Policies T2, T4, T8 and T9 of the East of England Plan.

- 5 The construction of the proposed secondary access would involve the removal of 110m of hedgerow that adjoins the Derwent Road carriageway on its western side. The hedgerow makes a significant contribution to the visual amenity of the Derwent Road streetscene and is of significant local historical interest. The loss of such a substantial length of hedgerow would have a significant detrimental impact on the visual amenity of the streetscene and on the local historic environment. The proposal is, therefore, contrary to national guidance in Planning Policy Statement 1 (Delivering Sustainable Development), Policies ENV3, ENV6 and ENV7 of the East of England Plan and Policy BE8 of the South Bedfordshire Local Plan Review.

DECISION

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Mr. A. S. Barker
Area Planning Officer (North)
Aylesbury Vale District Council
66 High Street
Aylesbury
Buckinghamshire
HP20 1SD

Your ref: ASB/10/00500/AOP
Our ref: CB/10/00859/FULL
Date: 2 June 2010

Dear Mr. Barker

Proposed mixed use development including residential (C3) - some 900 dwellings - employment (B1), commercial (A1, A2, A3, A4, A5), primary school, health centre (D1), leisure and community (D2) land uses and associated roads, drainage, car parking, servicing, footpaths, cycleways, public open space/informal open space and landscaping on land at Valley Farm, Leighton Road, Soulbury

Thank you for your letter dated 18th May 2010 (received on 24th May 2010). In respect of the points raised therein, I would comment as follows.

With regards to the new Government's stated intention to abolish regional housing targets, at the time of writing it is not entirely clear what impact this new national policy will have on the emerging Core Strategy for Luton and southern Bedfordshire. It is quite possible that the 'Policy' section below is already out of date.

Policy

It might be helpful if I set out the background to the Core Strategy Preferred Options (CSPO) document published for consultation in April 2009

The 'growth agenda' referred to in the document has been set by Government through the Sustainable Communities Plan (2003) which made Luton and southern Bedfordshire part of one of four growth areas in the east and south east of England. In this area these proposals were elaborated through the (March 2005) Milton Keynes and South Midlands Sub-Regional Strategy (SRS). The SRS identifies the Luton/Dunstable/Houghton Regis/Leighton-Linslade urban areas as a housing growth area and Policy 2(b) sets a minimum housing requirement of 26,300 for the growth area to 2021. The later (May 2008) East

of England Plan (EEP) Policy H1 takes account of completions between 2001 and 2006 and identifies the residue minimum requirement for 2006-2021 as 21,900.

In 2007, a consultation exercise was undertaken on a Core Strategy Issues and Options Paper which set out various strategic spatial options to secure the implementation of the growth allocated to this area. Valley Farm formed part of one of 13 potential areas for development. The 13 sites were only broad areas of search and did not indicate in any way preferred locations for development and did not indicate that Valley Farm was in any way preferable to other locations. It follows that no weight should be given to the application site being identified as a potential area for development.

The CSPO document is the next stage in the process and sets out the spatial development principles and preferred policy approaches for delivering growth.

In existing urban areas opportunities exist for new development, particularly residential, thereby minimising development in the countryside. An 'urban area first' principle is therefore preferred. Development would be focused on the 'main conurbation' of Luton/Dunstable/Houghton Regis because most existing services and facilities are located there and it also offers the greatest potential for efficient public transport use and new employment. Leighton-Linslade would benefit from new development at a smaller scale as it represents a smaller urban area with fewer services and facilities. The emerging Core Strategy states that 60% of all new residential development should be in existing urban areas up to 2021, with 40% thereafter up to 2031. Indeed, up to the year 2012/13, most new residential development will be in those areas.

Evidence shows that not all development needed can be delivered within existing urban areas. Therefore, sustainable urban extensions are the preferred means of delivering the rest. The Council considers the most sustainable form of urban extension are those with sufficient 'critical mass' to function in a way that ensures they do not place unreasonable burdens on existing or new infrastructure. They should also contribute to serving the needs of existing communities within adjacent urban areas where infrastructure deficits exist. Whilst this approach may take a little longer to deliver because larger urban extensions tend to be more complex and time consuming to bring forward, the Council considers it preferable to identify a small number of large scale sustainable urban extensions than to release a larger number of non-strategic, smaller urban extensions that will be unlikely to deliver appropriate amounts of supporting infrastructure. Allied to this is a key aim of the emerging Core Strategy to secure the regeneration of existing urban areas, particularly Luton which has significant areas of deprivation.

Following earlier consultation and analysis of evidence, three preferred urban extensions and one preferred direction of growth have emerged. The three preferred urban extensions are:

- North of Houghton Regis, delivering around 7,000 homes;
- North of Luton, delivering around 4,000 homes; and

- East of Leighton Buzzard, delivering around 2,500 homes.

The preferred direction of growth lies to the east of Luton. This is mainly within North Hertfordshire District and would therefore be planned for through their Core Strategy. The LDF Planning Authority, the Luton and South Bedfordshire Joint Committee, considers that 5,500 new homes should be delivered in this area.

Central Bedfordshire Council recognises that in light of a recent Luton Borough Council decision, development to the East of Luton is not supported by the Borough Council. This is not the position of the Joint Committee. However, as development would not deliver dwellings to the East of Luton until 2016 to 2017, and then initially only 100 dwellings within this period, the decision by the Borough Council does not impact upon the deliverability of housing in the short term.

Turning to Valley Farm, Paragraph 84 of the SRS envisages that Leighton-Linslade will have to make an “*appropriate contribution*” towards growth. It is recognised in the SRS that there will be a need for a review of the Green Belt around the built-up area to accommodate urban extensions and SRS Policy 2(b) provides for such a review. It is important to note, however, that the review is to be undertaken through Local Development Documents (Policy 2(a) and paragraph 88) and not ad hoc releases of Green Belt and other rural land through development control decisions.

The application site was put forward by the applicants as a possible urban extension, but was rejected in favour of a more sustainable urban extension to the east of the town. There is nothing within the SRS or the EEP to indicate that the application site is a more appropriate urban extension than that proposed or that any such extension should come forward other than through an Local Development Document. As mentioned above, the strategy of accommodating growth in sustainable urban extensions provides an opportunity to enhance the infrastructure of the growth area; an opportunity that is wasted by smaller ad hoc urban extensions.

Whilst paragraph 88 of the SRS envisaged that construction on one or more urban extensions should start by 2009, that has clearly been overtaken by the recession and commencement is now expected somewhat later. Notwithstanding this situation, the Council is confident of meeting the 26,300 minimum requirement by 2021.

The Council considers that approval of this planning application could potentially delay the delivery of sites to the south and east of the town which are needed to provide a constant supply of new housing as well as critical new community infrastructure for the town. As a result, it would conflict with the emerging planning objectives and spatial vision for a more self-contained Leighton-Linslade, as identified in the CSPO document.

Environmental, economic, social and community infrastructure

Landscape

Whilst the application site is located outside the Central Bedfordshire boundary, the landscape is continuous; the form and character has guided development in the past and should continue to direct development now to determine where development is or is not appropriate and to ensure growth fits within the landscape context. The western settlement edge of Linslade is well contained by the landform and vegetation/tree cover in the adjacent countryside. The Council considers that the proposed development to the west of Linslade will be seriously detrimental to the existing character and quality of the local landscape, detract from the rural settings of settlements and impact on the amenity value of the local countryside.

Employment

The Luton and South Bedfordshire Joint Employment Land Review (January 2008) advises that the main conurbation will be the primary employment location and is likely to attract the majority of jobs. The future scale of expansion at London Luton Airport would be a significant employer and influence on the employment opportunities over the plan period. New strategic employment locations would be promoted around the proposed M1 Junction 11A and near to the airport. Whilst some limited new job growth would be encouraged at Leighton-Linslade to support the additional housing proposed there, the application site was not identified as the preferred location for new employment land in the Employment Land Review, primarily due to its location at the rear of an existing housing development and in sensitive landscape which makes access difficult and raises concerns about potential visual impact. Direct access onto/from the Linslade Western Bypass would be needed to make the site more appealing for employment uses and any development is likely to be modest, given the limited scale of the site and the limited employment market in Leighton-Linslade.

Education

The new scheme would incorporate the provision of a primary school on site to serve the development (that would have its own catchment area) and financial contributions, appropriate to the scale of the development, would be made to satisfy both secondary and special education needs off site. There would be limited, if at all any, surplus capacity at any of the nearby middle or upper schools in Central Bedfordshire to accommodate pupils from the proposed development, as any existing surplus is expected to be absorbed by the additional pupil yield from both existing and future planned developments in the Leighton-Linslade area.

Sustainable Transport

There are a number of concerns in respect of cycling, public transport and the travel plan.

Central Bedfordshire Council

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Cycling – Primary access off Leighton Road

- The shared footpath/cycleway on either side of the access would be discontinuous and a realignment of Leighton Road would be necessary to facilitate continuous length.
- The proposal does not indicate how cyclists would transfer from the cycleway to the highway, nor does it explain why cyclists wishing to go towards Soulbury would have to divert into the estate in order to go straight on.
- The cycleway should also extend down the hill towards the town, as well as providing a continuous link to the railway station.
- There appears to be a lack of connectivity to the north west
- If a signalised access is preferred, advance stop lines would be necessary to give cyclists the advantage. However, a 'continental' style roundabout with single lane entry and zebra crossings on all four arms would be more attractive to cyclists and pedestrians.
- Cyclists are allowed to use the road and it should be designed to allow this to happen safely. The junction design fails to incorporate features that result in naturally lower speeds and a safe environment for cyclists and pedestrians. The use of right turn lanes is one shortcoming.
- The separate bus access should also accommodate cyclists and may be a preferred option, although the discontinuous cycle route would remain.

Cycling – Secondary access off Derwent Road

- The design of the access should be revisited in the context of *Manual for Streets* which would suggest that the proposed visibility splays would be excessive in this location and would encourage higher speeds.
- In terms of promoting sustainable travel, Derwent Road has the potential to be an extension to the site. Measures should be introduced in Derwent Road to encourage 20mph speeds, for example, actual road humps rather than the virtual option proposed and a school safety zone to facilitate safe and sustainable travel to the lower school and beyond.
- Given the site's proximity to the internal path network across Bideford Green to the railway station, cyclist and pedestrian access from the site should be a priority at the Derwent Road junction, although it is not clear whether the access would be of sufficient width to provide an attractive and safe opportunity for cycling and walking.
- There should be enhancements to the roadside footpath network, in particular to address the lack of an adequate footpath along Derwent Road. Financial contributions should be made towards upgrading the existing internal footpath network to cycle route standard. This network is not public highway, but the responsibility of the Southcott Management Company Limited, so some negotiation would be required.
- There is a lack of clarity about management of the secondary access, as it has the potential to encourage 'rat running' and cause problems at the Bunkers Lane/Wing Road junction which is now working well as a mini roundabout that supports cycling use and slows down traffic. The secondary access should be for sustainable travel modes only therefore facilitating these modes rather than the car.

- If the development is to maximise the opportunities available for sustainable travel, enhancements to the interchange facilities at the railway station should be considered. This would include improvements to the existing railway footbridge and bus facilities.
- With regard to on-site provision, whilst designs that encourage lower speeds are supported, the needs of more vulnerable road users, such as schoolchildren, must be taken into account. There is concern that whilst a number of routes through the development would be designated 'pedestrian only', only one would be a 'cycleway'. All segregated routes should be open to all in order to maximise the potential for cycling. The one off-road route is to the west of the site, ignoring the fact that all of the key destinations are to the east.

Public transport

- The bus strategy is inadequate due to the nature of the existing service which does not provide direct access to the town centre. It would likely discourage residents from using public transport.
- A direct, bespoke bus service is required, travelling along the Soulbury Road corridor only, for commuters using the railway station and facilitating access to the town centre. The applicants would be expected to provide this service and it should run from 6.00am to 9.00pm with frequencies of 20 minutes in the peak and 30 minutes off peak from commencement of development and frequencies of 15 minutes and 20 minutes upon full occupation. The service would need to incorporate real time technology and financial contributions towards enhancing bus infrastructure along Soulbury Road would be required in addition to the necessary waiting facilities within the development.

Travel plan

- The framework travel plan falls short in terms of a commitment to provide everything that is deemed necessary to encourage sustainable travel from/to the site. The management of this is crucial to mitigate the traffic that would otherwise be generated and a more detailed travel plan should be submitted and secured as part of this planning application.
- The travel plan is also deficient in terms of the setting of targets in that this Council would expect a target of a 20% reduction in single occupancy car use over and above the baseline figure referred to in the Transport Assessment rather than a target to achieve that baseline figure only.
- There is a lack of clarity about how the different uses on the site would be dealt with in terms of travel plan obligations and about the role of the travel plan co-ordinator to manage the whole.

Countryside Access

General Comments

- The proposed open space, country park, woodland planting and other informal spaces appear to be sufficient for a development of this size, although the masterplan is obviously locating these areas where there are considerable constraints rather than where there has been assessment of

need/deficiencies.

- Development of this size would place additional pressure on the existing green infrastructure around Leighton-Linslade. The Council refutes the suggestion in the '*Open Space and Recreation Technical Appendix*' that there would be only a 'minor' increase in residents using Linslade Wood. All user surveys and countryside data suggest that people want to use established landscape areas (due to their longstanding beauty, topography, etc.) for their informal recreational enjoyment and it would take time for users to change habits and to be attracted to newly laid out and planted provision. New residents may use the new 'country park', however, they are more likely (especially those in the north of the development) to use existing facilities – namely Linslade Wood and Stockgrove Country Park.

Country Park

- In order for the applicants' 'offer' to be credible, the Council needs to see much more detail on the quality of provision on this site. The Council would suggest that if the site is to be considered as 'country park' standard, it should be expected to conform to Natural England's 'Green Flag' standards.

Access Routes and Rights of Way

- The access routes (footpaths and cycle ways) in some areas are sufficient. However, there is a need to provide more access, particularly bridleway access, which is an acknowledged deficit in the area. The Council would like to see the route to the north east into Linslade Wood to be provided to a full multi-user standard, that is, access should be sufficient for walkers, cyclists and horse riders. The Council would expect to see a Pegasus crossing provided on the B4032. Given appropriate highways design, this should be achievable.

Existing sites

- There are a number of important Council-owned countryside sites which are in close proximity (15 minutes drive) to the proposed development – Linslade Wood, Stockgrove Country Park and Tiddenfoot Waterside Park. Based on surveys, it is estimated that at least 30% of the new residents would visit these sites.
- The Council is particularly concerned about the impact this development would have on Linslade Wood (both the community woodland and the ancient woodland). The development proposes a number of properties to be built in the adjacent field and with access routes from the development into Linslade Wood. The applicants should provide a wider landscape buffer between the housing and the wood. Furthermore, substantial S106 contributions should be offered to enable the wood to deal with the increased demand.
- Stockgrove Country Park will come under increased pressure throughout the development (particularly until all elements of the proposed 'country park' are provided) and even once the development is complete. Stockgrove Country Park is an established country park which comprises 80 acres including a SSSI, lakes, marshes, ancient oak woodlands and

meadows. It will always be popular and visitor forecasts suggest that visitor numbers, including visitors from new developments, will continue to grow.

S106 Contributions

- PPG17 is clear that planning obligations may be used as a means to remedy local deficiencies in the quantity or quality of open space and countryside recreational provision. A suite of contributions would have to be provided to mitigate the impact that this development would have on the countryside and particularly those sites which would be under greater pressure. These improvements can only be achieved by means of S106 obligations to improve countryside access.
- If granted permission on appeal, the proposed 'Stoke Road' development (adjacent to the eastern boundary of Linslade Wood) would deliver significant contributions towards Linslade Wood and the Leighton-Linslade Green Wheel proposals.

Conclusion

- The proposed development would put the Council's countryside facilities under pressure. It would take a significant number of years before the proposed 'country park' could compare with the existing facilities at Linslade Wood and Stockgrove Country Park
- The open space and 'country park' would have to be provided early in the phasing. Delay in providing such green infrastructure should have a bearing on the amount of funds provided through the S106 obligations to support the other sites.

Sewerage system

Anglian Water Services Limited comments as follows.

- There are assets owned by AW or those subject to an adoption agreement within or close to the site boundary that may affect the layout of the development.
- There is sufficient water resource capacity to supply the development. However, AW would wish to see measures taken by the applicants to ensure that the proposed buildings are constructed to high water efficiency standards to minimise growth in demand for water from the new development and help ensure sustainable use of the region's water resources.
- The proposed development could not be supplied from the water supply network that at present has inadequate capacity.
- The foul sewerage system could not accommodate flows from the development. AW is not aware when capacity will become available, but this is unlikely to be within the standard planning permission timescales. If development proceeds before further capacity is provided, it is possible that this would result in environmental and amenity problems downstream.
- The foul drainage from the proposed development would be treated at Leighton-Linslade Sewage Treatment Works (STW) that at present has not got available capacity for these flows. Whilst the STW has sufficient

consented dry weather flow capacity, process capacity is a constraint. As the site is currently environmentally compliant, AW would have no plans for process upgrades during the next charging period.

From copies of documents sent to me I understand that you are aware of comments made by The Greensand Trust, NHS Bedfordshire, Natural England, Sport England and Voluntary and Community Action Central Bedfordshire.

I will advise you of further consultation responses received as soon as I am able.

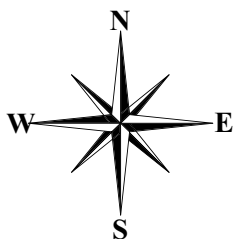
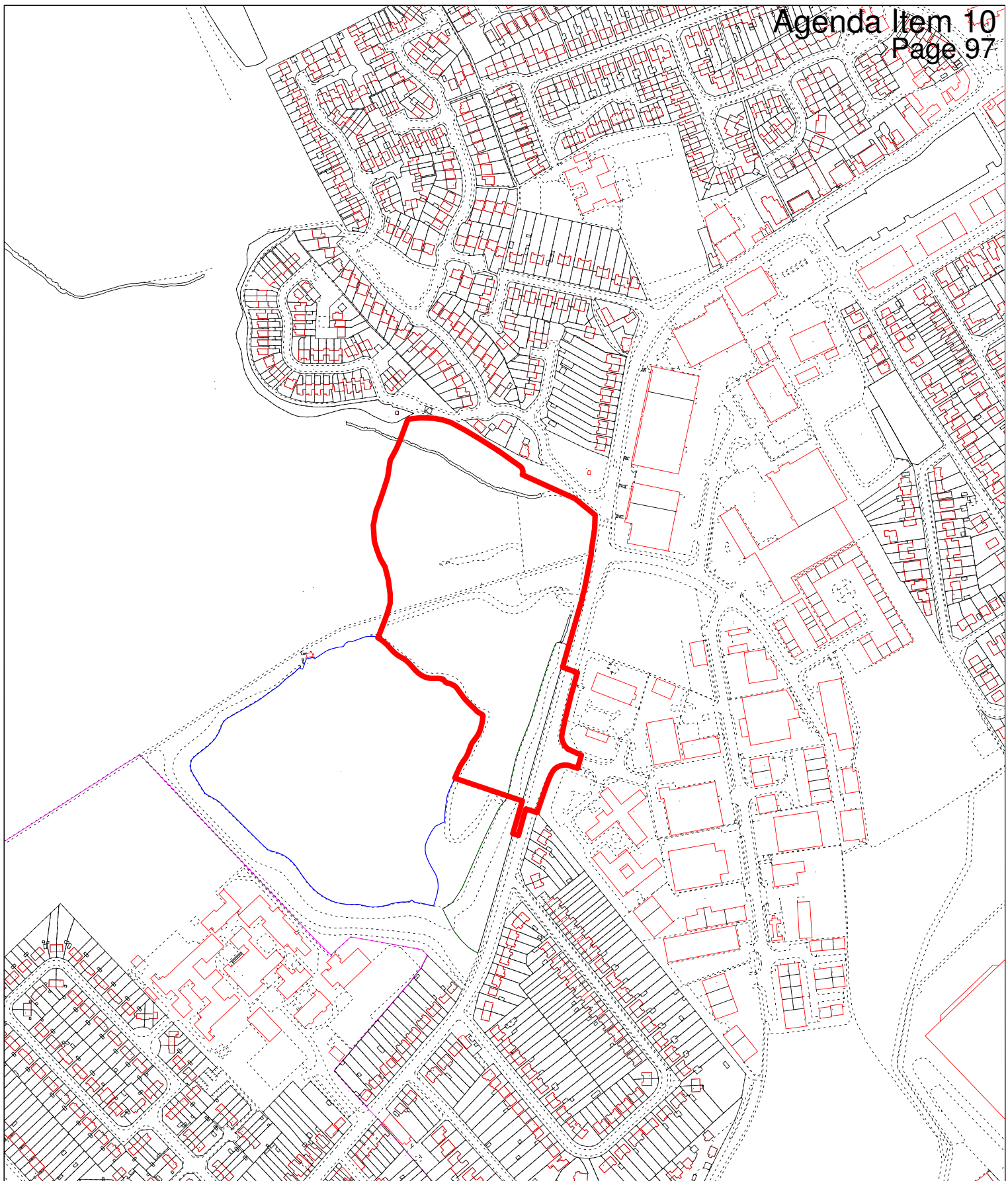
Yours sincerely

C. J. Murdoch
Senior Planning Officer

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Date: 08:June:2010

Map Sheet No

CASE NO.

Scale: 1:5000

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SCHEDULE B

APPLICATION NUMBER	SB/07/01448/OUT
LOCATION	Land At Houghton Quarry, Houghton Road, Dunstable
PROPOSAL	Erection of up to 140 dwellings with associated car parking, amenity space and landscaping, formation of new vehicular access to Houghton Road and drainage works. (Outline)
PARISH	Houghton Regis
WARD	Houghton Regis
WARD COUNCILLORS	Cllrs Egan, Goodchild, Jones & Williams
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	12 December 2007
EXPIRY DATE	02 April 2008
APPLICANT	Cill Dara Property Partnership
AGENT	DP9
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan, major application with unresolved objection from Town Councils
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

Houghton Quarry is a large worked-out chalk quarry between Houghton Regis and north Dunstable, having the plan form of an inverted triangle. Its mile - long northern edge is cut into the top of the Lower Chalk scarp as it falls to the Ouzel Brook valley, although the Millers Way estate overlooks it from the eastern part of the low cliffs. The south-east side presents a mainly cliff-edge extending from the junction of Houghton Road/Townsend Farm Road to the junction of the A5 with Frenchs Avenue, the whole length being followed by a public footpath within the site. Off-site the northern part of this side, where there is more of a slope than a cliff, abuts a deeply sunken lake (former reservoir, and fished by Dunstable Angling Club) in scrub/woodland, and the southern part abuts the playing fields of All Saints Academy and commercial buildings fronting the A5. The south-west side has the highest chalk cliffs and runs parallel to the A5 (itself set in a parallel deep cutting) from Frenchs Avenue to the settlement of Puddlehill/Chalk Hill. The quarry floor gradually slopes or steps down from Townsend Farm Road (natural level 132m OD) to beneath the western cliffs (116m OD) which themselves rise sheer to 150m OD, the highest adjacent natural ground level. In this basin 2 marl lakes have formed, one seasonal and shallow and the other deep. Further ephemeral lakes occur on the barren steps depending on recent rainfall. The reservoir 'overflows' by a sluice onto a stream which makes its way to the shallow lake.

The main buildings for the quarry were located on the opposite (east) side of Houghton Road and have all been demolished and replaced by commercial Blackburn Road and Mayer Way. A smaller complex of buildings and plant was located in the quarry where a railway tunnel and road crossed from the main buildings to the eastern apex of the quarry. This complex also has been cleared and a considerable quantity of contaminated waste material bulldozed leaving residual landforms with occasional materials on the surface.

The present quarry is now naturally recolonising with more substantial scrub and small trees in patches, especially towards the east where the process of site clearance has resulted in more material overlying the bare geology. The fishing lake in particular is surrounded by naturally generating low woodland, which extends over a former fan of spoil from the main works and by the footpath. Intruders on trail bikes (and formerly cars) have carved numerous swathes through the vegetation. Concrete 'tank traps' and fencing has not entirely removed the problem of bikes and access on foot (including dog walking) still freely takes place.

The site comprises 4.9ha (4.5ha excluding adjacent roads) of land nearest Houghton Road, straddling the public footpath. The part north of the footpath (altitude 126m to 132m) covers the former building and plant area, former railway and road routes into the quarry. Its northern edge is a steep bank up to Millers Way/Farriers Way (and the gardens of some residential properties), rising to 139m. The southern part includes the tree-lined footpath and a former dumping area of the works dipping down to the fishing lake (123m). This is now partly covered with scrub and trees.

The site is not within the Green Belt. A small area at the northern edge (next to Millers Way) is shown in the Local Plan as having 'residential planning permission', although this may be simply the cartographic limitations at this scale of depicting the now-developed Millers Way estate. The 'non-residential' rest of the site is part of the Houghton Regis Chalk Pit County Wildlife Site (CWS - noted for re-colonisation of exposed chalk, albeit unmanaged). The more significant Houghton Regis Marl Lakes SSSI extends from the quarry proper but its eastern boundary is at all places at least 50m from the site. The broad safeguarding line of the A5 Dunstable Bypass crosses the site on an east-west axis. However, this road has been formally withdrawn as a proposal (letter 5/10/06 from Highways Agency) although there is renewed interest from the Woodside Link (see below).

The owner of the site (who is not the applicant) holds a total of 75ha land hereabouts, the remainder being the quarry and fishing lake and most of the large arable field to the north (25ha), which is in the Green Belt.

By road the site is about a third of a mile from Houghton Regis town centre and 1¼ miles from Dunstable town centre.

The Application:

This outline application is to build up to 140 dwellings, with associated access infrastructure, drainage and open space, on the site. An Environmental Impact Assessment (EIA) has been undertaken, to be considered at the same time. Means of access to Houghton Road is to be considered at this stage, comprising 145m of estate road into the site from a junction opposite Mayer Way together with some land take for junction widening and a 55m access to the existing fishing club car park. The road would descend away from Houghton Road on an embankment and short 4m high retaining wall. Scale, layout, appearance and landscaping are reserved. In February 2009 the proposal was amended to relocate the highway access to a point opposite Townsend Farm Road, but land ownership issues have made it necessary to revert to the original scheme.

The application is accompanied by:

- Design and access statement (D+A) which includes Design Guidance intended to 'set design principles that will be used to inform the more detailed design stage' (ie. reserved matters)
- Environmental Statement (5 vols) including Flood Risk Assessment
- Transport assessment Final Report with draft Travel Plan.

The D+A includes a parameter plan which shows:

- a revised boundary for CWS (to exclude the portion within the site)
- a corridor for a potential future use as an urban extension or bypass link (the Woodside Connection), based on the safeguarded line
- wooded buffers to Millers Way and Houghton Road
- 10m 'no-build' buffer on western boundary
- road/path to incorporate public footpath crossing site
- amenity open spaces including a Local Equipped Area for Play
- 10m deep fenced off access for fishing lake and informal car park for fishing club

An illustrative masterplan shows frontage development to all highways within the site and a 3m shared footway/cycleway alongside Houghton Road.

The chosen surface water drainage scheme is a pipe extending from an oil interceptor 250m westwards to an existing seasonal lake, with inlet and outlet controls.

The Environmental Statement covers the following subjects: methodology, description of site and development, planning context, land use, community and socio-economics, ecology, landscape and visual, soils geology and contaminated land, groundwater and hydrogeology, hydrology and flooding, traffic and access, climate and air quality, noise and vibration, sustainability and use of natural resources, cumulative effects, conclusions. It includes specialist reports: Ecological Baseline, Geoenvironmental and Geotechnical Combined Factual and Interpretative Ground Investigation Report, Transport Assessment.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS9 - Biodiversity and Geological Conservation, PPS10 - Planning for Sustainable Waste Management, PPG13 - Transport, PPG14 - Development on unstable land, PPG15 - Planning and the Historic Environment, PPG16 - Archaeology & Planning, PPG17 - Planning for Open Space, Sport & Recreation, PPS22 - Renewable energy. Includes a companion guide, PPS23 - Planning and Pollution Control, PPG24 - Planning & Noise, PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008)

SS5 - Priority areas for regeneration

SS8 - The urban fringe

H1 - Regional housing provision

H2 - Affordable housing

T2 - Changing travel behaviour

T4 - Urban transport

T8 - Local roads
ENV3 - Biodiversity and earth heritage
ENV7 - Quality in the built environment
ENG1 - Carbon dioxide emissions and energy performance
Wat3 - Integrated water management
Wat4 - Flood risk management
WM6 - Waste management in development

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

2(a) Luton/Dunstable/Houghton Regis and Leighton Buzzard
3 Sustainable Communities

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure
Policy 46 - New Infrastructure - CC

South Bedfordshire Local Plan Review Policies

SD1 - Keynote Policy
BE8 - Design Considerations
T4 - Translink Project
T10 - Parking - New Development
T11 - Contributions - Alt Parking
T13 - Future Road Construction
H2 - Fall-In Sites
H3 - Local Housing Needs
H4 - Affordable Housing
R10 - Play Area Standards
R14 - Informal Recreational Facilities
R15 - Rights of Way Network

Designation

Houghton Regis Chalk Pit CWS

Supplementary Planning Document

Houghton Regis Town Centre Masterplan 2008

Planning History

15113/LRD/765/208	Slurry, clay and water pipelines. (Pipelines connected Sewell Quarry with this quarry. Bridge over A5 removed but quarry floor underground pipeline situation unclear.)
19707/LRD/71/483	Reclamation by controlled tipping for future recreational purposes.
LRD/71/484	Area for reclamation and recreational development.
	(The latter 2 applications appear to relate to the fishing lake and were probably not implemented.)
SB/SCO/06/1195	Scoping opinion for proposed residential development of up to 140 dwellings with ancillary car parking, landscaping and formation of vehicular access to Houghton Road.

Considerable pre-application discussion and consultations have taken place prior to this application, including in respect of the remainder of the quarry.

**Representations:
(Town and Neighbours)**

Houghton Regis Town Council (18/08/09)	Objects. The Local Plan does not designate this site for development. It is believed that, before such developments as this are permitted, a master plan, including appropriate infrastructure improvements, for the whole Growth Area, should first be determined and in place. Reverting back to the original proposal of a new junction at Mayers Way is considered a backward step. This will result in two junctions on Houghton Road too close to each other, potentially creating worse traffic congestion along this route than already exists. A more appropriate location would be opposite Townsend Farm Road, which was in fact proposed in the application submitted earlier in 2009. It is suggested that a further improvement to this alignment could be for the route of Millers Way to be altered to merge with the new development access road within the development itself, which would result in a simple crossroads on Houghton Road, rather than a staggered one.
Dunstable Town Council (20/08/09)	Welcomes the safeguarding of the Woodside Connection but is still concerned that further residential development in this area would lead to an unacceptable increase in traffic congestion.
24 Aldbanks (18/01/08)	Voluntary Warden both here and at Blows Downs. The quarry is one of the most important wildlife sites in the county being the only wintering site for Jacksnipe and should never be built on. The site accommodated a pair of turtle doves in 2007 (rare in county) and a pair of ring plovers (schedule 1) plus many other rare plants and birds. The applicant was stopped from clearing vegetation on part of the site about 2002. The application should be rejected as it is not enough that the Wildlife Trust (WT) agree a management plan, because the owners should be managing the site anyway. However he would accept houses at the northern end of the quarry in exchange for the freehold of the SSSI and CWS being given to the WT.
GW Miller of Douglas Crescent (by email 12/08/09)	Objects to the traffic problems that would occur and asks for traffic lights at the end of Douglas Crescent. The submitted documents are particularly complex.

**Consultations/Publicity
responses**

Joint technical Unit (01/09/09)	The site is some distance from the potential urban extension and is more related to the existing urban area
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and capable of being developed prior to the masterplanning of the potential urban extension. It falls within category 1 and 5 of the Development Strategy in the Local Plan (depending on the interpretation of Previously Developed Land). At the Joint Committee meeting on 20th March 2009 the discounted route option which crosses the site should be protected for further testing (Woodside Link).

Subject to appropriate treatment of the SSSI and CWS and access arrangements, no objection.

Environmental Health
(18/12/07, 02/01/08,
17/03/09, 13/08/09)

An area of quarried and infilled land. Requests conditions to carry out a risk assessment and informative. Agrees that road traffic noise should be addressed. Windows do not need to be fixed closed.

Minerals and Waste
(15/09/09)

No objection - relatively small volumes of contaminated material to be removed from site. [Additional comments when acting for Beds CC:-] The quarry does not contain strategic reserves. Minerals and Waste Local Plan Policy GE26 can permit development provided opportunities for habitat creation are included. No objection provided it accords with other development plan policies.

Landscape Officer
(4/01/08 and 19/02/08)

No attempt has been made to retain the B-rated poplar next to footpath, but has no objection if the residential scheme is otherwise acceptable: recommends replacements in mitigation. No objection to east buffer zone proposals provided no soil infilling except for road. New tree and shrub planting will need to take into account the reclaimed nature of the soil and avoid creating any ecological conflict with the management aims of the SSSI and CWS (eg. not to use invasive species).

Landscape Planner (and
Ecology) (22/09/09)

Ecology:

- a. ecology and hydrology of the CWS and SSSI is evolving and complex;
- b. the Environmental Statement has not answered all questions but has investigated them in considerable depth;
- c. considerable caution needed when considering development in the vicinity of the site - possible impacts include reduced water infiltration, aquifer and lake pollution, aquifer flow diversion, flow diversion from fishing lake;
- d. accepts that, with appropriate safeguards, proposal would be unlikely to have a negative impact on the hydrology or ecology of the SSSI;
- e. applicants recognise their obligations in SSSIs, but there is no more than a moral duty to look after a CWS;
- f. recognises that without finance or 'public' purchase this will unlikely happen;
- g. CWS has been abused by public access and there is

- neglect of conservation management;
- h. if Council is minded to grant outline planning permission with the applicants' proposed management regime, all the items in chapter 8.5 will need to be agreed, funded and built into a management plan for the area before any application for detailed permission can be agreed [underlined];
- i. bats, badgers and great crested newts, among other legally protected species, occur in the quarry; there are few if any likely bat roost sites within the development area as it contains no buildings and cliffs and very few large trees; newts attempt to breed in pools close to the site and appropriately licensed exclusion procedures, with improvements to their habitat elsewhere, would be needed in advance of any development; management plan would take into account other species;
- j. has reservations about the proposed storm drainage into a quarry lake because of possible poor maintenance of oil interceptor or substances that bypass it and because of unknown 'natural' water volumes; Environment Agency should give advice here on minimising risk;
- k. overall, no objections provided ch 8.5 matters agreed, funded and built into a management plan before any development details are agreed; preferable to finalise the detail of the wildlife matters in advance of any planning permission, although a robust condition could be sufficient.

Landscape:

The quarry is a unique open space within an urban area, having qualities of scale, character and history and a rare and beautiful biodiversity resource. Does not oppose the development on landscape grounds in view of the benefits to the SSSI. Some concerns:

- a. The strong linear design is too great a contrast with the informal quarry,
- b. The lack of a visual focal point to the boulevards could be addressed by redesigning the open space such as a viewing area overlooking the quarry, which would be desirable in any case,
- c. Would strongly resist Woodside Link or any other through road,
- d. The perimeter open space does not act as a transition between quarry habitat and urban habitat - the fence could be of varied height and provide an artwork feature (see b above),
- e. Access to quarry for vehicles and identification of an interpretation facility,
- f. Trees and planting should reflect local character and be sourced from the Community Tree Trust.

(7/12/09, 29/3/10, 4/02/10, 140 dwellings serving onto Houghton Road. A junction with Townsend Farm Road should be used if the site were to be used for access to larger developments to the west (or the Woodside Link). It is calculated that this type of development would generate a 4% increase in movements within the Houghton Road corridor, which is below the significance threshold. Its location next to a public transport corridor enables enhancement to public transport through developer contribution thus promoting the reduction in car usage. The existing highway network endures degrees of saturation, operating at 92% capacity in the AM peak and 82% capacity in the PM peak over the eastern section. To mitigate this the developer needs to link the traffic signals between Mayer Way and Bedford Road. The Transport Assessment suggests junction control for the new development will be via a signal controlled junction with a level of intelligent traffic management through SCOOT (an area wide computer controlled traffic management system for the signals). Whilst acceptable in principle the more practicable approach for the authority is likely to be a local control system such as 'Mover'. These systems adjust the timing of traffic lights to optimise traffic flow on the network. The developer should be encouraged to provide cycle storage facilities at each property to further increase the attractiveness of cycling as an alternative to car use.

In respect of the layout details, the parameter plan gives enough flexibility (and the indicative layout enough confidence) to ensure that details would be able to address appropriate on-street parking and servicing. It may be that at details stage the status of Woodside Link would be clearer, thus aiding detailed treatment of the safeguarded corridor. Conditions recommended, including Travel Plan.

Highways Agency
(16/09/09)

No objection provided the submitted Travel Plan (June 2009) is included in the S106 Agreement.

Waste/Recycling Officer
(18/01/08, 5/10/09)

Satisfied to consider waste audit (for post-construction phase) at reserved matters stage (ie. condition at this stage). However, provision should be made for a bring site of 25m², ground anchors and a dropped kerb.

SBDC Community
Involvement Team Mgr
(23/01/09 and 16/03/09)

Central Houghton Regis venues will feel the impact of new development and the Memorial Hall, in a key position in the town, would be affected. Would welcome an opportunity to negotiate a contribution to improve the physical building and running costs, which could be matched by the Council.

Open Space (17/09/09,
14/10/09,20/10/09)

a. The proposed LEAP play area is insufficient and provision should be made for a LEAP of specified increased provision ensuring no access to the Fishing Club Zone or lake. A commuted sum is also required for

- maintenance,
- b. Design, content and layout of Gateway open space and formal square, and its adoption arrangements, to be agreed with Council,
- c. The Council will not adopt the waterside zone,
- d. Contributions towards off-site formal facilities,
- e. Advises calculation for maintenance of on-site open space.

Public Art (12/10/09,
30/10/09)

Generally agrees fully with comments of Landscape Planner (see above). Artwork, which could be a feature or landscaping, should be thematically and physically linked to the quarry and focus on local history, heritage and the aspects of the quarry as an SSSI. The boulevard especially could be more sympathetic to its surroundings and the open spaces should be linked, incorporating viewing spaces. The ideal process for 'public art' is for an artist to be involved at design and conception stage, and involving neighbouring residents in the process. Agrees that there is scope for art intervention for a fence/barrier and indeed a gateway feature (using materials relevant or complementary to the quarry) and could be a mix of landscaping and a 'made' piece. Recommends 1% of construction costs.

Rights of Way Officer and
Countryside Access
Service (11/01/08,
27/03/09,5/08/09)

FP1 passes through site, although the trod route is an unauthorised deviation.

There is a legal process for upgrading a footpath for use by cycles. No information in the application as to timing.

- Advises on legal process for temporary closure;
- accepts the retention of the definitive route as a cycle/footway but further details will need to be provided, including a barrier to prevent cycles continuing on footpath;
- cycle/footpaths could link with housing to north;
- advises on width of cycle route within site and margins for tree planting;
- seeks either upgrade of footpath beyond site for cycle use or contribution towards this;
- cycle route within site would presumably be publicly maintained who would determine its surface;
- arrangements should be in place to maintain bordering trees;
- further details desirable on cycle link with infrastructure east of Houghton Road and how the cycle route would cross the estate road within the site;
- looks forward to future public access to main quarry as part of green infrastructure. Countryside Access Service would wish to be involved with marketing and promotion of walking and cycling routes in the locality.

School Planning Team

Developer contributions needed for nursery, lower and

(15/09/09, 21/10/09)	upper school places.
Affordable housing	No objection as the officer contributed to drafting of S106 Agreement which reflects his views in the context of the viability assessment.
Environment Agency (9/01/08, 12/03/08, 19/03/09, 30/09/09)	Floodrisk management, Groundwater and contaminated land, environmental management: Planning permission should only be granted with conditions. These refer to details of surface water works, further calculations and specifications, contamination and remediation, penetrative processes, foul water drainage. Also offers informatives.
Bucks and River Ouzel IDB (21/01/08)	Outside the Board's district. Suggests condition requiring details of storm water design and construction.
Anglian Water (13/03/09)	Sufficient local sewerage capacity for surface and foul water. Recommends informatives on assets, foul, treatment and surface water.
Thames Water (13/08/09)	Not within their area.
Natural England (1/02/08, 09/06/09, 3/11/09)	<p>Adjacent to a CWS and an SSSI. The quarry is an exceptional site for a range of rare and protected species, and is of added significance given its urban setting and complicated hydrological regime. As part of the CWS will be lost the applicant must provide mitigation in terms of protecting existing ecological receptors and compensation in the form off a long term gain in the ecological value of the rest of the quarry.</p> <p>After consideration, including a meeting with the WT to discuss the SUDS, NE have reached a position where they do <u>not object</u> to the application subject to the rest of the site receiving much increased management effort to ensure that the biodiversity value of the site as a whole is enhanced.</p> <p>Has also been working closely with the WT over the drafting of conditions and endorse the recommendations in the letter from WT [see below]. In respect of draft condition 3 NE states that it has been agreed between the parties that the £300,000 would be used by the WT to employ a dedicated officer to undertake the necessary management works (including the SSSI) and who will engage the local community to reduce damaging/anti-social/illegal activity and will investigate the feasibility of opening the site to the public in the long term. This figure would need supplementing with money for capital items each year, such as tool hire, works materials, health and safety items etc.. Site owner contributions would be limited to £5000 per year. Other funding may be available in the longer term. In respect of draft condition 4 (the Management Plan) this should be prepared by a qualified ecologist and the timetable is essential. Indeed the applicant may find it</p>

advantageous to commission the WT to undertake the production of the Plan, which NE would welcome.

Wildlife Trust (3/02/08,
2/10/09, 2/11/09, 3/11/09)

Would normally object to an application which adversely affects a CWS, which is a Biodiversity Action Plan habitat, as this would in part, but commends the detailed ecological appraisal and accept the environmental statement's findings that this part is of lesser ecological quality than much of the rest of the site, but nevertheless has a buffering value.

- a. The marl lakes in the SSSI (offsite) are of major rarity and importance and it is noted that surface water would drain from the ephemeral lake into a second lake, rather than the marl lakes. This is preferable as any slight pollution would have greater effect in the marl lakes which are drying up;
- b. the red lined proposed pipeline would affect more of the CWS and its development should be protected by fencing and a watching brief;
- c. recognises that the loss of CWS could be compensated for by bringing the remaining CWS into an appropriate management plan in cooperation with Natural England and/or The Wildlife Trust - this approach is supported in policy;
- d. management of the grassland and wetland is needed and the application provides an opportunity to begin this management;
- e. does not believe there to be a suitable roost site for bats in the application area; but further work needs to be done regarding the ringed plover and turtle dove;
- f. correspondence with the applicants indicates that a sum of £300,000 would be immediately available to operate the management plan for 5 years; key elements are secure appropriate management dovetailed into SSSI management, community engagement; the management of the CWS and community engagement are positive benefits arising from the application and, given the history of deterioration of the site, a positive benefit to the remainder of the site;
- g. it is important to emphasise that the applicant would still fund, additionally, management work on the SSSI and continued hydrological studies of the chalk pit in relation to the marl lakes; this would be ongoing and should be funded to achieve agreed outputs with NE - this should also be for a 5 year period and the WT can assist the integration through supervision of contractors and monitoring of biodiversity;
- h. considers that this is an opportunity to begin to realise the potential of the chalk pit for its continued biodiversity value and its appreciation and use by the local community that has not been available before.
- i. gives proposed conditions, which have been devised

in consultation with Natural England:

- approval of scheme to protect Great Crested Newts and its implementation before implementation of planning permission,
- restriction of vegetation clearance without evidence on breeding birds,
- within 6 months of planning permission £300,000 to be released to the WT to fund 5 years' management and community engagement work to begin on the CWS,
- submission for approval of habitat management plan (per par.8.5 of ES) and its implementation,
- perimeter fencing to development area.

London Luton Airport
Operations Ltd (27/12/07)

No objections.

Campaign to Protect
Rural England (15/03/09)

Assume that EA, NE, WT and highway authority now accept the scheme. Has concerns of principle with any scheme that involves the loss of any protected areas of landscape. However, given the views above, on balance the environmental benefits of the scheme have the potential to outweigh the loss to the CWS and therefore do not object. But urge the tightest possible planning conditions and a S106 legal framework to ensure that the claimed environmental benefits are delivered.

Primary Care Trust
(24/12/07, 20/03/08 and
8/04/08)

Increased pollution through traffic would be more than balanced by capping contamination and better infrastructure. Therefore no likely threat to health. No other requirements.

Police ALO (10/01/08,
10/03/08, 27/03/09,
7/10/09)

The constraints of the site are such that it is unlikely to be a 'community safety model of best practice'. As such, and given the improvements which have been made to the latest plan, he has no objections provided: acceptable boundary treatments and acceptable lighting to parking courtyards.

Luton BC - Luton and
Dunstable Busway Asst
Project Mgr (03/03/09)

Should ensure that any alterations to the junction provide for improved bus priority and accommodate turning radii for bus operations; should safeguard (preferably segregated) route through scheme as a possible extension to the busway; requests financial contribution due to proximity to bus route.

Friends of the Earth (recd
24/01/08 and 19/08/09)

- a. Website was difficult to use;
- b. The biodiversity value and other special qualities of Houghton Quarry preclude it from development;
- c. A CWS is not designated frivolously and the site is a large area to lose, all being needed as a buffer to the SSSI. Indeed the SSSI would have been designated

over a wider area but for the bypass corridor. Impacts would be wider than the site boundary;

- d. Schedule 1 bird species including turtle dove have nested and bred on and near the site for 3 years and the number of plant species and invertebrates in the CWS is an astonishingly rich total near an urban area - among species highlighted are Chiltern Gentian, newts, butterflies, turtle doves and ringed plover;
- e. Questions whether certain benefits are that at all - eg scrub removal is not necessarily beneficial and motorbikes help keep areas clear for some plants;
- f. PPS9 states that biodiversity/geological interests should be maintained, enhanced, restored or added to. There is no place for mitigation or an assessment that harm is exceeded by benefits, and the application should be refused;
- g. Criticises time and extent of surveys on trees, birds and bats;
- h. Would compromise and erode various elements of the Biodiversity Action Plan, the habitats directive, and the Directive on the Conservation of Wild Birds (App1);
- i. Less damaging options are available for the Woodside Link and the safeguarding corridor should be removed;
- j. Significant money should not be spent here on the arts but rather on conserving threatened natural species;
- k. Increased level of pollution, litter and disturbance from the new housing. Construction vehicles would be needed outside the red line. Imported soil could harmfully enrich CWS and leach to SSSI. New residents should be advised that asbestos is capped. Disturbed asbestos could pollute quarry;
- l. Considerable drainage work needed outside site boundary and in CWS - support EA objection especially as stormwater could surge into the SSSI where spring sources produce different water characteristics - unacceptable risks with insufficient understanding;
- m. Little understood hydrology - quarry hydrology may have a part to play in reducing risk of upper River Lea drying up;
- n. Precedent for other applications [presumably in CWS/SSSI] with damaging impact;
- o. Could bring about more prolonged gridlock on Houghton Road. If its relief takes the making of a new junction, this should be done anyway, without new housing;
- p. Organised supervised visits to the quarry are useful but not as useful as random access for people to appreciate the wilderness;
- q. No reference to energy efficiency of housing and all should be built to code 5.

Dunstable Angling Club
(28/04/08, 25/08/09)

Landlord has agreed to sell them the fishing lake upon a successful application therefore support application. Needs:

- a. a secure perimeter because of danger of public access. Access from side road with good visibility and clear room to stop at gate,
- b. area for about 30 vehicles within perimeter,
- c. to maintain vehicular access to north west boundary of lake for maintenance and emergency,
- d. high security low maintenance fencing with no public access and conifers behind to prevent objects being thrown over the fence.

Determining Issues

The main considerations of the application are:

1. Local Plan and Development strategy
2. Natural history and impact on County Wildlife Site
3. Drainage
4. Pollution control on site
5. Access and other highway projects
6. Site layout and design
7. Other matters
8. Viability and S106 matters
9. Conclusion.

1. Local Plan and Development strategy

The quarry is not required as a strategic mineral reserve.

The site is not within the Green Belt and it is undesignated in the Local Plan (apart from a strip of land at the north of the site which, inaccurately, is shown on the Local Plan as having a residential planning permission). It is therefore not within the area north of Houghton Regis identified in the *Core Strategy: Issues and Options* document as a preferred option nor indeed within or adjacent to any of the other possible urban extensions considered under the Regional Strategy¹. A decision on this application can therefore be taken directly and does not need to await a future stage of the LDF.

The quarry as a whole is also outside the Green Belt but is a County Wildlife Site. The increased natural history value of the quarry floor has earned it SSSI status. The safeguarding line of the Dunstable Bypass crosses the north-central part of the quarry from Houghton Road to near Puddlehill, but avoids all but a small part of the SSSI. However, this road scheme is now formally abandoned although one of the options for the 'Woodside Connection' (see below), is on a broadly similar alignment through the site. To some degree it is possible to interpret T13 as protecting the corridor for this later road scheme.

The site keeps well away from the SSSI but is largely covered by the CWS and the highway safeguarding line. The adjacent Houghton Road is shown on the Local Plan for a Bus and Cycle Priority Scheme. Cycle lanes and shared surfaces have now been

provided linking Houghton Regis town centre with High Street North, Dunstable. The actual fenced and trod public footpath deviates from the recorded authorised route where it crosses the site, but this deviation appears to be long-lived. The proposal returns this to the authorised route.

We now examine the Local Plan Development Strategy and (saved) Policy SD1. Being largely undesignated the characteristics of the site could place it within categories 1 (within urban areas) or 5 (edge of urban areas). Category 1 applies both to previously developed sites (PDS) and vacant land within urban areas. We accept the view of the applicant that this site is a PDS². Therefore in our opinion the site falls within the first category of the sequence. It should also be noted that a key principle of the RSS is maximising the contribution of previously developed land.

The proposal would not conflict with the roll-out and future implementation of the LDF and would be suitable on a sequential basis for residential development, offering important potential short-term delivery in a non-Green Belt location (acceptable in view of the highly accessible situation) and there is no need to hold up this land until after masterplanning of the urban extensions. Indeed, the delay to the Core Strategy makes the early delivery of 'windfall' sites the more valuable. These therefore are important findings when considering the objection made by Houghton Regis Town Council.

¹ Land to the immediate north of the quarry is indicated in the Core Strategy Preferred Options report as part of one of the preferred urban extensions. The owner has already submitted representations for development in this regard. The site would not be adjacent to the indicative area but could be well placed for infrastructure links towards that area.

² PPS3 defines 'previously developed land' as '*...that which was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed infrastructure*' and excludes '*land that has been developed for minerals extraction...where provision for restoration has been made though development control procedures...*' or '*land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)*.' The term 'curtilage' is not commonly used in planning law except in the context of permitted development rights. However, as a way of defining land normally associated with buildings, it could include part of the quarry adjacent to the buildings. The previous PPG3 offered a helpful impression that 'natural surroundings' would mean a state that could support a nature conservation designation.

In 1951 the Ministry of Local Government and Planning granted planning permission for winning and working of chalk here (and elsewhere) but with no condition requiring restoration here other than the provision of a level floor, suggesting 'previously developed land'. The remains of the permanent and fixed surface structure are still apparent but, although the CWS covers this land (with 'PDL' implications), we consider that it may well have been included with the better quality area to the west for convenience and therefore PDL is not proved. In respect of the red line application site, the site has previously been developed with no restoration in place.

2. Natural history and impact on County Wildlife Site

The issue to be addressed under this head is whether the benefits, especially to natural history interests, clearly outweigh the substantive nature conservation value of the land to be lost.

The SSSI (offsite) is notable for its marl lakes, calcareous grassland, fen meadow, fauna, assemblage of nationally rare and scarce plants, and great crested newt breeding population. The CWS is notable for its pioneer grassland and invertebrates.

PPS9 states that development should have minimal impacts on biological and geological diversity and enhance it wherever possible. Appropriate weight should be attached to sites of national and local importance. Significant harm, especially to an SSSI, should generally not be permitted. Local sites (such as a CWS) have a

fundamentally important role in national biodiversity targets, local quality of life and education. LDDs will contain policies to guide applications. However, this stage has not been reached and yet the Local Plan policies are unsaved. Policy NE7 (unsaved) stated that development likely to have an adverse effect on a County Wildlife Site will not be permitted unless the benefits of the development clearly outweigh the substantive nature conservation value of the site. PPS9 states, in respect of previously developed land, that decisions should aim to retain this interest or incorporate it into the development. Pending a replacement LDF policy we consider that the Policy NE7 approach is sound when read alongside PPS9. The Landscape Planner and Wildlife Trust (WT) confirm that owners of a CWS have no obligation to manage their sites (unless through a planning permission). Therefore a management scheme delivered through a planning permission could result in a benefit to the designated land.

The ecological survey shows that the site has a low ecological value ('at most minor local value', which may only just qualify as a CWS), compared with the rest of the designated area. This is largely as a result of comprising mostly previously developed land with extensive hardstandings and rubble rather than areas of bare chalk (see 'Pollution control' section below as to the poor quality of the ground make-up). However, the scrub/trees do offer opportunities for nesting birds. It is also subject to past damage through its easy access; though currently stable, it appears not to have the potential to significantly improve.

The quarry has a complex hydrology. It appears that the SSSI marl lakes are fed by the water table (seepage/springs) at the base of the cliff backing onto the A5, together with a small stream from the fishing lake, but a greater understanding of the supply would be valuable as they had been drying up, affecting (together with covert introduction of fish) the great crested newt population. The SSSI is already being managed under measures agreed between the landowners and Natural England (NE) but understanding the hydrology and restoring the marl lake is another major benefit outside the normal resources available for SSSI management.

The applicant proposes that the CWS outside the site would be subject to a Management Plan as compensation for the development. The WT have negotiated extensively with the applicants (and now employ the former County Ecologist who had made earlier comments) and are now satisfied with the basis of the plan for the next 5 years. NE endorse this approach and advise that additional funding may be found. Among other conditions proposed by these bodies the matters in chapter 8.5 of the ES should be included.

The proposal, through the Plan, would therefore not produce significant ecological harm and should bring much needed benefits of protection, management and appropriate access and interpretation in the greater part of the CWS, together with further benefits to the SSSI. These would be in line with par.14 of PPS9 and the Regional Spatial Strategy, which seek to maximise opportunities to build-in beneficial biodiversity features. The proposal would therefore improve the overall local environment. Specific measures would be needed to safeguard newts (licence) and nesting birds but not for badgers; construction practices would also need to be controlled.

Formal public access to the quarry would not be possible at this stage because it would require a higher level of supervision and wardening than the applicants consider proportionate for the proposal (risks include trampling, vehicles, rubbish, animals, health & safety). Access would be denied by a 1.8m high fence, at least for the time

being, while supervised public visits could be arranged. The integrity of the SSSI would be further increased by a 10m no-build zone within the site, which would also help the CWS. This would ensure that the public could nevertheless enjoy a prospect over the natural resource and afford valuable surveillance.

None of the key features in the SSSI or CWS would be particularly vulnerable to pet predation; much of the quarry is already within the foraging range of local cats. The boundary fence would reduce access by people and dogs to the quarry and limit dumping of household waste. The new housing would also offer further opportunity for passive surveillance.

In conclusion we agree with the WT in that this development would afford an opportunity to begin to realise the biodiversity and community potential of the chalk pit that has not been available before. Therefore the benefits to the CWS and the SSSI clearly outweigh the harm by reason of loss of part of the CWS. The following 2 heads also have a potential impact on the natural habitat of the rest of the quarry.

3. Drainage

Presently surface water from the site drains towards the quarry floor and fishing lake (although there is a deeper flow northwards in different geology). Despite capacity in the local surface water sewer it is proposed to employ a more sustainable solution. The new development would be drained by capturing surface water and piping it 250m via an oil interceptor to a seasonal (ephemeral) lake within the quarry (in the CWS) where it would drain through a control structure via an intermediate ephemeral lake towards the shallow marl lake, or drain/evaporate in situ. The Environment Agency and ecological bodies have closely examined this aspect, and accept it in principle, so that there should be no risk of pollution or harm to these interests. The benefits of this include sustainability, no pumping, capacity to absorb high discharge rates and potential amenity value (through the possibility of encouraging an ecosystem where none exists due to seasonal drying). The use of the intermediate lake outside the SSSI provides possible containment should there be a pollution incident. The oil interceptor would be regularly inspected and maintained by a management company for the development (through condition and S106). The lake would be managed through the proposed ecological management plan to be financed by the developer.

There is also capacity in the local foul water sewer although further work needs to be done on modelling the foul water infrastructure and this is proposed through a condition.

4. Pollution control on site

The survey shows that most of the site has considerable depth of 'made ground' including compacted cement waste and rubble resulting from its former quarrying use. Asbestos has been found near the surface in 0.5ha of the site. The applicant proposes to remediate the asbestos presence through either (a) replacement of the top 1m of the surface layer containing the highest concentration of asbestos fragments (c325m², for off-site disposal) with covering the area with uncontaminated material sourced from other parts of the site, or (b) overlaying the remaining affected land with 0.6 - 1.5m of such sourced material. Other sampled chemicals have been found and local remediation (removal or ground reprofiling) may be necessary. In some other locations

existing ground cover should not be reprofiled. Conditions would be required to secure the submission and approval of a remediation scheme. We do not expect these ground level changes to have material significance in the context of the site as a whole.

Further work is also necessary to confirm the stability of the quarry bank below Millers Way and a condition is proposed by the applicant. Otherwise the cut and fill would require low levels of export from the site. Construction would take place over 2 years during normal working hours, with all contractor's requirements met on-site within fenced enclosures. Relations with nearby houses would be helped by the anticipated absence of piling, sensitive hours, good site practice and maintenance of plant. A Pollution Prevention and Control Method Statement (condition) would safeguard sensitive areas.

Part of the site would fall within noise category C which makes it necessary to consider noise-attenuating measures. Calculations indicate that this could be achieved, by condition. A further part may need subsequent treatment if the Woodside Connection crossed the site. The location of buildings would also be important so as to shield gardens and open spaces from highway noise. In view of the early state of the Woodside Connection scheme we do not consider the developer should do more than provide a frontage development to the corridor to contain most of the potential noise.

Noise to dwellings is also considered below under design.

5. Access and transportation

The Transport Assessment has been examined and is accepted. The full response from the Local Transport Team heads the highway response above. The following should be noted:

- (a) the additional traffic on Houghton Road would be within the technical acceptability range;
- (b) we recognise that the road already suffers from congestion especially at peak times and that signal timing may not be optimal;
- (c) the proposal would, through the S278 Agreement (within the S106 Planning Agreement), address signal timing along High Street by an appropriate model system such as 'Mover';
- (d) the potential traffic implications of the scheme could be further reduced with developer contributions to the existing bus services, which will pass the site, provision of cycle storage in dwellings, and cycle links.

The proposal, and Transport Assessment, have noted the stage reached in the proposed Woodside Connection. This project seeks to find ways of providing improved access to the Woodside industrial area avoiding the need for heavy vehicles to travel along the A5 and A505. After public consultation, of the 3 possible routes the L&SB Joint Committee preferred the option (option 1) which did not pass through the site, although it was resolved that option 2 through the quarry (and site) should be protected until confirmation. The proposal therefore includes a corridor (treated in this application as a landscaped boulevard) which could be upgraded should preference change. However, in the meantime and in view of the low weight which can be placed on the likelihood of a major road running through the site, its potential traffic levels have not been modelled. In any case, the Highways Officer makes it clear that, should

this route be used (which we consider unlikely), highways would in any case need to be remodelled locally.

About 145m of estate road are included in the application together with a 3m wide cycle/footway alongside Houghton Road either side of the proposed signalised junction. The parameter plans (layout and building height) are based on the submitted indicative layout. In highway terms they are acceptable and allow flexibility to accommodate the servicing and parking requirements of a detailed layout. For example, parking rates are likely to be higher than can be accommodated entirely off-street and road widths may need to be designed accordingly. Yet, the proposal also addresses reduced car use. The draft Travel Plan proposes: notice boards in communal areas, that marketing information be provided to sales staff and that an information pack be provided to residents. A contribution would be made to sustainable travel objectives. The accessibility of the site to the footway and cycle network of the towns should also be noted, as too the good local bus service, referred to above.

The public footpath crossing the site would be realigned slightly to conform with the legal route, satisfying Policy R15. It is intended to make this a major access route through the site (a S106 schedule would require the making of an appropriate legal instrument to create new foot/cycleways) with onwards views towards the quarry. The Rights-of-Way Officer has provided much useful material for the detailed design stage which we have forwarded. We cannot reasonably promote upgrading of the rest of the footpath for cycle use as it would be very expensive to upgrade nearly half a mile of narrow path situated precariously at the top of a steep drop and where any exit onto the A5 would also be expensive to arrange. We consider that the proposal would be satisfactorily laid out with alternative multi-use paths ringing the site boundary.

During site clearance and construction it is estimated that 20 HGV movements per day would be necessary for a 3 month period. There is uncertainty with the additional amount of contamination removal due to the presence of metals but this should not be significant.

6. Site layout and design

PPS3 draws attention to the need for sustainable, inclusive and mixed communities and in suitable, sustainable locations. It also encourages efficient use of land. The applicant calculates overall net density as 50dpha on the site for 140 dwellings, excluding the land for the fishing lake access and the road junction, which is within the target range in PPS3. However, the indicative layout shows that the identification of the relevant areas on which to base the calculation is an imprecise exercise and this figure could be below 40dpha. The overall figure is therefore suitably related to the generally lower densities of the vicinity as well as to the unusual and the sensitive neighbouring uses. In the absence of designated densities in an LDF we can accept this figure. The site scores well by being on previously developed land.

The indicative layout has been designed to show parking provision. We are satisfied with the 1.8 spaces per dwelling overall which on the indicative layout are largely off-street but with a mixture of edge-of-highway visitor provision. This gives us confidence that an acceptable layout could be achieved at details stage. A condition is recommended with regard to parking standards.

Noise calculations conclude that dwellings may front Houghton Road provided facing habitable room windows are designed with acoustically treated ventilation to give the option of keeping them closed. The same may be required for facing habitable rooms should the Woodside Link pass through. For reasons given above we can accord only low weight to this likelihood at this stage will bear this in mind when the condition is discharged. In respect of noise in gardens, careful design will be needed to ensure a satisfactory degree of attenuation.

An indicative layout has been produced with building heights, suggesting 2 and 3-storey with a feature near the main road. One focus would be the east end of the boulevard, where it would take the form of an interrupted crescent around a green. The layout is based on sound principles of good design.

The main trees in the 'woodland' buffer adjacent to Houghton Road are on or at the foot of a slope falling steeply away from the road. This bank is not to be backfilled and we consider that the present extent of tree removal is reasonable. Those at the lower edge of the buffer could be retained in the detailed layout. Landscaping near to the CWS should be in native species and of as local an origin as possible.

The impact on the local landscape has been assessed. In view of the degraded appearance of the site from Houghton Road we conclude¹ that the proposal would not have a harmful impact on landscape, notwithstanding the local raising of ground level by up to 1m to cover contamination. Some concerns have been raised by consultees on the way the indicative layout links in with the character of the quarry, and all it stands for. We consider that an appropriate level of influence can be exercised at details stage, engaging open space and public art interventions, and would propose an informative to that effect. Design coding is considered appropriate.

The submission makes no reference to a proposed mix or proportion of affordable housing and only states that 'the application will accord with the requirements of the Local Plan in respect of affordable housing (subject to detailed viability assessment)'.

¹ Historically, the excavation of the quarry had an immense impact on the local landscape. The chalk cutting containing the modern A5 was cut (1837) into a scarp which reached an altitude of 152m. But this hill was systematically cut away (leaving a narrow fin of back to back cliffs between quarry and road) so that the northern quarry edge is in one place below 130m, opening up a view directly across to Houghton Road (132m). The effect was to produce a 'crater' ringed by cliffs and low banks. As a result of the proposal, more open views across the quarry from Millers Way junction would be channelled into views along the boulevards (in the classic tradition), with the open views returning, with a far wider panorama, at the western edge of the development. New direct views would be opened up through the new cut through existing trees opposite Mayer Way. The higher buildings of the scheme would abut Houghton Road and the principal estate road, extending the urban character.

The assessment does not consider views from the A5 beyond Tilsworth Turn, but these are more long distance and would not be material provided reflective facing materials were not used.

7. Other matters

ARCHAEOLOGY. It is accepted that no significant archaeological or cultural remains (such as industrial archaeology) exist such as would limit the future use of the site.

FISHING LAKE Dunstable Angling Club have apparently been in negotiations to purchase the lake. This would need to remain private land, behind a 1.2m – 1.8m gated fence, given the depth of the water and steepness of the slope (water level is about 9m below the site and road). Its natural beauty could be appreciated from the

public spaces within the site adjoining it to the north-east, which would include an extension to the 10m deep no-build zone and an amenity open space. The amended proposal provides a link to their existing main car park.

OPEN SPACE The scheme provides 2 open spaces. The Open Space requirement is for a specified Local Equipped Area for Play (LEAP) for children aged 4 - 8 years, an appropriately designed open space(s), formal outdoor and formal indoor off-site contributions. This has the capability of adapting to the wishes of other consultees who seek a greater relationship with the character of the quarry through landscape and public art interventions. The applicant accepts the requirement.

THIRD PARTY LAND The strip of land which prevents a junction with Houghton Road/Townsend Farm Road is nevertheless narrow and short, ending well before the point at which the diverted footpath comes out. However, it is highly desirable that control over this land is obtained by the eventual developer in order to produce a comprehensive landscaping scheme and potential additional pedestrian link(s). We recommend that the applicant employ best endeavours to acquire the title or control over the land for this purpose (S106). The fact that the scheme does not depend on this will improve prospects of realisation.

COMMUNITY SERVICES The applicant accepts the requirement for an education contribution but the PCT has not asked for a contribution. A contribution has been sought for local community facilities; this is considered below.

SUSTAINABILITY The proposal is in a sustainable location, re-uses previously developed land, is at an appropriate density and would safeguard a potential access to land to the north/bypass. Existing trees are kept where possible and there would be a significant benefit through a planning agreement towards enhancing the natural history resource of the quarry proper. The scheme would encourage use of non-car transport modes. The Waste/Recycling Officer's requirement for a bring site is in line with the 'Managing Waste' SPD. The ES recommends that the developer uses materials with a high-recycle content or otherwise sustainably sourced. Recommendations are made also on reducing energy demands, water husbandry, security through design and adaptable housing.

OTHER OBJECTIONS Both Town Councils object to the proposal. Houghton Regis would await a more comprehensive masterplan for the growth area. For the reasons given above, we see reason not to wait for what is becoming a much delayed Core Strategy process in view of the fact that this is not Green Belt land. It would also be an appropriate development in its own right. We note the point about 'capturing' Millers Way but the option of a junction with Townsend Farm Road/Millers Way is presently ruled out by land ownership issues. Dunstable's concern about traffic congestion is not supported by the advice of the highway authorities who would conclude that an objection on this basis would not be sound. The indicative layout and proposed junction has been designed to accommodate a road of the scale of the Woodside Connection should it proceed in the future.

8. Viability and S106 matters

The applicant has produced evidence to indicate that the proposal would be unable to meet all infrastructure costs sought by the Council's consultees. We have assessed the evidence and discussions have taken place between the parties on the basis that

the Planning Obligations SPD (which, although only relating to applications registered recently, plainly sets out the Council's current approach to viability) states "proven impact on the viability of a scheme will be a material consideration in the assessment of the planning application".

- a. Affordable housing. The applicant offers 20% assuming a full grant by the HCA and the viability of the scheme deems this appropriate.
- b. Houghton Quarry Management Scheme. The applicant accepts that this must be provided in full as a capital contribution plus a 5 year management contribution.
- c. Education. The full requirement has been agreed between parties.
- d. Open space. Formal outdoor and indoor contributions have been agreed, together with an on-site maintenance figure.
- e. Transport. Standard contribution has been agreed.
- f. Public art. This will now be subsumed into provision of a high quality public realm through the submission of details.
- g. Community facilities. The contribution to the Memorial Hall will not be sought.

9. Conclusion

The proposal would release previously developed land for up to 140 dwellings, including affordable units, which would help take some pressure off Greenfield sites in the Green Belt and provide much-needed housing at a time when recent events have delayed house-building.

Access to Houghton Road/Mayer Way is acceptable although, in the event that the Woodside Connection (or other strategic) road crosses the site, such scheme could relocate the junction further north. The Transport Assessment is accepted and the internal network should function well. The site is convenient for a good bus service between Luton and Dunstable via Houghton Regis town centre and connects with foot and local cycle routes. The proposal could well contribute positively to reviewing local congestion, which is at times evident on Houghton Road, and there is no reason to support refusal of the proposal on the basis of traffic impact.

The design principle would accord with saved Policy BE8 and the development with saved Policy H2.

A part of the CWS which is generally degraded is lost but this is more than offset by a proposed management scheme in the SSSI and remaining CWS. The Environment Agency is satisfied that the proposal, through conditions, would incorporate appropriate flood risk, adequately handle pollution and safeguard the sensitive ecology of the remaining CWS and SSSI. The natural history consultees generally accept that the benefits to biodiversity and community more than offset the loss of a less well endowed part of the CWS and that this opportunity should be taken. Developer contributions towards affordable housing, open space, transport and education have taken a realistic position in the light of the viability of the scheme.

The indicative scheme would make the most of the existing site features and outlook and produce a strong identity and sense of place, addressing positively the varied adjacent land uses. These include the SSSI, fishing lake, public footpath and much of the existing trees and shrubs bounding the site. It would form a suitable gateway to the west of Houghton Regis. We see no risk of precedent or material encroachment

into other parts of the quarry and a permission would not prejudice a Woodside Link option.

RECOMMENDATION: that the application be referred to the Secretary of State as a departure from the approved Development Plan and subject to it not being called in by him for his decision, that Planning Permission be **GRANTED** subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to include the following Heads of Agreement:

1. Affordable Housing land;
1. Compliance with Parameter Plans;
2. Provision and maintenance of Public Open Space on-site;
3. Provision of recreational facilities off-site;
4. Sustainable transport and Highways measures;
5. Houghton Quarry Management Scheme;
6. Educational facilities;
7. Acquisition of control over Third Party Land for the purposes of being able to apply landscaping and highway works;

and the following conditions:

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the
 8. appearance
 - landscaping
 - layout; and
 - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).

REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 2 Further to condition 1 above any application for submission of reserved matters shall include detailed design codes on building form, scale and design, including heights, bulk, massing, materials, detailing, colour palettes, boundary treatments, street furniture, surface features, key building groups, frontages, landmarks, public squares, and important open spaces. The layout and design should demonstrate how the development relates appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site are be linked together with landscape treatment and artistic interventions.

REASON: To produce an acceptable development in view of its sensitive and prominent location.

- 3 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **Before development commences, including clearance of vegetation, a Waste Audit shall be submitted and approved in writing by the Local Planning Authority which shall demonstrate how opportunities for the reduction, recycling and re-use of waste during the construction and occupation of the development will be taken into account. The development of the site shall be carried out in strict accordance with the Waste Audit.**

REASON: To provide a wider sustainability basis for the development.

- 5 **No development shall take place until a scheme for the protection of Great Crested Newts has been appropriately licensed and implemented in accordance with section 8.5 of the Land at Houghton Road, Houghton Regis Environmental Statement, November 2007.**

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 6 **No clearance of vegetation or ground works shall take place between 1st March and 31st August inclusive in any year unless a survey confirming that there will be no negative impacts on breeding birds has been completed by an appropriately qualified person and has been submitted to and approved in writing by the Local Planning Authority.**

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 7 **Before development commences, including clearance of vegetation, a schedule of all trees which it is proposed to retain (the “retained trees”) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until the retained trees are protected by substantial protective fencing in accordance with details which shall also be approved by that Authority. The protective fencing shall be retained at full height and extent until the development is substantially completed and no materials shall be stored or deposited and no mixing of materials shall take place within the areas so protected. No protected tree shall be lopped or topped, cut down or destroyed and if so affected it shall be replaced by a replacement tree(s) of such size and species as may be set out by that Authority.**

REASON: To protect suitable trees on the site.
(Policy BE8 S.B.L.P.R).

- 8 **Before development commences a Pollution Prevention and Control Method Statement, to include hours of working, shall be submitted to and approved in writing by the Local Planning Authority indicating site operation practice from commencement of site operations to completion of development. Subsequent operations shall conform with the approved statement.**

REASON: To safeguard the amenities of local residential properties.

- 9 **No development shall commence, including ground clearance, until details of all excavation, imported soil, fill and capping material and new ground forms, including any stabilisation of retained slopes, have**

been submitted to and approved in writing by the Local Planning Authority. Subsequent operations shall conform with the approved details.

REASON: To enable control to be had of the movement of ground materials in relation to potential contamination and the sensitivity of adjacent areas.

- 10 **Prior to the commencement of any phase of the approved development the following shall be submitted to the Local Planning Authority:**

- (a) a Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination;**
- (b) where shown to be necessary by the Phase I Desk Study, a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling;**
- (c) where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment;**

On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase IV validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to commencement of works. This should include responses to any unexpected contamination discovered during works.

REASON: 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.

- 11 **No development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved plans.**

REASON: (Environment Agency condition) To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

- 12 **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:**

- (a) 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

- **potentially unacceptable risks arising from contamination at the site;**

(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

(c) the site investigation results and the detailed risk assessment (b) 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;

(d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by that Authority.

REASON: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy; the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 14 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: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 15 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.

REASON: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill). The site is potentially contaminated and such a foundation solution could lead to the contamination of groundwater in the underlying aquifer.

- 16 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: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 17 **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.**

REASON: (Environment Agency condition) To prevent the increased risk of pollution to the water environment.

- 18 **Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than private domestic gardens and areas adopted by a Local Authority, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.**

REASON: To ensure that such areas contribute positively to the character of the development.

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

- 19 **No development shall commence (a) unless details have been submitted to and approved in writing by the Local Planning Authority of the position, design and type of boundary treatment to the main site, being the whole site except for the corridor to the west used to construct the Sustainable Drainage System (SUDS), and (b) until the perimeter of the site, including the corridor used to construct the SUDS has been securely fenced in accordance with details which shall have previously been submitted to and approved in writing by that Authority.**

REASON: To ensure that the development does not harm further areas of the County Wildlife Site in accordance with the Luton and South Bedfordshire Core Strategy Preferred Option CS17 – Biodiversity and Geology and Planning Policy Statement 9 – Biodiversity and Geological Conservation and in the interests of providing a high quality of design.

- 20 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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).

- 21 **Before development begins, details of the materials to be used for the external walls and roofs of all new buildings, external hard surfaces, walls, fences, railings, and lighting of areas not to be adopted by a Local Authority, shall be 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 development.
(Policy BE8 S.B.L.P.R).

- 22 A hardstanding of 25m² area with tie down anchor points shall be provided for the purposes of a waste recycling facility.

REASON: To provide appropriate community level recycling facilities.

- 23 No operation in the course of constructing a dwellinghouse shall take place until a scheme of noise mitigation for dwellings has been submitted to and approved in writing by the local planning authority. All dwellings on the site shall be constructed in accordance with the approved scheme.

REASON: To provide a satisfactory living environment in relation to the nearby highways.

- 24 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be 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.**

REASON: To safeguard the interests of disabled persons.
(Policy BE8 S.B.L.P.R).

- 25 **Development shall not begin until details of the proposed estate road, the proposed ramped access road, the proposed retaining wall and the junction between the proposed estate road and Houghton Road have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until those works have been constructed in accordance with the approved details.**

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the proposed estate road.

- 26 The development shall not be commenced until a site wide Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use,
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks,

- Proposals and measures to minimise private car use and facilitating walking, cycling and the use of public transport,
- Timetable for implementation of measures designed to promote travel choice,
- Details of provision of cycle parking in accordance with Central Bedfordshire Guidelines,
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include site specific travel and transport information; travel vouchers; maps showing the location of shops, recreational facilities, employment and educational facilities; details of relevant pedestrian, cycle and public transport routes to and from and within the site; copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.

No part of the development shall be occupied otherwise than in accordance with the approved Travel Plan.

REASON: To reduce reliance on the private car.

- 27 **No dwelling shall be occupied until a foot/cycleway has been provided alongside Houghton Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

REASON: To provide appropriate sustainable infrastructure.

- 28 This permission relates only to the details shown on Drawing No. 5039/OPA/002 Rev 5 received 23/07/09; Drawing No. B0015829/C/SK008 Rev.0 received 22/06/09, and Parameter Plan 5039/OPA/005 received 22/06/09 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 and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition 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).

2. 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

SS5 Priority areas for regeneration

SS8 The urban fringe

H1 Regional housing provision

H2 Affordable housing

T2 Changing travel behaviour

T4 Urban transport
T8 Local roads
ENV3 Biodiversity and earth heritage
ENV7 Quality in the built environment
ENG1 Carbon dioxide emissions and energy performance
Wat Integrated water management
WM6 Waste management in development
2(a) Luton/Dunstable/Houghton Regis and Leighton Buzzard
3 Sustainable communities

Bedfordshire Structure Plan 2011

25 Infrastructure

South Bedfordshire Local Plan Review

SD1 Keynote policy
BE8 Design and environmental considerations
T4 Translink project
T10 Parking - new development
T11 Contributions - alternative parking
T13 Future road construction
H2 Fall-in sites
H3 Local housing needs
H4 Affordable housing
R10 Play area standards
R14 Informal recreational facilities
R15 Rights of way network.

3.
 - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
 - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and *Environment Agency/NHBC R&D Publication 66 - Guidance for the Safe Development of Housing on Land Affected by Contamination*.
 - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
 - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
 - The applicant shall advise the Local Planning Authority of commencement of the works.
 - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under

Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".

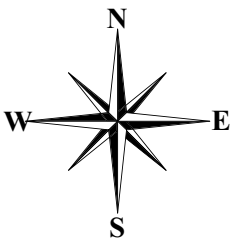
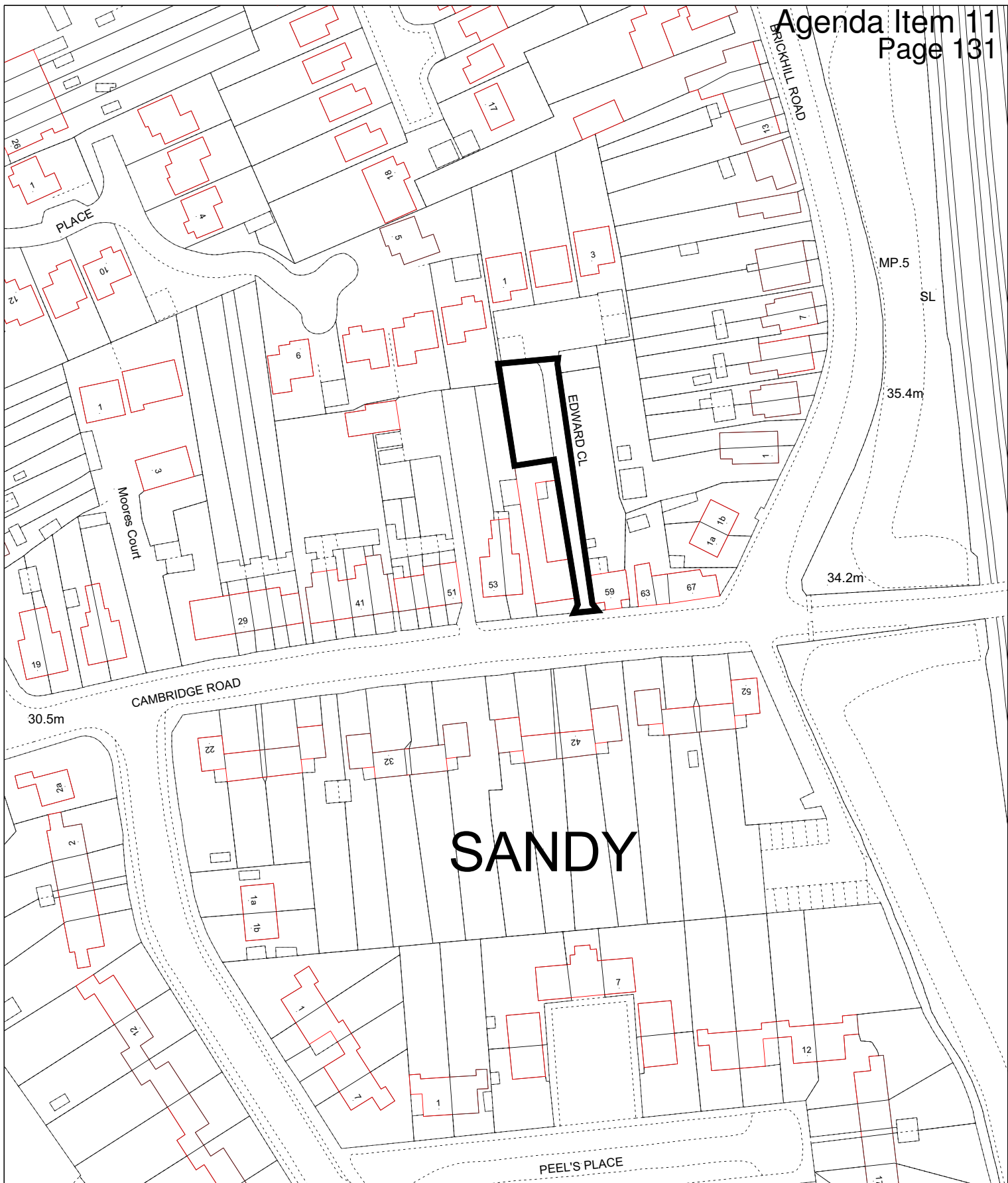
- Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
4. In respect of conditions requested by the Environment Agency (usually so indicated above), reference should be made to the formal response of the Agency in their letter dated 30th September 2009 in which background information and advice is set out. This advice should be noted. Contact: Neville Benn, EA, 01480 483996.
 5. You are advised to contact Anglian Water Services Ltd further to their formal advice in respect of the application, in respect of their assets in relation to the site. This would include any connection to the surface water and/or foul water sewerage system. Contact: Mrs D Harding, Anglian Water Services Ltd, Peterborough, 01733 414690.
 6. Prior to starting preparations for the submission of reserved matters the developer is advised to contact the Local Planning Authority in respect of the treatment of the public realm. This would involve discussions on the way in which the layout and design would enable the development to relate appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site can be linked together with landscape treatment and artistic interventions, engaging an artist as appropriate.
 7. In respect of condition 3 it is recommended that the Waste Audit be submitted with the application for reserved matters.

DECISION

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Central Bedfordshire Council
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Date: 08:June:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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APPLICATION NUMBER	CB/10/01535/FULL
LOCATION	Land rear of 57, Cambridge Road, Sandy
PROPOSAL	Full: Erection of 2 No. one bedroom semi detached dwellings
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllr Nigel Aldis & Cllr Peter Blaine
CASE OFFICER	Annabel Gammell
DATE REGISTERED	07 May 2010
EXPIRY DATE	02 July 2010
APPLICANT	NJF Developments Ltd
AGENT	Levitt Partnership
REASON FOR COMMITTEE TO DETERMINE	Cllr Aldis requested the application be determined by Committee: grounds of overdevelopment, inadequate parking, loss of amenity to neighbours and too many residents using a shared access
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is land to the rear of 57 Cambridge Road in Sandy, this is an area of approximately 200 sqm, the land was formally residential garden land within the curtilage of number 57 Cambridge Road. Currently the site is enclosed by close board wooden fencing approximately 1.8 metres in height, the site is predominantly grass land with 5 trees and one bush. At the southern end of the site is a 1.5 storey height brick outbuilding and at the north of the site is a single storey brick garage, both of these have pitched roofs. The site is within the settlement boundary of Sandy which is considered a Major Service Centre in the Central Bedfordshire Core Strategy and Development Management Policies.

The site is accessed via Edward Close which is an existing private road, currently servicing 3 dwellings.

The Application:

This application seeks permission to construct two, one bedroom semi-detached residential dwellings with associated parking.

The site is approximately 200 square metres, and the proposed dwellings would be a chalet style properties which would have a combined ground floor area of approximately 63 square metres.

RELEVANT POLICIES:

National Policies (PPG + PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)

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

Core Strategy and Development Management Policies, November 2009

Policy CS2 - Developer Contributions

Policy CS5 - Providing Housing

Policy DM3 - High Quality Development

Policy DM4- Development Within and Beyond Settlement Envelopes

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

None

Representations: (Parish & Neighbours)

Sandy T.C
Neighbours:

No comments received

Four letters of objection were received in relation to this application:

Number 6 Malaunay Place:

- Loss of Natural Light: the height of the building will affect the light into the rear of this property.
- Noise Levels: This would increase the volume of traffic using the Edward Close access which is surfaced in gravel, the noise of walking and driving on gravel is audible from this property.

Number 3 Edward Close:

- Loss of amenity and over development
- The design is out of character
- Traffic and Access
- Emergency Services
- Surface Drainage/Flooding
- Refuse Collection

Number 2 Edward Close:

- Health and Safety - Access, Pedestrian,

Vehicular, Emergency Services.

- Children - Highway safety as children live in the close.
- Health - Surface Drainage insufficient
- Refuse Collection
- Density of development - too high
- Tandem Development
- Insufficient parking

Number 1 Edward Close:

- Access
- Over Development/ Tandem Development
- Character
- Discrepancy - issues over facing panels remaining and how cars will turn into proposed parking spaces
- Flooding
- Neighbour consultation - Concerns that the property was not listed under "neighbours and consultees"
- Maintenance of access road/drive

Consultations/Publicity responses

Site Notice Posted on 14.05.10:

No comments received

Highways Department:

No comments received

Conservation - Trees:

No comments received

Determining Issues

The main considerations of this application are:

1. The principle of development
2. The effect on the character of the local area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. The highway safety implications
5. The planning obligations strategy
6. Any other implications

Considerations

1. Principle of Development

Sandy is considered a Major Service Centre in the Central Bedfordshire Core Strategy, "within the settlement envelopes of both major and minor service centres, the Council will approve housing" - Policy DM4 Core Strategy and Development Management Policies 2009. This is dependant upon ensuring that there would be no adverse impact upon the character of the area or on the residential amenity of neighbouring properties and that satisfactory access can be achieved.

In addition PPG 3 encourages the use of previously developed land and

maximising the use of land in urban areas. This is judged to be a sustainable location for new dwellings as it is within close proximity to Sandy town centre, which has local amenities, bus stops and Sandy railway station. The traditional building line of Cambridge Road in this location has already been altered by the creation of Edward Close which is comprised of three residential properties approximately 70 metres off Cambridge Road. This development would be between the traditional line of houses on Cambridge Road and the properties of Edward Close. It is considered that the principle of residential development in this location is acceptable.

2. Character and Appearance of the Local Area

The proposed dwellings are located on a small site between the previously developed Cambridge Road and Edward Close. It is considered that views of it from Cambridge Road would be limited because the dwellings would be located to the rear of number 57. The dwellings would be visible from views along the private road Edward Close. It is considered that in such a discreet location the addition of this pair of dwellings would not have a negative impact upon the character or appearance of the local area.

Semi detached properties are considered appropriate for the location, Sandy has a range of housing types, but the land is not large enough to support dense development. The area around the site is a mixture with semi-detached, flats and detached properties to the south, terraces to the south west, semi-detached to the east and detached properties to the north. Therefore the character of semi-detached properties is judged to be in keeping with housing in the local area.

The materials that are proposed are red facing brick work with brown interlocking tiles, which are considered appropriate as they are similar in appearance to the bricks and tiles used on the dwellings in Edward Close. The scale of the development would be 1.5 storeys which would be a similar height to the outbuilding which would be immediately adjacent to the proposed dwellings.

The design of the dwellings is considered simple yet appropriate, the dwellings would have a maximum height of 7.6 metres, which is lower than the roofline's of the surrounding dwellings on Edward Close, there would be two front and two rear facing dormer windows, as the roof space is designed as living accommodation this is judged to be appropriate.

It is considered that the design of the dwellings in this location would be acceptable and in accordance with policy DM3 of the Core Strategy and Development Management Policies, 2009.

3. Residential Amenity of Neighbouring Properties

To the north of the site are detached dwellings 6 Malaunay Place, 1-3 Edward Close, to the south west there are properties on Cambridge Road adjacent numbers 53, 55, 55A, 57, 57A and 59. It is considered that this development would not cause a significant impact upon any of these properties in terms of:

Loss of light:

The proposed dwellings would not significantly impact upon the light into any residential property, there are outbuildings between the proposed dwelling and the closest adjoining neighbours to the south, the outbuilding would predominantly screen the dwellings from these properties. The proposed dwelling is only 1.5 stories which would further reduce the impact upon light. The closest neighbouring property would be approximately 15 metres away to the north west, there is currently a single storey garage on the boundary with this dwelling, it is judged that because of the height of the proposed houses and the distance from this dwelling it would not have a significant impact upon the light into this dwelling. Number 1 Edward Close is approximately 20 metres away set behind an existing brick built garage, it is considered that the light would not be significantly affected to this or any other dwelling because of the proposed development.

Overbearing impact:

Due to the setting of the building within the plot it is considered that it would not create an overbearing impact upon any residential dwellings. There is over 6 metres between the boundary of the site and the north facing elevation, and 9 metres between the south facing elevation and the boundary. Though it is acknowledged that the building would be almost on the eastern boundary as this adjoins the access road it is considered that this area would not be developed in the future and separation between built development would be maintained.

Loss of privacy:

The location of the windows has been designed to minimise impact upon the adjacent dwellings, the first floor windows are all dormer style, which would have a relatively low visual aspect, direct views north would be partially screened by the existing garage furthermore these windows are proposed to be obscure glazed and views south would be blocked by the outbuilding. The first floor windows are not side facing, which would further reduce its impact upon neighbouring dwellings.

Loss of outlook:

Currently the area is a garden area, screened off by fencing, the properties would not create a bulky form of development, they would not directly abut any existing residential dwelling. It is considered that the dwellings would be of a high enough design standard to ensure the outlook of any property with a view of the dwellings would not be adversely effected. It would ensure spaces between the houses and other forms of the built environment this is due to the buildings location central within the site.

Letters of objection:

As there were a number of objections and some issues arise from more than one objectors the issues raised have been addressed individually.

- Loss of Natural Light: the height of the building will affect the light into the rear of this property.

There would be a single storey garage between the proposed dwellings and number 6 Malaunay Place. The height of the proposed dwellings would be 7.6 metres and the properties would be approximately 15 metres apart. As number 6 Malaunay Place is north west of the proposed dwelling and there is already a single storey garage adjacent to the development site it would not have a significant impact upon the light into the rear of this neighbouring dwelling.

- Noise Levels: This would increase the volume of traffic using the Edward Close access which is surfaced in gravel, the noise of walking and driving on gravel is audible from this property.

Gravel is considered to be a sustainable material to surface vehicular areas, this is because of drainage. Though there is a noise created when there is movement over gravel it is not judged to be at a level that would cause a significant impact on residential amenity. The dwellings are south of this neighbouring property and therefore it is judged that vehicle and pedestrian movements would not increase significantly in the gravel area immediately adjacent to the property, which would be the area around number 1 Edward Close.

- Loss of amenity and over development/Density of development - too high

As Sandy is a Major Service Centre, where there is a precedent for approving housing development, providing it is sustainable, there would be no adverse impact upon the character of the area or on the residential amenity of neighbouring properties and that satisfactory access can be achieved. There would not be any significant overlooking issues caused by this development, satisfactory distances are achieved between the proposed and existing dwellings. It is not judged that this would be an overdevelopment of the land, it is a satisfactory size of plot for the dwellings proposed, there would be private amenity space attached to both properties and parking provided. It is considered that it would not result in a loss of residential amenity or cause an overdevelopment of the land.

- The design is out of character

Cambridge Road has a housing mixture, there are some detached, semi-detached and terrace properties and some are subdivided into flats, because of this variation it is considered appropriate to consider a small pair of semi detached properties. These would not be designed as family homes, as they are 1 bedroom properties they do not require the same level of amenity space as a "family home" would. It is considered that although number 57 would not have a large garden, it would retain a court yard area, which could be formally enclosed, this would provide an amenity area for that property. There is also a large outbuilding on this land, should this be removed this area could also be used as amenity land. This is not an area of visual sensitivity the materials chosen are considered to be appropriate in this location.

- Traffic and Access/Insufficient parking/Children/Emergency Services - Highway safety as children live in the close.

As these are small dwellings proposed within a sustainable location it is

considered that 1 parking space per dwelling is appropriate, this in accordance with the technical guidance *Design in Central Bedfordshire, Design Supplement 7 Movement, Streets and Place*. In addition to this there is secure cycle parking indicated within the curtilage of each dwelling, this is also in accordance with this guidance. This access was considered suitable for the 3 dwellings of Edward Close, it is appropriate for five dwellings to be serviced by an access of this type. Although numbers 57 and 59 use the access it is judged that this is not the main access to these properties and therefore the additional dwellings would increase the number of dwellings serviced to five. At the top of the access the area around the existing dwellings becomes wider, it is considered that there is sufficient visibility around the existing dwellings and the additional houses would not significantly impact upon the current situation.

- Surface Drainage/Flooding/SUDS

This is not an area of high flood risk, the surfacing to be used around the dwellings would be appropriate to ensure natural drainage. The access road is gravelled, the proposed parking area would be SUDS approved block and the rear gardens would be grass. However this is a building control issue.

- Refuse Collection

A collection point has been indicated on the plan, this is at a distance of 25 metres from the access of Cambridge Road. The carry distance appropriate for off street refuse collection is 15 metres. Although this area does not comply with the carry distance it is judged that an increase of two bins on the pavement of Cambridge Road would be acceptable.

- Tandem Development

The letter referred to HO6 of the Mid Beds Local Plan, this document has been superseded by The Core Strategy and Development Management Policies, 2009. There is no directly transferable policy, but Policy DM4 - Development Within and Beyond Settlement Envelopes defines infill development as "small scale development utilising a vacant plot which should continue to complement the surrounding pattern of development." It is considered that although this is development behind a previously developed housing line, it is acceptable because it meets this and the sustainability criteria within policy DM4.

- Discrepancy - issues over facing panels remaining and how cars will turn into proposed parking spaces

The plan indicated that a distance of approximately 9 metres of the existing fence panels would remain, this would enclose the rear garden of the eastern property. There would be no fencing enclosing the parking area, to enter or exist the spaces, cars would have to turn slightly into the area to the north of the parking area. It is noted that the applicant should have indicated this area within the red line boundary to avoid confusion and establish land ownership. The access road is largely within the ownership of 2 Edward Close, it would be a civil matter to establish rights of access over this area of land.

- Neighbour consultation - Concerns that the property was not listed under

"neighbours and consultees"

As an adjoining property to the application site this dwelling was consulted, this letter was sent on the 11th May 2010.

- Maintenance of access road/drive

This road is within the ownership of number 2 Edward Close, the use and maintenance of this area is a civil matter between the residents of Edward Close and any users of Cambridge Road.

4. Highways Implications

No comments have been received from the Highways Department. These comments will be represented on the late sheet.

5. Planning Obligation Strategy

The proposed development would form two one bedroom houses which falls within the criteria of the Planning Obligation Strategy therefore contributions for Local Infrastructure is required and takes place in the form of a Unilateral Undertaking submitted by the applicant.

The Planning Obligation Strategy is an adopted Supplementary Planning Document and is therefore a material consideration in the determination of the planning applications. A Unilateral Undertaking has been submitted with this application, this document is currently being considered by the Council's legal team, should it be satisfactory it would be in accordance with the Supplementary Planning Document: Planning Obligation Strategy (2008).

6. Other Implications

Permission number MB/02/00706/OUT - Erection of three no. four bed dwelling houses with double garages:

This application was granted in 2002 for the dwellings now within Edward Close, as a note to the applicant it was stated that "...should any additional adjacent land come forward for residential development that development in the form of detached houses is unlikely to be acceptable." It is considered that every application should be judged upon its own merits and in accordance with current planning policy and guidance, though this information was added by Mid Beds District Council in 2002 it does not prejudice the current decision that is being taken. A planning application cannot be refused or prejudiced by any guidance attached to a decision that was made which precedes the submission of the current application.

Sustainability:

This development would be in a highly sustainable location because of its close proximity to Sandy town centre. This development would be within walking distance of Sandy train station and bus stops as well as the local amenities of Sandy. As the dwellings would be one bedroom properties one parking space is judged to be sufficient as it would not be expected that there would be

significant traffic generation because of the development. It is demonstrated on plan number 04A that there is planning cycle parking within the sheds, this would encourage sustainable forms of transportation.

Reasons for Granting

The proposal for two dwellings in this location is considered to be acceptable because the dwellings and associated area would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties, it is acceptable in terms of highway safety and therefore by reason of its site, design and location, is in conformity with Policies CS2, CS5, DM3, and DM4 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development.

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 **A scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 4 The windows shown on Drawing No 04A in the first floor of the north facing elevation shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of adjoining properties.

- 5 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into the side facing elevations of the proposed dwellings.

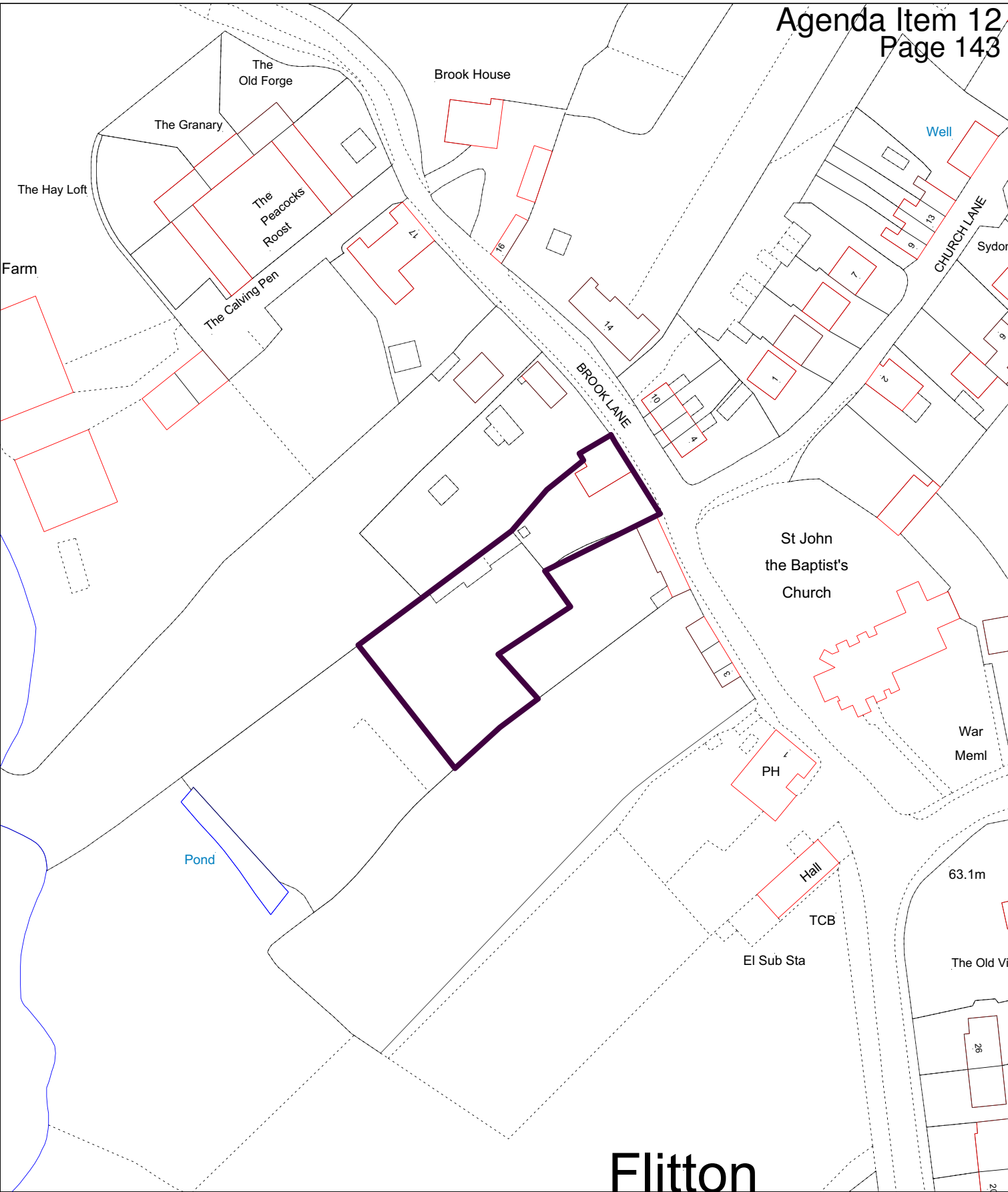
Reason: To protect the amenity of neighbouring residents.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

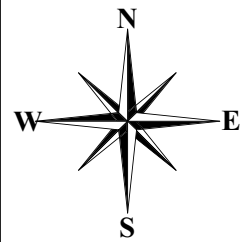
Reason: In the interests of the visual amenities of the site and the area generally.

DECISION

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Flitton



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Date: 24:May:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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SCHEDULE B

APPLICATION NUMBER	CB/10/00922/FULL
LOCATION	11 Brook Lane, Flitton, Bedford, MK45 5EJ
PROPOSAL	Full: Erection of detached two bay open garage with lean-to to side.
PARISH	Flitton/Greenfield
WARD	
WARD COUNCILLORS	
CASE OFFICER	Mary Collins
DATE REGISTERED	08 March 2010
EXPIRY DATE	03 May 2010
APPLICANT	Mr English
AGENT	Mr S Everitt
REASON FOR COMMITTEE TO DETERMINE	Cllr Jamieson call in. There is concern regarding over development and also secondary line of development.

RECOMMENDED DECISION **Full Application - Granted**

Site Location:

The site is located on the west side and to the rear of 11 Brook Lane Flitton within the built up area of the village and in the Conservation Area. The site lies in the built up area of Flitton and within the Flitton Settlement Envelope. 11 Brook Lane Flitton - is a Grade II listed 17 Century house finished in colourwashed roughcast render.

The building is to be sited to the rear of the main listed house just beyond the end of the rear garden to the house.

The Application:

Planning permission is sought for the erection of a detached two bay open garage with lean-to to side.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development
PPS 5 Planning for the Historic Environment

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

None

Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009

DM3 - Criteria for extensions
CS15 - Development in Conservation Areas
DM13 - Development in Conservation Areas

Supplementary Planning Guidance

Flitton Conservation Area Appraisal 2006

Planning History

04/00835	Full: Detached summer house. Approved: 16/06/2004
07/01520	Full: Alterations and extension to existing barn to form 1 no. 3 bed dwelling. Refused:
07/01623/LB	Listed Building Consent: Demolition of store and stable, alterations and extension to existing barn to form 1 no. 3 bed dwelling. Refused:
08/01880/LB	Listed Building Consent: Demolition of rear storage shed to barn and demolition of adjacent timber stable. Conversion and extension of barn to form ancillary accommodation with work studio. Approved: 04/12/08
08/01881/FULL	Full: Conversion and extension of barn to form ancillary accommodation with work studio. Construction of new vehicular access. Approved: 04/12/08
CB/09/06233/FULL	Full: Erection of building for residential use ancillary to the main house in place of dismantled barn. Approved: 03/12/2009.

**Representations:
(Parish & Neighbours)**

Flitton PC	Concerned that the proposal amounts to overdevelopment in a conservation area. Consent would create a dangerous precedent
Adjacent Occ	The Occupier of No. 9 Brook Lane (The Barn) objects: The building of a new detached garage block will increase substantially the footprint of the original buildings Noise and light pollution Proposed height of the garage block will severely restrict sunlight into the area of the garden which

Consultations/Publicity responses

Archaeology		Flitton has its origins in the Saxon period and recent investigations in close proximity to the application area uncovered the presence of a large medieval cemetery as well as other deposits relating to the development of the village. Given the location of the proposed development it is therefore highly likely that archaeological remains dating from the Saxon period onwards will be present.
		Whilst this development is small scale it will have a negative and irreversible affect on any archaeological deposits present at the site. This does not represent an over-riding constraint provided that adequate provisions are made to investigate and record any archaeological remains that are affected. Recommend a condition is attached in line with <i>PPS5: Planning for the Historic Environment</i> to any permission granted in respect of this application.
Flitton Society Highways	Preservation	No response received
		If a vehicle enters the garage in reverse gear (which is more than likely as turning into the garage in forward gear will be very tight), then it will take multiple manoeuvres to leave in forward gear and turn into the drive. However this is within the site and will not affect the highway as such no objection to the proposal.
Application 26/03/10	advertised	No response received
Site 31/03/10	Notice posted	No response received

Determining Issues

The main considerations of the application are;

1. Impact on appearance of Conservation Area and the setting of Listed Buildings
2. Impact on amenities of neighbours.
3. Other concerns

Considerations

1. Visual impact on the Conservation Area and the setting of Listed Buildings

Planning permission is required as the outbuilding is within the curtilage of a listed building and because the outbuilding is within two metres of the boundary and is more than 2.5 metres high.

The proposed building has an oak frame and is 5.6 metres deep and 6.82 metres wide. To the front elevation it has two bays each 2.81 metres wide and an open outshoot to the side of 1.2 metres wide. The remainder of the building will have weatherboarded sides on top of a 0.225 metre high brick plinth.

The building is 4 metres high to main ridge with catslide roofs to the rear and side elevation. To the other side it has a fully weatherboarded gable. The roof will be in slate.

The proposed outbuilding will be opposite the former barn that is being reconstructed to the rear of the property with the open bays of the building facing down the application site. Although the building falls just outside the main garden area to the property, it is within the curtilage of the dwelling and is in close proximity to the reconstructed barn on the site and the rear garden.

The proposed building is situated to the rear of 11 Brook Lane such that it is not visible from the Brook Lane. The building therefore does not have a visual impact on the street scene or this part of the Flitton Conservation Area.

The outbuilding has a traditional design and with the use of good quality traditional materials will preserve the appearance of this part of the conservation area.

Conditions will be imposed to ensure that the materials used are the same as those approved for the reconstructed barn.

2. Impact on amenities of neighbours

The outbuilding is to be sited close to the rear boundary of the property known as The Barn at 9 Brook Lane where the application site wraps around the rear garden of this property.

The rear and side elevations of the proposed building face the boundary. The garage has a catslide roof to the rear which will be presented to the rear boundary of The Barn and will be in directly facing the rear elevation of this property.

The boundary line is splayed at this point and the garage is inset from this boundary at its nearest point by approximately 0.5 metres increasing to 2.5 metres. The rear elevation of the building will slope away from the boundary and will attain its full height approximately 4.5 metres from the boundary.

Although the garage will be in direct view from the rear of The Barn there is an intervening distance of at least 23 metres from the rear of this property. The boundary is also screened by existing laurel bushes. The ground levels to this part of the application site already slope downwards away from this part of the boundary and are at a lower level to the adjacent property. The garage will be partially screened by the existing boundary fencing and landscaping. As such it is considered that the garage will not be overbearing on this section of the boundary.

The weatherboarded gable to the side of the garage will be presented to the side boundary with 9 Brook Lane. This side of the garage will be inset from the boundary by approximately one metre and will be partially screened by existing close boarded fencing. Although the garage is close to the boundary, due to the intervening distance between the residential property and the garage, a detrimental loss of amenities caused by noise through use of the garage is not considered to arise as a result of the proposal.

As the garage is to be situated to the north west of the garden the garage is not considered to result in a loss of sunlight to this section of the rear garden of this property and is not considered to be overbearing on this part of the boundary.

3. Other concerns

Concern has been raised previously that development to the rear of 11 Brook Lane Flitton is tantamount to backland development. The circumstances of the site mean that the reconstructed barn at the site cannot be used as an independent dwelling as it is considered that the construction of a separate independent dwelling and the subdivision of the site into two separate plots in different ownership would divorce the existing listed main dwelling at 11 Brook Lane from the countryside to the rear.

Permission was acceptable on the condition that the use of the building remains ancillary to the main house (11 Brook Lane). This is because the vehicular access to the site that has been constructed is too narrow to serve an additional separate dwelling. The access must be a minimum width of 4.7 metres to serve an independent separate dwelling plus the existing dwelling.

The use of the proposed garage the subject of this application will also be tied to the occupation of the main dwelling and vice versa. The garage is ancillary to the dwelling at 11 Brook Lane and cannot be used independently from the dwelling in the future without being in breach of this planning permission or without the express granting of planning permission to remove the condition

Conclusion

In light of the above considerations it is recommended that planning permission is granted.

Reasons for Granting

The proposal is in conformity with Policies CS15 and DM13 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as it is not considered inappropriate development within a Conservation Area and safeguards archaeological remains; Policy DM3 as the proposal respects the amenity of surrounding properties and respects and complements the context and setting of the designated Flitton and Greenfield Conservation Area. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS3: Housing and PPS 5: Planning for the Historic Environment as the development does not unacceptably adversely affect the setting of a listed building or adversely impact upon the character or appearance of the Conservation Area.

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 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To safeguard any material of archaeological interest which exists on the site in accordance with PPS 5 Planning for the Historic Environment.

- 3 The weatherboarding to the external walls of the building hereby permitted shall be of a wide format 200 - 225mm wide and stained/painted black unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 4 The building hereby permitted shall be roofed in natural slate with grey clay ridge tiles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 5 The brick plinth of the building hereby approved shall be constructed in a handmade Sainsbury Mix from Dunton Brothers Ltd, laid in a Flemish or English bond with snapped headers with gritty part coarse sharp sand/aggregate to lime mortar and neat flush joint unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 6 Notwithstanding the approved plans, the guttering shall have a half round profile and the downpipe shall be 65mm. All rainwater goods shall be of cast iron or aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension or material alteration of the building until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 8 Before the garage hereby approved is first used all on site vehicular areas shall be surfaced in a manner 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.

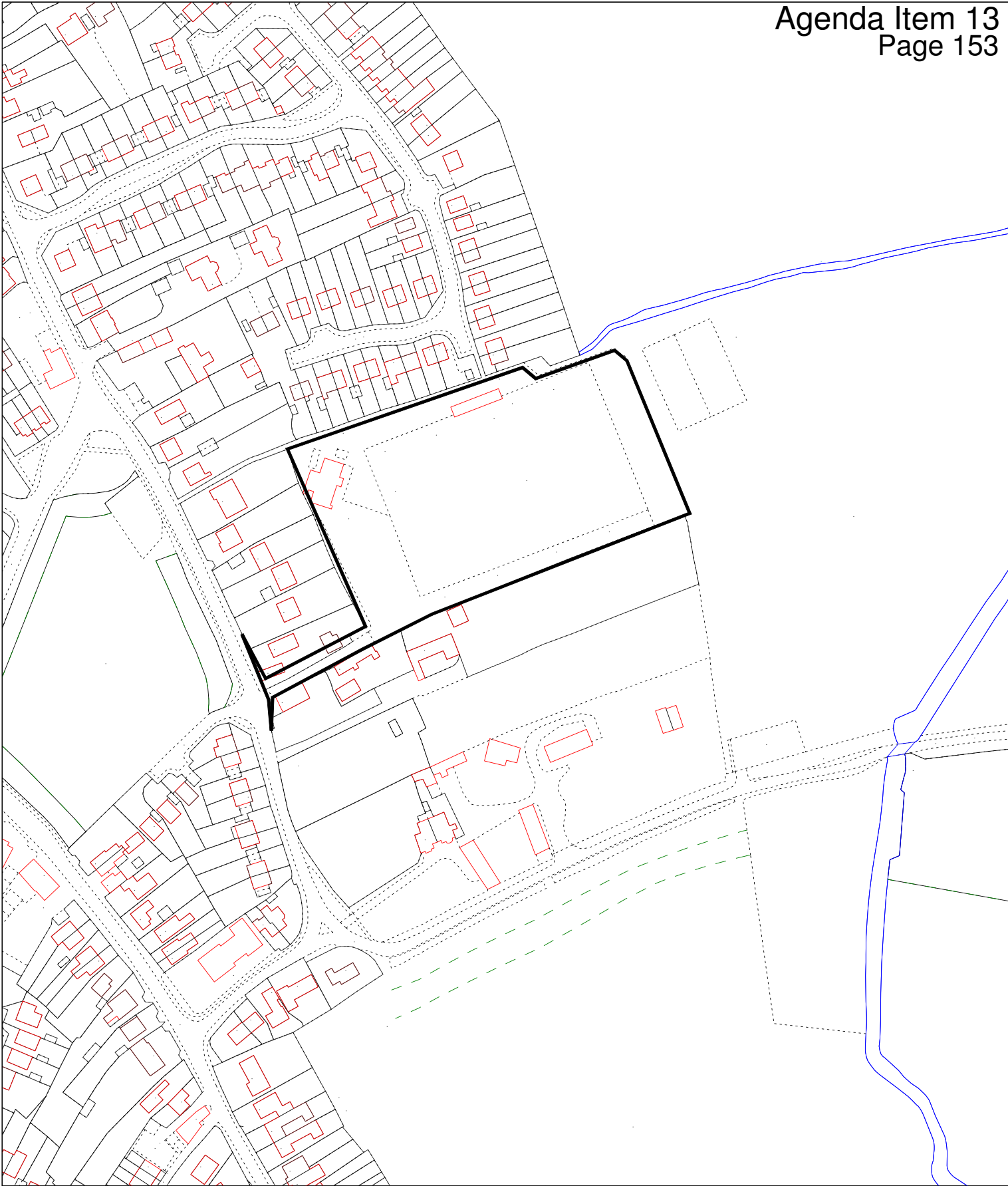
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.

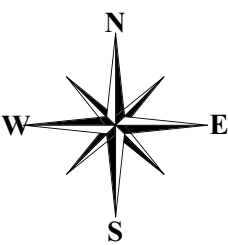
Notes to Applicant

DECISION

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	Date: 08:June:2010	
	Map Sheet No	
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APPLICATION NUMBER	CB/10/01172/OUT
LOCATION	Roker Park, The Green, Stotfold, Hitchin, SG5 4DG
PROPOSAL	Outline: The erection of 43 No. dwellings (all matters reserved except access)
PARISH	Stotfold
WARD	Stotfold & Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Saunders, Street, Turner
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	31 March 2010
EXPIRY DATE	30 June 2010
APPLICANT	Stotfold Town Council
AGENT	Levitt Partnership
REASON FOR COMMITTEE TO DETERMINE	The Council has a legal interest in the site

RECOMMENDED DECISION	Outline Application - Granted
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Site Location:

The site comprises a roughly rectangular shaped area of land adjacent to properties on both Silverbirch Avenue and The Green, Stotfold. Access to the site would be taken adjacent to No. 57 The Green, Stotfold.

The site is currently occupied by Stotfold Town Football Club and is located within the Settlement Envelope for Stotfold. In addition there is an existing skate park and tennis courts to the rear of the site. These are not included within the Settlement Envelope for Stotfold.

The Application:

This is an outline planning application, all matters reserved apart from access. The scheme proposes the erection of 43 dwellings, in a mix of sizes and tenures.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPS9 Biodiversity and Geological Conservation
 PPS10 Waste Management
 PPS12 Local Development Frameworks
 PPG13 Transport
 PPG17 Recreation and Open Space
 PPS23 Planning and Pollution Control
 PPS25 Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

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

Core Strategy and Development Management Policies (November 2009)

CS2, CS3, CS4, CS7, CS13, CS14, DM1, DM2, DM3, DM4, DM5, DM9 & DM10

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development (2010)

Planning Obligations Strategy (2008)

Planning History

CB/09/06260/OUT	Outline: The erection of 43 No. dwellings (all matters reserved except access) - Withdrawn
CB/09/06910/OUT	Outline: The erection of 43 No. dwellings (all matters reserved except access) - Not proceeded with

Representations: (Parish & Neighbours)

Stotfold Town Council	No objections subject to neighbours being consulted.
Neighbours	One letter of objection raising concern as to the negative impact the development would cause to the existing infrastructure.

Consultations/Publicity responses

Highways	<p>Thank you for your consultation on the application dated 9th April 2009. On behalf of the highway authority I make the following comments based on drawings No SSO1, 12F .</p> <p>A design and access statement and a Transport Statement have been submitted in support of the proposal. The proposal is on highway considerations identical to that submitted under reference 09/06910/OUT.</p> <p>The proposal is for the erection of 43 No dwellings to be served by a modified access that currently serves the football ground. The proposal is for outline consent, all matters are reserved except access. I will therefore only make comments on the access as shown on drawing No 12F titled: Proposed Site Layout.</p> <p>The above mentioned drawing shows the existing access to be upgraded by the widening of the carriageway to 5.5m and the provision of a footway of 2.0m wide running</p>
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at each of its sides.

However, paragraph 10.2 of the design and access statement states that formal details of the access would be provided at a later date, however it is considered that the existing access would need to be upgraded to cater for the increased number of users of the site.

On the assumption that this statement is incorrect and that the access is as shown on the submitted drawing No 12F I confirm that the new access junction type and geometry is satisfactory to serve the intended residential development.

The access is shown to be provided with visibility splays of 2.4m x 70.0m which are satisfactory, however in accordance with Manual for Streets it is only required to provide 2.4m x 43.0m.

Paragraph 6.11 of the Design and Access Statement indicates that the roadway layout provides a pinch point at the entrance to the development to the front of plot 44. This statement is incorrect as the proposal is only for 43 dwellings.

The transport statement includes bus service information for 2008 which is still relevant as no changes on the services have been made since.

A pedestrian and cycle route assessment was carried out which shows that as a direct consequence of the development additional pressure will be put on the existing footway network.

The provision of new footway to the site frontage incorporating links to the existing footways is seen as a minimum requirement and that widening and resurfacing of the footways to the bus stops on the Green would greatly assist the walking public.

It is considered that the development should provide the new footway along the site's frontage and the widening and resurfacing of the existing to the bus stop on The Green.

In summary the proposal is acceptable subject to relevant conditions.

Disability Officer
Sport England

No comments

No objection subject to a relevant S106 Agreement and suitable conditions.

IDB

No objection subject to relevant conditions

EA

No objection subject to conditions

Public Protection

No objection subject to either a condition or S106

requirement for the relocation of the skate park, and an acoustic analysis and lux analysis of both the skate park and the tennis court lights.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact of the Development on Adjoining Properties
3. Impact upon the Character and Appearance of the Area
4. Highway Safety and Traffic Implications
5. Other Considerations
6. Legal Agreement

Considerations

1. Principle of Development

The site, to which the development relates, lies within the Settlement Envelope of Stotfold, with close proximity to the Town's amenities and services.

The residential development proposed is considered against Policies DM3, DM4, & DM5 of the Core Strategy and Development Management Policies (2009). Policy DM4 of the adopted Core Strategy and Development Management Policies (2009) states that: *"Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre"*.

Roker Park is designated as Important Open Space but as the football club is to be re-located to the consented new leisure centre site on Arlesey Road, it is not considered that this would result in a loss of provision within Stotfold. Although money is included within the Central Bedfordshire Council Capital Programme for the new leisure centre an element of external funding is to be provided by the Town Council. It is anticipated that these monies would be secured through the sale of Roker Park.

In addition it is acknowledged that the proposal would be contrary to Policy DM5, however in this situation the associated legal agreement would include a clause which restricted the implementation of any planning permission for this site prior to a similar facility including a football pitch and viewing facilities would be provided within the settlement envelope for Stotfold. In addition the proposed alternative location is part of the consented Stotfold Leisure Centre to be located on Arlesey Road which would provide a considerably enhanced facility for the football club and also in terms of leisure facilities for local people.

PPS3 provides guidance to requiring good design, a good mix of housing to reflect the accommodation requirements of specific groups, the suitability of the site for housing, using land effectively and efficiently and ensuring that the proposed development is in line with housing objectives.

It is considered that the proposal is in accordance with the above as it provides a mix of housing types and the indicative layout has followed the principles of

good design.

In addition the proposal has proposed 35% Affordable Housing. This is in accordance with the relevant policy contained within the Core Strategy and Development Management Policies (2009).

Given the provisions of the Core Strategy and Development Management Policies it is considered that the principle of development is acceptable.

2. Impact of the Development on Adjoining Properties

This development, although currently in outline, has already been the subject of objections raised by some neighbouring residents. Concerns are raised as to whether the local infrastructure in terms of highways, drainage and sewerage would be able to cope with this additional development. Even though these concerns have been raised it is not considered that these are material considerations under this section and the relevant elements have been discussed later in the report.

It is not considered that the proposed residential development would in principle be detrimental to the neighbouring residents and their amenity. It is considered that Roker Park has been utilised efficiently and the layout has been developed to protect the amenity of neighbouring properties. Whilst the layout is only indicative at this stage and would be the subject of a future reserved matters application, the plans have indicated that the site is able to accommodate 43 dwellings without unduly harming the amenities of the neighbouring properties.

As such it is not considered that the development is likely to result in an unacceptable loss in privacy or overlooking to the neighbouring properties due to the proposed orientation of development.

The access has been designed in such a manner as to ensure that the site is remote from the neighbouring properties. It would be wider than the current access and would ensure that the proposal would not have an impact upon the current streetscene.

In summary it is not considered that the proposal would result in a sufficiently detrimental impact upon neighbouring properties to warrant refusal of the planning application. It should be noted that planning permission for a small residential development has been granted adjacent to this site but this planning permission has not yet been implemented.

3. Impact upon the Character and Appearance of the Area

It is anticipated that the proposed residential development would be in keeping with the setting of the site. It is not possible at this stage to formally assess how the development would look visually as this would be dealt with through any subsequent Reserved Matters applications. At this stage the Local Planning Authority would be able to ensure that the development brought forward would not be out of character for the locality.

In addition the location of certain buildings on the site in prominent locations will provide certain hierarchy within the site and the choices of materials, design of both the built form and landscaping of the site would be used to ensure a suitable form of development.

4. Highway Safety and Traffic Implications

Access to the site is proposed along a wider and much improved form of the existing access to the football club. The Highways Team are satisfied that the submitted information is satisfactory subject to various conditions to ensure highway safety.

In addition it is considered that the development should provide a new footway to the site frontage incorporating links to the existing footways would be a minimum requirement and that widening and resurfacing of the footways to the bus stops on The Green would also be beneficial.

5. Other Considerations

The Public Protection Team have raised concerns as to potential noise and light pollution issues resulting from the adjacent tennis court and skate park which may have a detrimental impact upon the new properties which may be built on the site. As such it is considered that the proposal would not be considered acceptable unless a full noise and light assessment including details of relocation of the adjacent skate park is submitted to and approved in writing prior to the submission of the first reserved matters. It is considered that this could be dealt with by the legal agreement for the application.

The Environment Agency had previously objected to this application. Their objection has now been withdrawn upon the submission of further information. As such no objection is currently raised provided that relevant conditions are attached to any permission which may be granted.

Sport England has no objection to the proposal provided that a replacement facility is provided and is subject to the approval of satisfactory management arrangements for the Club's replacement facilities.

The site has been considered in relation to S40 of the NERC Act which ensure that the Authority has regard to biodiversity and habitat. The site is currently a football ground and as such it not considered to be of great biodiversity or ecological merit.

6. Legal Agreement (S106)

A Section 106 Legal Agreement is currently with solicitors. It has been prepared in accordance with the adopted Planning Obligations Strategy. The document is currently with Solicitors for final checking.

Within the legal agreement it is proposed to include clauses relating to the relocation of the skate park, the relevant acoustic and lux analysis's of the skate park and tennis court, and the footway to the front of the site.

In addition a clause will be added in relation to the submission of and approval in writing by the Local Planning Authority of a management plan for the relocation onto the Arlesey Road site as Central Bedfordshire Council currently own the Arlesey Road site and will be signatories to this legal agreement.

It is hoped that this document will have been completed prior to Development Management Committee. An update shall be provided on the late sheet.

Reasons for Granting

In conclusion, in the absence of the site being required as a football ground, and subject to a S106 legal agreement incorporating the requirement of the SPD "Planning and Obligations Strategy" and the use of appropriate conditions it is considered that the Outline Planning Application is in accordance with policies CS2, CS3, CS4, CS7, CS13, CS14, DM1, DM2, DM3, DM4, DM9 & DM10 of the Core Strategy and Development Management Policies (2009), PPS1, PPS3, PPS9, PPS10, PPS13, PPG17, PPS23, PPS25, and the Design in Central Bedfordshire A Guide for Development (2010)

Recommendation

That Planning Permission be granted subject to the following:

1 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the scale of the building(s);
- (c) the appearance of the building(s);
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

4 **No development shall commence until details of materials to be used**

for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to complement the surrounding buildings and the visual amenities of the locality.

- 5 No development shall commence until a Contamination Scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted Contamination Scheme shall include:

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site including sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

(2) A site investigation scheme, based on (1) above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

(3) An options appraisal and remediation strategy, based on (2) above, giving full details of the remediation measures required and how they are to be undertaken

(4) A verification plan, based on (3) above, providing details of the data that will be collected in order to demonstrate that the works set out on (3) above are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for a contingency action.

The scheme shall be implemented solely in accordance with the approved details.

Reason: To protect the quality of, and prevent the pollution of controlled waters in accordance with PPS23 and the Environment Agency's Groundwater Protection (GP3) policy.

- 6 No development shall take place until the details, including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall have been submitted to and approved in writing by the Local Planning Authority and the details shall be implemented as approved for the duration of the works.

Reason: To safeguard the existing trees and hedgerows on the site and in the interests of visual amenity.

- 7 No development shall commence until details of the final ground and

slab levels of the buildings to be erected have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties or land, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 8 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, which shall not include borehole soakaways, has been approved by the Local Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 9 No development shall be commenced until a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory method of foul water drainage.

- 10 No development shall commence until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority which shall detail methods that all developers, contractors and sub contractors will employ and shall include:

- i) measures to suppress dust;
- ii) measures to be used to reduce the impact of noise arising from noise generating activities on site, in accordance with best practice set out in BS:5228:1997 "Noise and vibration control on construction and open sites";
- iii) the siting and appearance of works compounds; and
- iv) wheel cleaning facilities for construction traffic.

The implementation of the development shall only be undertaken in accordance with the approved Code.

Reason: To safeguard the amenities of adjoining occupiers, to protect the surrounding area, and to prevent the deposit of material on the highway.

- 11 Prior to the commencement of the development shall not begin until

details of the modified junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

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

- 12 **No development shall commence until a programme of landscape implementation to include any landscape buffers, and details of any advance or screen planting has been submitted to and approved in writing by the Local Planning Authority. Implementation shall be carried out in accordance with an implementation timetable agreed in writing by the Local Planning Authority.**

This landscaping shall be appropriately protected during building operations and maintained to encourage its establishment for a minimum of 5 years following the practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective within this period shall be replaced in the first available planting season in accordance with a scheme to be first approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 13 There shall be no burning of materials on site unless previously approved in writing by the Local Planning Authority.

Reason: To protect the amenity of adjoining occupiers and to protect landscape features.

- 14 This permission shall not extend to the layout and associated engineering details submitted in support of the application.

Reason: For the avoidance of doubt.

- 15 The permission shall authorise the erection of no more than 43 dwellings.

Reason: For the avoidance of doubt.

- 16 Visibility splays shall be provided at the junction of the access with the public highway before the development is first brought into use. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0 m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 17 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the side road from its junction with the channel to the through road and 25.0 m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junctions in the interest of road safety.

- 18 If contamination not previously identified is found on the site during the construction process then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and received approval in writing from the Local Planning Authority for an amendment to the remediation strategy detailing how the unsuspected contamination shall be dealt with.

Reason: To protect the quality of and prevent the pollution of controlled waters in accordance with PPS23 and the Environment Agency's Policy GP3.

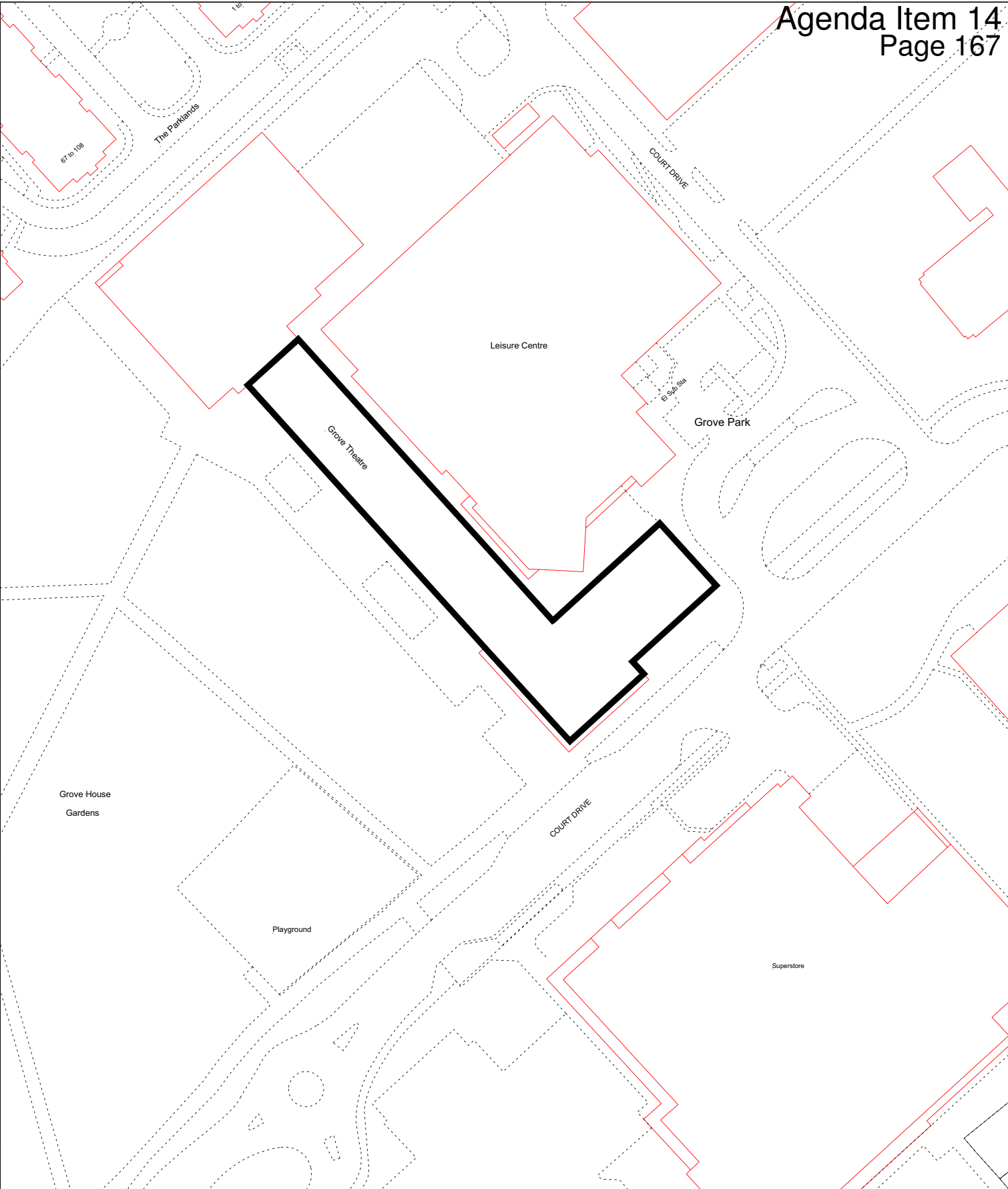
Notes to Applicant

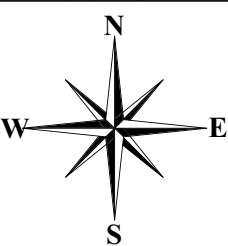
1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Highway Engineer, Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highways Help Desk P.O. Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the 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 application will be required to bear the costs of such removal or alteration.

DECISION

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SCHEDULE C

APPLICATION NUMBER	CB/10/01486/VOC
LOCATION	Unit 1, 3 and 4, Grove Park, Court Drive, Dunstable, LU5 4GP
PROPOSAL	Variation of condition 18 of planning permission SB/TP/03/01863 in order that the specified units can be used for Class A1 (Shops) Class A3 (Restaurant and cafes), Class A4 (Drinking establishments) and for purposes within Class D1 (Non-residential institutions) and Class D2 (Assembly and Leisure)
PARISH	Dunstable
WARD	Dunstable Downs
WARD COUNCILLORS	Cllrs Paul Freeman & Tony Green
CASE OFFICER	Gill Claxton
DATE REGISTERED	26 April 2010
EXPIRY DATE	21 June 2010
APPLICANT	CDP Dunstable Ltd
REASON FOR COMMITTEE TO DETERMINE	The land is owned by Central Bedfordshire Council and there is an unresolved objection
RECOMMENDED DECISION	Variation of Condition - Granted

Site Location:

The application site lies on the north western side of Court Drive and wraps around the south western flank of the Dunstable Leisure Centre. It comprises an L-shaped building of six commercial units that were to provide the bars and restaurants as part of The Grove Theatre development. The theatre is situated to the north west. The building, with ground and first floors is approximately 3,824sq.metres (41,161sq.ft) gross floorspace in area. It is of a modern design with mainly glass elevations in a cast stone frame and of about 8 metres in height, shielding the existing Leisure Centre building to the rear. The building, where it fronts onto Grove House Gardens has a forecourt to provide sitting out areas for customers for about the first 3.5 metres width of the generally 14 metre wide boulevard.

Three of the six units are let: Unit 2 is trading as a J D Wetherspoon public house and restaurant, The Gary Cooper, Unit 5 is a restaurant trading as Xiang Dim Sum and Unit 6 is a restaurant trading as Adesso Cucina Italiana. Three units remain vacant – Unit 1 on the Court Drive frontage, opposite Asda and Units 3 and 4 on the concourse area facing Grove House Gardens.

The site lies just outside the Dunstable Town Centre boundary. The area around the site is characterised by a mix of uses comprising residential (The Parklands), commercial, civic and community uses including the Leisure Centre, Go Bowling, Magistrate's Court, the Asda superstore and College of Further Education.

The Application:

The application proposes to widen the range of uses that can be permitted in Units 1, 3 and 4 to include Class A1 (Shops), Class D1 (Non-residential institutions) and D2 (Assembly and Leisure) in addition to the bar and restaurant uses.

Class D1 uses comprise: clinics and health centres; crèches; day nurseries and day centres (not attached to the consultant's or doctor's house); museums; public libraries; art galleries and exhibition halls; non-residential education and training centres; places of worship, religious instruction and church halls.

Class D2 uses comprise: cinema; concert hall; bingo hall; dance hall (but not nightclub); swimming bath; skating rink; gymnasium or area for indoor or outdoor sports and recreations not involving motor vehicles or firearms.

The original planning permission for the Grove Theatre, bars and restaurants, residential and associated development (SB/TP/03/01863) imposed the control on the uses to which the units could be put through condition number 18, which stated: "The bars and restaurants hereby approved shall only be used as restaurants, pubs, snack bars, cafes, or wine bars within Use Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) and for no other purpose including any other purpose in Class A1 or Class A2, or Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order), except that ancillary use for dancing or nightclub purposes within Class D2 shall be permitted.

REASON: To control the development in the interests of amenity and in order to protect the vitality and viability of the town centre shopping area."

Unit 1 has a gross floor area of 815sq.m (8,773 sq.ft), Unit 3 - 467sq.m (5,026sq.ft) and Unit 4 - 622.7sq.m (6,702sq.ft).

In support of the application, the applicant states:

- The development was completed in 2007. The widening of the potential uses of the units has been sought as there has been no real interest in these units for approximately 2 years.
- The variety of uses is sought to achieve maximum flexibility so that the units can be used for Class A1 (Retail), Class A3 (Restaurant and Café), Class A4 (Drinking establishments), Class D1 (Non-residential institutions) and D2 (Assembly and Leisure).
- Consent already exists for A3 and arguably A4 under the current planning permission which was granted before the Use Classes Order was modified (the previous Class A3 (Food and Drink) pertinent at the time of the original grant of planning permission was reconfigured in 2006 into Class A3 (Restaurant and Café), Class A4 (Drinking establishments) and Class A5 (Hot food takeaway),
- It is acknowledged that the possibility of an A1 use is contentious and the one which may not be taken up given the amount of vacant space in the town but it was one that the applicant's bank wanted explored in the hope that it might attract a retailer who had previously discounted the scheme or the town.
- The D1 use would help with attracting either a college or crèche use.
- The D2 use is to try to capture dance uses and sports uses.
- Unit 3 has now been let and a condition of that letting is that A3, A4 and D2

uses are applied for. The need for the D2 use is questionable as ancillary dance floors are covered by the original condition. However, the tenant has requested this.

Since the application was submitted the applicant has withdrawn the request for Class A1 uses on Units 3 and 4 but wishes to retain this option for Unit 1 as he considers that this is the most likely to attract a retail user.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Planning Policy Statement (PPS) 1 – Delivering Sustainable Development – (Feb 2005)

Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth – (Dec 2009)

Planning for Town Centres: Practice Guidance on need, impact and the sequential approach.

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

SS6 - City and Town Centres

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations

Draft Dunstable Town Centre Masterplan

Planning History

SB/TP/03/01863	Permission for the erection of an arts venue (to include theatre, music and cinema presentations and exhibition areas) bars and restaurants with external seating, residential development comprising 157 units with ancillary parking and landscaping, new public car park, re-siting of floodlit synthetic turf pitch, alterations to layout and landscaping of public park and associated highway works.
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Representations: (Parish & Neighbours)

Dunstable Town Council	No objection to the variation of Condition 18 for the units to be used for Class A3, A4, D1 and D2 but objects to the use of Class A1 (Retail) as this is out of keeping with the area and feel the original reason for the condition 'to control the development in the interests of amenity and in order to protect the vitality and viability of the town centre shopping area' is still valid.
Neighbours	The application was publicised by the direct notification of neighbouring occupiers and the display of site notices. No replies have been received as a result.

Consultations/Publicity responses

Highway Engineer Court Drive, in the vicinity of the site, is subject to on street Traffic Regulation Orders which prohibit on street parking; therefore subject to effective enforcement of the restrictions any concerns regarding indiscriminate parking should be eliminated.
No highway objection to this application.

Determining Issues

The main considerations in the determination of the application are:

1. Whether the proposed uses would have any adverse impact on the vitality and viability of Dunstable Town Centre and the rationale behind the original development in creating a cultural and leisure quarter in this part of the town
2. Whether there would be any adverse impact on residential amenity
3. Other matters

Considerations

- 1. Whether the proposed uses would have any adverse impact on the vitality and viability of Dunstable Town Centre and the rationale behind the original development in creating a cultural and leisure quarter in this part of the town**

When planning permission was originally granted for the scheme, Condition 18 was imposed to ensure that the all of the six units within the building comprising 3,824sq.metres (41,161sq.ft) gross floorspace in area could not exercise the permitted development right to move from Class A3 to Class A2 or Class A1 in order to safeguard the amenity of the area and protect the vitality and viability of the Town Centre.

Once the development was completed three of the units were let successfully while three remained vacant. The applicant has tried unsuccessfully to let the remaining units for more than two years. There has been a recent success in relation to Unit 3, which has been let to a bar operator and although not yet trading, is currently being fitted out. This application is seeking permission to widen the range of uses within the two still to be let units to make them more marketable and potentially more attractive to prospective tenants and likewise to ensure that there is still flexibility for Unit 3 in the future should current circumstances change.

Since the application was submitted, the applicant has withdrawn the request to seek a Class A1 (Shops) use on Units 3 and 4. A retail use is only being sought for Unit 1. Uses within Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments), D1 (Non-residential institutions) and D2 (Assembly and Leisure) are being sought on all three units. The applicant has advised that the D1 use would help with attracting either a college or crèche use and the D2 use is to try to capture dance and sports uses. The tenant in Unit 3 wants the position regarding approved uses reaffirmed and it is a condition of the lease that planning permission is sought for Class A3, A4 and D2 uses.

National guidance in PPS4: 'Planning for Sustainable Economic Growth' advises Local Planning Authorities on the way in which applications for main town centre uses not in an existing centre should be considered. It advises that an impact assessment for retail and leisure developments will only be required for proposals in excess of 2,500 sq.metres. Unit 1, fronting Court Drive, is the largest unit with a floorspace of 815sq.m (8,773 sq.ft) and permission for both retail and leisure uses are sought for this unit. Class D2 uses are sought for all three units, which cumulatively have a floor area of 1,904.7sq. metres (20,501sq.ft). However, given the PPS advice, it is not considered that an impact assessment is required in this instance.

PPS4 also requires a sequential assessment to be undertaken to ensure that all in-centre options have been considered before less central sites are considered. In this case, it has not been possible to undertake such an assessment as the proposed retail and leisure uses are speculative and relate to a building which already exists.

The site lies in an edge of centre location, just beyond the Town Centre boundary and within 120 metres of the Main Shopping Area. There are good pedestrian links with the Town Centre and Main Shopping Area with car parking facilities nearby and access to public transport. For the potential retail and leisure uses, Unit 1 is opposite the Asda store and all of the Units, the subject of the application, are in close proximity to the Leisure Centre and ten-pin bowling facility.

Given the relatively small amount of additional Class A1 floorspace being created, the edge of centre location of the site and proximity to the Asda store, the length of time that the Unit has been vacant despite concerted attempts to market it, the applicant's argument for creating flexibility for letting the unit and advice in PPS4, it is considered that the proposal would not undermine the vitality and viability of Dunstable Town Centre, provided, if the unit were used for Class A1 purposes, there was a further restriction on the type of goods to be sold limiting it to comparison goods only. This would accord with the findings of the Luton and South Bedfordshire Retail Study 2009, which has identified available expenditure to support 21,300sq. metres of additional comparison goods floorspace in the town centre by 2021, based on population growth projections but virtually no expenditure to support convenience goods floorspace before 2011 and 800 sq.m between 2011 and 2016.

With regard to the leisure uses, the applicant is seeking flexibility to attract dance and sports uses. As the three units are not adjacent to one another it would not be possible to amalgamate them to create a single large unit, which might undermine the adjacent leisure facilities and those elsewhere within the town. Rather, these smaller units would complement this part of Court Drive and aid the desire to see this area as forming the leisure heart of Dunstable, which was part of the rationale behind the original theatre and bars/restaurants development.

The Class D1 use could allow a college or crèche use which would complement the existing education focus at the College.

The opportunity for the units to be let for the originally intended purposes would not be lost as the proposal seeks to retain those uses also.

The site lies within the area covered by the emerging Dunstable Masterplan. The Masterplan identifies this part of the town as an area with an existing leisure focus. The Masterplan refers to establishing new facilities north of Court Drive to expand the appeal of the area as the leisure and education heart of Dunstable. These proposals would accord with the Masterplan in this regard. The Masterplan also seeks to ensure that the focus of development should remain within the existing town centre boundary which should not be extended significantly. There are no proposals to extend the town centre boundary to include this site. However, it is considered that these proposals would not conflict with the regeneration aims of the Masterplan which seek to bring a diverse mix of uses into the Town Centre.

In conclusion, it is not considered that the proposal would have an adverse effect on the vitality and viability of the Town Centre or the rationale behind the original development in creating a cultural and leisure quarter in this part of the town.

2. Whether there would be any adverse impact on residential amenity

The nearest residential properties are located in The Parklands some distance to the north west of the site. These properties were built at the same time as the theatre and the application properties. Occupiers of these residential properties would have been aware of this development. The proposed range of uses would not be likely to alter the relationship with residential occupiers to an unacceptable degree given the nature of the uses and the distances involved.

3. Other matters

The Highway Engineer has confirmed that there is no objection to the application on highway grounds.

Reasons for Granting

The proposed range of uses would accord with national guidance in PPS4: 'Planning for Sustainable Economic Growth' and policy BE8 of the South Bedfordshire Local Plan Review in that there would be no adverse effect on the vitality and viability of the town centre, the character and appearance of the locality, residential amenity or highway considerations.

Recommendation

That planning permission be granted subject to the following:

- 1 Units 3 and 4 shall only be used for purposes falling within Use Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments); D1 (Non-residential institutions) and D2 (Assembly and leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order, with or without modification) and for no other purpose including any other purpose in Class A1 or Class A2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order, with or without modification).
REASON: To control the development in the interests of amenity and in order to protect the vitality and viability of the town centre shopping area.

- 2 Unit 1 shall only be used for purposes falling within Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments); D1 (Non-residential institutions) and D2 (Assembly and leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification). Unit 1 may also be used for purposes falling within Class A1 (Shops) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting that Order with or without modification) provided it is only used for the sale of comparison goods. Unit 1 shall be used for no other purpose including any other purpose in Class A2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order, with or without modification).
REASON: In order to control the development in the interests of amenity, to restrict the sale of convenience goods outside Dunstable Town Centre, in accordance with the advice contained in Planning Policy Statement 4 - Planning for Sustainable Economic Growth and to protect the vitality and viability of the town centre shopping area.

- 3 This permission relates only to the details shown on Drawing No's 1224/AL105E and 681.SK24/4B received 26/04/10 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 (May 2008)

SS1 - Achieving Sustainable Development

SS6 - City and Town Centres

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations

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).

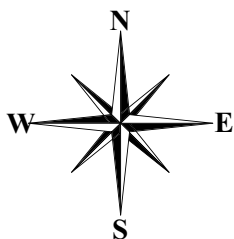
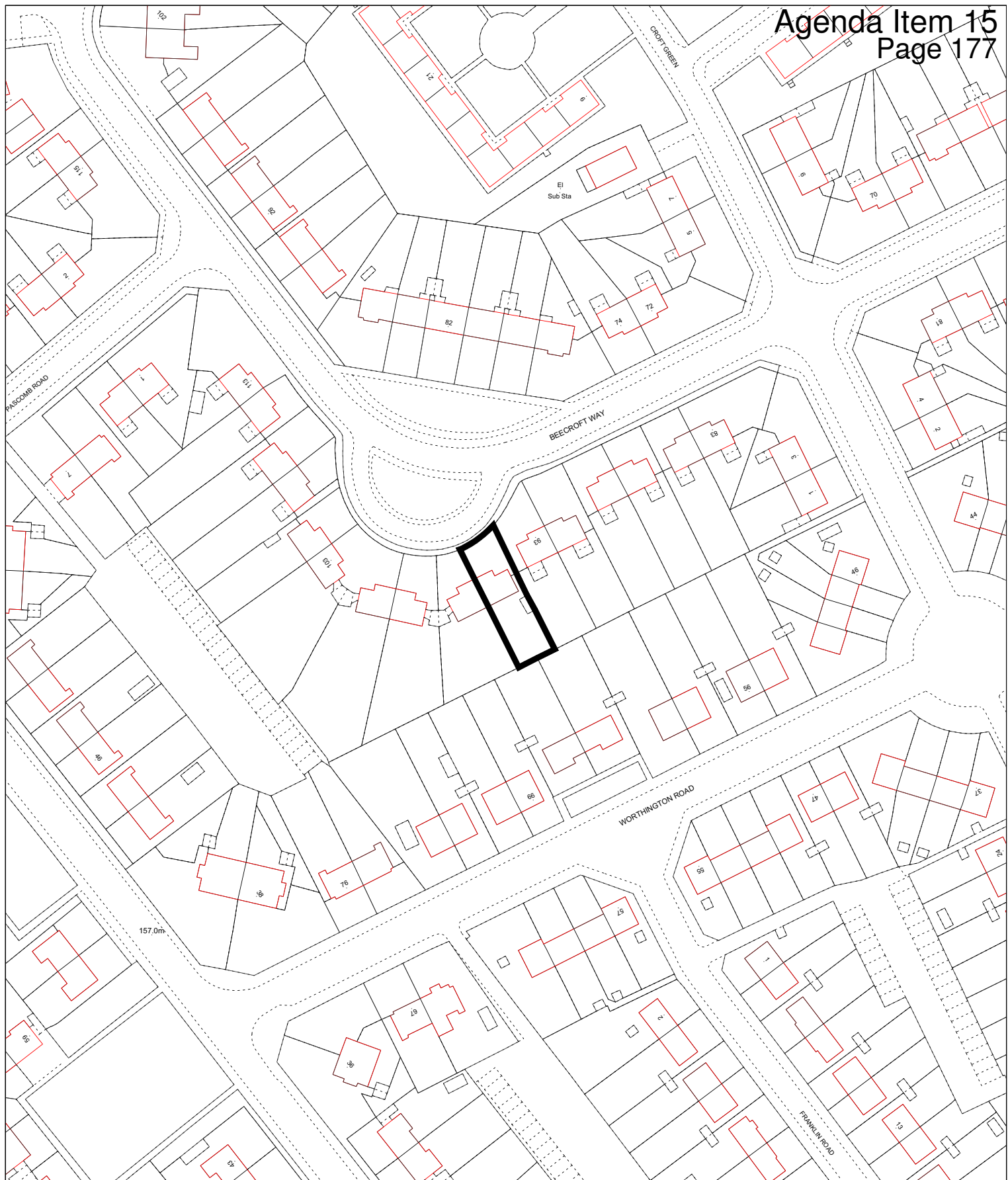
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval

which is necessary must be obtained from the appropriate authority.

DECISION

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Date: 08:June:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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SCHEDULE C

APPLICATION NUMBER	CB/10/01168/REG3
LOCATION	95 Beecroft Way, Dunstable, LU6 1EF
PROPOSAL	Erection of single storey rear extension
PARISH	Dunstable
WARD	Northfields
WARD COUNCILLORS	Cllrs Jeanette Freeman & Julian Murray
CASE OFFICER	Abel Bunu
DATE REGISTERED	12 April 2010
EXPIRY DATE	07 June 2010
APPLICANT	Central Bedfordshire Council
AGENT	Central Bedfordshire Council
REASON FOR COMMITTEE TO DETERMINE	Applicant is a Council employee
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application property is a two storey semi-detached house which lies on the south side of Beecroft Way. The property is flanked by numbers 93 and 97 on the east and west respectively. To the rear are numbers 62 and 64 Worthington Road.

The Application:

Seeks permission for the retention of an L-shaped single storey rear extension measuring approximately 3.3 metres deep on the side adjacent to number 93 and 5.2 metres wide at the rear. The longer side which connects the extension to the host dwelling measures approximately 5 metres deep. Sitting under a tiled and hipped roof which measures approximately 3.4 metres in height, the extension is set back from the eastern boundary of the property by about 0.3 metre and from the western boundary by about 3.6 metres. The extension occupies part of the footprint of a shed that was demolished to create room for the new development which provides a bedroom, bathroom and rear entrance hallway.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

Regional Spatial Strategy

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

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

Bedfordshire Structure Plan 2011

None saved.

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations

H8 - Extensions to Dwellings

Supplementary Planning Guidance

None.

Planning History

None.

Representations: (Parish & Neighbours)

Dunstable Town Council: No objection.

Neighbours: None received.

Consultations/Publicity responses

None received.

Determining Issues

The main considerations of the application are:

- 1. Impact on the appearance of the surrounding area**
- 2. Impact on residential amenity**
- 3. Other matters**

Considerations

1. Impact on the appearance of the surrounding area

The principal guidance for assessing applications for extensions to dwellings is contained in Policy H8 of the adopted local plan which requires, among other things, that new developments should, be well related to the existing building, not result in harm to residential amenity and take into account the setting of the existing building by retaining adequate separation distances between buildings. It is considered that by reason of its size and siting, the extension satisfies the policy criteria for extensions to dwellings and is not in conflict with national, regional and local plan design policies.

2. Residential amenity

The extension is considered modest and adequately separated from the adjoining properties such that it does not appear overbearing when viewed from the rear gardens of these neighbouring properties. Furthermore, no windows have been inserted in the flank elevations hence no additional overlooking and loss of privacy would result from this development. Taking these factors into

account, it is considered that the extension is not harmful to residential amenity.

3. Other matters

The extension comprises a bedroom, combined toilet and shower room and a hallway linking it to the main dwelling. The applicant states that the extension is required for a disabled member of the family. It is nevertheless considered reasonable to attach a condition to the planning permission to prevent the future use of this extension as a separate dwelling.

Reasons for Granting

The development is not in conflict with national, regional and local plan policies.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 1 The development hereby permitted shall only be used as an annexe/extension to the dwelling and shall not be occupied as a separate or self-contained dwelling unit.
REASON: To prevent the establishment of a separate residential unit.
(Policy BE8 S.B.L.P.R).
- 2 This permission relates only to the details shown on the Site Location Plan, Floor Plan and Elevation Drawings received 30/03/10 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
2. 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

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

BE8 - Design Considerations

H8 - Controlling Extensions to Dwellings

3. 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).

4. 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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