

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

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Helen Bell
direct line 0300 300 4040
date 9 October 2014

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 22 October 2014 10.00 a.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 K C Matthews (Chairman), A Shadbolt (Vice-Chairman), P N Aldis, R D Berry,
M C Blair, A D Brown, Mrs C F Chapman MBE, Mrs S Clark, K M Collins,
Ms C Maudlin, T Nicols, I Shingler and J N Young

[Named Substitutes:

L Birt, D Bowater, Mrs B Coleman, I Dalgarno, R W Johnstone, D Jones and
B J Spurr]

All other Members of the Council - on request

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

**N.B. The running order of this agenda can change at the Chairman's
discretion. Items may not, therefore, be considered in the order listed.**

***Please note that phones and other equipment may be used to film, audio record, tweet or blog from this meeting. No part of the meeting room is exempt from public filming .**

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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 24 September 2014.
(previously circulated)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Cases Where Formal Action Has Been Taken	7 - 12

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.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider
the planning applications contained in the
following schedules:**

Item	Subject	Page Nos.
6	<p>Planning Application No. CB/14/02515/OUT</p> <p>Address : Vehicle Storage Area, Chaul End Road, Caddington, Luton LU1 4AX</p> <p>Outline Application: for the demolition of existing buildings and hard standing, residential development of up to 325 unit and up to 500sq mtrs of community space (with flexible uses across Classes A1, - A3, B1a and D2) with green infrastructure and two accesses off Chaul end Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking.</p> <p>Applicant : General Motors</p>	13 - 108
7	<p>Planning Application No. CB/14/01726/OUT</p> <p>Address : Land at Campton Road and rear of Robert Bloomfield Academy Shefford, SG17 5BJ</p> <p>Outline Application: (with all matters reserved except for means of site access from Campton Road) for the erection of up to 140 dwellings; provision of new internal access roads and footpaths; public open space and landscaping, earthworks, surface water attenuation, associated infrastructure, playing fields and youth facility. The development involves the demolition of existing structures.</p> <p>Applicant : Gatesby Estate Ltd</p>	109 - 148

- 8 **Planning Application No. CB/14/03080/OUT** 149 - 168
- Address :** Former BTR site London Road, Dunstable
- Outline planning permission for residential development of up to 50 dwellings with all matters reserved except for access on to the main site access road.
- Applicant :** Julian Hodge Bank Ltd
- 9 **Planning Application No. CB/14/01589/FULL** 169 - 194
- Address :** The Pig and Whistle, 40 Brook Street, Stotfold, Hitchin SG5 4LA
- Demolition of existing PH and redevelopment of the site as 7 No. houses with associated landscaping and parking.
- Applicant :** Mr O’Sullivan
- 10 **Planning Application No. CB/14/02071/FULL** 195 - 208
- Address :** 79 & 81 Broad Street, Clifton, Shefford SG17 5RP
- Erection of No. 2 detached bungalows with parking & access.
- Applicant :** Mr & Mrs Ansell
- 11 **Planning Application No. CB/14/03260/FULL** 209 - 228
- Address :** Land adj to The Harrow, 80 Woodside Road, Woodside, Luton LU1 4DQ
- Erection of 2, semi-detached houses on ‘Brownfield site’ of redundant car park (resubmission of CB/14/00173/FULL).
- Applicant :** Bridgewater Homes Ltd
- 12 **Partial non-compliance with Planning Condition Application ref: CB/13/03597/OUT Land at French’s Avenue, Dunstable** 229 - 232
- To withhold enforcement of the condition as set out provided alternative specified actions are complied with.
- 13 **Site Inspection Appointment(s)**
- Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections

will be undertaken on Monday 20 October 2014.

Meeting: Development Management Committee
Date: 22nd October 2014
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.

Advising Officer: Director of Sustainable Communities
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**
- 2.

Background

10. 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.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 22 October 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/10/0037	Land at 6 Sutton Road, Potton, SG19 2DS	Enforcement Notice - siting of mobile home for independent residential accommodation	31-Aug-12	01-Oct-12	01-Dec-12			Not complied	Further site inspection to be made to see if noitce has now been complied with.
2	CB/ENC/10/0172	Land at 10-12 High Street, Shefford. SG17 5DG	Enforcement Notice - construction of an unauthorised wooden extension	19-Jun-13	19-Jul-13	19-Aug-13			Part compliance	Further works have taken place in relation to planning permission ref; CB/11/00047/Full. Further Site inspection to be made to see if works have been completed.
3	CB/ENC/11/0267	Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger. MK44 3RA	Enforcement Notice 4 - change of use of land and grain store building to storage of materials and vehicles for haulage business	20-Nov-13	20-Dec-13	20-Jan-14	Appeal received			Await outcome of appeal.
4	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Direct action to be taken
5	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed	27-Sep-14	Not complied	Appeal dismissed, compliance extended to 27/9/14. Appeal to High Court against appeal decision dismissed, LDC application refused. Further action to be taken.
6	CB/ENC/11/0613	Land at Taylors Nursery, Taylors Road, Stotfold, Hitchin. SG5 4AQ	Enforcement Notice - change of use of the land for siting of a mobile home for residential purposes.	14-Nov-13	14-Dec-13	14-Jan-14 & 13-Apr-14			Not complied	A schedule for the removal of the mobile home has been submitted by the contraveners planning agent & it will be removed in November 2014. a site visit will be made to check it has been removed.

Planning Enforcement formal action (DM Committee 22 October 2014)

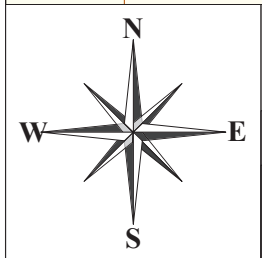
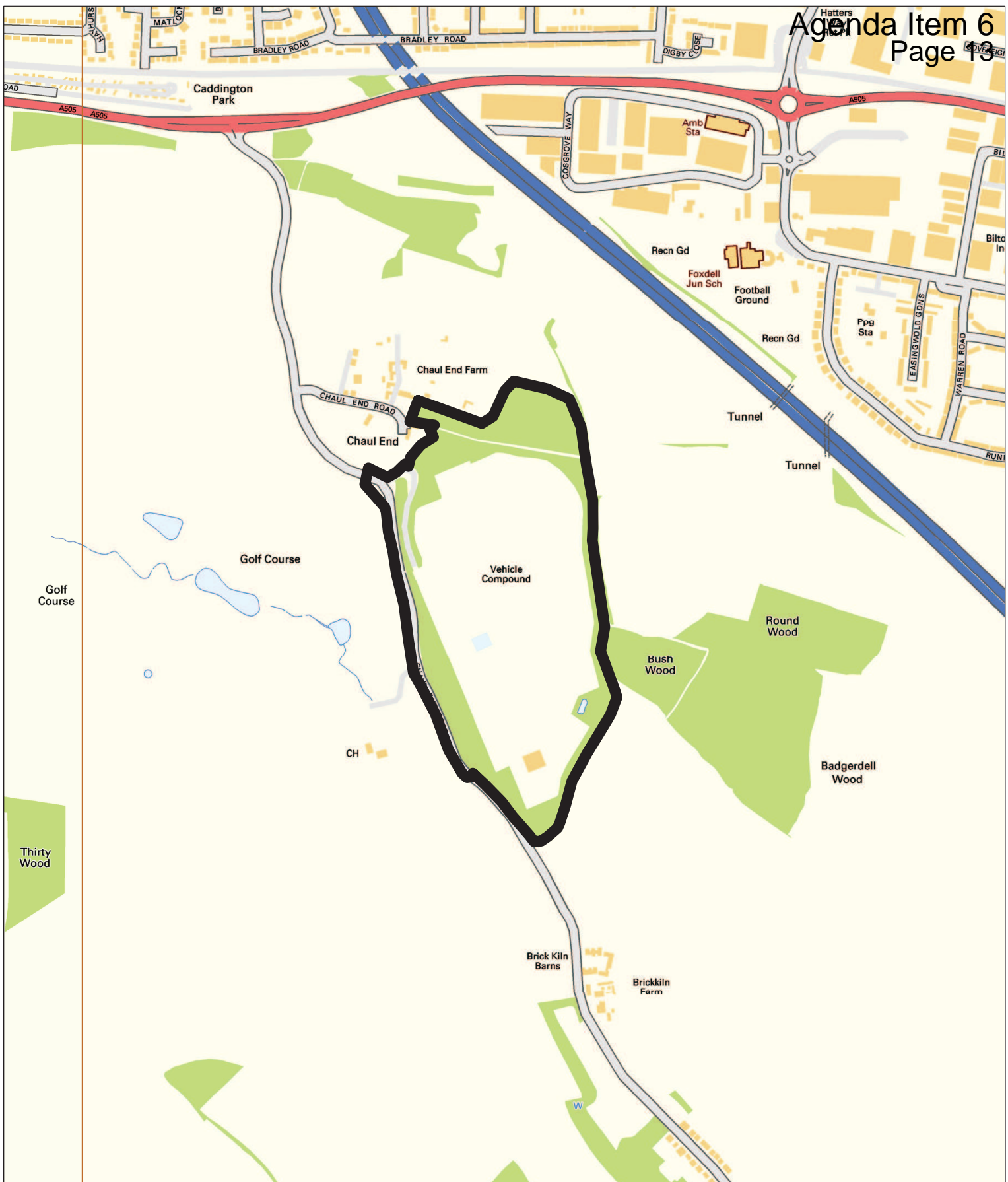
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/12/0079	Woodstock Cottage, 44 High Street, Flitton, MK44 5DY	Listed Building Urgent Works Notice - works to Listed Building	04-Feb-14	11-Feb-14				Partial compliance	Solicitor for contravenor has been informed that unless full compliance is achieved by 22nd October 2014 the council will step in and a charge placed on property.
8	CB/ENC/12/0098	Land at 22-28 Station Road, Arlesey	Two S215 Notices - Untidy land storage of materials and motor parts	(1) 15-May-13 (2) 4-Sep-14	(1) 15-May-13 (2) 4-Oct-14	(1) 12-Jun-13 (2) 4-Nov-14				Prosecuted and fined. Check compliance with further Notice 4/11/14
9	CB/ENC/12/0161	Hawthorns, Leighton Road, Eggington, Leighton Buzzard, LU7 9NE	Enforcement Notice, change of use to a mixed use of agriculture and the sale and storage of motor vehicles	7-Jul-14	8-Aug-14	10-Oct-14	Appeal submitted 7/8/14			Await outcome of appeal
10	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Occupied temporarily, await outcome of appeal for Kingswood Nursery - Hearing adjourned to Dec 2014
11	CB/ENC/12/0330	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and levelling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal dismissed 19/7/13	19-Sep-13	Part complied	Level reduced in part. Waste being removed. Continue to monitor for full compliance.
12	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Check compliance 2/1/15
13	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Costs of direct action to be obtained, await joint site visit.
14	CB/ENC/13/0276	Land at Motorcycle track, south of, Billington Road, Stanbridge	Breach of Condition Notice - No more than 7 motorcycles shall use the track at anyone time	09-Apr-14	09-Apr-14	09-May-14			No further breaches	Continue monitoring site

Planning Enforcement formal action (DM Committee 22 October 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
15	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeal submitted 14/8/14			Await outcome of appeal
16	CB/ENC/13/0412	Land at 19a High Street South, Dunstable. LU6 3RZ	Enforcement Notice - Change of use offices to bedsits	20-Jan-14	20-Feb-14	20-Aug-14				Awaiting outcome of the current planning application.
17	CB/ENC/13/0413	Land at the rear of 37 Church Street, Clifton, Shefford SG17 5ET	Enforcement Notice - summer house, terrace, pond and swimming pool.	09-Dec-13	10-Jan-14	10-Mar-14	Appeal submitted			Await outcome of appeal
18	CB/ENC/13/0492	Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU	Enforcement Notice - change of use of the land to a gypsy and traveller site	06-Mar-14	06-Apr-13	06-Jun-14	Appeal split decision	05-Nov-14		Appeal decision - Enforcement Notice varied, check compliance 5/11/14. LDC granted on part of site.
19	CB/ENC/13/0596	14 Sutton Avenue, Biggleswade, SG18 0NZ	S215 Notice - untidy front garden	30-Jun-14	29-Jul-14	29-Aug-14				Further site visit to be made to see if the notice has been complied with.
20	CB/ENC/14/0006	Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP	Breach of Condition Notice - Condition 6 planning permission ref: MB/05/01478/FULL and CB/13/01378/VOC	27-Jan-14	24-Feb-14	24-Mar-14	Appeal submitted			Await outcome of appeal - Hearing 19/8/14
21	CB/ENC/14/0166	59 Russell Way, Leighton Buzzard, LU7 3NF	Untidy Land - S215	09-May-14	11-Jun-14	11-Aug-14				Appeal received by Magistrates Court, await Hearing.
22	CB/ENC/14/0206	24 Cherry Trees, Lower Stondon, Henlow, SG16 6DT	Enforcement Notice - two storey extension	01-Sep-14	02-Oct-14	02-Jan-15				Check compliance 2/1/15
23	CB/ENC/14/0305	The Annexe, 33 The Mount, Aspley Guise, Milton Keynes, MK17 8DZ	Breach of Condition Notice - Condition 4 MB/06/01638/FULL annexe not to be used other than ancillary to the main dwelling.	04-Jul-14	04-Jul-14	04-Oct-14				Check compliance with Breach of Condition Notice 4/10/14.

Planning Enforcement formal action (DM Committee 22 October 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
24	CB/ENC/14/0306	Garage at Hinton Walk, Houghton Regis, Dunstable, LU5 5RB (Garage 1)	S215 Notice -untidy land	13-Aug-14	13-Sep-14	13-Oct-14				Check compliance 13/10/14
25	CB/ENC/14/0340	The Harrow, 80 Woodside Road, Woodside, Luton, LU1 4DQ	Enforcement Notice - erection of fencing to form a secure means of enclosure on the Land	01-Sep-14	01-Oct-14	01-Nov-14				Check compliance 1/11/14
26	CB/ENC/14/0351	105 High Street South, Dunstable, LU6 3SQ	Enforcement Notice - the erection of a second storey rear extension	13-Aug-14	13-Sep-14	13-Dec-14	Appeal received 12/09			Await outcome of appeal
27	CB/ENC/14/0376	6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal received 11/09 joint appeal with Planning			Await outcome of appeal
28	CB/ENC/14/0378	25 High Street, Sandy, SG19 1AG	Enforcement Notice - the installation of roller shutters	13-Aug-14	12-Sep-14	12-Oct-14	Appeal received 11/09 joint appeal with Planning			Await outcome of appeal
29	CB/ENC/14/0381	Garage at Hinton Walk, Houghton Regis, Dunstable, LU5 5RB (Garage 1)	S215 Notice -untidy land	13-Aug-14	13-Sep-14	13-Oct-14				Check compliance 13/10/14
30	CB/ENC/14/0360	Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice	03-Oct-14	03-Nov-14	03-Mar-15				Check compliance 03/03/15



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Application No.
CB/14/02515/OUT

Scale: 1:10000

Vehicle Storage Area, Chaul End Road, Caddington,
Luton, LU1 4AX

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Item No. 6

APPLICATION NUMBER	CB/14/02515/OUT
LOCATION	Vehicle Storage Area, Chaul End Road, Caddington, Luton, LU1 4AX
PROPOSAL	Outline Application: For the demolition of existing buildings and hard standing, residential development of up to 325 unit and up to 500 sq mtrs of community space (with flexible uses across Classes A1, - A3, B1a and D2) with green infrastructure and two access off Chaul End Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Adam Davies
DATE REGISTERED	26 June 2014
EXPIRY DATE	16 October 2014
APPLICANT	General Motors
AGENT	CBRE Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan
RECOMMENDED DECISION	That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to the following conditions.

Summary of Recommendation

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness, its limited impact on openness and its limited encroachment. In line with national planning policy, substantial weight is to be attached to Green Belt harm.

The application relates to a brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt. The land has been identified by the Council as suitable for redevelopment as a strategic development site to be removed from the Green Belt and the application proposal is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy to accommodate the needs of a growing population in the area. The proposed development would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing. Given the emphasis placed within the NPPF on the need to significantly boost the supply of housing, significant weight is attached to this consideration. The redevelopment of this site also reduces the necessity to identify further greenfield sites to contribute to meeting housing need. The proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. There are also a number of other site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

Subject to suitable mitigation, no significant landscape, transport or environmental impacts would result from the proposed development. There would be no significant harm as a result of the loss of employment land or due to the impact on local services and facilities and in all other respects the proposal is considered to be in conformity with the development plan policies comprising the South Bedfordshire Local Plan Review, Minerals and Waste Local Plan as well as the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

Site Location:

The application site comprises the 24ha Vauxhall (General Motors) Vehicle Storage Centre located Chaul End Road, approximately 1km north of Caddington village.

The site is predominantly laid to hard standing (approximately 70%) providing approximately 6,500 parking spaces. The site incorporates an office and warehouse building within the southern part of the site, a gatehouse building adjacent the site access within the north west part of the site, a number of small ancillary structures and two drainage ponds. The storage site is served by a single vehicular access from Chaul End Road, approximately 750 metres from Hatters Way. The site is surrounded by a substantial woodland buffer and bunding which varies in width between 1.5m and 28m.

To the north, beyond the broadest section of the woodland buffer, lies Chaul End hamlet which includes the Grade II listed Chaul End Farm House. To the south there are a number of existing dwellings clustered along Chaul End Road including Brick Kiln Barns which lie approximately 300 metres south of the application site. Caddington Golf Club, including its club house and associated car parking, are located to the west of Chaul End Road. The M1 motorway and the settlement

boundary of Luton lie beyond open countryside and woodland to the east. The site is located approximately 4km from Luton town centre, via Hatters Way/the A505 and approximately 3km from junction 11 of the M1, via Hatters Way/Skimpot Road.

The site falls within the Green Belt and an Area of Great Landscape Value as identified on the proposals map for the South Bedfordshire Local Plan Review 2004. To the west, the land beyond Chaul End Road is located within the Chilterns Area of Outstanding Natural Beauty (AONB).

There are a number of designated **County Wildlife Sites (CWS)** within the locality. Principally these include:

Badgerdell Wood CWS

Adjoins the eastern boundary of the application site, incorporates Round Wood and Bush Wood.

The Linces CWS

Lies north of Chaul End hamlet.

Blows Down CWS

Lies south of Hatters Way, is bordered by the Luton and Dunstable Guided Busway to the north and extends up to Dunstable settlement boundary adjacent to Jardines Way. The western part of the Blows Down site is designated as a Site of Special Scientific Interest (SSSI).

Skimpot Wood CWS and Stanner's Wood CWS

Lie to the west, beyond Caddington Golf Club.

Folly Wood CWS

Lies further south, to the west of Chaul End Road.

The application site and the surrounding landscape are traversed by a number of **public rights of way**. These include:

Public Footpath A8

- Runs north-south between Chaul End hamlet and Caddington village, broadly following the alignment of Chaul End Road.
- At the northern end of the route it crosses the application site.
- At the southern end of the route it diverts east of Brick Kiln Barns, through paddock land and then rear of residential properties fronting Chaul End Road.
- The route is currently obstructed at various points including on the application site by fencing and vegetation.

Public Footpath 5

- Runs east-west across the northern part of the application site.

Public Footpaths 3 and 42

- Runs north from Luton Road, Caddington and diverts west through Badgerdell Wood CWS to adjoin the eastern boundary of the application site.

Public Bridleways 4, 8, 44 and 49

- Bridleways 4 and 8 run north-south between Chaul End Road and the M1, adjacent to the eastern edge of the application site.
- Bridleways 44 and 49 run east-west from the northern end of Bridleway 8 and Chaul End Road.

The Application:

Summary of Proposals

Outline planning permission is sought for the redevelopment of the site to provide up to 325 dwellings with up to 500 square metres of community space with flexible uses across Use Classes A1-A3, B1a and D2 (retail, financial and professional services, restaurants, cafés, offices or assembly and leisure). An additional vehicular access from Chaul End Road is proposed at the southern end of the site. The existing vehicular access would be retained with alterations to its width and alignment to suit the proposed development.

All matters, except those relating to access, are reserved for subsequent approval. As such the precise details of the siting, design, landscaping and appearance of the development would need to be determined at the approval of reserved matters stage. However the outline permission would establish a number of fixed parameters for the development including the distribution of land uses, building densities and height, access and movement arrangements and Design Codes setting key design principles.

The development would comprise two parcels of residential development with a central 'community hub'. The community hub would incorporate a mixed use community centre with a footprint of up to 500 square metres, informal green space, a pond and children's play areas. The existing woodland buffer is to be retained and enhanced with additional planting and the creation of additional informal green space surrounding the housing areas and community hub.

Density and height

The northern parcel of residential development is to be developed at a 'medium density' of up to 35dph whereas the southern parcel is envisioned as a lower density area of up to 25dph. Residential development of up to 2.5 storeys is proposed with building heights restricted to 2 storeys in height where ground levels are higher at the northern end of the site.

Access

A central spine road would be provided running broadly north-south through the proposed community hub to connect the existing and proposed vehicular accesses from Chaul End Road. The development would establish two primary pedestrian and cycle routes across the site, one running north-south and one running east-

west. Pedestrian and cycle access to and from the site would be provided adjacent to the entrance to Caddington Golf Club on the western boundary of the site, at two points on the eastern edge of the site adjacent to Badgerdell Wood CWS (Bush Wood) and at the southern end of the site to connect onto FPA8. The existing and proposed accesses from Chaul End Road would also allow for suitable pedestrian access points to and from the site where appropriate.

Highways Works

A series of highways works are proposed, predominantly to Chaul End Road, which are intended to improve highway and pedestrian safety, reduce vehicle speeds and provide improved traffic management. These include:

- The creation of a signalised junction at Hatters Way/Chaul End Road providing a right turn facility onto Hatters Way/A505 and a pedestrian and cycle crossing to Hatters Way.
- The establishment of a 40mph speed limit between Chaul End hamlet and the existing 30mph speed limit at the southern end of Chaul End Road.
- The creation of new gateway features in key locations on Chaul End Road.
- The provision of pedestrian refuges where rights of way cross Chaul End Road.
- Replacement of existing speed humps on Chaul End Road with road narrowing and priority workings.
- Alterations to the Chaul End Road/Luton Road/Dunstable Road junction to provide a raised speed table close to Caddington village centre.

Community Trust

In connection with the development, it is proposed to establish a Community Trust of local representatives and residents who would take collective responsibility for managing and maintaining various parts of the site including public open space, the surrounding woodland, footpaths, play areas and the community building. The trust would also be responsible for delivery of a community bus service from the site as well as a range of community outreach initiatives to establish connections with the existing communities within Caddington and Slip End. The Trust is to be funded through income derived from the rental income from a number of homes for Intermediate Rent which would be gifted to the trust by the developers.

The application was accompanied by:

- Environmental Statement consisting of Volume 1 – Non-technical Summary; Volume 2 – Environmental Statement Chapters; and Volume 3 – Technical Appendices
- Design and Access Statement
- Design Codes (for approval)
- Application and parameter drawings (for approval)
- Site context plan
- Illustrative Masterplan
- Planning Statement
- Statement of Community Involvement
- Transport Assessment (including Travel Plan and Public Transport Review)

- Housing Land Supply Analysis (Regeneris)
- Green Belt Review
- Draft Section 106 Heads of Terms (including draft Community Trust set up)
- Utilities Capacity Report
- Footpath Feasibility Assessment (FPA8)
- Footpath Feasibility Assessment (Chaul End Road)
- SuDs Maintenance Strategy

Additionally, the following has also been submitted in support of the application during the formal determination period:

- Draft CASE Community Trust Proposal, July 2014 (including draft Memorandum & Articles and Outline Financial Summary)
- Supporting letter dated 22 September 2014 addressing consultation responses and third party representations (including Outline Waste Audit and Indicative Public Art Plan)
- Chaul End Road Footpath Options Analysis, September 2014 (Chaul End Road Footpath Standard and Substandard Specification Options and FPA8)
- Thames Water Sewer Impact Study, September 2014
- Community Trust Business Plan Supplementary Note, October 2014

Executive Summary

- (i) The application seeks planning permission for the redevelopment of the site to provide up to 325 dwellings and up to 500 square metres of community space (with flexible uses across Classes A1, - A3, B1a and D2). The proposals would provide for associated green infrastructure including landscaping, informal and formal open space, site re-profiling, selective tree removal, two accesses off Chaul End Road, roads, pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking. It was determined that the development should be subject to an Environmental Impact Assessment**
- (ii) The representations from the statutory and non-statutory consultees received raise a number of technical issues, concerns and a limited number of objections in relation to highways and pedestrian safety, other traffic impacts, utilities impacts, housing land supply and Green Belt considerations, and environmental impacts.**
- (iii) In assessing the proposals, it is considered that limited weight should be given to a number of the current adopted Development Plan policies, due to its age. However some policies are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and can therefore be afforded significant weight. There will be harm to the Green Belt caused by the development but there are very special circumstances that are to be**

taken into account. The site's current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.

- (iv) An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way.
- (v) It is recommended that, planning permission be granted subject to the prior consultation of the Secretary of State, the completion of a prior Section 106 Agreement and the conditions as set out as part of this report.

General Introduction and Planning Context:

The Vehicle Storage Centre is located outside of any established settlement boundary and is washed over by the Green Belt. The site has been identified as a suitable location for a housing scheme with associated open space and community facilities and is subject to a proposed housing allocation, as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. There are several reasons why the site is proposed to be allocated for development at this time.

Firstly, the proposal is being promoted through the neighbourhood planning process by Caddington and Slip End Parish Councils (who are producing a joint Neighbourhood Plan). The proposals have been publicised in the vicinity of the site by the developers between April 2013 and December 2013 via an extensive community consultation programme including a community planning weekend, a masterplan update event and a further public consultation event. Whilst there is local support for the proposals, the uncertain timetable and risks associated with the neighbourhood planning process means that a proposal of this size is more appropriately allocated within the Development Strategy.

Secondly, it is a standalone brownfield site and reduces the necessity to identify further greenfield sites to contribute to meeting housing need in Central Bedfordshire.

Thirdly, the site is surplus to General Motors requirements and it is timely to allocate the site in line with the exceptional circumstances set out in the Green Belt Technical Paper forming part of the technical evidence which informs the Development Strategy.

This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must, specifically the

information contained within the Environment Statement which accompanies the planning application.

The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework sets out this requirement:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” (para. 2)

The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)

Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.

RELEVANT POLICIES:

National Planning Policy Framework

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

Policy SD1 Sustainability Keynote Policy

Policy NE3 Control of Development in Areas of Great Landscape Value

Policy BE8 Design Considerations

Policy T10 Controlling Parking in New Developments

Policy H4 Providing Affordable Housing
Policy E2 Control of Development on Employment Land outside Main Employment Areas
Policy R10 Children's Play Area Standard
Policy R11 Provision of New Urban Open Space in New Residential Developments
Policy R14 Protection and Improvement of Informal Recreational Facilities in the Countryside
Policy R15 Retention of Public Rights of Way Network
Policy R16 Control of Sport and Formal Recreational Facilities in the Countryside

The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, BE8, R14, R15 and R16 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF. This matter is discussed in detail in Section 1.

Minerals and Waste Local Plan: Strategic Sites and Policies

Policy WSP5: Including waste management in new built developments

Emerging Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Growth Strategy
Policy 3: Green Belt
Policy 5: Neighbourhood Planning
Policy 6: Employment Land
Policy 8: Change of Use
Policy 19: Planning Obligations and the Community Infrastructure Levy
Policy 20: Next Generation Broadband
Policy 21: Provision for Social and Community Infrastructure
Policy 22: Leisure and open space provision
Policy 23: Public Rights of Way
Policy 24: Accessibility and Connectivity
Policy 25: Functioning of the Network
Policy 26: Travel Plans
Policy 27: Parking
Policy 28: Transport Assessments
Policy 29: Housing Provision
Policy 30: Housing Mix
Policy 32: Lifetime Homes
Policy 34: Affordable Housing
Policy 36: Development in the Green Belt
Policy 43: High Quality Development
Policy 44: Protection from Environmental Pollution
Policy 45: The Historic Environment

- Policy 47: Resource Efficiency
- Policy 48: Adaptation
- Policy 49: Mitigating Flood Risk
- Policy 50: Development in the Countryside
- Policy 56: Green Infrastructure
- Policy 57: Biodiversity and Geodiversity
- Policy 58: Landscape
- Policy 59: Woodlands, Trees and Hedgerows
- Policy 63a: Land at Vehicle Storage Depot, Chaul End, Caddington

The emerging Development Strategy for Central Bedfordshire is currently at the "Pre-Submission stage" having been subject to public consultation concluding in August 2014. The Development Strategy is due to be submitted for Examination this year. At the present time limited weight is given to the policies contained within it.

Luton and Southern Central Bedfordshire Joint Core Strategy - adopted by CBC Executive for Development Management purposes on 23 September 2011.

Supplementary Planning Guidance

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Leisure Strategy - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Planning Obligations Strategy for Southern Central Bedfordshire adopted 23 October 2009

Planning History:

The following relevant planning history relates to the application site.

Case Reference	SB/85/00940
Proposal	Residential development comprising 400 dwellings, recreational facilities, shop, pub and community centre (outline)
Decision	Planning permission refused (1) Contrary to policy principles against residential development in rural areas; (2) within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (3) contrary to policy aims to protect the AONB and AGLV; and (4) detrimental to highway safety. Appeal withdrawn.

Decision Date	27/11/1985
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Case Reference	SB/87/00075
Proposal	Residential development including sheltered accommodation, recreational and communal facilities and new link road (outline)
Decision	Planning permission refused (1) Contrary to policy principles against residential development in rural areas; (2) within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (3) contrary to policy aims to protect the AONB; and (4) contrary to policy aims to protect the AGLV. Appeal withdrawn.
Decision Date	01/04/1987

Case Reference	SB/89/00086
Proposal	Temporary use of land for vehicle storage and erection of portacabin office and toilets
Decision	Planning permission granted
Decision Date	19/06/1989

Case Reference	SB/93/00391
Proposal	Use of site as vehicle distribution centre with associated buildings, structures, access and landscaping (outline)
Decision	Application withdraw
Decision Date	14/04/1994

Case Reference	SB/93/00392
Proposal	Use of site as vehicle distribution centre with associated buildings, structures, access and landscaping (outline)
Decision	Planning permission refused. (1) Within the Green Belt, no very special circumstances sufficient to outweigh Green Belt harm; (2) associated road infrastructure would be detrimental to the AONB and AGLV; (3) associated road infrastructure would result in the loss of the wildlife habitat known as the Linces; and (4) traffic generation would have an adverse impact on Caddington village. Appeal allowed. Sec of State decision, 01/07/1996 refers.
Decision Date	05/01/1994

Case Reference	SB/97/00305
Proposal	Development of vehicle distribution centre with inspection building, security lodge, associated structures, highways works, earthworks and landscaping (reserved matters)
Decision	Reserved matters approved
Decision Date	18/07/1997

Case Reference	SB/97/00763
Proposal	Erection of car wash facility
Decision	Reserved matters approved
Decision Date	18/11/1997

Case Reference	SB/02/00696
Proposal	Variation of Condition 11 of Planning Permission SB/TP/93/0392 to allow storage of new Vauxhall badged vehicles, including those manufactured at Luton.
Decision	Planning permission granted
Decision Date	04/09/2002

Case Reference	SB/07/00912
Proposal	Erection of new single storey company vehicle handover facility comprising pre-fabricated building with collection and inspection canopies, erection of new single storey valeting canopy adjacent to existing pre-delivery inspection building, internal alterations within existing building to include the installation of body repair line and spray booth and installation of 2 No. petroleum tanks in bunded area.
Decision	Application withdrawn
Decision Date	25/09/2007

Case Reference	SB/08/00402
Proposal	Erection of new single storey company vehicle handover facility comprising of pre-fabricated building with collection and inspection canopies. Erection of new single storey valeting building adjacent to existing pre-delivery inspection building, internal and external alterations to existing building to include the installation of body repair line and spray booth, installation of 2 no. petroleum tanks in bunded area and gas cylinder store, engineering operations for new roadway and lighting columns. (Revised application SB/TP/07/0912)
Decision	Planning permission granted
Decision Date	03/07/2008

Case Reference	CB/13/03674/SCO
Proposal	Scoping opinion in respect of outline planning application for demolition of existing buildings and hardstanding, and residential development of up to 325 units and up to 300 sq metres community space (with flexible uses across Use Classes A1 - A3, B1a, D1 and D2) with green infrastructure and two accesses off Chaul End Road (with all other matters reserved apart from access), and works associated with the development including landscaping, informal and formal open space, roads, site re-profiling, selective tree removal,

	pedestrian, cyclist and public transport infrastructure, utilities and sustainable drainage infrastructure, car and cycle parking
Decision	Scoping advice released
Decision Date	20/11/2013

Land West of Luton/Bush Wood

The Committee will note within this report various references to land known as Bush Wood which has, at various stages, been promoted for allocation as a strategic development site. This relates to a significantly larger area of land also known as Land West of Luton which runs from the settlement boundary of Dunstable to the north and to Slip End to the south. This much larger site was previously promoted as an alternative growth option but was not progressed as part of the Luton and Southern Central Bedfordshire Joint Core Strategy. More recently the land has been put forward by land owners for consideration for allocation through the Development Strategy but has not been progressed and has not been identified as suitable for allocation by the Council.

The following planning history relates to Caddington Golf Club.

Case Reference	SB/09/00026/MW
Proposal	Importation of clean inert material to form six new holes and remodelling of part of the existing golf course, including landscaping and ancillary works (BC/CM/2009/1 refers).
Decision	Planning permission granted
Decision Date	01/10/2009

Since the grant of this planning permission in 2009, various detailed approvals have subsequently been granted pursuant to the conditions attached to the permission.

Representations:

Caddington Parish
Council (29/07/2014)

Unanimously in favour of 325 dwelling development as Vauxhall no longer require the site for vehicle storage and distribution.

The site is within the Green Belt but very special circumstances could be seen. Due to the location of the site and the wide band of surrounding woodland, the site would be well screened. Together with the housing to be provided at the former British Rubber Co. site bordering Dunstable and other sites within the parish, the proposal would result in the parish expanding by 34% to over 2,000 dwellings such that the parish would meet its housing need to 2031.

Footpaths

The provision of a footpath along Chaul End Road to Caddington village would be dangerous to pedestrians. Due to the narrow, winding nature of the road, drivers could lose sight of people using the footpath, especially in bad weather conditions.

There are other alternatives so funding could be used for other footpaths. The path running from Slip End to the application site via land rear of the church is preferred. This path would have to be upgraded to make it suitable for walkers and cyclists.

The path which runs to the rear of Rushmore Close would also need to be upgraded in a similar way.

Concerns are raised regarding pedestrian safety along the proposed footway/cycleway north of the site to cross Hatters Way. It is suggested that this path be fenced along Chaul End Road and a footbridge be provided over Hatters Way.

Chaul End Road speed limit and village parking

The southern section of Chaul End Road (Chaul End hamlet to the existing 30mph speed limit) should be subject to a 40mph limit. The northern section of Chaul End Road (Hatters Way to Chaul End hamlet) should be subject to a 50 mph limit.

Existing parking problems could be examined to identify solutions for extra parking required in Caddington village centre.

Community Trust

The proposed Community Trust would be responsible for the majority of site maintenance. The Parish Council should take overall responsibility for play equipment and sports facilities (MUGA) due to their expertise in this area.

CBC has an opportunity to open the Community Trust concept up to other sites where settlements are willing to expand but have reservations as this is an opportunity to manage day to day running of a development and provide affordable homes for rent. This is a fantastic idea and a revolutionary approach. The Community Trust business plan must show that adequate income can be achieved to fund all aspects of the Trust's responsibilities accounting for changing costs over time. If this cannot be shown, it is

questioned where any shortfall in funding will come from. Increases in Council tax or Parish precept would not be acceptable.

Sustainable Urban Drainage

This is a solution to one of the biggest problems on development sites in Caddington because of the clay content of the ground.

It is unclear where over flow water from the site would discharge. At present over flow water discharges via the golf course. The runoff goes down stream to Mancroft Road. It is questioned whether this would continue and how much runoff there would be from the developed site.

Under legislation Thames Water would be responsible for some drainage infrastructure, the Highway Authority are likely to be responsible for surface water drainage features such as swales, and the Community Trust would take responsibility for the pond and open spaces. It is questioned how the relationship between these three separate bodies would work. The drainage features must have a comprehensive maintenance program setting out the responsibilities of each relevant party. It is suggested that a single body should take sole responsibility for all drainage features. The Community Trust funding could be increased to allow the Trust to take over additional drainage responsibilities.

Integration with Caddington

It is suggested that a welcome pack should be provided for every new household. This could make residents aware of the upgraded footway/cycleway to Caddington, the community bus service, local activities, social groups, shops and services.

Development name

Due to the connection with Vauxhall, it is suggested that the development should be known as 'Griffin Park, Caddington' which sounds better and flows easier than 'Chaulington, Caddington'.

Slip End Parish Council
(24/07/2014)

The Parish Council supports this application. Caddington Parish Council's proposal of naming the site Griffin Park is supported. Concern is raised that the Community Trust may not provide enough money to be sustainable and this needs to be looked at closely. The Parish Council would like to see the Heritage Greenway route upgraded to

include a cycleway and a sturdier footpath away from the road, lit with solar lighting. The Parish Council has concerns about the site flooding.

Neighbours

The Paddocks, Chaul End

- Concern regarding the capacity of Chaul End Road giving rise to congestion and safety issues. An alternative route to Caddington should be provided.
- It is questioned whether the proposals would provide suitable utilities connections.
- Flatted developments would not be appropriate in this location.

1 Chaul End Cottages

- Concern about additional traffic queuing.
- The lack of a footway between the site and Caddington would force residents to use their cars.
- Concerns regarding disturbance caused during construction.
- It is hoped that the electricity substation in Chaul End hamlet will not be upgraded to supply new houses.
- Concerns regarding parking provision.

Chaul End Grange,
Chaul End

- Concerns are raised regarding the capacity of Chaul End Road and the capacity assessments which support the Transport Assessment. A greater number of vehicles than anticipated would travel south through Caddington to access the M1 at Junctions 9 and 10.
- Concerns regarding traffic impacts on Caddington village.
- The application documents include an inconsistency in the intended working hours for demolition and construction. It is critical that noise impacts on residents be fully assessed and limited.
- Concern that the existing electricity substation at Chaul End hamlet would be expanded.
- Concern regarding highway and parking design within the site.

8 Brick Kiln Barns

- Concern regarding health care provision and funding being provided for additional doctors.
- Concern regarding utilities capacity, connections and upgrade works.
- Concern relating to existing parking problems within Caddington village centre.
- Concern regarding the impact on Caddington village school and how children would get to school.
- Concern regarding financing and management

- arrangements for the Trust.
 - Concerns about traffic safety.
- 9 Brick Kiln Barns
- Reference is made to a number of road accidents on Chaul End Road, at Brick Kiln Barns.
 - Concern is raised about vehicle speeds, driver visibility and other safety issues.
- 1 Folly Lane
- Support. There is a need for additional housing and subject to consultation this is an appropriate location. Appropriate infrastructure, green space and a mix of housing to meet the needs of Caddington.
- 6 Holly Farm Close
- Concern regarding the transport infrastructure including parking in Caddington.
 - Widening of Chaul End Road for vehicles could exacerbate existing problems and make it a 'rat run'.
 - It is requested that a lowering of the speed limit along Chaul End Road be considered along with improvements to bus services for the area and a pavement running the length of Chaul End Road to encourage walking rather than driving.
 - Concerns regarding the capacity of the medical facilities and schools in Caddington.
 - Concern regarding the disposal of sewage and waste water from the new residences.
- Newsletter circulated within Caddington
- Reference is made to a former General Motors site within Luton Borough Council's administrative area for which planning permission was granted for residential development. Reference is made to planning obligations secured by LBC in connection with this permission.
 - Concern is raised that the developer should meet the cost impacts on various local services and facilities as a result of the proposal.
 - Concerns are raised regarding the capacity of the local roads, schools and doctors surgeries.
- 126a London Road,
Dunton Green
- Support. The application which would benefit the local environment and community.
- David Lock Assoc. on behalf of O&H Properties Ltd.
- Objection.
1. The applicant's assessment of 5 year housing supply conflicts with CBC's own assessment as at 30th September 2013. This creates uncertainty in relation to the Council's position in respect of housing land supply

and further work needs to be undertaken. In the absence of robust information, the application should not be determined.

2. O&H have concerns in relation to how the assessment of DS allocation sites has been undertaken and as a result the conclusions made within the assessment of the growth strategy for Central Bedfordshire. The conclusions within Council's Sustainability Appraisal: Assessment of Sites do not fairly reflect the significant landscape sensitivities, environmental constraints, relationship to Luton and its Green Belt location. The Marston Vale site is assessed in a similar way but would be more sustainable. It is not considered that exceptional circumstances have been demonstrated to justify the removal of the site from the Green Belt.

Bidwells
(on behalf of
neighbouring land
owners promoting land
forming part of 'Land
West of Luton/Bush
Wood')

- Our clients fully support the application who intend to put forward their own land to be considered as a logical extension of the application site. Our clients' land has previously been considered for development as part of the Bush Wood site which is not included in the site allocations within the Development Strategy.
- The proposed development is considered compliant with national policy and demonstrates the re-use of previously developed land within a sustainable location.
- Having regard to the existing use, it is demonstrated that the highway network could adequately cope with the associated traffic. The increased permeability and drainage measures proposed would improve surface water run-off. The site is screened by dense woodland and there would be no loss of visual amenity.
- The proposal would assist in delivering Central Bedfordshire's housing land supply in line with the Council's SHLAA.
- It is noted that the applicant's assessment of housing land supply concludes that the Council cannot demonstrate a 5 year supply of housing land. If this is accepted, the Council would need to proactively consider other residential developments coming forward, including our clients' land.

Consultations:

CBC Highways
(08/09/2014)

The accuracy of the Transport Assessment is accepted and the proposals to improve the highway network are in keeping and proportional to the mitigation required in

relation to the expected traffic generation of the proposal.

The proposal includes the provision of a bus gate in the centre of the development to segregate the site in relation to motor vehicles. While there is no objection in principle to the provision of a bus gate type feature, the logic of segregating the site is questioned as this is considered detrimental as far as sustainability is concerned. Overall, the proposed bus gate appears to have limited value.

[OFFICER NOTE: The parameter plans have subsequently been altered to remove the reference to 'bus and emergency only' at the central section of the 'spine road'. This will now be an all-vehicle through-route to allow greater permeability of the proposals.]

The applicant wishes to maintain the new highway network as private rather than public highway which may relate to a desire to reduce construction costs but this does not add any value to the proposal.

A speed reduction to 40mph and traffic calming along Chaul End Lane is proposed and while this is acceptable it does not fully address the problem in relation to pedestrian safety along this stretch of highway.

The main issue of concern remains the lack of provision of a footway within the confines of the highway corridor between the site and Caddington. It is likely that pedestrians will still attempt to walk along the road between the site and Caddington at all hours of the day and with the narrowness of the road and its alignment (even if the speed is reduced to 40mph) these pedestrians will be put at risk and will put other road users at risk. Unless an adequate pedestrian facility is provided along the route, the proposals cannot be supported by Highways Development Management.

The alternative being proposed is the improvement of the footpaths and rights of ways leading from the development to Caddington. This is not on land within the applicant's control and, consequently, there are concerns over the standard/quality of surfacing that can be achieved and the lack of lighting on these routes. Even if appropriate standards of design and construction are achieved, the question will remain over how attractive these routes will be to pedestrians, particularly during the winter period and at night.

As background, during the 1980's through to the 1990's South Bedfordshire District Council developed (retrospectively) a footway network along Parkside Drive, Houghton Regis after it had been found that the internal footway network of the estates did not promote a safe and convenient form of connectivity and people preferred walking along the road rather than remote from it. Further, Milton Keynes has a network of footway/cycleways remote from the highway corridor (Redways) which, due to increasing landscape maintenance costs, are becoming less attractive to users and a liability for the Local Authority.

The preferred option to mitigate against this is to provide a 2m wide footway on one side and a 3m wide footway/cycleway on the other of the carriageway for the entire length of the road from the existing village to the proposed development. An alternative would be to provide a 3m wide footway doubling up as a cycleway on the development side for the entire length from the existing village to the development. A further compromise would be the provision of a lesser width footway (1.8m wide), preferably on the development side, for the entire length of the road from the existing village to the development. Ideally, all of these footway options would be lit.

The footway/cycleway provisions proposed between the site and Hatters Way is substandard but this can be improved on and in the event that the proposal is approved this could be conditioned. I have concerns over the adequacy of the pedestrian link between Hatters Way and the halt for the Luton-Dunstable Bus link but, again, this can be improved upon.

In conclusion, it is recommended that the application should be refused on highway safety grounds unless the key issues raised above relating to footway facilities can be addressed.

CBC Sustainable
Transport (31/07/2014)

This site presents a number of challenges from the perspective of being sustainable in transport terms, most notably the lack of suitable alternatives to the car. Whilst the possibilities for the community bus service are acknowledged the opportunities for independent travel and safe and convenient access for all are still limited and whilst the ROW network offers some distinct possibilities

they are not guaranteed. While this council is realistic in terms of its aspirations for residents to travel sustainably it does favour the promotion of choice and currently that is not provided with any degree of certainty from this site.

Accessibility

Whilst proximity to Caddington village (1.5km) provides opportunities for access to local facilities including schools, the development is 3km from Luton town centre and 4.5km from Dunstable town centre by car. Against the accessibility criteria established by 'Shaping Neighbourhoods', the development is judged to largely meet expectations of access to facilities. However these criteria are based on distance only and make no reference to accessibility to different modes of transport. A range of services is therefore in reasonable proximity but is not currently accessible by means other than car. To overcome this, enhancements are proposed to the local public transport network through the introduction of a community bus service.

Walking and cycling

Accessibility to the site is currently poor for pedestrians and cyclists with no footpaths in existence along Chaul End Road. Possibilities for new footways are constrained by the geometry of Chaul End Road.

Other opportunities for connectivity are presented by the rights of way network. However the opportunities from improvements to achieve the desired levels of accessibility are constrained (FP3 goes through a church yard and FPA8 goes through a pony paddock).

The application indicates that footway proposals on Chaul End Road would detract from the rural character of the road and conflict with the environmental management plan for the Chilterns AONB. Whilst this is a consideration, the proposal would increase car and other traffic on roads that are currently unlit, unrestricted and rural in nature. The application does address the need for reduced vehicle speed limits and traffic calming but does not provide a highway solution addressing the need for footway connectivity.

Opportunities do therefore exist for improving access to green infrastructure and recreational routes. However there seems little practical alternative that would offer safe and suitable access for all.

Improved connectivity to the Luton and Dunstable guided busway is proposed through the introduction of a signalised junction. A signalised junction in this location is the preferred option as it offers the easiest crossing for cyclists and pedestrians and the incorporation of a right turn facility would offer the opportunity for the community bus service to connect to the guided busway via an improved footpath north of Hatters Way and access via the existing service road. There is an existing informal path in existence between the guided busway and Hatters Way. Whilst it is believed this land is in private ownership, this connection should still be pursued.

Public Transport

Currently opportunities for direct access to public transport are presently limited due to the poor level of bus services along Chaul End Road. Access to the guided busway (1km) is neither direct nor straightforward.

A plan is provided showing potential routes for the proposed community bus service. However it is intended that the service remains flexible to meet demand. The community bus model will ensure that the site is served by public transport in perpetuity rather one which sees the service withdrawn after any initial subsidy finishes. The exact mechanisms for ensuring its implementation would need to be secured by legal agreement if planning permission is granted.

Cycle Parking

Reference is made to CBC's cycle parking standards. However little mention is made as to potential provision as part of this outline application.

Travel Plan

A framework travel plan has been provided as part of the highway mitigation measures. It is assumed that the community trust will be ultimately responsible for the implementation of the travel plan which is reasonable and this will accompany the obligation for the bus service, however no mention of exact levels of funding is made with regard to other travel plan measures including promotional activities and literature. Despite the applicants decision not to provide a more comprehensive travel plan there are still deficiencies within the framework provided. For example, targets have been proposed which may be difficult to meet given the applicants own

admission that the dominant mode of travel to and from this development will be by private car. A full travel plan should be secured by planning condition if planning permission is granted.

CBC Rights of Way
(29/07/2014)

General

There are significant challenges in achieving sustainable connections for non-vehicular traffic for the site. The provision of a footway along Chaul End Road has been deemed unfeasible and improvements to the rights of way network are proposed as one way to meet the exceptional circumstances for allowing the development in the Green Belt with limited access other than by car. Rights of Way previously advised that the application would have to demonstrate that a full range of sustainable travel options have been considered. The application provides some suggestions but does not satisfy that the development can be considered sustainable.

Rights of Way directly affected by the proposal

Public Footpath No. A8 is located on the western edge of the development, adjacent to Chaul End Road. The application refers to this having fallen out of use. However this is likely because the footpath has been obstructed by fencing at the northern and southern ends of the site. This route would, in part, provide an alternative for walkers and cyclists to the site. It is expected that this path can be reopened and upgraded as part of the development to provide a suitable multi-user path all year round. A suitable crossing point or refuge would be required adjacent to the golf course. The design of the site accesses should also take account of FPA8 which will cross the new and existing site accesses.

Public footpath No. 5 lies to the north of the site and is within the red line boundary of the application. This path would be used by residents of the site and could be of benefit to existing residents of Chaul End. It is expected that this path can be reopened and upgraded as part of the development to provide a suitable multi-user path all year round. It is suggested that two or three path links from the development to FP5 be provided. Ideally a new linking path between FPA8 and FP5.

Wider sustainable travel and recreational routes

There are many public rights of way which lie outside of

the site which would see an increase in recreational use as a result of the development. There are other public rights of way which could offer sustainable travel options for new residents to Caddington, Luton and the Luton and Dunstable guided busway. Some of these routes form part of the Heritage Greenway aspirations of the Caddington and Slip End Neighbourhood Plan. It is generally agreed that if the applicant does not own the land over which these routes run, the applicant would provide the Council with a financial contribution to improve these routes as they would be directly affected by the development.

Public Bridleways 4, 8, 44 and 49

Public Bridleways 4 and 8 provide a link between Chaul End Road and Luton, running adjacent to the eastern edge of the application site. Public Bridleways 44 and 49 connect to the northern end of this route and provide a potential link to the guided busway. These routes require surface improvements and including some levelling and hard surfacing, vegetation clearance and waymark posts. At the northern end of the route, a suitable connection to any footway/cycleway to be created on Chaul End Road would be required (steps of multiuser ramp).

Heritage Greenway

A separate document relating to financial contributions towards the Heritage Greenway has been produced by Bedfordshire Rural Communities Charity and is endorsed by the Rights of Way team.

Submitted footpath feasibility reports

The submitted feasibility reports deal with the options for routes between the site and Caddington via FPA8 and Chaul End Road.

No analysis is provided regarding the level of use or surveying undertaken at different times of year. The reports do not consider how route improvements could be secured in terms of any land owner agreements or legal orders required allowing for route diversions etc. The costs of legal agreements and any compensation payable, officer time etc. are not addressed. Without these separate permissions and costs being covered the Council would have limited powers to pursue the route improvements or diversions considered.

The aspirations of the Heritage Greenway are to provide suitable multiuser paths year round. Much wider routes than those considered would be required (minimum 2 metres for public footpaths and 4 metres for public bridleways). The Heritage Greenway route should ideally be a bridleway/cycleway 4 metres in width. There would also be a need for a higher specification of surfacing and drainage than the surfacing options considered. Crushed limestone or hoggin could be used. Wood chippings would not be suitable to provide a year round surface. The planting of trees along the considered routes can lead to planting encroaching on rights of way and maintenance issues. Signage and other information such as interpretation boards would also be required to assist/encourage users. Resident welcome packs/travel packs should promote the use of the rights of way network and areas of local countryside interest.

The route options considered would not be enough to offer sustainable travel options and further work would be required in respect of suitable improvements to recreational routes.

Transport Assessment and road crossings

The potential impact (positive or negative) of the southern site access on Bridleway 4 should be considered. The proposed footway/cycleway along the northern section of Chaul End Road and the proposed crossing to Hatters Way should provide a suitable connection to Bridleway 44 (steps or multiuser ramp). *[OFFICER NOTE: These can be incorporated within the final design of highways works and would be dealt with through the separate S278 process.]*

The provision of improved pedestrian and cycle access to and crossing Hatters Way is most welcome. However it does not seem enough for the developer to work with the Council to provide a more direct link to the guided busway. Providing access to the busway via the existing service road would mean walkers and cyclists doubling back on themselves and would not be ideal.

The construction phase

It is not stated whether any temporary closures/diversions of any public rights of way would be required during construction or as a result of the provision of utilities. Should this be the case, there is a formal process which the applicant would be required to follow. Reference is

made to protective fencing and site hoarding, tree protection and noise barriers and ecology mitigation fencing during construction. These should not obstruct/affect any rights of way. FPA8 which crosses the existing site access and may be affected during construction but it is likely that this currently has a relatively low level of use.

Landscape and visual considerations

Any improvement of the existing woodland buffer should not impact on any right of way. The woodland buffer would be an enhancement to the development but may also mean paths within it are less overlooked and feel less safe.

Design codes

Public rights of way should be overlooked supporting the principles of Secured by Design. No design code is provided in respect of the proposed upgraded footpaths. The Rights of Way section does have its own surfacing specifications and can provide advice on these on request.

CBC Education
(28/07/2014)

The nearest primary school is Caddington village which should be able to manage pupil yield from this development without expansion. However additional early years and secondary provision is likely to be required. A financial contribution towards the provision of early years and secondary education is requested.

CBC Leisure
(25/07/2014)

For a stand-alone development of this size, formal open space and play facilities should be provided on site.

Formal Open Space (Sports Playing Pitches)

The parameter plans show a requirement for 2.184ha of sports pitches but it is unclear where this could be accommodated within the site. Due to the size of the development and its location, it is considered some formal sporting facilities should be provided on site.

The Design and Access Statement indicates a MUGA would be provided. This is welcomed but more detail would be required in terms of its size and specification. It is unclear where the MUGA would be located. It would be appropriate to locate this close to the proposed community building so as to allow for opportunities for management and surveillance.

The following are priorities for local sports facilities in Caddington:

- Caddington Sports and Social Club – football - good facility (although youth teams struggle for pitches)
- Caddington CC – site at capacity, lack of artificial wicket
- Provision of cricket training nets / artificial wicket
- New formal recreation space, potentially linked with requirement to provide additional capacity for cricket and / or demand for small amenity spaces

Further discussion would be required to identify the appropriate mix of on-site facilities and contributions to the identified local priorities as an alternative to full on site provision.

Children's Play Space

The parameter plans show a requirement for 0.66ha of children's play space. This is acceptable. The location of major play facilities within the centre of the development allows for the creation of a destination facility, a focal point for the development and allows facilities for all ages to be provided with sufficient space, surveillance and buffer zones to residential properties.

The Design and Access Statement proposes ten doorstep children's play areas. This level of individual dispersed provision is too high and a central destination play area is preferable in combination with two or three smaller play areas within the housing areas.

The content/form of the facilities for young people should be agreed with CBC Leisure and the Parish Council. This discussion should also include the ongoing management and maintenance of both the formal play and sporting facilities provided.

With regard to the flood attenuation basins/duck pond, appropriate safety measures are also required to ensure children playing nearby are adequately safeguarded.

Indoor Sports and Leisure Centres

An on-site provision is not appropriate for this development. A financial contribution to support existing leisure centre facilities is requested to accommodate additional demand generated by the development.

[OFFICER NOTE: Further to the comments of CBC Leisure, Officers have engaged in further discussion with the applicant regarding the level and type of on-site facilities and contributions to off-site facilities and this is addressed in detail below.]

CBC Housing
Development Officer
(11/08/2014)

There would be a requirement for 30% affordable housing (98 affordable residential units). A tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures would be expected. This would equate to 62 units for Affordable Rent and 36 units for Intermediate tenure. Affordable units should be interspersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. All units should meet the minimum code for sustainable homes level 3 and meet all HCA design and quality standards.

CBC Public Protection
(29/09/2014)

No objection subject to conditions to deal to secure Construction and Environment Management Plan (CEMP) and suitable noise attenuation measures and controls.

CBC Pollution Officer
(22/07/2014)

Requests further investigation and remediation be secured by condition as shown necessary by the submitted Phase 1 Environmental Assessment.

CBC Waste
(01/08/2014)

The following would need to be addressed as part of any reserved matters application:

- All flats would need to have purpose-built bin stores which are adequate in size to store the recycling and domestic waste bins
- Dropped kerbs in front of the bin stores, no parking in front of any bin stores
- All bin stores must be within 10 metres of the middle of the highway
- No gradient to the bin stores due to the size and weight of communal bins
- All individual dwellings must store their bins in the rear of the property boundary, there would need to access to the rear of each property without transporting them through the dwelling
- Communal collection points would need to dedicated for the individual dwellings
- Tracking will be needed for the whole of the site using our vehicle specification.

It is requested that a financial contribution towards the waste services and collections for the site be secured as part of the legal agreement.

CBC Minerals and
Waste (24/09/2014)

The main concern at this stage is whether the application would either generate significant volumes of waste materials or require significant volumes of materials to make up ground at the initial stages of development. There was the potential for this to add to the 200 HGV loads per day of waste soils going into Caddington golf course. It appears that based on a more realistic assessment of the start date for the development if successful, the importation of material into Caddington Golf course should have ceased. Therefore there does not appear to be any conflict with whatever may be needed at the construction stage. The principles contained in the waste audit are acceptable with further details to follow at the reserved matters stage.

CBC Local Planning and
Housing (01/10/2014)

The site is to be allocated for development within the emerging Development Strategy and the proposal should accord with emerging DSCB Policy 63a. The site has been promoted by Caddington and Slip End Parish Council's through the neighbourhood plan process and there is community support for the proposal. Given that the Heritage Greenway is to be the principle means of access to Caddington for pedestrians and cyclists, any future layout needs to make sure that the layout is sufficiently legible to make sure this route is clear and its use is encouraged. The Council have recently published a revised Design Guide which sets out the key principles and standards to ensure the delivery of high quality developments. Design codes will need to demonstrate how the overarching requirements of the Design Guide can be met.

CBC Public Art
(05/08/2014)

There are opportunities for the inclusion of public art as part of this development including as part of the central hub/shared space, the community building and the surrounding trim trail. It would be useful to draw on the areas of nature, history and materials and echo these themes across the site. Artistic elements to buildings and floorscapes including treatments and colour to paving designs, glasswork, panels and graduated colour to buildings, landscaping, planting, lighting, street furniture and signage could all add value. Guidance for producing a public art strategy and examples documents are provided. It is suggested that a public art strategy could

be incorporated within the Design Codes for the development rather than being provided as a standalone document.

CBC Sustainable
Growth Officer
(29/07/2014)

Policy Considerations

DSCB Policy 47 requires development to source 10% of energy demand from renewable or low carbon sources as a minimum and achieve standards set by the Building Regulations. Energy demand can be reduced through considering building orientation, individual building features such as canopies and planting to achieve shading or heat gain at appropriate times of the year. In terms of water efficiency, the development should achieve 110 litres per person per day. Water efficient fittings are recommended. Water harvesting systems could achieve a higher level of water efficiency. DSCB Policy 48 requires developments to minimise the risk posed by climate change. It is expected that the detailed application be accompanied by a sustainability statement demonstrating how these policy requirements would be met. It is suggested that details of how these standards would be met should be secured by planning condition.

Environmental Statement

Consideration should be given to climate change impacts on the built environment and its residents. Mitigation measures should be suggested to minimise risk of overheating. Impacts on social and health infrastructure should be assessed in terms of capacity rather than in terms of percentages. In percentage terms, some impacts may seem limited but these can put a strain on underused services.

CBC Ecology
(23/07/2014)

The Environmental Statement provides an accurate account of the site and adequately addresses the potential impacts on the natural environment. The proposed mitigation is appropriate to minimise impacts on key receptors and provides suitable enhancement opportunities. Habitats identified at risk are woodland and ponds whilst a number of plant and animal species are in need of protection. An additional Construction Environment Management Plan (CEMP) would be required by condition to ensure the specific measures proposed are implemented.

The submitted landscape and biodiversity management plan (LBMP) addresses the need to protect and enhance the biodiversity value of the site and is acceptable.

However the following points are noted:

- White helleborine, a priority species, has been identified in large numbers in the northern woodland and yet this does not appear to feature in the specific woodland management targets. Proposed additional woodland planting here needs to take this into consideration.
- Some of the wildflower species proposed to be used for meadows are not well suited to open grassland.
- Ponds on site have been noted to support common toad, a species of principal importance. The indicative masterplan indicates that the pond is envisioned as a 'duck pond'. Whilst this has a nice village appeal it will not necessarily serve the purpose to 'enhance biodiversity and nature conservation'.

The concept of a well treed design is supported. At an earlier stage it was suggested that a SUDs proposal could be accommodated through the centre of the site. However this is now omitted and a tree lined avenue is now proposed north-south. The tree canopy shown as part of the street sections is too small to allow for substantial provision of cooling effect or achieve a 'forest feel'. The majority of the tree planting to achieve this 'forest feel' relies on trees out of the public realm in private gardens where care and maintenance may be reduced. It is considered that the masterplan shows an unrealistic level of tree cover.

CBC Landscape
(22/07/2014)

No objection in principle. However the following points are noted:

Existing Tree Belt

- It is requested that a tree survey be undertaken as the species make up, quality, age and condition of the tree belt are important factors in visual mitigation.
- The species to be used in providing reinforcement planting should be specified.
- A longer east-west section describing wider topography would be appreciated.

Landscape Design

- As compared with earlier concepts the current scheme suggests a reduction in tree cover within the site and reduced provision for small 'community greens'. This does not support the design concept of a 'forest hamlet'. More trees within the public realm are required.

Landscape and Biodiversity Management Strategy

- Proposed woodland trees are described as including Ash @25% planting. Ash is currently not an appropriate tree species to plant and/or is not available due to Chalara fraxinea. A replacement species should be included. Canopy planting spacings may need to be revised dependent on the canopy tree selection and planting character. Description of stock is required.
- Details of planting distances, hedgerow species, planting ratios would be required if hedging is to be included.
- Further details of boundary treatments would be required at the reserved matters stage but these could be specified as part of the Design Codes at the outline stage.
- Details of planting within the private and public realms, including management and maintenance would be required.

Trees within the development

- Information is required regarding species, types and form of trees within the housing areas along with details of management arrangements.

SUDs – Green Infrastructure

- As part of earlier concepts a SUDs was proposed through the centre of the site running north-south. This is now omitted and should be reconsidered.
- A comprehensive SUDs management train needs to be provided including rain water gardens, rills, swales, attenuation areas.
- The management of SUDs should be integral to the landscape and biodiversity plan.

Public Open Space – Access

- The POS provision on site not only has to fulfil POS needs in terms of area but also character, location and quality of onsite provision to reduce over demand on sensitive sites outside the application site.
- The potential impact of dog walking on Bagerdell Wood and the sensitive ancient woodland is highlighted in the ES but proposed mitigation is not disclosed. This needs to be considered further.
- Footpath access to Caddington in a quality landscape environment needs to be resolved.

Chaul End Road

- Sympathetic highway works and traffic management are required in order to maintain the rural character of Chaul End Road.

Chaulington name

- Local distinctiveness can be reinforced by relating place names to local history and features.

CBC Archeology
(23/07/2014)

The proposed development site lies within an area that has produced archaeological remains dating to the Palaeolithic period and under the terms of the National Planning Policy Framework (NPPF) these are heritage assets with archaeological interest.

In the late 19th and early 20th centuries local archaeologist Worthington G Smith made a number of important discoveries of in situ Palaeolithic flint artefacts in brick pits. Smith interpreted his finds as a series of living floors preserved within the brickearth layers. More recent research (White 1997 and Sampson 1978) suggests that the finds appear to represent short term and small scale Palaeolithic activity around ponds and watering holes.

Palaeolithic remains are of national and international significance because archaeological deposits and/or artefacts dating to this period are extremely rare and as a result this period is not well understood.

Archaeological observation and monitoring of a geotechnical survey was undertaken at the site in April. A Brickearth deposit was identified in one trench however it did not contain any evidence for worked flint. The other test pits demonstrated that the site had undergone a degree of truncation, most likely associated with the previous land use. Sufficient work has been carried out to establish both the archaeological potential and the extent of the truncation within the proposed development site and it is clear that there is low potential for the survival of archaeological remains. No objection.

CBC Conservation
Officer (22/07/2014)

The application site abuts the important historic hamlet of Chaul End, which has well-documented medieval origins. Chaul End hamlet retains the character of a small settlement, including the historic and listed Chaul End Farm. The application seeks to preserve the distinctive, individual character of the historic hamlet through the

maintenance of a vigorous 'green break' between the two sites. The detailed layout must safeguard the topographic 'isolation' and intrinsic character of the historic hamlet.

CBC Partnerships and
Community Engagement
(04/09/2014)

- The Draft CASE Community Trust Proposal is to be treated as supporting information which would not be binding as part of a planning permission
- The Legal Agreement and planning conditions would be the appropriate vehicles to give control over the finer points of this development and the Trust business case as necessary.
- The proposed Trust is put forward as the preferred option to ensure the quality management of a community bus service, public open spaces community facilities and develop related social, community and environmental initiatives.
- A key public benefit derived from the Trust is suggested to ensure integration of the new with the existing community through the use of open space, improved connectivity (bus service) and community facilities which are designed to serve a wider catchment.
- At this stage the draft Memorandum and Articles of Association provides standard wording not specific to Chaul End/Caddington. Reference is made to the Trust providing financial advice, addressing social and economic deprivation, acting in the interests of local sites of architectural or historic significance and to establishing 'local branches' of the Trust, none of which would seem appropriate to the Trust.
- The proposal would appear to sit comfortably within the context of DSCB Policy 21 which requires provision for social and community infrastructure within developments.
- Community Trusts are a standard model of delivery vehicle for achieving sustainable community outcomes. The Trust would be set up as a company ltd by guarantee with charitable status which offers a good combination of minimal liability for trustees as well as access to future grant funding and exemptions from certain financial liabilities.
- Principal advantages of charitable status include opportunities for tax relief, donations, rate relief and charitable funding. It also establishes a specific public image which helps convey its purpose and credibility.
- Principal disadvantages include restrictions on activities (e.g. trading), limitations on trustees, and the administration requirements (e.g. financial reporting).

- Inclusive of representatives of key parties and stakeholders such as Central Bedfordshire Council and the Parish Councils are suggested as Trustees thereby ensuring those with a democratic mandate are included.
 - The proposal does state that alternative ownership and governance models have been reviewed and considered. However no information regarding these options has been provided.
 - Added value clearly lies in the Trust's local focus to provide much needed community facilities and opportunities for its local residents. This is very attractive to prevent isolation and separation to existing communities.
 - The Trust's role / duty / responsibilities as a Housing Manager would need to be clarified during the set up phase. There is potential tension here as the rented housing would be subsidising substantial benefits to be enjoyed by the other residents and existing communities.
 - There is the potential for conflict / duplication with the role of the local authorities (parish and unitary) but this could be resolved with much more discussion in the preparatory phases.
 - The Trusts role as a 'catalyst' to making things happen would need to be clearly established to emphasise partnership and collaborative working which might achieve better, more cost effective outcomes than might be the case should the Trust assume the role of both commissioner and provider.
 - The proposal does not suggest setting up a Shadow Board to facilitate and manage the process of set up and incorporation. A shadow Board can ensure the key parties are engaged from the outset and therefore build ownership and responsibility for the future Trust.
 - Concerns lies in the costs associated with set up and preparatory work necessary to develop the Trust and when responsibilities would be expected.
 - Arrangements to provide initial funding need to be established by Legal Agreement.
- CBCs Financial Consultant (BPS Chartered Surveyors) (16/09/2014)
- BPS has considered three main elements a) the set up and operation of the Trust b) the likely obligations of the Trust c) the likely revenue and capital available to Trust and the financial forecasts provided by the applicant.
 - The concept of a Community Trust offers many advantages over a more typical management

company which is farmed out of the residue of the developer's activities on a major site. It does however carry with it a number of additional risks.

- The inclusion of affordable housing may require the Trusts focus to be predominantly on the management of the housing to the possible exclusion of other priorities.
- Some of the liabilities of the Trust will evolve and become clearer through processes of procurement. It is therefore essential that in establishing the capital and revenue available to the Trust with the land owner and developer, their liabilities to the Trust are not capped before the cost of the significant "ticket" items has been clearly established through letting appropriate contracts.
- The Council has a major role in setting some clear parameters within the S106 Agreement to define beneficial outcomes. For example setting priorities around the operation of the community bus in terms of pricing and frequency and range of services will in turn help define the costs of the services and with it the developer/land owner contributions.
- The Outline Financial Summary shows progressive cash surpluses which are founded primarily on the assumption that income is growing at a faster pace than costs. It is open to question whether this core assumption is valid and will stand the test of time. However assuming the projections are incorrect and that costs grow above anticipated revenues, the business case would still provide a reasonable period of income security.
- Consideration should also be given to the potential impact of tenant rights to buy in relation to the affordable housing gifted to the Trust.
- Care would need to be taken that the group is initially well balanced to ensure that there is appropriate expertise available to it in terms of key decisions, regarding procurement of buildings, building design, procurement of services and operation contracts, letting the bus service and financial management.
- In the longer term it is envisaged that the Trust will employ a full time manager to provide additional capacity and to possibly allow the Trust to bring "in-house" some services it would otherwise initially contract out.
- The need to engage with a registered housing provider would constrain the Trusts ability to sell units or otherwise manage its asset base.

- The potential for lack of community engagement in the Trust, particularly in the early stages, and the need for significant input from Trustees is of concern.
- It is clear the developer and landowner will naturally seek to limit their medium to long terms financial exposure. It is also realistic to assume that in the early years the buildings and other facilities will have limited repairing liabilities given they are new structures. The framework for decision making would need to be clearly established.
- Clear criteria need to be established to determine the extent to which charging for Trust services is both practical and desirable as excessive charges will limit access to those services and therefore their potential community benefit.

Environment Agency
(21/07/2014)

The site is located above a Principal Aquifer Source Protection Zone. The previous land use is potentially contaminative and the site is considered to be of high sensitivity. Planning permission could be granted for the development subject to appropriate conditions. The following should be dealt with by condition:

- Secure the submission and implementation of a detailed surface water drainage scheme based on the agreed flood risk assessment.
- Secure the submission and implementation of appropriate remediation strategies to deal with the risks associated with contamination of the site.
- Prevent the use of foundation designs using penetrative methods without express consent where it has been demonstrated that there is no unacceptable risk to groundwater.

Chilterns Conservation
Board (23/07/2014)

Regard should be had to the following:

- The Chilterns AONB Management Plan
- The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chiltern Materials
- The Environmental Guidelines for the Management of Highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

Natural England
(08/08/2014)

Nationally designated landscapes and sites

The proposed development would not impact significantly on the purposes of designation of the Chilterns AONB. The comprehensive landscape and visual impact assessment concludes that there would be no significant

impacts on the landscape. The existing woodland buffer would mean the site would be well screened and this would be enhanced to minimise impacts on visual amenity and enhance landscape character.

The development is unlikely to result in an adverse impact on the Blows Downs SSSI is carried out in accordance with the submitted details. In terms of recreational impacts, housing growth should be supported by adequate investment in green infrastructure. In this respect the proposed mitigation measures are supported. It is recommended that appropriate management plans be prepared for the site and this should be secured by condition. Consideration should be given to the need to secure financial contributions towards management and enhancement of the wider green infrastructure network to offset the impact of the development.

Other advice

Considerations should also be given to the potential impacts upon the following;

- local sites (biodiversity and geodiversity);
- local landscape character;
- local or national biodiversity priority habitats and species;
- Natural England standing advice on protected species; and
- opportunities to secure enhancements in biodiversity on site.

Various case studies are provided demonstrating how multi-functional green infrastructure can perform a range of functions including flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. It is requested that these are shared with the applicant.

Campaign to Protect
Rural England
(29/07/2014)

The site is within the Green Belt and it is acknowledged that there would be harm arising from the proposal which would be inappropriate development. Although it is proposed that the land be removed from the Green Belt as part of the Development Strategy, this should carry limited weight until the Development Strategy is adopted. It is agreed that there would be a limited degree of incremental adverse impact to the Green Belt and this is outweighed by the contribution to housing provision and particularly affordable housing. No objection is raised in

principle.

Concern is raised that the development could lead to pressure for a larger development within the Green Belt such as the larger 'Bush Wood' scheme which was not progressed by CBC.

The proposed highway works and traffic calming would introduce a degree of urbanisation. Intrusive impacts on rural character should be avoided. Any further works to Chaul End Road (widening, straightening, hedgerow removal, lighting, footpaths) should be resisted. The site is adjacent to the AONB and additional works to Chaul End Road could be seen as sufficient to enable additional infill and larger developments in this location. Off-road pedestrian and cycle access is anyway provided for.

Future reserved matters applications should ensure a high quality, well landscaped development.

Highways Agency
(17/07/2014)

The development would not affect the safety or operation of the M1. No objection.

National Air Traffic
Services (14/07/2014)

No objection.

Luton Borough Council

The Council has formally consulted LBC in respect of the application. To date no response has been received. In August 2014, LBC made formal representations to consultation on the emerging Development Strategy and these respond to the proposed allocation under DSCB Policy 63a in the following way:

1. LBC objects to the methodology underpinning CBC's Green Belt Review. There is no sound justification for only including sites with capacity of 500 dwellings or 20 ha or more and the review makes an exception to these criteria for the Chaul End site based upon local support for the development (paras. 7 -16) *[OFFICER NOTE: The reasons why this site has been identified as suitable for removal from the Green Belt and allocation for housing development are addressed within the General Introduction and Planning Context and Section 5 of this report.]*
2. Clarification is required as to the provision of education and schools at the allocations. The

proposed Chaul End allocation does not mention any provision for improving local education facilities to accommodate these children (para. 19) *[OFFICER NOTE: The implications for the provision of education and school places are addressed within Sections 6 and 8 of this report.]*

Additional representations to the emerging Development Strategy relevant to Policy 63a

Lawes	<ul style="list-style-type: none"> • Concern over transport infrastructure, already experience congestion in Caddington. • Impact on capacity of facilities, including Caddington GP surgery and local school. • Will worsen existing parking problems in Caddington.
The Chiltern Conservation Board	<ul style="list-style-type: none"> • The policy should refer to the 'Chilterns Buildings Design Guide' • The Board welcomes the fact that a Framework Plan and Masterplan will be prepared and trusts that it will be involved in their preparation. • This should be subject to public consultation.
Paul Newman Homes	<ul style="list-style-type: none"> • Questions the rationale, objectivity and the comparative analysis that led to the selection of the strategic site at Chaul End as a strategic allocation for 325 dwellings. • Questions the rationale for the proposed removal of this land from the Green Belt.
English Heritage	<ul style="list-style-type: none"> • Surrounding countryside renowned for its archeological importance, in particular in regard to the Paleolithic era. • Given policy requirements, supporting text, relatively small size and the fact that the land has previously been developed, EH are broadly comfortable with principle of allocation from an archeological perspective. • Would like to see the desk-based assessment of the archeological landscape around Caddington added to the evidence base for this DS. • Policy 63a and the supporting text fails to acknowledge the proximity of the Grade II listed Chaul End Farmhouse. The lack of clarity regarding the listed farmhouse and new access points means the DS is unsound in terms of not being effective or consistent with national policy.
Parry	<ul style="list-style-type: none"> • Promotes site abutting Policy 63a. • Fully support allocation of Policy 63a.

<p>O&H Properties</p>	<ul style="list-style-type: none"> • Have serious concerns regarding the further release of Green Belt land for a site with so few sustainability credentials. • Do not consider its release from the Green Belt is warranted when other alternative sites are available, including outside of the Green Belt. • Object to this policy and believe that it renders the Plan unsound. • Primarily residential site will not help secure balanced growth of new homes and jobs and the site does not have the critical mass to deliver a sustainable mix of uses, facilities and infrastructure. • Site is disconnected from the urban area of Luton and will increase levels of commuting, contrary to one of the primary aims of the DS. • Site will have significant landscape impacts given its location within an area of Great Landscape Value and adjacent to the Chilterns AONB and to ancient woodland.
<p>Abbey Land Developments Ltd</p>	<ul style="list-style-type: none"> • Location is inappropriate in the Green Belt for new housing development of this scale • Isolated proposal unrelated to the existing settlement pattern and as such, would result in highly unsustainable development contrary to the NPPF and NPPG. • The provision of 300 square metres of community buildings is a totally inadequate response to making an unsustainable development sustainable. • Other Strategic Allocations clearly relate to the expansion of existing urban areas whereas this is an isolate development. • No certainty that sustainable transport links are achievable and it is questionable as to whether by providing them, the development will be considered sustainable. • Land surrounding Chaul End Road/Hatters Way junction is controlled by our clients and any re-configuration involving land outside of the existing highway would need to be agreed. Clients also control the land on the north side of Hatters Way between Chaul End Road and the Guided Busway and therefore, achieving a connection to the Guided Busway without their agreement brings into serious question, the deliverability of this Strategic Allocation. • Limited/no capacity for foul drainage in the existing sewage treatment works at Caddington. • Removal of the site from the Green Belt brings into question the exceptional circumstances required to alter the Green Belt boundary in this location. • Proposed allocation is inconsistent with controlling the unrestricted sprawl of development and safeguarding the

	<p>countryside from encroachment. Responses in Green Belt Technical Paper are inadequate.</p> <ul style="list-style-type: none"> • The scale of the proposed allocation is totally disproportionate to Chaul End hamlet. • It is still a requirement to ensure that the redevelopment of previously developed sites would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. • Assessment in the Green Belt Technical Paper appears to regard the previously developed status of the site to justify the safeguarding of the countryside from encroachment, however the site is 'mainly tarmac and some buildings' and therefore is largely an open site with minimal impact on the openness of the Green Belt in its present condition. • Proposals would have significant impact on the openness of the Green Belt. • The land being surplus to requirements is insufficient justification for bringing forward any site for development. • Argue CBC's assessment that the site has no significant concerns and some positive impacts in terms of accessibility. • CBC rely upon the proposal being promoted through the neighbourhood plan process as a justification for its allocation. This approach is contrary to the Neighbourhood Planning Regulations and the order of plan making.
<p>Friends of Bush Wood</p>	<ul style="list-style-type: none"> • Objects to the Chaul End allocation as it undermines the 'Bush Wood' allocation • Lacks the necessary critical mass
<p>Haxell</p>	<ul style="list-style-type: none"> • Policy forms only a part of the cumulative effects on Luton of all proposed developments within and around the urban complex and therefore should not be considered initially as a separate issue
<p>The Wildlife Trust for Bedfordshire</p>	<ul style="list-style-type: none"> • There are a number of significant wildlife sites very close to this Strategic Allocation to which we feel there is a substantial risk of harm from the proposed development. • The policy should include clauses which require assessment of this risk and contributions to mitigating any potential harm to these sites
<p>Bedfordshire Rural Communities Charity</p>	<ul style="list-style-type: none"> • Specific reference should be made to the delivery of the Caddington & Slip End Heritage Greenway within bullet point 5.

General Motors UK Ltd	<ul style="list-style-type: none"> • Supports policy. • Greater emphasis should be placed on the role of the allocation and the proposals in the aspirations of the Caddington and Slip End Neighbourhood Forum and the emerging Neighbourhood Plan • Recommends the policy is amended as follows: “The site will be developed to include a mix of <u>approximately</u> 325 dwellings and <u>around</u> 300 square metres of community buildings...” “Suitable pedestrian and cycle links must be provided to connect with existing routes on Hatters Way and within the village of Caddington including <u>enhanced pedestrian connectivity</u>, including enhanced Public Rights Of Way connections to the wider area.” “Public/<u>community</u> transport connections will be required to link the development to both Caddington and the Luton conurbation, including <u>providing connections</u> to the Guided Busway.” “<u>Approximately</u> 325 market and affordable homes.” “Suitable pedestrian and cycle links to connect with existing non-vehicular routes on Hatters Way and within the village of Caddington including <u>enhanced pedestrian connectivity</u>. New public transport connections to Caddington, Luton and the Guided Busway.”
Highways Agency	<ul style="list-style-type: none"> • Provision of sustainable transport links with nearby town centres and transport interchanges will be critical in helping to reduce car trip generation.

Determining Issues:

The “Determining Issues” in this report sets out the relevance of the current Development Plan to the decision, followed by the importance of the National Planning Policy Framework and the Green Belt.

Furthermore, there is detail on how the policy context above is reflected through the preparation of the emerging Development Strategy for Central Bedfordshire.

Therefore, the main determining issues for the application are considered in the following sections:

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire

5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Environmental Impact Assessment: Issues arising and their mitigation
7. Issues
 - a. Loss of employment land
 - b. Design concept, density, housing mix and type
 - c. Transport impact, accessibility and connectivity
 - d. Leisure, open space provision, green infrastructure
 - e. Community trust
 - f. Utilities
8. Consequences for a Section 106 Planning Agreement
9. The Requirement for Planning Conditions
10. Conclusion

1. Compliance with the Adopted Development Plan for the Area

- 1.1 The formal Development Plan for this area comprises The Minerals and Waste Local Plan (M&WLP) 2014 and the South Bedfordshire Local Plan Review (SBLPR) 2004.
- 1.2 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 4 of this report. All other relevant policy considerations under the Development Plan are addressed below.
- 1.3 Policy NE3 seeks to protect Areas of Great Landscape Value from development which would adversely affect the landscape character and setting of the area. A package of supporting information has been submitted to address the potential landscape impacts of the proposal in the form of a Landscape and Visual Impact Assessment including site sections demonstrating the likely massing and height of the development, relative to the surrounding woodland buffer. Landscape and visual effects are addressed as part of the ES which is appraised in detail below. Given that the site would remain substantially enclosed within the enhanced woodland buffer, the undulating landform, and the other woodland cover in the area, views of the site in the wider landscape are limited. The proposal would have a limited impact on existing landscape features. The proposed development

would not therefore conflict with Policy NE3.

- 1.4 Policy BE8 lists a number of design considerations that development should generally take into account. The submitted parameter plans and Design Codes establish positive design principles which will ensure that the proposed residential development would be capable of achieving a high quality design at the reserved matters stage which would relate well to the surrounding woodland and associated informal open space and community hub. The application is therefore considered in compliance with Policy BE8.
- 1.5 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments. The outline application does not present any conflict with this objective. However the requirement for sufficient parking provision would need to be addressed in detail at the reserved matters stage.
- 1.6 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 1.7 The policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes. Therefore this policy is considered to be out-of-date and it is recommended that limited weight is afforded to Policy H4 in respect of occupancy and the indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of this development, is of greater relevance and the application is assessed in terms of its compliance with this policy below.
- 1.8 Policy E2 seeks to protect employment land outside of main employment areas for B1, B2 and B8 uses. This policy applies to all allocated

employment land and also unallocated employment sites such as the application sites. Development other than B Class uses will be considered acceptable where proposals are in accordance with the detailed criteria set out within the policy. In relation to these, the site is subject to a restrictive personal planning permission, is significantly under-utilised, supports a limited level of employment and is deemed surplus to requirements. These matters are addressed in greater detail below. Overall it is considered that the proposal would not unacceptably reduce the available industrial and commercial land. The development would make a positive contribution towards regeneration and the supply of land for housing. It would not prejudice, or be prejudiced by adjoining land uses and is considered acceptable in terms of traffic generation and the proposal is not considered contrary to Policy E2.

- 1.9 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. Since these policies were established, new guidance was published in 2009 in the form of a Supplementary Planning Document for Planning Obligations in the former South Bedfordshire area. Subsequently various updated quantity and quality standards in respect of play and open space provision as part of developments have been established as part of the Central Bedfordshire Leisure Strategy which was adopted as technical guidance for Development Management purposes in March 2014. These standards supersede previous requirements set within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished. The provision of play areas and open space is appraised in detail below.
- 1.10 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing rights of way, opportunities for enhancements to the network and new pedestrian and cycle connections which can be provided in connection with the development to improve recreational access to the countryside. The proposal therefore complies with the requirements of Policy R14.
- 1.11 Policy R15 seeks the retention of the existing public rights of way. The planning application has a number of footpaths and bridleways in and around the site. Various enhancements to the existing rights of way network are being planned for in connection with the development and financial contributions towards the enhancement of routes outside of the application site can be secured by Legal Agreement to meet the policy aims of Policy R15.
- 1.12 Policy R16 offers support to the provision of land for outdoor sport though referring also to the general Green Belt policy that buildings would not be appropriate. The provision for outdoor sport is addressed in detail below. This policy is a material consideration and should be considered alongside

the section in this report on the Green Belt. The opportunities to provide outdoor sport facilities have been explored as part of the application. In addition to the proposed multi-use games area, the development would support local sport objectives elsewhere by way of a financial contribution to be secured by Legal Agreement and this is considered appropriate to meet the objectives of Policy R16.

- 1.13 Minerals and Waste Local Plan Policy WSP5 relates to waste management in new built developments. The application is supported by an outline waste audit which satisfactorily demonstrates appropriate waste management principles at the outline stage. A detailed waste audit/management scheme can be secured by condition as part of reserved matters submissions. The proposed does not therefore conflict with the aims of Policy WSP5.

2. Compliance with the National Planning Policy Framework

- 2.1 For the reasons set out in the previous section, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

2.2 Building a strong, competitive economy

The proposal would result in the loss of the existing vehicle storage use with potential to support employment generation. In this case there is limited potential for continued or alternative employment generation and the Vehicle Storage site is not considered a prime employment site needed in order to achieve the Council's job growth aspirations. This matter is addressed in greater detail below. In relation to opportunities to support a strong, competitive economy, the following also weigh in favour of the proposal:

- Provision for commercial and community uses to support the development itself
- Additional housing to support local shops and services, and in particular those within Caddington village
- Shorter term employment / investment benefits within construction / housing sector

2.3 Promoting sustainable transport

The application was submitted with a comprehensive Transport Assessment. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. However the redevelopment of the site to residential presents a number of challenges in achieving sustainable non-vehicular connections. The application acknowledges the importance of providing safe and suitable connections to neighbouring settlements, including Caddington village, for access to local facilities, and the Luton and Dunstable guided busway. There are various practical barriers to providing a footway/cycleway on Chaul End Road between the site and Caddington village, not least because land required to provide this is outside of the

applicants control and is within private ownership. This has also been resisted as works to widen the road corridor would have a significant urbanising effect on the rural character of the locality and would give rise to adverse biodiversity impacts due to removal of established hedgerows and trees along the road. Various options for providing an alternative non-vehicular connection between the site and Caddington village are available through various enhancements to the existing rights of way network and the Heritage Greenway scheme which is being planned through the Caddington and Slip End Neighbourhood Plan Steering Group. Suitable contributions towards the enhancement of these routes can be secured by Legal Agreement. The Community Trust proposals support the funding of a community bus service in perpetuity to serve the site and the surrounding area. The development would be subject to a residential travel plan which would promote the available sustainable travel options. A detailed appraisal of these aspects of the proposal is provided below.

2.4 Delivering a wide choice of high quality homes

The Design and Access Statement provides an indicative mix of likely housing types. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate that a suitable variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters scheme(s) should reflect the latest available information on such requirements.

2.5 The proposed Development Strategy includes a policy which seeks 30% of the housing to be classed as Affordable Housing. The proposal seeks to provide for on-site Affordable Housing at 30% of the total residential provision and this would be secured through Legal Agreement. In relation to this, it is relevant to note that there are no development viability constraints which would prevent full Affordable Housing provision in this case. A proportion of the Affordable Housing provision would be provided as Intermediate Rented units through the proposed Community Trust in order to fund the provision of a Community Bus and other Trust facilities, services and responsibilities. Intermediate Rents are due to be declassified by the Homes and Communities Agency as Affordable Housing in April 2015 and on this basis Intermediate Rented units are not technically classified as such. However, in recognition that the provision of Intermediate Rented units is part of an innovative approach to delivering ongoing funding arrangements for the much broader community benefits which the Community Trust could deliver, this is considered an acceptable approach to the provision of Affordable Housing in this case.

2.6 Requiring good design

The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level including: overall scale, density, massing, height, landscape, layout, materials and access of new development. The application includes a comprehensive Design and Access Statement and Design Codes which sets

basic design principles for the quality of the development. This is a reasonable approach as it establishes broad design aspirations and baseline standards. This would also allow the Council to consider the quality of the detailed proposals which would come forward at the reserved matters stage and the degree to which these would conform to the agreed Design Codes. Aspects of the design proposals and parameters are assessed in more detail below.

2.7 Promoting healthy communities

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The proposal includes provision for a community facility of up to 500sqm with the opportunity for flexible complementary uses such as a shop or restaurant use. Formal and informal open space would be provided along with play space and a multi-use games area (MUGA). These are considered appropriate to that scale of the proposal, having regard to its location in relation to existing facilities and services in the area. There is also the opportunity to secure appropriate financial contributions by Legal Agreement to offset the impact of the development on facilities and services such as schools, healthcare, local sports and leisure facilities and emergency services.

2.8 Protecting Green Belt land

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

2.9 Meeting the challenge of climate change, flooding and coastal change

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. The applicant acknowledges and supports the incorporation of renewable energy sources and low-carbon

technologies as part of the development and this can be secured by planning condition. The site is not located in an area at risk from flooding (Flood Zone 1). The application is accompanied by a Flood Risk Assessment which demonstrates that the proposals would reduce surface runoff and increase filtration and soak away as a result of the significant reduction in hard standing across the site (33%) and introduction of a detailed Sustainable Urban Drainage (SUDs) Strategy.

2.10 Conserving and enhancing the natural environment

Great weight should be given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty. For the reasons set out in the previous section and addressed in detail below in relation to the submitted ES, the proposed development would not have any significant adverse effect on landscape character and would not be detrimental to the setting of the AONB. The application was submitted with comprehensive documents addressing the likely biodiversity and other environmental impacts and benefits likely to arise from the proposed development. The removal of extensive hard standing across the site would open up significant areas for landscaping and the potential to enhance ecology and biodiversity. Various proposals for woodland and biodiversity enhancements have been included within the Environmental Statement and are supported by a detailed Landscape and Biodiversity Management Strategy.

2.11 Conserving and enhancing the historic environment

The application seeks to retain the substantial woodland buffer surrounding the site and would ensure the site remains separate and distinct from Chaul End hamlet thereby retaining its modest character and preserving the setting of the listed Chaul End Farm. The site is located within an area that has produced archaeological remains dating to the Palaeolithic period. The submitted Environmental Statement details the results of a geotechnical survey undertaken in April. This is considered sufficient to establish that there is low potential for the survival of archaeological remains.

2.12 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 4 of this report. The proposal is considered compliant with all other relevant planning principles and aims under the NPPF.

3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy

3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda

promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the evidence that supported the Joint Core Strategy remains supportive of the growth agenda for the area.

- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application. The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire.

4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire

- 4.1 The Central Bedfordshire Development Strategy document is at a stage of production where following recent public consultation and further amendments it is due to be submitted for Examination later this year.
- 4.2 Policy 63a sets out the requirements for the proposed allocation. The policy expects the following to be delivered.
- 325 market and affordable homes.
 - Two access points from Chaul End Road.
 - Suitable pedestrian and cycle links to connect with existing non-vehicular routes on Hatters Way and within the village of Caddington including a new footway along Chaul End Road.
 - New public transport connections to Caddington, Luton and the Guided Busway.
 - Delivery of measures to improve traffic issues along Chaul End Road and appropriate junction re-configuration works for the junction of Chaul End Road and A505 Hatters Way.
 - A Green Infrastructure network within the site which links in to the existing and proposed green infrastructure beyond the site
 - Appropriate provision of community buildings, community facilities, and children's play and formal sport space in line with the Leisure Strategy.
 - Mitigation against the impact of development on the nationally designated Chilterns AONB, through the sensitive design of new

development and landscape enhancements within and at the boundary of the allocation.

- A form of development which incorporates measures which allow it to adapt to climate change, provide sustainable urban drainage, minimises energy use, compensates for loss of carbon in soils and provide recycling measures and renewable energy technologies.

The planning application has been designed to align closely to the details of this policy and, in general, it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it.

- 4.3 The Development Strategy for Central Bedfordshire is not yet adopted policy, but is being prepared to deal with development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy also seeks to be consistent with the NPPF. To that end, it is considered that its housing policies that define a quantum of development and its policies about new infrastructure and its delivery are more up-to-date and should be given greater weight than those equivalent to or missing from the adopted SBLPR (2004).
- 4.4 The planning application conforms closely to the policy direction that the Council wishes to go and explicitly delivers a significant housing allocation that the Council considers to be a key part of its Development Strategy.
- 4.5 At this stage, some weight can be given to the document which is greater than the L&SCB Joint Core Strategy. However, until it is formally adopted, the National Planning Policy Framework should carry greater weight.

5. The Green Belt and assessment of the potential very special circumstances that may arise

- 5.1 Policy 63a of the emerging Development Strategy proposes that the land is removed from the Green Belt and allocated for housing development. There is a body of evidence developed in support of the Development Strategy which has concluded that it is appropriate to remove the site from the Green Belt. This has been referred to above within the General Introduction and Planning Context section of this report. However, this policy is not yet in place and, at the present time, the application site is located within the Green Belt. The development does not constitute one of the types of development which are set out in the NPPF as appropriate within the Green Belt and the proposal therefore constitutes inappropriate development. Very special circumstances therefore need to be demonstrated to clearly outweigh the harm to the Green Belt, both by reason of inappropriateness and other harm identified below.

- 5.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal?
- 5.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.4 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.
- 5.5 The application site is substantially previously developed land comprising an extensive area of hard standing, capable of storing approximately 6,500 vehicles. The site incorporates a warehouse and office building, gatehouse building and external lighting. The land is substantially enclosed by a dense woodland buffer and earth bunding which visually contains the land such that the developed areas of the site are not readily visible within the landscape. The woodland edge also provides physical separation between the site, the surrounding open countryside and Caddington Golf Club which lies to the east, beyond Chaul End Road.
- 5.6 **To check the unrestricted sprawl of large built-up areas and prevent neighbouring towns merging into one another**
The site is separated from neighbouring settlements and does not adjoin an existing settlement boundary. The development would not involve an extension to an existing settlement boundary. Due to its current use, location and the surrounding land uses, the site does not therefore make any contribution to checking unrestricted sprawl of large built-up areas. The existing woodland buffer is to be retained and enhanced to ensure the current separation from Chaul End hamlet is not reduced as a result of the development. The development would not result in unrestricted sprawl or neighbouring towns merging into one another.
- 5.7 **To assist in safeguarding the countryside from encroachment**
As the site is previously developed land, the development would not result in the loss of countryside. The retention of the established woodland buffer would ensure that the site remains a stand-alone and self-contained development, separate from the surrounding countryside. This would also serve to preserve a clearly defined boundary between the developed site and the open countryside. While the land would remain substantially and visually enclosed, it is acknowledged that the development would involve a limited degree of encroachment as a result of facilitating works such as the

creation of a new vehicular access from Chaul End Road.

5.8 To preserve the setting and special character of historic towns

There are no historic towns within the immediate vicinity of the application site. However, as noted, the development would ensure the site remains separate and distinct from Chaul End hamlet thereby retaining its modest character and preserving the setting of the listed Chaul End Farm. Given that the site is visually contained within woodland and due to its separation from other settlements, the development would not have any impact on the setting or character of Caddington, Luton or Dunstable.

5.9 To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The proposal would not compromise the Green Belt objective to encourage the recycling of derelict and other urban land. While the site itself is not derelict or urban land, the site has been previously developed and, at present, is substantially underutilised and is deemed surplus to requirements. On this basis, it is considered that the development would actively assist in urban regeneration through redeveloping a previously developed and under used site and by reducing the need to identify undeveloped sites within the Green Belt for development.

5.10 Conclusions on Green Belt harm

The application seeks to demonstrate that the level of Green Belt harm would be limited as the site would remain substantially and visually contained by the established woodland buffer such that the developed areas of the site would not be readily visible within the landscape. Whilst this would be the case, it is important to note that the impact upon the Green Belt does not simply relate to visual considerations. Under the terms of the NPPF, the proposal would constitute in appropriate development which is by definition harmful to the Green Belt.

5.11 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Therefore the impact on the openness of the Green Belt must also be considered, whether or not this would be visible from outside of the site. In terms of this basic objective, the proposed development would increase the amount of built development within the site. However the site has been previously developed. The site has the capacity to store for approximately 6,500 vehicles, incorporates a substantial expanse of hard standing, a number of buildings and external lighting storage and has the potential to support a substantial number of HGV movements and other associated activities relating to the commercial storage use. This results in a significant loss of openness. The level of harm in terms of openness which would result from the proposed development is therefore considered to be limited in this case.

5.12 The proposal does not conflict with the five purposes of including land within the Green Belt other than by way of the limited encroachment resulting from

facilitating works such as the creation of a new access from Chaul End Road.

5.13 Therefore the proposed development would be harmful to the Green Belt due to its inappropriateness, its limited impact on openness and its limited encroachment.

5.14 Having concluded this, it is necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the Green Belt harm identified having regard to the substantial weight to be attached to any Green Belt harm

5.15 **The case for very special circumstances**

The application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal. These are summarised as follows:

- 'Greening of the site'. The improvement and enhancement of visually bleak, previously developed land, including the removal of the vehicle storage use and the introduction of landscaping, planting and green open space.
- Highways improvements to Chaul End Road and associated junction improvements, including reductions in vehicle speeds and traffic calming measures to enhance community and highway safety.
- Enhancement of existing public rights of way, including assisting in the delivery of the proposed Heritage Greenway to improve connectivity and accessibility between the site, Caddington and the surrounding rights of way network.
- Provision of a community bus to serve the new and existing communities to enhance connectivity of the site and providing a sustainable mode of transport to be secured long term through the proposed Community Trust.
- The opening up of a Green Belt site for use and enjoyment to the benefit of the public where accessibility does not currently exist.
- The improvement and long term management of the woodland and ecological interest of the wider site, secured in perpetuity through the Community Trust.
- The pressing need for housing provision, including affordable housing, and the contribution of the proposals towards meeting housing need in the area.

5.16 **'Greening' of the site**

Whilst the site is contained by woodland and the site is not readily visible in wider views, there is an opportunity for landscape and visual amenity improvements as result of the development not least due to the removal of the expansive hard standing across the site and implementation of the proposed landscaping proposals. In line with current and emerging planning policy. The removal of the extensive 'blanket' of hard standing across the site and increase in permeable surfaces would be beneficial for the management of water resources and in terms of biodiversity. There is a policy requirement for development proposals to demonstrate a net gain in biodiversity and make a positive contribution to managing flood risk and improving water quality. However, given the way the application site has been developed, its scale, current use, rural location and relationship with established woodland and wildlife areas, the 'greening' benefits of the proposal are considerable in this case.

5.17 **Highways improvements**

Various highways improvements would be required to serve the proposed development including safe connection to, and crossing of, Hatters Way for pedestrians and cyclists. It is understood that the existing junction at the northern end of Chaul End Road provides sufficient capacity to serve existing traffic and additional traffic resulting from the proposed development. However, the proposed improvements to the junction north of Chaul End Road would introduce a right turn facility onto Hatters Way, improving traffic flow and reducing vehicle waiting time. Additionally the proposed improvements to the junction south of Chaul End Road represent an opportunity to improve traffic flow to address existing congestion issues and enhance the public realm and the street scene within the village centre and conservation area through the use of suitable materials and street furniture. While suitable highway safety and traffic calming measures would be required in connection with the proposed development, there have been instances of traffic accidents on Chaul End Road and the proposal does represent an opportunity to address existing safety issues. Elements of the proposed package of highways improvements works would be required in order to provide necessary mitigation to deal with impacts which would result from the proposed development. However many of the proposed works do go beyond the minimum measures required for mitigation purposes and weight in favour of the case for very special circumstances.

5.18 **Enhancement of existing public rights of way, including assisting in the delivery of the proposed Heritage Greenway**

As with the proposed highways improvements, various rights of way enhancements would be required in connection with the development due to its relationship with the surrounding rights of way network and the need to provide suitable non-vehicular connections, particularly between the site and Caddington village. However the proposal would assist in the delivery of the Heritage Greenway scheme which represents a key component in the emerging Caddington and Slip End Neighbourhood Plan and is part of a

larger project of wider value intended to benefit the existing and expanded communities. Accordingly this also carries weight in terms of very special circumstances.

5.19 Provision of a community bus to serve the new and existing communities

Any development of this nature would, as a minimum, be required to contribute to the provision of public transport within the vicinity of the site and it is often the case that the development would be expected to subsidise the running of a new or extended bus service to serve the site. However the service could be withdrawn after any initial subsidy finishes. In this case, the proposed Community Trust would establish a community bus service which is to be funded in perpetuity through rental income from Trust housing. The community bus service would be available to residents of the proposed development and also the wider community. This would provide a wider benefit in expanding the public transport options in the area.

5.20 The opening up of a Green Belt site to the benefit of the public

The proposal would provide access to the surrounding woodland and open space for the wider community. However suitable public access to informal open space would be required in connection with the proposed development and there is a separate requirement for established rights of way to remain unobstructed. Accordingly limited weight is attached to this benefit.

5.21 Improvement and long term management of the woodland and ecological interest of the wider site

Various proposals for woodland and biodiversity enhancements within the site are set out as part of the submitted Landscape and Biodiversity Management Strategy. As noted, notwithstanding baseline policy requirements in relation to biodiversity, the opportunities for ecological benefits are considerable in this case because of the current use of the site, its rural location and its relationship with established woodland and wildlife areas. Additionally long term management of the woodland and natural areas within the site would be secured in perpetuity through the proposed Community Trust. The aspect of the proposal weighs in favour of the case for very special circumstances.

5.22 The pressing need for housing provision and the contribution of the proposals towards meeting housing need in the area.

In line with the NPPF, there is a need to boost significantly the supply of housing. Accordingly Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing and identify a supply of specific, developable sites or broad locations for growth. The application site has been identified by the Council as suitable for development to provide up to 325 dwellings and is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy.

- 5.23 In support of this aspect of the case for very special circumstances, the applicant has submitted an assessment of housing land supply (Regeneris) which seeks to demonstrate the level of local housing need in Central Bedfordshire.
- 5.24 The representations of Bidwells and David Lock Associates also raise the issue of housing supply and note that the applicant's assessment differs from the Council's own approach.
- 5.25 The applicant's assessment of housing need and supply
The Regeneris report states that Central Bedfordshire's five year land supply should be assessed against a need for 1,620 dwellings per annum (8,100 dwellings over five years). This is based on government guidance which states that household projections published by DCLG should provide the starting point for estimating overall housing need. Additionally, it is stated that there is a backlog need of 960 homes and, in line with the NPPF, an additional 5% buffer should be applied to this to account for historic under-delivery of housing against previous targets. The close housing market relationship with Luton and the duty to cooperate between the two Authorities in relation to housing supply is acknowledged. Luton is assessed as having a shortfall of 2,007 dwellings within its housing supply (to meet a need of just less than 4,998 dwellings over the next five years). Accounting for backlog need, previous under delivery, and Luton's need, it is calculated that housing need should be increased 11,018 (2,204 per annum). CBC's 2012/2013 Annual Monitoring Report identifies Central Bedfordshire's housing supply as 9,176 dwellings. In order to account for non-implementation, it is stated that this figure should be reduced by 10% to 8,258.
- 5.26 On this basis, the Regeneris report concludes there would be shortage of 2,760 dwellings over the five year period and the overall supply equates to a 3.7 year housing supply.
- 5.27 The Council's assessment of housing need and supply
The objectively assessed housing need for Central Bedfordshire is 25,600 homes for the period 2011 to 2031, as set out in the Strategic Housing Market Assessment (SHMA), completed in June 2014. The SHMA considers DCLG household projections as the starting point but uses local patterns of births, deaths and migration based on Census information to form robust projections for Central Bedfordshire. Recent case law has established that, in the absence of an up-to-date Development Plan, it is this "policy off", objectively assessed need figure that forms the housing requirement for five-year housing land supply calculations. This excludes any policy considerations such as helping to meet Luton's housing need. Taking the objectively assessed need figure (6,400 homes over five years) and adding a 20% buffer for previous non-delivery (1,280 homes), together with the shortfall since 2011 (360 homes) made up over the next five years, gives a total five-year requirement of 8,040 homes between 2015 and 2020.

- 5.28 The Council's Strategic Housing Land Availability Assessment (SHLAA) sets out the supply of new homes. The SHLAA has recently been updated at June 2014 as part of the technical evidence in support of the emerging Development Strategy. The SHLAA is therefore based on meeting the Development Strategy housing target of 31,000 new homes, rather than simply on meeting the objectively assessed housing need of 25,600. As per the case law, five-year housing land supply calculations should be based on objectively assessed need, excluding the Development Strategy contribution to meeting Luton's housing need. The housing trajectory in the SHLAA also includes a number of sources of supply that, at this stage, cannot be relied on outside the Development Strategy context, such as housing emerging through the Allocations Local Plan and the Market-Led Sustainable Development policy. Once these sources are discounted, together with more detailed recent changes to the trajectory, the total housing supply is 9,986 homes. Against the requirement of 8,040 this constitutes a five-year supply of 6.21 years.
- 5.29 This five-year supply figure includes delivery from the Chaul End site. At 325 homes, the application site is an important component of the five-year supply
- 5.30 Conclusions on housing need and supply
The applicant's assessment (Regeneris) concludes that the Council's approach to calculating its five year supply is incorrect and the Council cannot demonstrate a five year supply at the present time.
- 5.31 However the Regeneris report was prepared in advance of the Council's own more recent assessments which informed the Revised Pre-Submission Development Strategy (June 2014) and which establish a five year supply of housing land. The Development Strategy now contains an increased housing supply which includes a proposed allocation for the Chaul End site. Whether one takes the applicant's or the Council's housing supply figure, there is sufficient evidence to demonstrate a need for the application proposals to be brought for development and this is an important factor in the consideration of very special circumstances.
- 5.32 Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However the proposal would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing, and is a key element of the Council's overall growth strategy. Given the emphasis placed within the NPPF on the need to boost significantly the supply of housing significant weight is attached to this consideration in terms of the case for very special circumstances.
- 5.33 **Other considerations**
Additionally, there are various factors which have led to the site being identified as suitable for redevelopment to residential.

- The site is a standalone brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt.
- The redevelopment of this site reduces the necessity to identify further greenfield sites to contribute to meeting housing need in Central Bedfordshire.
- The site has been promoted through the neighbourhood planning process by Caddington and Slip End Parish Councils.
- The site constitutes previously developed land which is surplus to General Motors requirements.

5.34 **Conclusions**

The proposed development would give rise to limited Green Belt harm. Under the terms of the NPPF, significant weight is to be attached to any Green Belt harm. However in this case, a number of other considerations including the general need for housing; that the site is brownfield land of limited Green Belt value; and the redevelopment of this site reduces the necessity to identify further greenfield sites to contribute to meeting housing need carry significantly weight in favour of the proposal. Additionally, the proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. These also weigh in favour of the proposal.

- 5.35 Taking all of the factors set out cumulatively, it is considered that very special circumstances exist which are sufficient to clearly outweigh the Green Belt harm identified.

6. Environmental Impact Assessment: Issues arising and their mitigation

- 6.1 Prior to the submission of the planning application, the applicant obtained a formal scoping opinion from the Local Planning Authority which established the elements to be addressed within a formal Environmental Statement (ES) as required under the statutory Regulations. The planning application was accompanied by a full ES. This is a substantial set of documents which form a considerable part of the material submitted with the planning application. The ES incorporates a non-technical summary (Volume 1). The main volume (Volume 2) provides a general introduction; an explanation of the EIA methodology; a description of the site and the proposals; an analysis of the alternatives considered and the design evolution as required under the regulations; details of the proposed construction strategy and CEMP; and a summary of the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:
- Socio-economics
 - Landscape and Visual
 - Ecology
 - Transportation
 - Noise

- Cumulative Effects

6.2 Various technical appendices are compiled within Volume 3 which comprises two parts.

6.3 **Socio-economics**

This element of the assessment considers social and demographic effects (changes to the local population and the implications for social and community infrastructure, education and healthcare provision) and economic effects (changes in employment, residential expenditure and fiscal effects).

6.4 It is estimated that between 0.54 and 0.58 additional GPs would be required to meet the needs of the additional population (855-910 residents). This is the equivalent to a 1.7-1.8% increase in the patient waiting lists within 2km of the site. This could be accommodated by way of a flexible part-time service within the community, which could be provided within the proposed community facility, or through expansion of existing GP surgeries. The proposal would result in less than 0.1% increase in the protected population of Luton and Dunstable Hospital's catchment area and this effect is judged to be of negligible significance.

6.5 In terms of school places, projections indicate sufficient capacity within the Dunstable and Houghton Regis area to accommodate anticipated pupil numbers likely to be generated by the development. However the ES notes that the recent change to a two tier school system may place additional pressure on secondary capacity and a financial contribution towards secondary education may be required.

6.6 At present the site supports four jobs in connection with the current vehicle storage use. It is estimated that the development would support 240 FTE construction jobs per annum over a three year build period. The ES suggests that 25 jobs across Central Bedfordshire would be supported through resident spend and public service demand. Depending on its use, between 5 and 60 jobs could be supported by the proposed community facility which would allow for a range of complementary uses within the customer service sector. The effects are considered of minor beneficial significance.

6.7 The delivery of 325 dwellings over a three year period is estimated to represent 7.5% of the annual housing target. The 98 affordable dwellings would also contribute to the affordable housing target for southern Central Bedfordshire to 2031. The effects are considered of moderate beneficial significance.

6.8 Resident expenditure would support the vitality and viability of local retail centres. This is estimated to amount to £300,000 per annum in Caddington and £900,000 per annum across Central Bedfordshire. These effects are considered of moderate beneficial significance.

- 6.9 By way of mitigation to address the socio-economic effects identified, suitable financial contributions towards the delivery of primary, secondary and mental healthcare would need to be secured by Legal Agreement. In line with the advice of CBC Education, a financial contribution towards the provision of early years and secondary education would be required. Additionally it is noted that a number of effects would deliver economic benefits to the area.
- 6.10 **Landscape and Visual**
This section of the ES provides an assessment of the effects of landscape character; views from sensitive locations including rights of way; the night sky; and tranquillity and urban intrusion.
- 6.11 A moderate adverse effect is anticipated as a result of the removal of a small area of woodland to facilitate the creation of an additional vehicular access from Chaul End Road. However given the temporary nature of construction activities, the scale of the site, the existing, predominantly industrial character of the site and the limited direct impact on landscape features, the ES concludes that the development would have a minor adverse to negligible effect on landscape character and no significant effects on the landscape character of the AGLV or AONB. The establishment and maturing of new landscaping within the site and the retention and ongoing management of surrounding woodland would have a minor beneficial effect on landscape character.
- 6.12 The visual effects of the development have been considered from 20 viewpoints in the surrounding area including 9 short distance (0-300m from the site), 4 middle distance (301-600m from the site) and 7 long distance views (600m+ from the site). These include views from the adjacent AONB and various rights of way. Due to the woodland buffer, undulating landform and woodland cover, views of the site are limited. On the basis of the maximum building heights proposed, the development would be screened in the landscape and few effects on visual amenity were identified.
- 6.13 Construction activity would take place predominantly during daylight hours during standard working hours. Permanent security lighting to the construction compound would be required during the construction phase. However changes to lighting for construction are predicted to result in reduced lighting effects due to the reduction in the extent of lighting across the site and a reduction in reflective surfaces (vehicles). No significant effects to the night sky are predicted.
- 6.14 Construction activities would result in a limited temporary adverse effect in terms of tranquillity and urban intrusion due to increased noise and traffic movements due to building works which would be visible from the AONB. The operational phase is judged to have a limited effect on tranquillity due to the retention of existing woodland surrounding the site. The development would change the nature of traffic movements resulting from the use of the

site from predominantly HGV movements to domestic vehicles and this would be more in character with the area.

6.15 With regard to mitigation, appropriate landscaping within the site and suitable enhancements to existing landscaping features along with long term management and maintenance arrangements where necessary in line with the Landscape and Biodiversity Management Plan submitted in support of the application. These can be secured in connection with subsequent reserved matters submissions and through Legal Agreement setting out obligations in respect of the Community Trust and Management Company.

6.16 **Ecology**

A number of ecological surveys were undertaken to inform the ES including habitat and botanical, bat, reptile, Great Crested Newt and amphibian and dormice surveys.

6.17 The proposed development would result in a significant reduction in hard standing and the introduction of areas of landscaping and sustainable drainage features within the site. The planted woodland buffer includes a range of broadleaved species including Hazel, Hawthorn, Field Maple and Silver Birch. The level of ground flora is sparse. At the northern end of the site, where the planted buffer mixes with naturally regenerating woodland, Hawthorn and Willow become more prevalent. White Helleborine is present which is a priority species. Around the outer edges of the site, particularly on the western and southern sides, there are a number of mature trees and the ground flora has a good range of woodland species. Overall this habitat is considered to be of 'district value'. Direct impacts on this would be limited to the area where the additional access from Chaul End Road would be created. There are no mature trees within this part of the site and woodland species are typical of those found across the site. New woodland planting is proposed along with long term management arrangements in line with the Landscape and Biodiversity Management Strategy which would be implemented by the Community Trust and, in time, this should bring the woodland habitat up to 'county value'.

6.18 Badgerdell Wood CWS lies immediately adjacent to the eastern edge of the application site. This is an ancient woodland with sensitive ground flora which is identified as being potentially impacted by increased recreational use as a result of the development. To address this, a range of mitigation measures are proposed:

- Provision of on-site recreational space including a 'trim trail' adjacent to the surrounding woodland, including a dog-walking loop, and new landscaped areas.
- Provision of dog bins with appropriate signage.
- Provision of clearly defined paths with barriers where appropriate to discourage increased use of sensitive areas.
- Provision of interpretation boards to emphasise the sensitive nature of the woodland habitat.

6.19 No Great Crested Newts, reptiles, or dormice were identified by the ecological surveys. Badger tracks and a badger latrine were found but no setts were identified. A small population of Smooth Newt and a medium population of Common Toad were recorded within the large pond within the centre of the vehicle storage area. Toads would be protected during the construction phase in accordance with the agreed CEMP. Operations between the pond and the western woodland edge would be timed to avoid the breeding season and ensure suitable terrain suitable for toads to cross. Low numbers of bats were recorded. None of the trees to be removed are considered likely to support bats roosts. Lighting would be designed to avoid direct impacts on the woodland areas. Impacts on birds would be minimised by undertaking clearance works outside of the bird breeding season and in accordance with the CEMP.

6.20 **Transportation**

It is anticipated that construction would be carried out in two phases. However in order to consider the likely 'worst case' transportation effects, it has been assumed that both residential parcels would be built out concurrently in 2016. Assuming the 'worst case' scenario, construction traffic is judged to have a negligible effect on terms of severance, pedestrian delay and amenity, fear and intimidation, accidents and safety. The CEMP would prevent construction traffic from travelling south of the site through Caddington.

6.21 A package of highway improvement works are proposed to address the impacts of addition traffic likely to result from the operational phase including junction upgrades at the northern and southern ends of Chaul End Road and a range of traffic calming measures. All of the proposed improvement works are addressed in greater detail below, along with the proposed community bus service which is likely to reduce private vehicle trips. Following implementation of the proposed mitigation measures, the development is considered to have a minor adverse effect on the Chaul End Road/Luton Road/Dunstable Road junction, a moderate beneficial effect on the Chaul End Road/Hatters Way junction and a moderate beneficial effect in terms of accidents and safety.

6.22 **Noise**

Predictions for noise impacts on neighbouring properties at Chaul End hamlet and Brick Kiln Barns have been produced using noise modelling software. These account for noise resulting from the removal of hard standing, other demolition works, building works, vehicles and the use of plant and machinery. The predictions also take account of 'worst case' scenarios where the demolition and construction phase in both residential parcels is undertaken concurrently. Assuming standard working hours, the ES concludes that noise from the demolition phase would not cause any significant adverse effect on neighbouring residents at Chaul End hamlet or Brick Kiln Barns. Various practical measures would be implemented during

the construction phase, in line with British Standards, in order to minimise noise. These include:

- Proper use of plant with respect to regular maintenance and use of exhaust silencers.
- Use of inherently quiet plant where appropriate.
- Shutting down machines in intermittent use when not in periods of work or throttling down to minimum.
- Appropriate positioning of plant and machinery so as to minimise noise disturbance where possible and use of acoustic enclosures where appropriate.
- Channels of communication to be established between the contractor/developer, the local authority and residents.
- Appointment of a site representative responsible for matters relating to noise.
- Monitoring of typical noise levels during critical periods and in sensitive locations.

In relation to other associated works such as the proposed off-site highways improvements and utilities works, these could result in an equivalent noise level of 59dB(A) at the nearest property at Chaul End hamlet and 79dB(A) at the nearest property at Brick Kiln Barns. However this is on the basis of an assessment of the 'worst case' scenario. It is unlikely that this level of noise would continue for long periods or outside of normal working hours. Noise levels from highways works could also be reduced through the use of temporary acoustic barriers around fixed plant and machinery.

6.23 The ES concludes that noise from traffic generated from the proposed development would have a negligible effect on existing residential properties.

6.24 Additionally, the developer will need to ensure that new houses are constructed to ensure internal noise levels are appropriate and in accordance with guidance.

6.25 In line with the advice of CBC Public Protection officers, various noise mitigation measures to protect the amenity of existing and new residents would need to be secured by condition through the agreed CEMP.

6.26 **Cumulative Effects**

The ES provides an assessment of the effects of the proposed development in combination with the following committed and reasonably foreseeable developments:

- Remodelling and landscaping works at Caddington Golf Club including the importation of material to this site which is currently ongoing.
- Forthcoming proposals to convert the disused barns north of the site (Chaul End Barn) to residential.
- Associated development including the proposed junction improvements, traffic calming, utilities works and improvements to the public rights of way network including the Heritage Greenway.

- 6.27 The cumulative effects which would arise during the construction and post-construction phases as a result of these developments is assessed in terms of their impact on the following receptors.
- 6.28 *Chaul End hamlet residents*
Visual, noise and air quality impacts are considered. No impacts above negligible significance are anticipated on Chaul End residents during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.29 *Brick Kiln Barns*
Visual, noise and air quality impacts are considered. No impacts above negligible significance are anticipated on Brick Kiln Barns residents during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.30 *Woodland surrounding the site*
Ecological, noise and air quality impacts are considered. No adverse impacts of above negligible significance are anticipated on the woodland buffer during construction. No significant adverse cumulative effects are predicted during the post-construction phase.
- 6.31 *Badgerdell Wood*
Recreational, noise and air quality impacts are considered. No impacts of above negligible significance are anticipated on Badgerdell Wood during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.32 *Chilterns AONB*
Landscape, visual, noise and air quality impacts are considered. No impacts of above negligible significance are anticipated on the AONB during either the construction or post-construction phases. Cumulative effects are therefore judged to be of negligible significance.
- 6.33 **Other Issues**
The topic areas summarised above reflect those agreed with the Local Planning Authority at the scoping stage. In addition to these, the Local Planning Authority previously considered that the matters relating to archaeological and built heritage impacts and drainage and flood risk should be scoped in and addressed as part of the ES. Subsequent consultation has been undertaken on the scope of assessments for specific environmental topics and these responses are addressed within the technical chapters of the ES.
- 6.34 In relation to archaeological and built heritage impacts, sufficient work has now been carried out to establish both the archaeological potential within the proposed development site and it is clear that there is low potential for the

survival of archaeological remains. The proposal would ensure the site remains separate and distinct from Chaul End hamlet thereby preserving the setting of the listed Chaul End Farm. These matters are satisfactorily addressed as part of the Archeological Desk-Based Assessment and Watching Brief Report and the Heritage Statement which are contained within the technical appendices of the ES.

- 6.35 Matters relating to drainage and flood risk are addressed within the Surface Water Management Strategy and the Flood Risk Assessment which is contained within the technical chapters of the ES. These demonstrate that the proposals would reduce surface runoff and increase filtration and soak away as a result of the significant reduction in hard standing across the site and introduction of SUDs where appropriate. A full surface water drainage scheme for the site would need to be secured by condition.
- 6.36 With regard to ground conditions, it is noted that the site is located above a Principal Aquifer, Source Protection Zone. Site investigation has identified areas of contamination which will require remediation during the construction phase which is typical of brownfield sites. Significant site-wide contamination has not been identified. This is addressed as part of the Preliminary Phase 2 Environmental Assessment. Suitable remediation can be secured by condition as recommended by CBC's Pollution Officer. Similarly, the risk of contamination to controlled waters can be satisfactorily controlled by condition in line with the advice of the Environment Agency.

7. Issues

(a) Loss of employment land

- 7.1 The Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The proposal would result in the loss of the existing vehicle storage use with potential to support employment generation.
- 7.2 The site is subject to a restrictive personal planning permission granted on appeal in 1996. At the present time, due to more efficient and 'made to order' production processes implemented by General Motors, the site is significantly underutilised, supports a limited level of employment and is deemed surplus to requirements. An alternative employment generating use, or the use of the site by an alternative operator would require a new planning permission supported by specific justification in this rural location, having regard to the sensitivities of the Green Belt, landscape, highway network and the existing neighbouring settlements.
- 7.3 The Council's 2012 Employment Land Review identifies a significant amount of vacant (employment) land in Central Bedfordshire which supports opportunities for employment generation. However there are also a relatively

high proportion of poor sites which may affect the attractiveness of the employment land market across the area.

7.4 The Review provides an assessment of a number of allocated and unallocated sites in Central Bedfordshire with employment potential and recommends that those sites which score highly for strategic employment purposes be prioritised for consideration. The Review also highlights the need to ensure that all proposed employment sites are considered carefully while maintaining the importance of the Green Belt. Land in this location (Land West of Luton) was considered in this assessment but has not been identified as suitable for strategic employment purposes.

7.5 In this case there is limited potential for continued or alternative employment generation and the Vehicle Storage site is not considered a prime employment site needed in order to achieve the Council's job growth aspirations. The proposal would not therefore unacceptably reduce the supply, variety and quality of employment land within Central Bedfordshire.

(b) Design concept, density, housing mix and type

7.6 Detailed design, scale and layout does not form part of the outline application and would be subject to later reserved matters applications in the event that planning permission is granted. The submitted masterplan is indicative and would not form part of the planning permission.

7.7 Subsequent detailed proposals would need to address the detail within the scheme, and ensure that solutions and measures would be adopted to ensure the consideration of privacy, relationships between dwellings, garden spaces and relationships with access roads, footpaths and public spaces.

7.8 However a package of Design Codes has been submitted for approval. This establishes positive design principles in respect of key groupings of buildings, street design, set backs and boundary treatments, parking typologies, materials and street furniture. An indicative Public Art Plan has been provided which sets out proposals for the Community Trust to implement a detailed public art strategy in discussion with CBC's Public Art Officer. This can be secured by condition.

7.9 Landscaping and Ecology officers have raised a number of detailed issues about amount of tree planting shown as part of the indicative masterplan and the extent to which this would be provided within private gardens where opportunities for long term care and maintenance are more limited. The level of information provided in respect of planting species and types is also queried. Landscaping is a reserved matter and does not form part of the outline planning application. It is considered that many of these detailed comments are matters which can be addressed through a reserved matters application at a later date. This would need to be informed by further detailed tree survey work at reserved matters stage.

- 7.10 It is considered that the site is capable of accommodating up to 325 dwellings in a way which would relate well to the surrounding woodland and associated informal open space and community hub.
- 7.11 Having regard to the general pattern of development within Chaul End and Caddington, it is considered that the density of residential development proposed (25dph to 35dph) is appropriate in this location. Subsequent reserved matters submission would need to demonstrate that an appropriate mix of housing types and sizes would be provided.
- 7.12 The development would provide on-site Affordable Housing at 30% of the total residential provision. The provision of affordable housing, including the tenure mix can be secured through Legal Agreement. There are no development viability constraints which would prevent full Affordable Housing provision in this case.
- 7.13 As noted, a proportion of the Affordable Housing provision would be Intermediate Rented units provided through the proposed Community Trust in order to fund the provision of a Community Bus and other Trust facilities, services and responsibilities. While Intermediate Rented units will no longer be classified as Affordable Housing in terms of Homes and Community Agency classification, the provision of Intermediate Rented units is considered an acceptable approach to the provision of Affordable Housing in this case as it is part of ongoing funding arrangements proposed to support the Community Trust which would deliver much broader community benefits.

(c) Transport impact, accessibility and connectivity

- 7.14 **Transport Impact**
The submitted Transport Assessment sets out the outcomes of junction assessments which examine the existing capacity of key highway junctions around the site and the impact of additional traffic as a result of the development. The capacity assessments examine existing and resultant junction capacity in 2012 (as the existing/base data collection year) and 2018 and 2024 forecast years with and without the proposed developments. The following junctions have been tested:
1. Luton Road/Dunstable Road/Skipot Road/Poynters Road roundabout
 2. Hatters Way/Skipot Road/Skipot Lane roundabout
 3. Hatters Way/Chaul End Road junction
 4. Hatters Way/Chaul End Lane/Dallow Road roundabout
 5. Chaul End Road/Luton Road/Dunstable Road junction
 6. The two site accesses onto Chaul End Road
- 7.15 Of these, the Hatters Way/Skipot Road/Skipot Lane roundabout, the Hatters Way/Chaul End Road junction and the two site accesses onto Chaul End Road are shown to operate within capacity in all baseline and future

scenarios tested with and without the proposed development.

7.16 The Luton Road/Dunstable Road/Skimpot Road/Poynters Road roundabout and the Hatters Way/Chaul End Lane/Dallow Road roundabout are both currently over capacity during the AM and PM peaks. The proposed development would only increase the number of trips through these junctions by up to 1.47% in the AM peak and 2.33% in the PM peak. It is not considered that mitigation measures should be considered for these junctions on the basis of this negligible increase.

7.17 The Chaul End Road/Luton Road/Dunstable Road junction currently operates just beyond its theoretical capacity and development traffic would cause further queuing. This junction would require improvement as a result of the proposed development.

7.18 **Highway Mitigation and Improvement measures**

Chaul End Road/Luton Road/Dunstable Road junction improvements

A number of alternative junction improvement schemes were considered in this location. The proposed improvement scheme is designed to improve traffic distribution from Chaul End Road by reducing vehicle speeds along Dunstable Road/Luton Road through the provision of a raised table. The scheme is also intended to make it easier for pedestrians to cross the road and enhance the public realm and street scene in the centre of the village through the introduction of sympathetic materials and street furniture.

7.19 Hatters Way/Chaul End Road junction improvements

On the basis of the junction testing undertaken there is no requirement to upgrade this junction on capacity grounds. However provision for safe crossing of Hatters Way for pedestrians and cyclists is required to allow for access to the guided busway. The proposed signalised junction would provide improved access to the guided busway and introduce a right turn facility onto Hatters Way towards Luton. This would serve to reduce vehicle waiting times at the northern end of Chaul End Road.

7.20 Chaul End Road traffic calming proposals and safety improvements

Speed surveys were undertaken in December 2013 to determine actual vehicle speed. These showed that drivers tended to negotiate Chaul End Road more cautiously and significantly slower than the national speed limit, likely due to the narrow carriageway which is closely bound by hedging. However it is clear that there is some local concern regarding vehicle speeds and road safety on Chaul End Road. Available accident data shows a total of 105 accidents during the 60 month period from July 2008. The majority of accidents were caused by driver or pedestrian error. In order to improve road safety conditions, the following measures are proposed:

- The establishment of a 40mph speed limit between Chaul End hamlet and the existing 30mph speed limit at the southern end of Chaul End Road.
- The creation of new gateway features in key locations on Chaul End

Road.

- Replacement of existing speed humps on Chaul End Road with road narrowing and priority workings.
- The provision of pedestrian refuges where rights of way cross Chaul End Road.
- The creation of a new shared use pedestrian/cycle path on the west side of Chaul End Road between Hatters Way and the northern access to the site.

7.21 CBC Highways have confirmed the accuracy of the submitted Transport Assessment and consider that the proposed highways improvement works are appropriate and proportional to the mitigation required in this case.

7.22 **Pedestrian and cycle connections**

Connections between the site and Caddington village

There is presently no footway between the site and Caddington village along Chaul End Road. This part of Chaul End Road is significantly constrained by the width and geometry of the road corridor and concern is raised regarding the implications for pedestrian safety. CBC Highways consider pedestrians would attempt to walk along the road between the site and Caddington and, due to the narrowness and alignment of the road, pedestrians would be put at risk and would put other road users at risk. Unless an adequate pedestrian facility is provided along the route, the proposals cannot be supported by CBC Highways.

7.23 Various options for providing a footway/cycleway on Chaul End Road between the site and Caddington have been considered by the applicant. These include the following:

7.24 *A non-continuous footway within the existing road corridor*

The footway would vary between 1m, 1.5m and 2m in width. It is shown to run along the eastern side of the road between the site and Brick Kiln Barns and cross to the western side of the road south of here. This option was considered by Officers at the pre-application stage. It was determined that the provision of a non-continuous footway with a crossing point would be unsafe. In addition, this option would involve significant vegetation removal, engineering and urbanising works giving rise to concerns regarding the likely adverse impact on biodiversity and landscape character.

7.25 *A continuous footway provided by widening the road corridor*

Consideration has been given to the provision of a continuous footway along the eastern side of Chaul End Road of three standard specifications (1.8m wide footway; 2.5m wide shared footway/cycleway; and 3m wide shared footway/cycleway). This would involve the following:

- Levelling of raised verge
- Removal of established trees/hedgerow
- Provision of road kerbs and road drainage
- Reinforcement of road edge and verge

- Setting back of private gardens and provision of new garden boundaries
- Removal of established trees/hedgerow on field edge and residential properties
- Alterations/potential diversion of overhead cables
- Redefining existing 30mph termination point with road narrowing/ Gateway feature with footway crossing

7.26 This option would provide a safer pedestrian and cycle route along Chaul End Road. However, it would require additional third party land and would give rise to significant landscape and biodiversity impacts, through the required removal of existing vegetation. This option may also require Central Bedfordshire Council to exercise compulsory purchase powers to acquire the necessary land and for significant landscape, visual and biodiversity impacts to be accepted. It is important to note that a number of statutory and non-statutory consultees responses summarised above, including the Parish Council's, raise concerns about the provision of a footway on Chaul End Road between the site and Caddington village and there would be local objections to this option.

7.27 It is therefore considered appropriate that the development should maximise safe, off-road connections between the site and Caddington village in lieu of a footway/cycleway being provided on Chaul End Road itself.

7.28 *Public Footpath A8*

The options appraisals submitted in support of the application also consider the opportunities for enhancements to the existing FPA8 route and the diversion of FPA8 forward of Brick Kiln Barns to broadly align with Chaul End Road. Opportunities for various enhancements to FPA8 exist and financial contributions could be secured to deliver these in connection with the development. However, as with the road widening options considered, the proposed diversion of FPA8 would still result in a loss of hedgerow and trees giving rise to landscape and biodiversity impacts. Additionally, this would be subject to negotiation with land owners who would lose land to provide for public access.

7.29 *Caddington & Slip End Heritage Greenway*

The Caddington and Slip End Neighbourhood Plan Steering Group (NPSG) has worked in partnership with Bedfordshire Rural Communities Charity (Beds RCC) to identify the need for and viability of an off-road, multi-user route linking the communities within the parishes of Caddington and Slip End. The NPSG has developed a concept plan to provide a multi-user countryside trail linking the local communities known as the Heritage Greenway. The proposed route would comprise two main sections:

- The southern section from Pepperstock to Caddington (Luton Road), measuring approx. 3.3km
- The northern section from Caddington (Luton Road), to the guided busway, measuring approx 3.4km, to encompass Public Footpaths 3

and 42 and Public Bridleways 4, 8, 44 and 49

- 7.30 The NPSG have agreed the following vision:
“The CaSE HG will provide an ‘easy access’ route for pedestrians, cyclists, and where possible, horse-riders. The HG will seek to celebrate and secure the rural setting of Caddington and Slip End, which has high heritage, wildlife and landscape value.

The route will link the communities to each other, with surrounding areas of heritage and wildlife interest; and with Luton. Opportunities will be sought to protect and celebrate the area’s rich heritage and to enhance and create habitats and landscape features. Much more than a linear access path, the HG will seek to be a corridor of great environmental value, with many links to adjacent destinations and features of interest.”

- 7.31 Key aspirations for the Heritage Greenway linear routes include:
- Be traffic free
 - Be un-broken, with no missing links and a minimal number of road crossings
 - Be safe and inspire confidence in visitors
 - Offer ‘easy access’ i.e. be reasonably easy to use for users with a wide range of mobility levels, including pushchairs and walking aids
 - Provide connections between where people live and where they want to travel (for recreational or employment purposes)
 - Be clearly signed and easy to follow
 - Be well maintained

- 7.32 In order to deliver a suitable off-road connection between Caddington village, the application site and the guided busway, the Legal Agreement associated with any planning permission should secure contributions to cover the costs of creating the northern section of the Heritage Greenway. This should provide sufficient funding for the following:
- Resurfacing, drainage improvements, levelling
 - Maintenance of path surface and furniture for a period of 10 years (likely to include interpretation panels, benches, bins, cycle racks, and sculptures).
 - Habitat enhancement and management including additional planting/clearance
 - Officer time in landowner liaison/negotiation
 - Legal costs of PRow orders
- Possible landowner compensation for loss or productive land

- 7.33 It is acknowledged that the land required to provide the Heritage Greenway is outside of the applicants control and this cannot be delivered through a planning permission as any enhancements to the public rights of way network are subject to separate legal and consultation processes. As such there is a risk that the aspirations for the Heritage Greenway may not be

realised in full. For example, elements of the Heritage Greenway proposals, such as specific diversions or aspects of the resurfacing works along part of the route could give rise to objections from land owners or interest groups. Notwithstanding this risk, given that it forms part of a larger initiative led by the Caddington and Slip End Neighbourhood Plan Steering Group, it is considered that the Heritage Greenway route is capable of delivering an attractive and accessible route between the site and Caddington which would be suitable for users with a wide range of mobility levels, year round.

- 7.34 In terms of the propensity for residents to walk Chaul End Road south of the site, the final layout and design secured at reserved matters stage should encourage use of the Heritage Greenway and other alternatives rather than directing residents to walk/cycle Chaul End Road. This should be supported by the content of residents welcome packs and the travel plan initiatives which should educate residents about travel options and encourage travel by mean other than private car. These should include information about the safest, accessible walking and cycling routes to Caddington.
- 7.35 Connections between the site, Luton and Dunstable guided busway
Due to the increased width and alignment of Chaul End Road to the north of the site, a suitable shared footway/cycleway can be provided within the road corridor to connect the site with Chaul End hamlet and Hatters Way. The final specification of this path would need to be determined in connection with the other highways works which would be required.
- 7.36 The proposed signalised junction at Chaul End Road and Hatters Way would provide a safe crossing for pedestrians and cyclists. From here there is an existing desire line across third party land between Hatters Way and the guided busway. This is currently walked such that an informal, worn path has been established. The number of pedestrians/cyclists wishing to access the guided busway via this route would inevitably increase as a result of the proposed development and it has been requested that the applicant secure suitable rights to provide direct, formal access to the guided busway across this land.
- 7.37 The applicant has therefore engaged in discussions with the owners of the land between Hatters Way and the guided busway. Options were explored to provide a direct pedestrian and cycle connection to the guided busway. The information submitted in support of the application states that the applicant has made various offers to the owners to acquire either rights of access or the freehold interest in a strip of land to create a formal footpath to the west of the landholding. Unfortunately, the owners were unwilling to sell the rights of access or the freehold interest in the land in question.
- 7.38 In the absence of control of this land, is it envisioned that pedestrians and cyclists would travel east along Hatters Way to an existing access road providing access to the guided busway. To allow for this, a new path along the north side of Hatters Way may be required in connection with the other

S278 highways works. There is an existing footway/cycleway alongside the guided busway, west to the Stanton Road stop. While this route would involve pedestrians travelling further than would be the case if direct access over third party land could be secured, the proposal would provide a deliverable pedestrian link from the site to the guided busway.

7.39 Other connections

CBC ROW have requested enhancements to FP5 and FPA8 on land within the applicant's control. These can be secured through condition and as part of subsequent reserved matters submissions. There is a need for suitable connections/pedestrian refuges where rights of way connect with Chaul End Road. These can be secured in connection with other highway works through the S278 process. The financial contributions secured as part of the Legal Agreement could also support potential enhancements to the public rights of way around the site which could see an increase in use as a result of the development.

7.40 Public Transport Strategy

At present there is a poor level of bus services along Chaul End Road. The establishment and running of the community bus service would need to be secured by Legal Agreement. Various routes and service options for the community bus service have been considered in detail as part of the Transport Assessment. However the community bus service should retain a degree of flexibility to allow for increased frequency in peak hours and provide a school service to Caddington Primary School. Subject to appropriate funding mechanisms, considered below, Community Trust proposals represent an opportunity to deliver a regular bus service in perpetuity for the development and significantly improve bus service provided in rural area.

7.41 Framework Travel Plan

A framework travel plan has been submitted which sets out opportunities for promotional activities, literature and other measures which would be available to encourage travel by means other than private car. It is envisioned that the Community Trust would assume responsibility for the implementation of the travel plan as this would encompass measures to promote the use of the community bus service. The Travel Plan would need to promote the use of the Heritage Greenway as the safest and most accessible walking/cycling route to Caddington village and discourage pedestrians and cyclists from accessing shops and services in Caddington via Chaul End Road. A full Travel Plan would need to be secured by condition.

7.42 Public parking within Caddington

The concerns raised regarding existing parking problems within Caddington village, and the Parish Council's comments on this, are noted. It is accepted that Caddington supports a busy village centre with a range of popular shops and services where it can be difficult to park during busy times. However

existing parking problems cannot be addressed as part of this proposal. In line with planning policy, parking requirements are determined on the basis of the size and type of facility or service. For example planning policy would normally dictate that the size of a shop or restaurant would determine the level of parking required rather than the size of the settlement or its population. Additional traffic using parking within the village centre would be a result of additional customers using village shops and services. This would be considered beneficial to the vitality and viability of the village.

(d) Leisure, open space provision, green infrastructure

- 7.43 Formal open space/playing pitches, indoor sports and leisure
Given the scale of the site and number of dwellings proposed, indoor sports and leisure facilities are not required as part of the development. However, a financial contribution to support existing leisure centre facilities would need to be secured by Legal Agreement in order to support additional demand generated by the development.
- 7.44 In terms of outdoor sports facilities, a number of priorities for local sports in Caddington have been identified as part of the work undertaken to support the Council's Leisure Strategy and through public consultation. In particular, Caddington Sports and Social Club and Caddington Cricket Club have been identified as local priorities. Contributions to off-site sports provision, rather than the provision of new facilities on-site, may assist in establishing community connections with the existing settlements within Caddington and Slip End. It is therefore appropriate to secure financial contributions towards off-site facilities in lieu of on-site provision in agreement with CBC Leisure.
- 7.45 The proposals include provision for a multi-use games area (MUGA) within the community hub in the centre of the site and adjacent to the proposed community building allowing for opportunities for shared management and surveillance. The specific details regarding its size and specification would need to be agreed at a later stage.
- 7.46 Children's play space
The community hub would include a Local Equipped Area of Play (LEAP). This would provide the primary element of play space. Additionally, a number of smaller Local Areas of Play (LAPs) would be provided within the site to ensure the overall play provision would be in accordance with the quality standards and catchment areas as specified within the Council's Leisure Strategy. Indicative proposals show the provision of up to ten individual LAPs. This level of individual provision is too high for a development of this size and type and would detract from the value of the LEAP as the destination facility. The individual provision of LAP and their design and specification would need to be agreed at a later stage including through the submission of subsequent reserved matters applications.

7.47 Open space proposals
The development would provide for 23,100 to 24,400 square metres of informal open space. This would include 5,500 to 6,800 square metres of public amenity space as part of the central community hub providing a landscaped setting to the primary play area, pond and community building. Additionally 17,600 square metres of woodland edge open space would be provided in the form of a circular walking route/'trim trail' with play provision, ecological mitigation and SUDS elements. The level and type of open space provision is considered appropriate to the scale of the site and the nature of the proposal, having regard to its woodland setting and rural location.

7.48 Off-site green infrastructure
The development would give rise to addition pressure on existing recreational sites within the area. In particular Blows Downs SSSI/CWS and Badgerdell Wood CWS would be likely to see increased footfall as a result. Suitable contributions toward the ongoing maintenance and management of existing countryside recreation sites would need to be secured by Legal Agreement, in line with the requirements of the Council's Planning Obligations SPD and emerging DSCB Policy 19.

(e) Community trust

7.49 It is proposed that Community Trust would take responsibility for managing and maintaining the proposed community building and other parts of the site which would be available for public use such as including informal open space, the surrounding woodland, footpaths and play areas. The trust would also be responsible for delivery of a community bus service from the site as well as a range of community outreach initiatives to establish connections within Caddington and Slip End.

7.50 The application is supported by a draft Community Trust Proposal which sets out the basic structure and governance arrangements for the Trust including a draft Memorandum & Articles.

7.51 The finer detail about availability of the community space/hub booking arrangements should not be set at this stage as these would be matters for the Board of Trustees to determine. Similarly the legal status of the Trust (e.g. Co Ltd by Guarantee or Charitable Incorporated Organisation or other) would be established by the Trust itself.

7.52 The Trust Proposal also provides an Outline Financial Summary to substantiate the running of the Trust over the long term which accounts for maintenance, staffing and other running costs. The financial model seeks to demonstrate that the trust can be financially self-sufficient in perpetuity through income derived from the rental income from 46 homes for Intermediate Rent gifted to the trust by the developers.

- 7.53 CBC's Community Engagement Manager has provided an operational appraisal of the Community Trust concept. The Council's financial consultant has also provided a financial appraisal of the Financial Summary. These are broadly positive and conclude that the Community Trust model is entirely feasible.
- 7.54 The financial appraisal highlights a concern regarding the rate at which costs are projected to rise at a lower level than income. This reflects current low inflation and relatively low levels of economic activity but may be over optimistic. There are also a number of risks and variables which create a degree of uncertainty regarding the level of funding required at this point. Some of these variables, such as the timing of the housing developer's liability and the parameters for procurement and delivery of various Trust facilities and services, cannot be clarified at this stage, some being dependent upon parameters yet to be set within the Legal Agreement and some being a matter for the end developer and the Trust itself.
- 7.55 It should be acknowledged that there would be opportunities for the financial model to be refined at a later stage when there is greater certainty over the variables involved. The Outline Financial Summary addresses only one potential funding stream and alternative arrangements could be explored by the trust over the long term. There would be opportunities for the funding arrangements to be adapted over time by the Trust to account for any increased or additional costs or delays in funding which could arise. Importantly, the applicant's Outline Financial Summary and Community Trust Business Plan Supplementary Note provide sufficient reassurances that the Trust can remain viable over the long term on the basis of the proposed financial model. The Legal Agreement associated with the planning permission would need to establish the mechanism for the Trust and set out what the final Business Plan and Trust constitution will need to cover and provide for.

(f) Utilities

- 7.56 An indicative drainage and utilities strategy, based on the indicative masterplan, has been provided as part of the Design and Access Statement. The final strategy would need to be revised at a later stage to respond to detailed development proposals. Additionally, the application was accompanied by an Initial Utilities Capacity Report which sets out existing utilities provision within and around the site, the implications for providing suitable upgrades and connections as required to serve the proposed development and the risks and costs associated with these.
- 7.57 *Electricity*
There are presently four substations within the vicinity of the site; one located within the site, west of the balancing pond within the centre of the site; one to the north of the site, adjacent to Chaul End Farm at Chaul End

hamlet; one south of properties fronting Chaul End Road; and one adjacent to Luton Road, Caddington. Pre-application enquiries have been undertaken with UK Power Networks to establish the likely electricity demand and cost to the developer. These are based on the existing point of connection within the western part of the site and account for diversionary works including relocation of the existing substation on site and low voltage mains around the site including domestic and street light connections.

7.58 *Potable Water*

A 225mm water mains runs through Chaul End Road adjacent to the site. Pre-development enquiries have been carried out with Affinity Water to establish if sufficient capacity is available and whether reinforcement works would be required. No off-site reinforcement works would be needed in connection with the proposed development. There will be a cost for the developer for installation of pipework within the site.

7.59 *Gas*

There is currently no gas infrastructure on the site or in the immediate vicinity. There is a low pressure gas main terminated approximately 400 metres south on Chaul End Road and a medium pressure gas main terminated approximately 400 metres north, buried within an agricultural field. National Grid has confirmed that off-site and on-site reinforcement works would be required and these have been costed.

7.60 *Telecomms*

An overhead BT cable runs north-south along Chaul End Road and diverts east into the northern portion of the site. Existing Virgin Media infrastructure is located to the east of the M1 and further south on Chaul End Road. Based on the connection points available the applicants consultant has estimated the costs associated with supply to the site which would need to be confirmed by BT, and Virgin Media if required, following detailed surveys.

7.61 *Storm and Foul Water Drainage*

There is a terminated foul water sewer approximately 400 metres south of the site on Chaul End Road. Caddington Sewage Treatment Works is located approximately 5km downstream of the development site. Thames Water has investigated the likely implications and has confirmed that the proposed development would necessitate off-site works to provide improvements to the existing foul network. Storm water is presently managed by discharging into the balancing pond within the centre of the site which in turn discharges to Caddington Golf Club where the drain terminates and water is managed into local water courses. As there is no evidence of a

reasonably available surface water pipe for the proposed development to discharge into, surface water would need to be managed on site through continued discharging to the golf club and the implementation of a detailed surface water drainage strategy and SUDs proposals as agreed with the Environment Agency.

- 7.62 In relation to this, forthcoming changes under national legislation may require the establishment of a local SUDs Approval Body who would be responsible for formally adopting SUDs infrastructure where national standards are met (Schedule 3 of the Flood and Water Management Act). However relevant elements of this legislation have not yet been fully commenced.
- 7.63 Additionally, Defra are currently consulting on policy changes to the planning system to give increased weight to the provision and maintenance of sustainable drainage systems and to make it clear what is expected of developers. A number of potential maintenance options are outlined in the consultation which could be appropriate for the proposed development. These are as follows:
- a) **Service Management Company** – this could mean national management companies or bespoke for each site. Residents pay a charge for SUDs maintenance as part of the annual service charge which would need to be specified in the property's deeds. Community Trusts may also be pursued.
 - b) **Water and sewerage companies** – charges could be included in the surface water drainage element of the household water bill and regulated by OfWat where applicable.
 - c) **Voluntary adoption by the local authority** – where SUDs provide advantages to the local community some local authorities “may wish to take on responsibility for the maintenance of sustainable drainage systems as part of their wider open space an amenity management function”.
- 7.64 The applicants SUDs Maintenance Report sets out a package of best practice maintenance arrangements but does not deal with management responsibilities. It is anticipated that the first year of responsibility for maintenance of the drainage and SUDs network would fall to the developer/land owner. The extent of maintenance and monitoring will vary depending on the final detailed design of the site and its drainage strategy which would be developed at a later stage. The mechanisms for establishing appropriate long term management arrangements and responsibilities would also need to form part of the Legal Agreement.

7.65 *Conclusion*

The developer would need to undertake a further detailed statutory Utilities Appraisal in connection with detailed proposals and meet the costs of all necessary utilities works as required by statutory undertakers and other individual utilities providers as outlined above.

8. Consequences for a Section 106 Planning Agreement

8.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:

- 8.2
- Establish the mechanism for **the Community Trust** and set out what the final Business Plan and Trust Constitution will need to cover and provide for.
 - Establish the mechanism for the implementation of **the community bus service** including parameters for the core service and additional services including school and other services to meet demand.
 - Provision of **Affordable Housing** at 30% of the overall residential development and the tenure mix.
 - Establish the mechanism and timings for the provision of the **community centre, informal green space, MUGA and children's play areas**.
 - Establish obligations in respect of **site management and environmental mitigation measures** (e.g. by Management Company) including long term management and maintenance arrangements in line with the Landscape and Biodiversity Management Plan, particularly in relation to areas of woodland, informal green space and associated footpaths, drainage features and play spaces.
 - Secure a range of **financial contributions** in order to offset the impact of the development on various local facilities and services.

8.3 In particular, these would include a contribution toward the delivery of the Heritage Greenway. Bedfordshire Rural Communities Charity has produced a comprehensive document setting out the costs of creating the Heritage Greenway. This has been produced in partnership with the Caddington and Slip End NPSG and in discussion with CBC Rights of Way officers. The following funding would be required to deliver (and maintain for 10 years) the northern section of the Heritage Greenway:

Luton Road to Rushmore Close	£60,130
Rushmore Close to Badgerdell Wood	£79,820
Badgerdell Wood	£89,250
Badgerdell Wood (west) to Guided Busway	£142,000
50% of 1-off costs	£11,000

Total: £382,200

- 8.4 The costs of other impacts identified have been calculated on the basis of the Planning Obligations Strategy for Southern Central Bedfordshire and in consultation with various service providers at the pre application stage. A full list of financial contributions is set out below:

EDUCATION	£1,602,826.68
HEALTH	£396,825
INDOOR AND OUTDOOR SPORT AND LEISURE	£466,375
COUNTRYSIDE RECREATION SPACE, GREEN INFRASTRUCTURE AND RIGHTS OF WAY	£611,975
LIBRARIES	£82,225
WASTE	£40,850
POLICE	£67,275
TOTAL	£3,268,351.68

- 8.5 In relation to the agreed contributions towards rights of way, countryside recreation and green infrastructure, it should be noted that there is a significant degree of overlap between the aims of the Heritage Greenway and other rights of way, recreation/green infrastructure objectives. This is because the Heritage Greenway proposals seek to provide route improvements, deliver a variety of biodiversity enhancements and meet a broad range of other green infrastructure aims, and also due to the relationship between the Heritage Greenway, Badgerdell Wood and other recreational routes/sites. Accordingly, the final 'split' of agreed contributions to the Heritage Greenway, other rights of way improvements and countryside recreation would need to reflect this, with priority given to the £382,200 required to deliver the Heritage Greenway as the primary non-vehicular connection to Caddington village.
- 8.6 The applicant has agreed to meet these costs in full in order to offset the impact of the development on local infrastructure and services in line with DSCB Policy 19 and the Council's Planning Obligations SPD. There are no development viability constraints which would prevent full planning contributions, including full Affordable Housing provision, being secured in this case.

9. The Requirement for Planning Conditions

- 9.1 Given the scale and nature of the proposal a considerable number of planning conditions would be required. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.

- 9.2
1. Submission of details at reserved matters stage (appearance, landscaping, layout and scale)
 2. Time limit for submission of reserved matters
 3. Submission of Construction and Environment Management Plan (CEMP)
 4. Submission/approval/implementation of a detailed surface water drainage scheme (Environment Agency)
 5. Submission of remediation strategies to deal with any potential contamination risk (Environment Agency)
 6. Measures to address contamination not previously identified if any is identified during development (Environment Agency)
 7. Prevention of piling or any other foundation designs using penetrative methods to deal with any potential contamination risk (Environment Agency)
 8. Submission of suitable noise attenuation measures (CBC Public Protection)
 9. Noise limit for plant and machinery within the site (CBC Public Protection)
 10. Further investigation and remediation be secured by condition as shown necessary by the submitted Phase 1 Environmental Assessment (CBC Pollution Officer)
 11. Submission of a detailed scheme for the construction of the proposed access and alteration of existing access from Chaul End Road
 12. Submission of a scheme of highways improvement works
 13. Submission of a full Travel Plan (CBC Sustainable Transport)
 14. Implementation of approved Design Codes
 15. Submission of Public Art Strategy (CBC Public Art)
 16. Submission of an Arboricultural Method Statement and Tree Protection Plan as part of reserved matters applications
 17. Submission of a detailed waste audit scheme to include details of

refuse storage and recycling facilities as part of reserved matters applications

18. Submission of a scheme for parking, garaging, manoeuvring, loading and unloading as part of reserved matters applications
19. Submission of scheme of improvements to public rights of way within the applicants' control (FPA8 and FP5) as part of reserved matters applications (CBC Rights of Way)
20. Submission of finished floor and site levels as part of reserved matters applications
21. Submission of details relating to boundary treatments for residential plots as part of reserved matters applications
22. Submission of information to demonstrate how the development would minimise the risk of climate change as part of reserved matters applications (CBC Sustainable Growth Officer)
23. Approved plans

10. Conclusion

- 10.1 The application proposal is a key element of the housing provision and overall growth strategy planned as part of the emerging Development Strategy to accommodate the needs of a growing population in the area.
- 10.2 The application relates to a brownfield site of limited Green Belt value in terms of the purposes of including land within the Green Belt. The land has been identified by the Council as suitable for redevelopment as a strategic development site to be removed from the Green Belt. Whilst the proposal would involve Green Belt harm, on the basis of the considerations set out within this report, the level of harm to the Green Belt would be limited in this case.
- 10.3 In terms of other harm, subject to suitable mitigation, no significant landscape, transport or environmental impacts would result from the proposed development and there would be no significant harm as a result of the loss of employment land or due to the impact on local services and facilities.
- 10.4 In line with national planning policy, substantial weight is to be attached to Green Belt harm. However, the proposed development would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing, and is a key element of the Council's overall growth strategy. Given the emphasis placed within the

NPPF on the need to significantly boost the supply of housing, significant weight is attached to this consideration. The redevelopment of this site also reduces the necessity to identify further greenfield sites to contribute to meeting housing need. The proposed development would deliver a range of broad community and environmental benefits and facilitate a number of highways improvements which go beyond baseline requirements under planning policy. There are also a number of other site specific considerations detailed as part of this report which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

Recommendation

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in Section 8 of this report and subject to the following conditions:

RECOMMENDED CONDITIONS

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called ‘the reserved matters’) of the development in each development area as defined by the approved parameter plans shall be obtained in writing from the local planning authority before development is commenced in that area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Application for approval of the reserved matters for each development area as defined by the approved parameter plans, shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development shall begin no later than 2 years from the approval of the final reserved matters.**

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.

- 3 No development shall commence (including any works of demolition) until a Construction Environmental Management Plan (‘CEMP’) has been submitted to and approved in writing by the Local Planning**

Authority. The CEMP shall include details of:

- a) Environment Management Responsibilities;**
- b) Construction Activities and Timing;**
- c) Plant and Equipment, including loading and unloading;**
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) Details of site compounds, offices and areas to be used for the storage of materials;**
- f) Utilities and Services;**
- g) Emergency planning & Incidents;**
- h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) On site control procedures in respect of:**
 - i. Traffic management measures**
 - ii. Air and Dust quality**
 - iii. Noise and vibration**
 - iv. Water quality**
 - v. Ecology**
 - vi. Trees, Hedgerows and Scrub**
 - vii. Waste and Resource Management**
 - viii. Archaeological and Cultural Heritage**
 - ix. Visual and Lighting**
 - x. Utilities and Services**
 - xi. Protection of water resources**
 - xii. Protection of species and habitats**
- j) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**
- k) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).**

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the emerging Development Strategy Central Bedfordshire for Pre-Submission.

4 No development shall commence until a detailed surface water

drainage scheme for the site, based on the agreed Rev F3 flood risk assessment (FRA) prepared by Campbell Reith Ref: 11386 dated 18/06/14 has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 5 No development shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority. Where the development is brought forward in phases, each phase may only be begun once a remediation strategy for that phase has been submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3) is submitted to, and approved in writing by the Local Planning Authority. The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved. Where the development is brought forward in phases, no occupation of the relevant phase of the permitted development shall take place until the above verification report is approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and

prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development within that phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 7 No piling or any other foundation designs using penetrative methods shall be used in the construction of the development other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with Policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 8 **No development shall commence until a scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that noise levels from external road or rail traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To protect the amenity of any future occupiers in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies

43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 9 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To safeguard the amenity of adjoining residents and landowners in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 10 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

As shown to be necessary by the Phase 1 CBRE 2014 Report, a further detailed investigation strategy incorporating a remedial plan for soil capping and any gas protection measures shown to be necessary. Any works which form part of the strategy approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works and shall be completed in full before any permitted building is occupied.

Reason: To protect human health and the environment in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 11 **A new means of access shall be provided from Chaul End Road and the existing means of access from Chaul End Road shall be altered as shown in principle on the indicative Drawing Nos. 27329/004/003 and 27329/004/004. No development shall commence until construction details of these junctions has been submitted to and approved in writing by the Local Planning Authority. The altered access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the northern area of residential development as defined by the approved parameter**

plans and retained as such thereafter. The new access shall be established in accordance with the approved details prior to the initial occupation of any part of the development forming part of the southern area of residential development as defined by the approved parameter plans.

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

12 No development shall commence until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes the following elements:

- Junction reconfiguration works at the Hatters Way/Chaul End Road junction to improve traffic flow and provide a pedestrian and cycle crossing to Hatters Way.
- Junction reconfiguration works at the Chaul End Road/Luton Road/Dunstable Road junction to improve traffic flow and pedestrian safety and provide public realm enhancements.
- Traffic calming and other traffic management measures to address traffic issues and improve highway safety on Chaul End Road.
- Pedestrian refuges/crossing points and suitable connections as appropriate where established public rights of way meet Chaul End Road.
- Provision of a shared footway/cycleway north of the site on Chaul End Road to provide a continuous route between the site and the Luton and Dunstable guided busway.

The approved scheme shall then be implemented in full prior to the initial occupation of any part of the development.

Reason: To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

13 No part of the development hereby approved shall be brought into use until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:

- The identification of targets for trip reduction and modal shift;
- The methods to be employed to meet these targets;
- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The penalties to be applied in the event that targets are not met;

- The mechanisms for mitigation including budgetary provision;
- Implementation of the travel plan (until full occupation) to be agreed timescale or timescale and its operation thereafter; and
- Mechanisms to secure variations to the travel plan following monitoring and reviews.

The Travel Plan shall then be implemented as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with Policy 26 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 14 **The development shall be carried out in accordance with the approved Design Code documents received by the Local Planning Authority on 26/06/2014.**

Reason: To ensure a high quality development in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 15 No part of the development hereby approved shall be brought into use until a Public Art Strategy has been submitted to an approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 16 The details required by Condition 1 of this permission shall include an Arboricultural Method Statement and Tree Protection Plan. The development shall be carried out in accordance with the approved statement and plan.

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 17 The details required by Condition 1 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 18 The details required by Condition 1 of this permission shall include a scheme for parking and garaging for the residential units in that area. The scheme shall then be carried out in accordance with the approved scheme.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with Policies 27 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 19 The details required by Condition 1 of this permission shall include a scheme of improvements to public rights of way within the application site (FPA8 and FP5) including access improvements with appropriate connections north and south of the site and upgrades and enhancements to surfacing and drainage arrangements where deemed appropriate. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure that public rights of way within the site are protected, enhanced and promoted as part of the development in accordance with Policy R15 of the South Bedfordshire Local Plan Review and Policy 23 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 20 The details required by Condition 1 of this permission shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and Policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 21 The details required by Condition 1 of this permission shall include a scheme detailing the proposed boundary treatments in that area including the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential

units are first occupied.

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 22 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development. The scheme shall identify opportunities to meet higher water efficiency standards including through the use of water efficient fixtures and fittings and rain water harvesting and storage. Building design, layout and orientation, natural features and landscaping, including green and brown roofs and walls and suitable street tree planting, should be considered to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with Policy 47 and 48 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 00642_PP01 P1; 00642_PP02 P1; 00642_PP03 P1; 00642_PP04 P1; 00642_PP05 P2; 00642_PP07 P1; 00642_RG P2; and the Design Code documents received by the Local Planning Authority on 26/06/2014.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. Any conditions in bold must be discharged before the development

commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.

4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

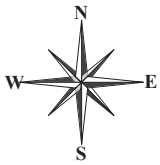
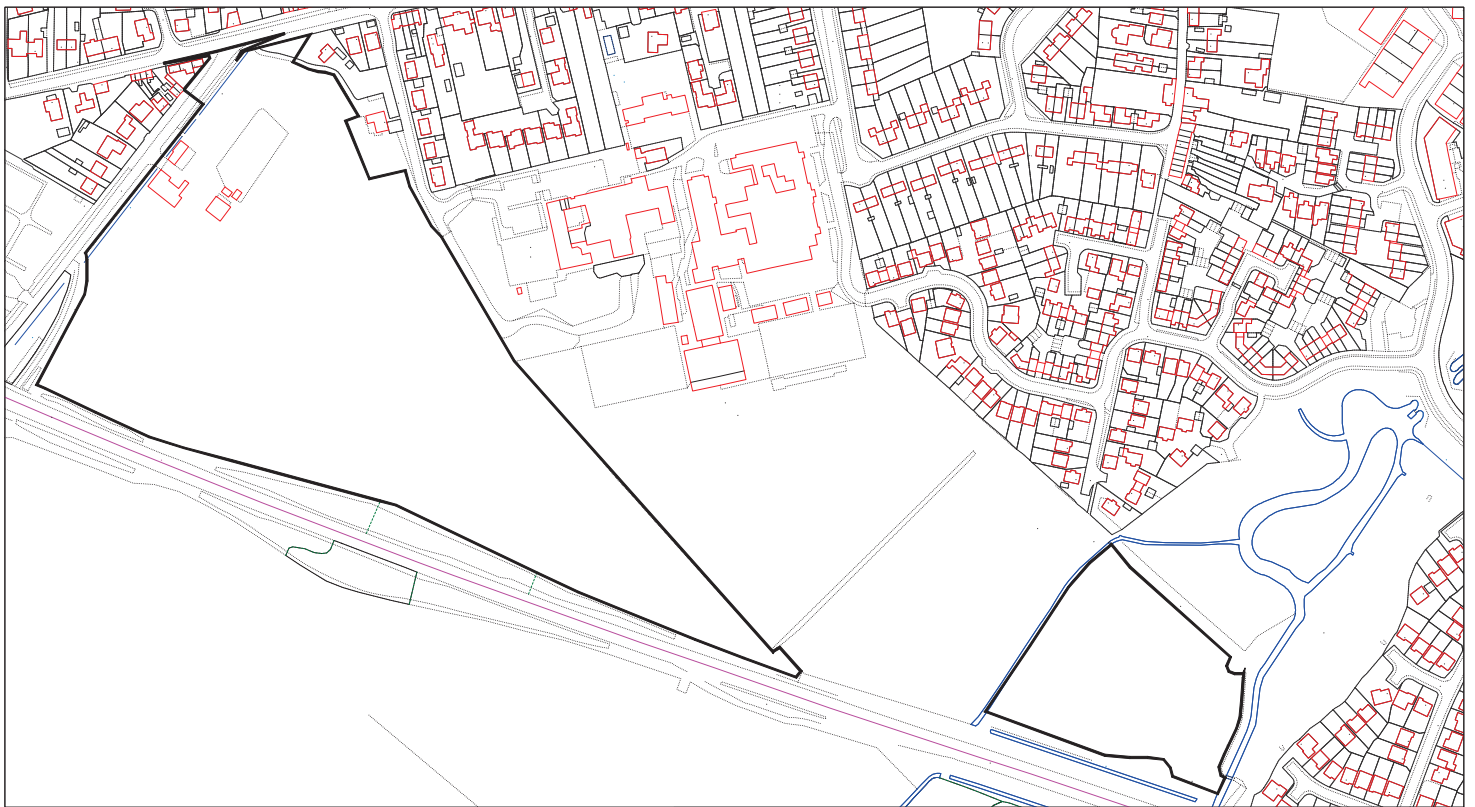
The application has been recommended for approval. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Date: 06:October:2014

Map Sheet No Scale: 1:3500

Application No. CB/14/01726/OUT

Land at Campton Road and rear of Robert Bloomfield
Academy, Shefford

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Item No. 7

APPLICATION NUMBER	CB/14/01726/OUT
LOCATION	Land at Campton Road and rear of Robert Bloomfield Academy Shefford, SG17 5BJ
PROPOSAL	Outline Application: (with all matters reserved except for means of site access from Campton Road) for the erection of up to 140 dwellings; provision of new internal access roads and footpaths; public open space and landscaping, earthworks, surface water attenuation, associated infrastructure, playing fields and youth facility. The development involves the demolition of existing structures.
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllrs Birt & Brown
CASE OFFICER	Lauren Westley
DATE REGISTERED	20 May 2014
EXPIRY DATE	19 August 2014
APPLICANT	Catesby Estate Ltd
AGENT	Barton Willmore
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Cllr Brown for the following reasons: - Contrary to policy (outside settlement envelope and not an allocated site); - Design (does not comply with new design guide) - Other (no provision for jobs - unsustainable)
RECOMMENDED DECISION	Outline Application - Refusal recommended

Reason for Recommendation

The proposed development is contrary to the adopted Development Plan, and the material considerations do not outweigh the identified harm.

The Council has objectively assessed housing need and has identified an adequate 5 year housing supply.

The proposed development will result in a material, identifiable harm to the character and appearance of the land, contrary to the NPPF, and policies CS16, DM3, DM4, DM14 and DM17 of the Core Strategy and Development Management Policies (2009).

The proposed development is not sustainable, the existing schools within the town and nearby villages cannot cater for the additional increase in the number of students, contrary to paragraph 72 of the NPPF and policy CS3 of the Core Strategy and Development Management Policies (2009).

The applicant has offered a number of planning contributions to support their proposal however the application is not supported by a S106 agreement.

1.0 SITE LOCATION

The site comprises two plots of land located to the south west of Shefford, the larger of the two parcels of land, for ease now referred to as 'Area A', is located outside the Settlement Envelope. The smaller of the two 'Area B', is located within the Settlement Envelope. The main development site is Area A. Both Areas can be described as adjacent to the settlement of Shefford.

Area A is triangular in shape and is accessed via Campton Road which runs along the eastern boundary. The Shefford Settlement envelope runs along the western boundary of the site. To the east of the site are a small number of residential dwellings located on Campton Road, to the north are the dwellings on Amphill Road, and the Shefford Lower School and Robert Bloomfield Academy beyond, including their existing playing fields are located to the west. To the south and east of the site is the open countryside. The Campton and Shefford Cemetery is located to the east, and the A507 by-pass is to the south.

Area B is located to the East of the first parcel, separated by the playing fields of the schools. This parcel of land adjoins the playing fields of Robert Bloomfield Academy to the west and is bounded by the River Hit to the east. The site has no vehicular access but access through the site is possible via a public right of way from Swallow Close, to the north.

Area A is an open, green space used for agricultural purposes. There are a small number of agricultural buildings located towards the Campton Road frontage. The site is within the open countryside and has a rural, agricultural character. The site is relatively exposed allowing open views to various parts of the site and adjoining uses forming an important visual edge to Shefford. The site has a distinctive saddle ridge that runs across the site from the south to the north, falling away to the east and Campton Road and to the west and the River Hit corridor.

Area B is also an open green space, currently forming part of the River Hit corridor and as such is an undeveloped site with an existing footpath through the site.

2.0 THE APPLICATION

This application seeks Outline Planning Permission, with all matters reserved except access, for the development of the site for residential purposes. The proposal seeks consent for the erection of up to 140 dwellings, with the provision of new internal access roads and footpaths, public open space and landscaping, earthworks, surface water attenuation, associated infrastructure, playing fields and youth facility. The development also includes the demolition of the existing structures on the site. During the course of the application, amendments to the Illustrative MasterPlan and associated details have been made to address concerns and objections raised by

the Council, neighbouring objections, and Town Council objections.

The revised Illustrative MasterPlan (AR/001D) now indicates an area for a 'potential youth facility'. Whilst no details have been provided the applicants have indicated that the area for the youth facility is based on a 929m² skate park or multi-use games area, incorporated into the green spaces shown on the revised Illustrative Masterplan. The youth facility is to be located in the south east corner of Area A. The cost of the facility would be provided by the developer.

The submitted Playing Pitch Concept (AR/011) shows the revised proposal in relation to Area B. The western half of the site will be used for sport pitches, with the eastern side left as a wildlife habitat area adjacent to the River Hit. The wildlife habitat area will include the provision of;

- A new wildflower area;
- A new grassland with native tree planting;
- Swales to collect run off from the sports pitches and control run off to the River Hit;
- A new footpath and retention of the existing footpath through the site.
- The pitch will be secured by a fence;
- No additional flood lighting is proposed.

The applicant is proposing to provide the following contributions;

- 35% affordable housing within the scheme;
- The full S106 contributions in accordance with the Council's Planning Obligations SPD;
- Fund the cost of the youth facility on the site;
- Prepare Area B for playing pitches and transfer the pitches to Robert Bloomfield Academy after the pitches are complete, with a five year maintenance contribution;
- Provide an additional contribution of £17,975 towards the upgrading of Shefford FP1 (Right of Way) and the creation of a new link between Churchill Way Public Space and Heron Close, including a small bridge, provision of four oak benches, two oak picnic tables, new interpretation boards and signage to promote the site to residents.
- Provide an additional £10,000 per dwelling contribution to be used by the Council on any appropriate projects within Shefford.

The Applicant has also indicated that the proposed development will result in an added benefit of just under £500,000 worth of capital infrastructure investment to upgrade the existing sewerage network which would also provide extra capacity in the sewerage network over and above that required for this scheme. All of these works would be carried out by the developer. Clarification has been sought from Anglian Water on the extent to which this is over and above what would be required for any other residential development of the site, if any. However no response has

been received.

The Applicant has also indicated that the development is likely to provide a total payment of £1, 291, 724 (over six years) to the Council through the delivery of the Government's New Home Bonus. The applicant has based this figure on the New Homes Bonus Calculator. However it is worth noting that the New Home Bonus is awarded with respect to all new dwellings built within Central Bedfordshire and as such is not a contribution that is specific to this development or this site.

Matters of layout, appearance, scale, landscaping would be reserved for subsequent approval.

3.0 POLICIES AND GUIDANCE

The National Planning Policy Framework (2012)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking Communities - Accessibility and Transport

CS5 Providing Homes

CS6 Delivery and Timing of Housing Provision

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development

CS15 Heritage

CS16 Landscape and Woodland

CS17 Green Infrastructure

CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes

DM9 Providing a Range of Transport

- DM10 Housing Mix
- DM13 Heritage in Development
- DM14 Landscape and Woodland
- DM15 Biodiversity
- DM16 Green Infrastructure
- DM17 Accessible Green Spaces

Central Bedfordshire (North) Site Allocations Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (North) (2009)

The emerging Development Strategy for Central Bedfordshire was published on 30 June 2014 for pre-submission representations to be made. Submission is currently planned for October 2014. There is a housing target of 31,000 homes within this document to reflect more up to date demographic information and a new Strategic Housing Market Assessment. The following policies are considered to be applicable to the proposed development:

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Growth Strategy
- Policy 4 – Settlement Hierarchy
- Policy 19 – Planning Obligations and the Community Infrastructure Levy
- Policy 20 – Next Generation Broadband
- Policy 21 – Provision for Social and Community Infrastructure
- Policy 22 – Leisure and Open Space provision
- Policy 23 – Public Rights of Way
- Policy 24 – Accessibility and Connectivity
- Policy 25 – Functioning of the Network
- Policy 26 – Travel Plans
- Policy 27 – Parking
- Policy 28 – Transport Assessments
- Policy 29 – Housing Provision
- Policy 29a – Market-Led Sustainable Development

- Policy 30 – Housing Mix
- Policy 31 – Supporting an Ageing Population
- Policy 32 – Lifetime Homes
- Policy 34 – Affordable Housing
- Policy 35 – Exception Sites
- Policy 38 – Within and Beyond Settlement Boundaries
- Policy 43 – High Quality Development
- Policy 44 – Protection from Environmental Pollution
- Policy 45 – The Historic Environment
- Policy 47 – Resource Efficiency
- Policy 48 – Adaption
- Policy 49 – Mitigating Flood Risk
- Policy 50 – Development in the Countryside
- Policy 56 – Green Infrastructure
- Policy 57 – Biodiversity and Geodiversity
- Policy 58 – Landscape
- Policy 59 – Woodlands, Trees and Hedgerows

Other Material Considerations

- Design Guidance for Central Bedfordshire (2014)
- Sustainable Drainage Guidance SPD (April 2014)
- The Leisure Strategy (March 2014)
- The Mid Bedfordshire Landscape Character Assessment (2007)
- Shefford Parish Green Infrastructure Plan (2010)

4.0 PLANNING HISTORY

CB/14/00763/SCN EIA Screening Opinion: Residential development for up to 140 dwellings.

Advice released: 21.03.2014

5.0 REPRESENTATIONS

5.1 *Shefford Town Council - Objection*

- Shefford has met its target in terms of local development;
- The proposed development is outside the settlement envelope;
- Inconsistencies in 'Utilities Report' on numbers quoted for by utilities;
- 'Ecological Assessment' makes several recommendations and enhancements, who would make sure these are closely monitored and implemented;
- 'Archaeological & Heritage Statement' general concern about shallow level of trenching (witnessed by a Councillor) carried out when compared with earlier surveys which did locate Roman remains;
- Who will closely monitor construction.
- 'Lighting Impact Assessment' most of it is lifted from standard treatises, elevations have been ignored particularly around junction into Amphill Road, pg10 quotes Good Urban Lighting however this is not an urban area;
- 'Flood Risk Assessment' EA is currently investigating flooding caused by surface water run-off to a property in Penfold Close and does not want to see any additional water draining in that direction.
- EA is concerned about risk of flooding in area as well as increased pollution associated with previous land use.

Updated response (dated 13/08/2014)

- Overall objection remains unchanged.
- If the development goes ahead and a skate park was to be provided at the developers expense, the Town Council would be reluctant to take on maintenance. Discussion necessary re: costs, insurances, noise and disturbance.

5.2 *Shefford Lower School - Raises concerns*

School place availability

- Estimate that a development of 140 dwellings with 35% affordable housing will yield between 40-50 children of lower school age. Based on our estimates it is highly unlikely these children will be accommodated or based on current CBC School Admission Policy where priority is afforded to children who live closest to the school, these children will be offered a place but others who live furthest away in the catchment area will be denied a place.

Discussions with developers and the perceived benefits to Shefford Lower

- Governing Body has previously met with developer, it was stressed that the school was oversubscribed, whilst it is an issue for CBC to solve, the Governing Body at this time has agreed not to consider any further expansion of the school without the provision of additional land which adjoins the school playgrounds because it could impact the Schools ability to deliver the National Curriculum.
- Governing Body is aware of developers offer to provide contributions towards bringing former Shefford Lower School site back into educational use. Both Shefford Lower School and Robert Bloomfield Academy have carried out feasibility studies on this piece of land and buildings but have

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opted to develop other parts of the site because of the extremely high costs involved in developing it due to ground, archaeological and accessibility conditions. The study indicated it would be in the region of £2.5M. The high cost was also because of the layout and size of the former building does not meet modern day educational standards. Whilst the land is sandwiched between Shefford Lower School and Robert Bloomfield Academy it would be very difficult to operate a larger lower school over two different sites because the site would be split by the main 'public' access route between the former Lower School and current lower school. Security issues would be a serious concern along with having to duplicate facilities (kitchens, hall and playgrounds).

- The school has requested that the developers give strong consideration to 'gifting' the lower school a piece of land measuring 61m x 43m. This would run parallel to the schools existing western boundary. The area would be designated as the School's playing field and if the need arises for the school to expand, it would allow the school to develop its existing playing field for classrooms. This is the schools preferred option.
- The proposal for playing fields, car parking and a full sized all weather pitch at Robert Bloomfield would be under the control of another large school, whilst there is good relationship between the two schools there would be limited access for the Lower School.

Technical design issues - privacy and safeguarding concerns, amenity,

- Request and explanation for additional land to extend the Lower School Playing Fields;
- Floodlighting of the existing ball court and concerns of indicative housing layout being so close to the ball court;
- Concerns over road layout and viewing into the School Playgrounds and parking along the western boundary of the school as proposed in the indicative plans;
- Problems with developing the former Shefford Lower School site back into educational use;
- Parking concerns around the new development and traffic calming along Amptill Road.

5.3 Robert Bloomfield Academy - Support

Bedfordshire East Schools Trust supports this planning application for the

The current planning application for 'Land off Campton Road Shefford' proposes the sympathetic introduction of a landscaped buffer zone along the southern boundary and the retention of the trees and hedges and the introduction of wildflower grassland, tree and shrub planting. Having consulted with the two schools Catesby's suggest a new pedestrian crossing on Campton Road and to transfer a parcel of land south of RBA for two new grass pitches; one full sized and the other 9 V 9; a new car park for the use of the two schools and the community during the day, in the evenings, weekends and holidays to access a full sized floodlit synthetic multi games pitch as well as the current RBA facilities which include a 9 V 9 multi use games area [MUGA], a Sports Hall, a Theatre and other spaces. This would have the dual benefit of alleviating car parking and access in general at the front of SLS and RBA and also allow segregated access to RBA / SLS facilities without the

general public having to walk through the main school sites. Much improved community use of the facilities to advance education and community cohesion will be of significant benefit to the people of Shefford. BEST would fully support the proposal and work to enable schools, the community and locality to benefit from dual use of the sites. This offer would be much improved by the following;

1. An access road and car park to be built adjacent to, not on RBA land to facilities by the community.
2. The land south of RBA to be transferred to BEST for the use of both
3. To finance a full sized floodlit MUGA on the RBA site for the development
4. To finance any associated works for the delivery of these facilities to

We believe these elements would constitute exceptional community and educational benefit to be paid for by the developer's offer of an exceptional community finance contribution, alongside the developer's S106 contributions to provide the people of Shefford with a much larger range of long term sustainable facilities than would otherwise be developed.

Bedfordshire East Schools Trust [BEST] and Bedfordshire East Multi Academy Trust's[BEMAT] long term partnership will ensure the sustainability of these facilities, community use, the increase in participation and the formation of new clubs and activities. BEST is in discussions Central Bedfordshire Council with a view to provide educational and community use of sporting and educational facilities across the whole BEST estate [Samuel Whitbread, Robert Bloomfield, Etonbury, Gothic Mede, Gravenhurst and Langford Academies] which will also be available to the people of Shefford and the locality.

5.4 Shefford Town Memorial Association - Comment

The Shefford Town Memorial Association (STMA) is aware of contributions

Although neutral on the development, if it goes ahead, we will be applying for

5.5 Bedfordshire Rural Communities Charity

In relation to on-site Green Infrastructure provision, we would welcome the

We believe that a development of this scale is also required to make a contribution to off-site Green Infrastructure. As such BRCC is seeking for a financial S106 contribution towards the implementation of actions within the Shefford GI Plan. A S106 contribution from this development, should consent be granted, would enable the delivery of local GI projects which have been identified by the local community.

5.6 Shefford Saints Football Club - Support

Shefford Saints FC is the predominant youth organisation in Shefford. The club partners with Robert Bloomfield Academy (RBA) and BeMat on a number of initiatives and were a financial contributor to the provision of the existing MUGA, which is used extensively by the club and thereby provides a major

part of the income that makes it sustainable. We are pleased to support the application in conjunction with RBA.

From our direct discussions with the applicant (David Morris of Catesby Estates) and RBA we understand that a number of facilities have been discussed that are effectively seeking funding support to facilitate the implementation via the application. Our understanding is that the applicant has included in his development proposals for access to a potential new full sized artificial grass pitch to be safeguarded on the plans submitted. They have also included land to the south east of the current RBA school field to be gifted to RBA to provide replacement grass pitches. We understand that the applicant has included in their proposals the payment of £1.4M in additional to the many contributions that would normally be mandatory for a development of this scale and both payments will be covered by a Section 106 Agreement, tying the permission to the obligations offered.

From our understanding and through discussions with the applicant, as the new MUGA proposals meet planning criteria in that it represents an ongoing partnership between education providers (RBA/BeMat) and a community organisation (Shefford Saints), it will almost certainly be top of the list when the £1.4M is allocated. It is on this basis that we support the application.

From a wider planning perspective, the application site has never been promoted for residential development through the local development framework or the local plan review previously. I believe it is fair to say, had it been promoted it would have been allocated. Given that it is a suitable site, but not allocated it is correct that the applicant has sought to obtain planning permission by ensuring local support, working with interested parties to ensure the community of Shefford and its rural catchment benefits from the proposed development. We believe that has happened in this instance and also support the application on that basis.

5.7 Neighbours and Residents

Objections (19 received)

- Shefford has woeful inadequate services, facilities and school places.
- There are two developments that have not even been completed yet in Shefford.
- Do not support the development but support the financial contributions and they should be spent on a swimming pool.
- Shefford can not cope with more housing, schools extended already and no community facilities added so far. If it does go ahead we support the associated community benefits, particularly youth facilities and swimming pool.
- School, doctors, dentists etc are bursting. Shefford Lower School just had an extension and still can not accommodate all Shefford children. More speeding traffic in town. We need leisure facilities i.e. swimming pool with gym above, to accommodate those that already live here. If it does go ahead, should have 4 bed social housing.
- Shefford does not have the infrastructure to cope with further development. Schools and sewerage systems are filled to overflowing and

there appear to be no plans connected to this development which will rectify either before the houses are occupied.

- Building more homes does not improve employment opportunities for local people, it adds to the 'commuter town' status of Shefford.
- The questionnaire asks for a list of suggestions on a solution that most benefits the local community and asks how I would spend the £1.4M blood money they are offering as a sweetener to get through the system (I wonder what the new residents would say if they realised £10, 000 of their purchase prices was being diverted directly to the local council?). The questionnaire is loaded and offers little or no benefit to local businesses so I don't believe that we can comment in our capacity as business people. None of the proposed 'improvements' will directly affect local business and whilst a swimming pool is likely to attract the attention of the general public the lack of land in the town plus the horrific management costs would make the £1.4M disappear in seconds.
- The development will have an adverse effect on drainage and flooding of Penfold Close.
- Additional traffic exiting and entering the site directly outside my house will increase noise.
- The additional traffic will also create queues of traffic to Ampthill roundabout adding to noise and pollution.
- The current access to both schools via School Lane and Bloomfield Drive is very congested and unsafe particularly at the junction with Ampthill Road. The opportunity should be taken to provide a new vehicular access to both schools through the development.
- Shefford needs a second lower school.
- Loss of agricultural land and extending developed boundary of the town should be avoided.
- Ambient noise level will be significantly increased.
- There should be no access to the development via School Lane.
- The schools are fit to bursting as well as the health centre, Shefford is being picked on for development. The roads can not cope. The water and sewerage system can not cope. Shefford has gone from a lovely small market town to an overpopulated commuter town.
- Another 140 families is not acceptable without additional infrastructure. Queues at roundabouts, additional traffic on Ampthill Road which is already very busy, especially at school times. Shefford Lower School is too small, 5 year olds will need to be buses. No further development should take place without a new lower school.
- Inadequate parking for residents of Ampthill Road, especially during school times.
- Due to the recent large number of building projects in the town, the sense of community has been lost.
- No natural landscapes left for children to play and explore in.
- Shefford town centre wont be able to cope with the influx of additional people and cars, I can only just find a park when I drive into town now. Nothing for teenagers to do when they are not at school.
- Extra traffic will cause vibration issues for dwellings in Ampthill Road.
- CBC has recently approved a Local Development Framework where all the land that would be released for development this decade was identified. This land was not part of this process and should be excluded from development until the Local Development Framework is reviewed.

- We may be overlooked, lose privacy and the amount of light into our home would be reduced due to the new homes being too close to the boundary with School Lane.
- Shefford has inadequate surface water drainage, heavy rains result in surface flash flooding, this will worsen for Penfold Close, existing drainage already can not cope. If this goes ahead new drainage must be built to cope with excess surface water.
- The site masterplan leaves no potential reasonable expansion of Shefford Lower School.
- Site allocation do not include this site, under targets set out for housing in Central Bedfordshire, Shefford has increased its populace to reach targets originally stated for 2026, locals were not to expect development on this scale for another decade.
- The proposed extension of the playing fields is currently used as a green space for walking and playing, ownership and complete rights to Robert Bloomfield should not be given unless adequate areas for public sports are defined elsewhere. The pitches are not practical; they are sited in a three sided bowl, designed as a flood plain.
- The site is in a prominent position on a sizeable hill, visible from much of the surrounding area. The development would be out of touch with the architecture and culture of Shefford which is a historic market town.
- Provision of a 'youth facility' is inappropriately located; it would be of little use to residents living in the greater part of town. Financial contribution should be given towards the provision of a youth facility elsewhere in the town.
- The lower school is approaching a landlocked situation and can not cater for expansion. The developer is proposing nothing to alleviate this.
- The use of the second site for a playing pitch would result in the loss of a vital catchment area and important natural habitat.

Comments (5)

- Shefford has seen a number of recent development, concern there will not be the school places for existing residents. A grant from the developer would be a fantastic contribution towards a swimming pool or youth facility. They should be designed so that they have can be provided on the same site and expanded in future if required.
- Increase in traffic is a concern, has any thought been given to enlarging the roundabout at the end of Ampthill Road? The amenities would be seriously challenged, school being one of the challenges.
- Expressing concern at the impact the development will have on the lower school, which already can not accommodate all the children in the catchment area. It is a shame that some of the land can not be given to the lower school, as there is a lack of space. In my opinion it would be better to have a new school, so that there are two smaller schools rather than one big one.
- Site occupies a significant site in Shefford because of its prominent position as the main gateway to the town. Access should be considered directly off the A507 by either extending the existing Ampthill Road roundabout, a new roundabout, slip roads, this would minimise congestion. The site should be professionally landscaped, shouldn't look like another anonymous housing estate. If the access can not be achieved using the

above solutions, or the development doesn't provide enough student places at the school, then this becomes an objection.

Support (18)

- Beneficial to local businesses due to increase in population and proximity to town centre.
- Distinct lack of housing between Shefford, Clifton and Henlow and we should be looking to develop. As for community space, there is strong support for a swimming pool/leisure facility with gym. This would provide jobs and income for the area as well as a place for kids to go.
- Robert Bloomfield Academy has supported youth in Shefford, the development will enable them and local supporting clubs to increase quality of facilities and the number of local people that have access to them.
- Will bring work and jobs to the area and create opportunity for community to benefit. I understand part of the development is an astro turf pitch at Robert Bloomfield Academy, this will enhance the ability of the school to produce more healthy, keen fit young people as well as giving the community as a whole the opportunity to utilise a great facility.
- Unused and derelict farm is an eyesore and no practical use for farming because of its poor quality and constrained boundaries.
- Provide much needed homes for the area and support local community with additional funding and helping school and football teams enhance their facilities.
- A new 4G surface can be used for many sports and events to help the community.
- Shefford Hockey Club merged with Sandy a few years ago as it did not have an artificial surface, with a new full sized pitch we could move the club back to Shefford, which would benefit the local community in terms of community participation and revenue.
- 9 of the 18 responses from members of the Shefford Skatepark Project (a Facebook campaign) seeking a skate park facility within Shefford. Support for the skate park - limited comments relating to the housing development.

5.8 Surveys handed out by Curtin & Co

Surveys prepared by Curtin & Co have been handed out by the applicants. The surveys ask questions in relation to what the proposed £1.4M contribution should be put towards. In total, eight responses have been received. There is no detail about the proposed development and as such little weight has been given to these responses.

6.0 CONSULTATIONS/PUBLICITY RESPONSES

Site Notices posted

23.06.2014

07.08.2014

6.1 Environment Agency (External)

No objection, subject to conditions requiring detailed surface water drainage scheme for the site.

6.2 Sports England (External)

Sports England is supportive of the principle of the proposed playing field in this planning application. Planning conditions are requested to provide detail of the playing field contractor's specification, pedestrian access to the playing field from Robert Bloomfield Academy, protective fencing around the playing field and a Community Use Agreement. It is requested that the delivery of the playing field be secured through a planning obligation.

6.3 Bedfordshire & River Ivel Internal Drainage Board (External)

The Board notes that the proposed method of surface water disposal will result in flows entering the Board's district via a balancing pond and control mechanism. Although acceptable in principle, further details will be required.

The Board suggests that planning permission should not be granted without conditions requiring that the applicant's storm water design and construction proposals are adequate before any development commences.

6.4 Archaeology Officer (CBC)

No objection to development of the site, subject to a condition requiring the submission of a scheme of archaeological investigation.

With regards to proposals for a financial contribution to a museum within Shefford, providing a museum in the traditional sense (storing and displaying archaeological or other collections) would need formal accreditation with Arts Council England. Capital cost of providing such a facility would be substantial and probably greater than the total amounts quoted as being available. Would also need substantial financial provision for running costs of museum. It may easier and more appropriate to provide interpretation and public access to Shefford's historic heritage through other means, for

6.5 Ecology Officer (CBC)

Raises several concerns in relation to the following;

- Relationship of the proposed sports pitch and the adjacent river corridor;
- Linkages between the development site and the Shefford Road Verge Nature Reserve and impact on wildlife movement and connectivity and the acoustic barrier;
- Location of wildlife pond in SUD's feature and its connectivity to the rest of the site.

No objection in principle, however any grant of planning permission would require additional conditions which would address the above concerns.

6.6 Education Officer (CBC)

Objection, discussed further below.

6.7 Green Infrastructure Officer (CBC)

Objection, discussed further below.

6.8 Highways Officer (CBC)

No objection to the proposal. The application is supported by a Transport Assessment detailing the traffic generation and distribution and confirms the access and surrounding highway network has sufficient capacity to accommodate the traffic movements from the development. Conditions are recommended.

6.9 Housing Development Officer (CBC)

The proposal will provide 49 affordable homes which reflects the current policy requirement of 35%. The Strategic Housing Market Assessment (SHMA) indicates a required tenure split of 63% rent (31 units) and 37% intermediate tenures (18 units). The units should be well dispersed throughout the site and integrated with market housing to promote community cohesion and tenure blindness. All units should meet the Code for Sustainable Homes Level 3 and meet all HCA Design and Quality Standards.

6.10 Landscape Officer (CBC)

Objection, discussed further below.

Although the new drawings do illustrate improvements over the initial scheme, I am still objecting to the landscape treatment of the eastern parcel as formal sports provision would detract from landscape character in an area with a strategy for sympathetic enhancement.

There are concerns regarding the acoustic fence.

6.11 Local Development Framework (CBC)

Objection, discussed further below.

6.12 Play and Open Space Officer (CBC)

In terms of on site play facilities, the development should provide a single, multi-age group site, rather than three individual sites. The combined site should be 500-600m² in size and contain a range of equipment for 3-12 year olds. The site would ideally be central to the development, or at a focal point and have sufficient buffer to house resident's privacy. The details of the provision can be agreed at reserved matters stage, however the site and its size should be identified at outline.

6.13 Public Arts Officer (CBC)

Good opportunity to integrate public art into the development, a Public Art Plan should be produced for agreement with the Council, prior to the commencement of development. Can be conditioned.

6.14 Public Protection (Pollution) (CBC)

Concerns raised in relation to;

- Noise levels from the adjacent schools and A507 detrimentally impacting on the internal and external noise levels of future dwellings;
- The noise created by the youth facility (skate park) and the impact it will have on adjacent residential properties;
- Light spillage from adjacent uses (MUGA at schools) and the light impact this will have on proposed adjacent residential dwellings.

Noise conditions were suggested that would control the internal (within dwellings) and external (within outdoor amenity areas) noise levels to an acceptable decibel. The applicant initially confirmed that they could not meet the levels set out in the condition. However, with changes to the site layout and the provision of a youth facility in the south eastern corner of the site, the applicant now believes that the noise levels in the suggested condition can be met.

Concerns are still raised in relation to noise as no updated noise modelling has been provided to accompany the revised site layout, and no assessment of noise from the youth facility on the proposed dwellings has been carried out. However it is considered that these concerns could be successfully addressed via condition and at reserved matters stage.

6.15 Public Protection (Contamination) (CBC)

No comment to make.

6.16 Rights of Way Officer (CBC)

No objections, subject to improvements to the surrounding public access routes. The proposal will require planning contributions for the upgrading and improvement of these areas.

6.17 Sustainable Transport, Cycle & Walking, Travel Plan Co-Ordinator (CBC)

No objection, subject to conditions.

6.18 Trees & Landscape Officer (CBC)

Concern is raised in relation to the impact that the proposed acoustic bunding will have on the existing boundary planting along the A507. Landscaping and planting details will be required that demonstrates the retention of existing hedgelines and trees along with new planting. No objections, subject to conditions.

6.19 Waste Officer (CBC)

No objection, subject to conditions requiring further detail at reserved matters stage.

7.0 DETERMINING ISSUES

The main considerations of the application are;

- i) Policy Framework (8.1)
- ii) Principle of Development (8.2)
- iii) Impact on character and appearance of the site and surrounding area (8.3)
- iv) Appearance, Layout, Scale, and Landscaping (8.4)
- v) Access, highways and traffic (8.5)
- vi) Impact on Neighbours (8.6)
- vii) Biodiversity and Ecology (8.7)
- viii) Living conditions for future occupiers (8.8)

- ix) Archaeology and heritage assets (8.9)
- x) Rights of way and permeability (8.10)
- xi) Flood risk, drainage, sustainable growth and land quality (8.11)

8.0 CONSIDERATIONS

8.1 Policy Framework

The National Planning Policy Framework (NPPF)

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and the NPPF set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para.11). The NPPF does not change the statutory status of the development plan as the starting point for decision making (para. 12).

At the heart of the NPPF is a presumption in favour of sustainable development. Local planning authorities should positively seek opportunities to meet the development needs of their area. Local Plans should meet objectively assessed needs (para. 14).

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (para 15).

Core principles of the NPPF state that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency (para 17).

Plans should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it (para 17).

Plans should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local need (para 17).

Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para. 49). There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (para. 47).

The NPPF seeks to promote sustainable development in rural areas by ensuring that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes in the countryside, unless there are special circumstances (para. 55)

The NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In particular the NPPF states that LPA's should;

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

Given that the NPPF (para 72) places great importance on ensuring sufficient school places are available, it therefore follows that regard should be given to the impact that a proposed development would have on the local school places.

National Planning Policy Guidance (NPPG)

Additional guidance to supplement the NPPF and provides additional interpretation of the Government's planning intentions.

The Adopted Development Plan

The Central Bedfordshire Core Strategy and Development Management Policies (2009) forms part of the Local Development Framework for the North Area of Central Bedfordshire. The document was formally adopted in 2009, following consultation and examination. This document is considered to set out Central Bedfordshire Council's policy approach for the North Area and as such significant weight is given to it.

The Central Bedfordshire Core Strategy and Development Management Policies (2009) is the adopted Development Plan for Central Bedfordshire. The document covers the area formally known as Mid-Bedfordshire, now referred to as the 'North'.

The Plan is considered to be consistent with the NPPF. It is a positive document with the delivery of sustainable communities at its heart. The plan is based upon and reflects the presumption in favour of sustainable development, with clear policies that guide how the presumption should be applied locally, in accordance with para. 15 of the NPPF.

The Plan has been tested in examination, is up to date, and therefore significant weight is given to this adopted document and the policies contained within.

The Site Allocations SPD forms part of the Local Development Framework for the North Area of Central Bedfordshire. The document was formally adopted in 2011 following consultation.

The Site Allocations SPD states that Shefford is a Minor Service Centre, and allocations have been made for 150-250 new dwellings, 2-4 hectares of employment land and new recreational open space. Two allocated sites; Land at Stanford Road (100 dwellings, nature reserve and extension to Millennium Green) and Land at Bridge Farm, Ivel Road (70 dwellings and 2 hectares of employment land) are included. In addition to this, the Former Shefford Town Football Club on Ivel Road was allocated for 59 dwellings under the previous Local Plan. As it had planning permission by the time the SPD was published, it was not included as an allocated site. All three sites now benefit from planning permission and are coming forward.

Areas A and B, subject to this application, were not put forward as part of the site allocation process.

The Emerging Development Strategy

The emerging Development Strategy for Central Bedfordshire was published on 30 June 2014 for pre-submission representations to be made. Submission to the Secretary of the State is currently planned for October 2014. The document is still at consultation stage and has not been through examination. This document is therefore given limited weight.

8.2 Principle of Development

The Central Bedfordshire Core Strategy and Development Management Policies (2009) form part of the Local Development Framework for the North Area of Central Bedfordshire. It sets out the Strategy for providing homes and jobs in Central Bedfordshire. At 3.3.1, it sets out the approach that will be taken to achieve these development requirements. Part of that approach is to control development within the open countryside.

Paragraph 3.6.1 explains that the physical boundaries of settlements in the district are defined to differentiate between the built-up part of settlements and

open countryside. Settlement Envelopes are an established policy tool for determining planning applications. Settlement Envelopes are displayed on the Proposals Map which accompanies the Development Plan Document.

The supporting text to Policy DM4 (Development Within and Beyond Settlement Envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance... This includes residential development on Exception Schemes as set out by Policy CS8, or dwellings for the essential needs of those employed in agriculture or forestry, or that which reuses or replaces an existing dwelling. These criteria are reinforced by paragraph 55 of the NPPF. The main body of the policy text offers no support for market residential development outside of Settlement Envelopes.

The site is outside the Shefford Settlement Envelope. It is in the open countryside and has an open, rural, agricultural character. The site performs the role of providing an open, green space adjacent to the settlement of Shefford. The supporting text of Policy CS16 of the Core Strategy (2009) sets out that the countryside outside settlements is a highly valued resource. The second bullet point of policy CS16 states that the Council will 'conserve and enhance the varied countryside character and local distinctiveness in accordance with the findings of the Mid Bedfordshire Landscape Character Assessment'.

The Mid Bedfordshire Landscape Character Assessment indicates that the site is within the Upper Ivel Clay Valley (4C) Character Area. The Landscape Strategy for this area is to enhance elements that have become degraded and create new features to enhance and strengthen the river valley.

The proposal is a residential development of some 140 dwellings in the open countryside. The Council's adopted policies clearly indicate that such a development in the open countryside should be resisted and the open countryside should be protected for its own sake. (Policy DM4 and Policy CS16)

The NPPF confirms that a core planning principle is recognising the intrinsic character and beauty of the countryside (para 17) and that unless material considerations indicate otherwise, developments that conflict with adopted plans should be refused (para 12).

The Applicants state that there are material considerations that indicate that the proposal is acceptable, these primarily relate to the Council's five year housing land supply, the sustainability of the site and the monetary contributions being offered by the applicant.

The NPPF is clear that where a development conflicts with the development plan, it should be refused unless material considerations indicate otherwise.

Five Year Housing Land Supply

The Applicants state that the Council's housing delivery policies and figures are out of date as they are not based on objectively assessed housing needs.

The Development Strategy for Central Bedfordshire will be the new Local Plan for the district and will, once adopted, replace the existing suite of documents which make up the current development plan. Until then, the Core Strategy and Development Management Policies DPD (2009) continues to carry the greater weight and should be used when determining applications in the north of Central Bedfordshire.

On 20 June 2014 the Council received the Strategic Housing Market Assessment (SHMA) for Luton and Central Bedfordshire. This identifies an objectively assessed need for 25,600 homes to be delivered in Central Bedfordshire over the 2011-2031 period. Until the Development Strategy is adopted the figure identified in the SHMA should form the basis of the Council's 5 year requirement calculation.

The Council published its SHLAA and Housing Trajectory in June 2014. The delivery rates within the Housing Trajectory have in the main been supplied by agents and developers and through site visits. There is no reason to assume that these are not a realistic estimate of annual delivery. The sites included within the five year supply period are only those which are considered to deliver during this period. The southern extension to the Wixams for example has not been included.

The applicant has provided an alternative housing trajectory and 5 year supply figures however the Council's published SHLAA and Housing Trajectory are considered most appropriate and as such it is this document that is used.

The emerging Development Strategy seeks to boost the supply of housing and policy mechanisms will be put in place to deliver this. These include a Market Led Sustainable Development Policy and an Allocations Local Plan. As only limited weight can be given to the emerging Development Strategy, the number of homes to be delivered through these policy mechanisms has not been included within the 5 year supply calculation which supports this policy response.

Using the 25,600 Objectively Assessed Need (OAN) figure as a base, the basic 5 year requirement is 6,400 dwellings. Due to past persistent under delivery in the south of Central Bedfordshire, a 20% buffer has been applied to the 5 year requirement in accordance with paragraph 47 of the NPPF.

Shortfall from the first 3 years of the plan period has been small at only 300

dwellings and shortfall from this monitoring year is expected to be only 360 dwellings. There is debate about whether any under-delivery (shortfall) from previous years should be made up over the remaining plan period (known as the "Liverpool method") or made up over the 5 year supply period (known as the "Sedgefield method").

The calculations for the five year supply are set out below;

<u>Liverpool Method</u>		<u>Sedgefield Method</u>	
Five year requirement		Five year requirement	
25,600/20 (years)	= 1,280	25,600/20 (years)	= 1,280
1,280/5 (years)	= 6,400	1,280/5 (years)	= 6,400
6,400 + 20%	= 7,680	6,400 + 20%	= 7,680
Addition of Shortfall			
360/16 (years)	22.5	7,680 + 360	= 8,040
22.5 x 5 (years)	112.5		
7,680 + 112.5	7,793		
Supply		Supply	
5 year supply	= 9,829	5 year supply	= 9,829
No. years supply		No. years supply	
7,793/5 (years)	= 1,558.6	8,040/5 (years)	= 1,608
9,829/1,558.6	= 6.31 years	9,829/1,608	= 6.11 years

The Housing Trajectory is appended to the Strategic Housing Land Availability Assessment (SHLAA) identifies a five year housing supply of 9,954. Since the Housing Trajectory was published this figure has been amended to 9,829 dwellings. This is equivalent to;

- a) 6.31 years supply if the Liverpool method is applied; and
- b) 6.11 years supply if the Sedgefield method is applied.

The NPPF sets out a presumption in favour of sustainable development. It states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five years supply of deliverable sites." Evidence shows that the Council can demonstrate a 5 year supply against its up-to-date objective assessment of housing need. The punitive assumption in bullet 4 of Paragraph 14 of the NPPF should therefore

not be engaged and the relevant policies in the Core Strategy should be applied.

This application seeks permission to develop 140 dwellings outside of the Settlement Envelope of Shefford. Only land with a settlement related use qualifies for inclusion within Settlement Envelope. It is for this reason that this site has not been included following previous Settlement Envelope reviews. The development of new market dwellings in the countryside is contrary to Policy DM4 of the Adopted Core Strategy 2009.

Policy 29a of the emerging Development Strategy will provide for a limited amount of growth outside certain Settlement Envelopes. It is important to note that as this policy is a departure from the local historic approach, it will not be deployed until the Development Strategy is formally adopted. In any event, this particular application is contrary to emerging policy 29a as it proposes a level of housing development which is considerably greater than that envisaged by the policy.

As such, even in the event that the policy was adopted, it is considered that the scale of development proposed would be contrary to the policy and planning approval would be unlikely to be granted.

This application seeks permission to develop up to 140 dwellings outside of the settlement envelope of Shefford. The development of new market dwellings in the countryside is contrary to Policy DM4 of the Adopted Core Strategy 2009. The application should be refused.

Sustainability of the site and suitability of Shefford for growth

The applicant has set out their case in terms of the economic, social and environmental benefits of the scheme in their submitted planning statement. It is the Council's view that the considerations put forward by the applicant do not result in material considerations of such weight to outweigh the non-compliance with adopted policy.

It is the Council's view that there are no material considerations to outweigh conflicting with the Development Plan. Regard has been given to the sustainability of the site and the suitability of Shefford for additional growth. The Council's Site Allocation Plan (2011) sets out the allocated sites for housing and employment development within Shefford. Three sites were identified within Shefford (including the previous Shefford Town Football club site for which planning permission was granted by the time the final draft of the document was completed). The indicative range for housing numbers for Shefford was 150-250 and three allocated sites were designated. Following on from the adoption of this plan, the three sites now all benefit from planning permission and are coming forward. The Shefford town football club site delivered 59 dwellings, the Stanford Road site will bring forward 95 dwellings when complete, and the

Bridge Road site will bring forward 85 dwellings when completed. There are 239 dwellings under the current Site Allocation Plan, Shefford has benefited from an additional 239 dwellings, in line with the indicative range set out in the document.

Whilst it is accepted that the proposed scheme will bring economic benefits to Shefford (during the construction period of the scheme), and social benefits in terms of increasing population, provision of affordable housing and formal and informal open spaces, the site itself is not considered sustainable. In order for this development to be considered sustainable, the existing services and facilities of Shefford would need to be able to cope with the demands of the new development. The existing lower schools cannot, thus the Council does not consider that the development comprises sustainable development.

Shefford Lower School has been recently expanded to 450 places in order to cater for the expected housing growth in Shefford as a result of the allocated sites. The current population of the school catchment has therefore been planned for and adequate school place provision made. The proposed development will increase the number of children within the catchment and create a deficit of school places. This means that Shefford Lower School would need to be further expanded to cater for the additional children, or a new lower school within Shefford would need to be provided.

Beyond Shefford Lower School, the nearest lower schools are Campton Lower School and All Saint's Lower (both located in adjacent villages). Neither of these schools have the capacity to provide additional school places for the children of this proposal.

Robert Bloomfield Academy (middle school) can cater for the existing catchment, and has recently received planning permission for a further expansion that will cater for the expected growth within the Shefford and the unexpected growth from the proposed development.

Samuel Whitbread Academy (upper school) is currently at capacity, however plans are underway to increase the number of upper school places in the area. Etonbury Middle School (Stotfold/Arlesey) will be extending its age range from 2017 to provide upper school places (planning application is currently pending). Therefore it is expected that there will be upper school places in the area to cater for the unexpected increase in the number of children from the development.

Given the importance placed on providing school place provision (paragraph 172 of the NPPF), in addition to providing financial contributions to assist in providing places within the schools, the applicants have been asked to provide additional land to either allow for the creation of a new lower school for the town (0.8ha) or to allow for an extension to Shefford Lower School.

Whilst the applicants are prepared to pay the education contribution for all phases of education (£1, 216, 467.62) they are not prepared to assist in

providing land. Instead, they have suggested that the former Shefford Lower School building (located to the north of Shefford Lower School and Robert Bloomfield School) can be bought back in to use to provide additional capacity for both schools.

The reuse of this building and the site is not considered to be a viable option for the provision of additional school places. The site is located to the north of a public access way, meaning that members of the public would be permitted to walk through the site raising serious security issues. The building itself is old, and costings previously undertaken by the Lower School have indicated that bringing the building up to current standards would be in excess of £2.5M. Highways, access and parking is also of concern, as the existing access would be used and no additional space for parking would be provided. The site itself is no longer allocated to education as it has been approved for disposal from the Secretary of the State.

The applicants contest this position and have referred to two appeals. However the Council is not of the opinion that these arguments are relevant.

The completed expansion of Shefford Lower School was to provide for known housing development on allocated sites within the town. Not only is Shefford Lower School unlikely to be able to cater for the children produced by this development, but the local schools of Campton and All Saints will not be able to cater for the additional children. This would leave Central Bedfordshire Council with the cost of transporting children to another lower school outside Shefford with places. The Council does not regard this as a sustainable development as it would result in the displacement of children from Shefford by requiring that they travel to schools much further afield.

Policy CS3 of the Core Strategy and Development Management Policies states that the Council will ensure appropriate infrastructure is provided for existing and growing communities by directing development, within the context of the Development Strategy and settlement hierarchy, to locations where developer contributions can facilitate a solution or where additional development could achieve critical mass to make a solution viable. The proposal does not bring about a critical mass or assist in the creation of a solution, but rather would result in the provision of a large, unplanned residential development which will significantly impact on the Council's planned provision of school places within Shefford and result in the displacement of children to outside the school catchment areas. The proposal is contrary to Policy CS3.

The NPPF in paragraph 72 is clear in the great importance that the Government places on ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. It therefore follows that if an unplanned development, contrary to the development plan and therefore outside the community's clear expectations of development in their local area, would result in an undersupply of school places, then it can not be in accordance with the NPPF. The development site is unsustainable and would result in the Council having to pay for the transport of the children of Shefford outside the community to other schools. The proposal is therefore contrary to the National

Planning Contributions

The Applicant has put forward a package of contributions that would be provided with the development. These are summarised as;

- Provision of 35% of affordable housing, including three bungalows;
- Provision of full amount of financial contributions in accordance with the Council's adopted Planning Obligations SPD;
- An additional financial contribution of £10,000 per dwelling (£1.4m based on 140 dwellings). The contribution has not been set aside for any specific project; although a list of potential projects have been provided by the applicant.
- The provision of a Youth Facility (based on 929m² skate park or multi-use games area) the cost of which will be provided by the developer. - The provision of a Wildlife Habitat Area (within Area B) including;
 - A new wildflower area;
 - A new grassland with native tree planting;
 - Swales to collect run off from the Sports Pitches and control run-off to River Hit;
 - A new footpath and retention of existing footpath through the site;
 - A new footpath through the site;
 - The preparation of part of Area B for playing pitches, and the transfer of the pitches to the Robert Bloomfield Academy, after the pitch work is completed, within a five year maintenance contribution;
 - A Right of Way contribution of £17, 975 towards creating a new link between Churchill Way Public Space and Heron Close, including a small bridge, provision of four oak benches, two oak picnic tables, new interpretation boards and signage and upgrading of surfacing of Public Right of Way Shefford FP1.
 - The provision of a new access T junction and traffic calming measures on Amptill Road.
 - A package of drainage works comprising £500, 000 over and above what would normally be required for a development of this size.

Therefore regard needs to be given as to whether the above contributions constitute a material consideration of significance that would outweigh the otherwise identified harm of allowing development within the open countryside.

The provision of affordable housing and financial contributions are in accordance with the Council's adopted policies and SPD and as such are what is expected for new residential development within Central Bedfordshire. Therefore whilst welcome, in themselves are not considered a material consideration of such significance to outweigh non compliance with other policies. Similarly the access arrangements are required in order to provide satisfactory access into the site and as such do not constitute a material

consideration of significance.

The Wildlife Habitat Area, Playing Pitch, Youth Facility and Right of Way contribution are welcome additions to the development and their provision is encouraged. It is considered that these features could be secured on site through a S106 agreement or condition.

The additional proposed contribution of £10,000 per dwelling is more problematic (£1.4m on the basis of 140 dwellings on the site). The developer has sought the views of many local organisations and residents with regards to spending this money, which has indicated a number of potential projects. However the feasibility of providing some of these projects (such as a museum or public swimming pool) and maintaining such a facility, is likely to require significantly more money than what is being proposed. Further, it is not clear how this money would be collected, when it would be paid and how its distribution would occur. Lastly, and of greatest concern, is whether the payment of this money would meet the tests set out in the CIL regulations; namely that the money is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. As the £1.4M represents an additional financial contribution, arbitrarily determined, over and above the contributions required by the Council's adopted documents, for no specific development (although it is noted a list of many possible options have been provided) it is not considered that this money meets the above tests. As such, if the Council was challenged on the payment of this money (for example at appeal or by a future developer of the land) it is not likely that this could be defended. The CIL guidance is clear that planning permissions cannot be bought and financial contributions can only be sought to mitigate against the impact that a development would have on local infrastructure. As such, it is considered that little weight can be given to this additional payment and it is therefore not a material consideration of significance. The fact that the applicant is willing to make this payment, does not mean it meets the requirements of the CIL regulations or that it is lawful in planning terms.

It is therefore considered that the proposed planning contributions (with the exception of the £10,000 payment per dwelling) are material considerations. However, they are considered reasonable and relevant to the development, supported by the Council's adopted policies and guidance and for that reason cannot be considered material considerations of such significance that they outweigh the identified harm of developing on an unsustainable site outside the identified settlement envelope, contrary to the NPPF and adopted policies and guidance.

The applicant has not provided a signed S106 or UU to the Council and as such the lack of any formal documentation to secure these contributions forms a separate reason for refusal. However, the applicant is willing to provide a S106 agreement and as such if Members were to resolve to approve this application, then this can be agreed prior to issuing the decision.

It is therefore the Council's position that the proposed development is not supported in principle, and that material considerations do not justify a grant of planning permission. The application site falls outside of any identified Settlement Envelope. The application site and the development are not sustainable. The development would not constitute an exception scheme and would not meet any of the criteria set out in 11.1.5 of the supporting text to DM4 or paragraph 55 of the NPPF. The development is unacceptable.

8.3 Impact on character and appearance of the site and surrounding area

The proposed site (Area A) is located outside the settlement envelope of Shefford and is an open site with a rural, agricultural character. The land has a visual value as an undeveloped piece of land on the edge of the settlement as a transition between the built form of Shefford and the open countryside.

Area A is currently occupied by a small number of dilapidated agricultural buildings along the Campton Road frontage; however the majority of the site is an open un-developed agricultural field with native boundary hedges, small trees and grass across the site. Adjacent to the site is the existing well established planting along the A507; a long row of mature Poplars (on the adjacent school land) currently readily visible from within and beyond the site; and the river corridor of the River Hit.

Area A is a prominent site. Views of the site are possible from Amphill Road, one of the main entrance routes into Shefford. The site is highly visible from Campton Road, which is the main pedestrian and cycle route between Shefford and Campton and where access to the Shefford Cemetery is provided. Views of the site are also available from A507 and from the roundabout to the north. The site plays an important role in providing an open, green and rural edge to the settlement, as well as forming part of the River Hit corridor.

The topography of Area A increases its visibility, rising upwards from Campton Road to a central elevated area, before sloping away towards the river corridor of the River Hit.

The development of this site will therefore be visible from several public vantage points, particularly given the rise in ground levels across the site and when compared to the surrounding areas. The result will be the complete loss of this green and open space and its replacement with an urban and built up development that will extend into the countryside surrounding the village. The proposal is detrimental to the character and appearance of this open and agricultural land that provides an attractive green space when viewed from within and beyond the settlement.

The proposed development includes the provision of an acoustic barrier along the edge of the site with the A507. The barrier is proposed to comprise of a 3m high bund, with a 4m high solid fence above, and will extend for the entire length

of the boundary of Area A with the A507, a distance of some 520m. This barrier would have a fixed, industrial and highly engineered appearance, completely obscuring views in and out of the site. The acoustic solution is considered to result in an incongruous and detrimental feature on the openness of the site and character of the surrounding countryside. The applicant has indicated that planting would be provided on the bund, which would assist in screening the fencing, however a 4m high fence would take at least 5 years to screen, if not more as planting on made up ground can be slower growing than usual as a result of dry conditions. Therefore, whilst the impact of the barrier would be softened over time, in the short to medium term it would have a significant, detrimental impact on the character and appearance of the site, views from within and outside Shefford, and the wider countryside.

With regards to Area B, this is a smaller parcel of land located to the south eastern corner of Area A. This land is currently a heavily vegetated site that forms an important part of the River Hit corridor, providing an important link in the green infrastructure along the river corridor. The site is traversed by an existing, well used, footpath which is in a poor state of repair. The site holds potential for ecological enhancements that would benefit the surrounding river corridor. Amendments to the scheme have seen the use of this land changed from sporting pitches (to be gifted to Robert Bloomfield Academy) to the provision of a single pitch (capable of being used as two mini pitches or a single full size pitch) to be gifted to Robert Bloomfield Academy and a Wildlife Habitat Area including wildflower area and swales to collect run off from the sporting pitches. The Landscaping, Ecological and Green Infrastructure officers would all prefer this area to remain as a wildlife area, enhanced for ecological purposes and creating an important river corridor habitat, rather than see the provision of a sporting pitch on this land. Whilst these concerns are considered relevant and the retention of this land as part of the green infrastructure would be welcomed, the use of part of this land for a sporting pitch is supported locally and as such, the compromise provided is considered to be acceptable.

Concerns have also been raised in relation the SUD's design and location across the site as a whole. Whilst these concerns are valid, it is considered that they would be addressed at reserved matters stage.

The Council's adopted policies CS16, DM4 DM14 and DM17, along with the NPPF are clear that development outside the defined and adopted Settlement Envelope should be resisted and the open countryside protected for its own sake. It is the Council's view that material considerations do not outweigh the harm of a large urban development on this open, green and agricultural site, or supporting a development that is contrary to the Council's clear and adopted planning policies. The development will have an irreversible effect on the open, rural and agricultural character of the site.

8.4 Appearance, Layout, Scale and Landscaping

This report concludes that residential development on this open, rural and valuable site would be harmful and unacceptable. It would irreversibly and negatively alter the character of the site, the surrounding countryside and the adjacent settlement. It is contrary to the Development Plan and the material considerations put forward by the developer do not outweigh this. Notwithstanding that conclusion, the individual aspects of the development, as illustratively shown on the submitted Masterplan are discussed below.

The appearance, layout and scale of the development would be assessed at reserved matters stage. The applicant has submitted an indicative master plan which demonstrates how the site could be laid out to accommodate up to 133 dwelling houses, youth facility, sustainable urban drainage scheme, roads and access, and green spaces.

The applicants have submitted a Design and Access Statement that suggests what approach might be taken and it would broadly be acceptable, if the principle of the development was acceptable. The Design and Access Statement indicates that dwellings would be provided on site to a height no taller than 2.5 storeys, however given the rural context and openness of the site dwellings to this height are not considered appropriate. It is considered that a condition could ensure that dwellings no taller than 2 storeys are provided. Materials could also be controlled via condition.

The indicative master plan shows that a LEAP and two LAP's would be provided, an informal green area along the south western boundary of this site, and a youth facility, along with the playing pitches and Wildlife habitat area on Area B. Details of the layout, maintenance and management would be secured through planning condition and through a legal agreement in the event that other matters were considered acceptable. It is noted that the Play and Open Space officer is objecting to the provision of a LEAP and two LAP's and would be looking to secure a single, multi age facility within the development. Again, this could be dealt with at reserved matters stage.

There is substantial off site planting of predominantly native species along part of the A507 boundary on Highway land which is starting to establish and would contribute towards screening and landscaping of the site. The provision of any bund and acoustic fencing should ensure that any existing planting is retained. The open space amenity land between the southern boundary and proposed dwellings, and the SUD's area located to the north of the site should be utilised as offering good opportunities for ecology and biodiversity, with a combination of quality landscaping and planting. It is considered that this could be secured through conditions and any reserved matters application, had the principle of the development been considered acceptable.

8.5 Access, highways and traffic

The application is for outline consent with all matters reserved except access. In principle, there is no objection to the proposed access arrangement for the site, which is to be via a new arrangement from Campton Road onto Amphill Road. The proposal will result in a dedicated access way from Amphill Road into the development, with the existing residents on Campton Road entering the new road, before entering Amphill Road. The proposal does not include a

roundabout or traffic lights at the junction with Ampthill Road.

The application is supported by a Transport Assessment detailing the traffic generation and distribution and confirms that the access and surrounding highway network has sufficient capacity to accommodate the traffic movements from the new development. The only exception is one leg of the A507 roundabout where the reserve capacity (RFC) is reduced to exceed the recommended level of 0.85 but at 0.93 is still below actual capacity of 1.0. The impact of the development will be a marginal increase in queue length during the peak hour, but not to a degree where mitigation measures would be proportional to the impact.

The applicant is aware of local concerns regarding traffic speeds and is promoting traffic calming, speed reduction features along Ampthill Road, to include appropriate facilities to assist the safe passage of vulnerable road users and pedestrians. Although a scheme has been submitted as part of the application it is for indicative purposes only at this stage. With regard to accessing the site the submitted plans indicate a junction arrangement onto Ampthill Road that is compliant with design standards in terms of layout and visibility splay provision and has also been through the first stages of safety audit. In these circumstances, highway conditions and advice notes are recommended should the grant of planning permission be considered.

Regard has also been given to the inclusion of community facilities within the development, being the community use of the football pitch at Robert Bloomfield and the youth facility within the development site itself. It is not thought that either of these facilities would have a significant impact on the suitability of the proposal in a highway context, especially given that the application is for outline approval, and any increase in traffic is unlikely to occur at peak hours. The location of the playing pitch, adjacent to the public access in Swallow Close, would be secured by fencing and provided no access gate was provided, access to this area would remain via Robert Bloomfield Academy. The location of the youth facility, deep within the site, accessed from residential estate roads, will have a bearing on the form of carriageway leading to the facilities and require dedicated parking. It is considered that these issues could be resolved as part of any reserved matters application.

The Sustainable Transport Team has made a number of recommendations that would need to be incorporated with any proposal, these include extending the 20mph zone from the town centre to the development site, provision of a zebra crossing on Ampthill Road in accordance with Central Bedfordshire's requirements, and the provision of dedicated cycle routes through the site to the school entrances. It is noted that the traffic calming measures proposed in the Traffic Assessment, being priority narrowing, are not considered acceptable. Additional detail of this could be secured via conditions and reserved matters were the application considered acceptable.

Further detail would also be required in relation to waste collection, including tracking for waste collection vehicles, confirmation of which roads are to be adopted, details of bin stores and bin collection points. It is considered that these could be acceptably dealt with at reserved matters stage.

8.6 Impact on neighbours

The nearest residential properties are those directly adjacent in Campton Road (No.s 2- 20), Ampthill Road (No.s 93a - 114) and School Lane (No.s 1-6). These dwellings are generally all two storey detached dwellings of various styles and ages. With the exception of School Lane, the existing residential properties will be separated from the development by existing roads and as such, no significant impact on privacy is expected. The dwellings in Campton and Ampthill Roads will be impacted upon in terms of comings and goings particularly in relation to vehicles, outlook from their front windows and possible surface water drainage. It is generally considered that with detailed design and detailed consideration of SUD's any harm could be overcome. With regards to the dwellings in School Lane, they are likely to be more significantly affected by the development with side and rear boundaries adjoining the application site. However it is considered that with detailed layout considerations, the development could be designed so as to ensure that there will be no undue loss of privacy or outlook.

Several objections have been received in relation to the impact on drainage and flooding that the proposed development will have on existing dwellings, particularly those on the other side of Ampthill Road who are at a lower ground level. This is discussed in more detail below. However it is felt that any objections would be overcome at reserved matters stage.

8.7 Biodiversity and Ecology

There are no statutory ecological designated sites within or adjacent to the development site. However the Shefford-Henlow Roadside Nature Reserve (RNR) is located approximately 35m east of the eastern site boundary (the area comprises four parcels of road verge that were planted with wildflowers when the A507 was constructed) and the River Hit river corridor is directly adjacent to Area B, and is considered to be a valuable wildlife habitat which should be protected and enhanced as part of the development. The NPPF (paragraph 109) requires that the planning system minimises impacts on biodiversity and provides net gains where possible.

With regards to the Shefford-Henlow RNR, concerns were raised in relation to the level of connectivity between this area and the development site given the proposed acoustic bunding and fencing along the eastern boundary. Whilst amendments have been made to the Ecological Assessment, introducing tunnels beneath the acoustic barrier, it is considered that whilst this would allow access for wildlife it would only serve to mitigate impact on connectivity, rather than provide enhancement. Therefore, any grant of planning permission would

require further enhancement of the connectivity between the development and the RNR.

With regards to the River Hit river corridor, it is a valuable wildlife habitat and this should be protected and enhanced. Following the amendments to the application, the proposals have re-located the proposed football pitch so that it will only occupy the north-western end of Area B. This will allow for an open swale between the sports pitch and River Hit and the addition of a wildflower area, both of these features are considered beneficial to biodiversity. It is still considered that methods to prevent potentially polluted run off from the sports pitches (from herbicides and fertilisers) to the river should be explored and could be required via condition. Flood lighting of the pitches should not be provided as the river corridor will be used by bats and other nocturnal animals for feeding and commuting and any light pollution will be detrimental, again this can be controlled via condition.

Within Area A, to the front of the site adjacent to Campton Road and Amptill Road, is the proposed 'Grassed Sustainable Urban Drainage (SUD) Basin. The SUD's system for the site is discussed in more depth below, however the submitted Ecological Assessment indicates this area as being capable of a multi-purpose use as a wildlife pond. The multi-purpose use of the SUD's feature is welcome, however from an ecological perspective connectivity to the pond would be poor, relying on a thin landscaped edge to the west which would be divided by the access road. Repositioning of this feature to improve its connectivity would be preferred. The location of the SUD's, its multi-purpose use and its effectiveness in generally (discussed more below) could be considered in more depth at any reserved matters stage and as such in itself does not represent a reason for refusal.

The proposals for the inclusion of bird and bat boxes within the built fabric of the development are welcomed and these as other ecological enhancements could be further incorporated at reserve matters stage, had the application being considered acceptable.

The applicant also states that the development will contribute to the protection and enhancement of the natural and built environment by improving biodiversity, minimising the use of natural resources and minimising waste and pollution. The applicant states that the proposal will have a 'slight-adverse' effect on the landscape character, limited to the site and its immediate setting (para 6.7 of the applicants Planning Statement), but that there will be a positive effect on the Strategic Green Infrastructure Network. However it is not considered that the development offers any environmental benefits significant enough to be considered a material consideration that outweighs the harm of conflicting with the Council's adopted policies.

8.8 Living conditions for future occupiers

Of particular concern in relation to the living conditions of the future occupiers of the dwellings is the impact on residential amenity as a result of the existing noise environment (from the adjacent schools and A507), the proposed noise environment (from the youth facility), and any impact on light spillage from adjacent uses (MUGAs at schools).

The public protection officer initially requested that any grant of planning permission should contain noise and light spillage conditions to control the impact of these on the future occupiers of the site.

The suggested noise condition would control the internal (within dwellings) and external (outdoor amenity areas) noise levels to an acceptable decibel. However the applicant confirmed that the external noise level requirement of 55dB LAeq could not be met across the site, due to the proximity of the A507. A plan showing noise modelling was submitted by the applicant that indicated a significant number of number of gardens, large areas of open space and formal play spaces along the south east to western boundary were likely to experience significantly higher levels of noise (60-65dB). These expected high levels are despite the significant acoustic mitigation proposed along the boundary of the site.

It is CBC's approach to physically separate conflicting land uses, if this cannot be achieved then emphasis should be placed on maximising layout, orientation and screening of buildings. The inclusion of barriers to achieve acceptable acoustic conditions is considered to be a last resort.

The amended application has resulted in an altered layout so that dwellings are no longer proposed in the south eastern corner. Instead the application now indicates that a youth facility (based on a 929m² skate park or multi use games area) could be provided within this area. Based on this, the applicants contend that the amended residential layout can comply with the noise limits set out in the condition initially stipulated.

The revised Design and Access Statement states that the youth facility would be overlooked by the new dwellings to ensure that sufficient surveillance was in place and also that the facility would be open to the community.

No updated noise modelling has been submitted to quantify the noise received at the dwellings as a result of the revised layout and proposed youth facility. The noise impact from the A507 and the youth facility on the proposed dwellings would need to be assessed, particularly as dwellings are proposed to overlook the facility; however it is considered that this could be done at reserved matters stage, had the application been considered acceptable.

With regards to the impact of light spillage, the north eastern boundary of the site is adjacent to the MUGA of Shefford Lower School. A planning application

has recently been submitted for artificial lighting for this MUGA. Light over spill from these proposed floodlights may impact upon the easternmost dwellings adjacent to this MUGA and therefore their impact on this development would need to be assessed, again this could occur at reserved matters stage were the application considered acceptable.

The internal space standards, external amenity areas and separation distances and other layout and detailed considerations that will impact on the quality of the living environment provided for the future occupiers of the site could be addressed at reserved matters stage, had the application been considered acceptable.

It is therefore considered that had the application been considered acceptable, the imposition of appropriate conditions would ensure that the living environment of the future occupiers of the site could be successfully designed to be in accordance with the Council's design and amenity standards.

8.9 Archaeology and heritage assets

It is considered that the archaeological constraints of the site could be satisfactorily resolved by way of planning condition. Concerns have been raised by the Archaeology officer in relation to the cost of funding a museum in the town and he has put forward alternatives that would be more cost effective.

8.10 Rights of way and permeability

Area B lies next to Shefford FP1 (public right of way) and adjacent to a larger Central Bedfordshire Council site (between Area B and Churchill Way) that is designated as Open Space, Sports and Recreation. The proposal will therefore have a significant impact on this area and public access will increase. As a result of the increase in use of the local footpath network and nearby open spaces, a new all weather footpath link should be created from Heron Close, which would need surfacing and a small bridge. This route is already in use and would benefit from being made all weather. Picnic tables and oak benches should also be provided adjacent to Churchill Way along with new interpretation boards and signage. Shefford FP1 will also need to be surfaced to facilitate access to the new sports pitch. In the event that the application was considered acceptable in other respects, these improvements could have been provided through planning contributions, secured through a legal agreement.

With regards to permeability of the development, Areas A and B are accessed via existing rights of way and the indicative layout submitted demonstrates that the site could be arranged so as to promote permeability through the site. The final layout could be secured at reserved matters stage, had the application been considered acceptable.

8.11 Flood risk, drainage and sustainable growth

The Environment Agency and the Internal Drainage Board were consulted. Both are of the view that flooding and drainage issues could be satisfactorily

resolved by way of planning conditions.

The current proposals are contrary to the local requirements identified in the Sustainable Drainage Guidance, adopted as a Supplementary Planning Document in April 2014, however it considered that this could be dealt with by way of condition and the submission of further details at reserved matters stage.

9.0 CONCLUSION

The proposed development is contrary to the adopted Development Plan, and in terms of the planning balance, the material considerations do not outweigh the identified harm.

The Council has objectively assessed housing need and has identified an adequate 5 year housing supply.

The proposed development will result in a material, identifiable harm to the character and appearance of the land, contrary to the NPPF, and policies CS16, DM3, DM4, DM14 and DM17 of the Core Strategy and Development Management Policies (2009).

The proposed development is not sustainable, the existing schools within the town and nearby villages cannot cater for the additional increase in the number of students, contrary to paragraph 72 of the NPPF and policy CS3 of the Core Strategy and Development Management Policies (2009).

The applicant has offered a number of planning contributions to support their proposal however the application is not supported by a S106 agreement.

Recommendation

That Outline Planning Permission be REFUSED for the following reasons:

- 1 The site is outside the Shefford Settlement Envelope and is within the open countryside. The development would cause harm to the character and appearance of the area by extending the built environment into the open countryside. The considerations advanced by the applicant are insufficient to overcome this conflict. The development would conflict with the objectives of the National Planning Policy Framework (2012) and policies CS16 (Landscape and Woodland), DM3 (High Quality Development), DM4 (Development Within and Beyond Settlement Envelopes), DM14 (Landscape and Woodland), DM16 (Green Infrastructure) and DM17 (Accessible Greenspaces) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

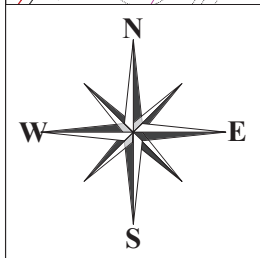
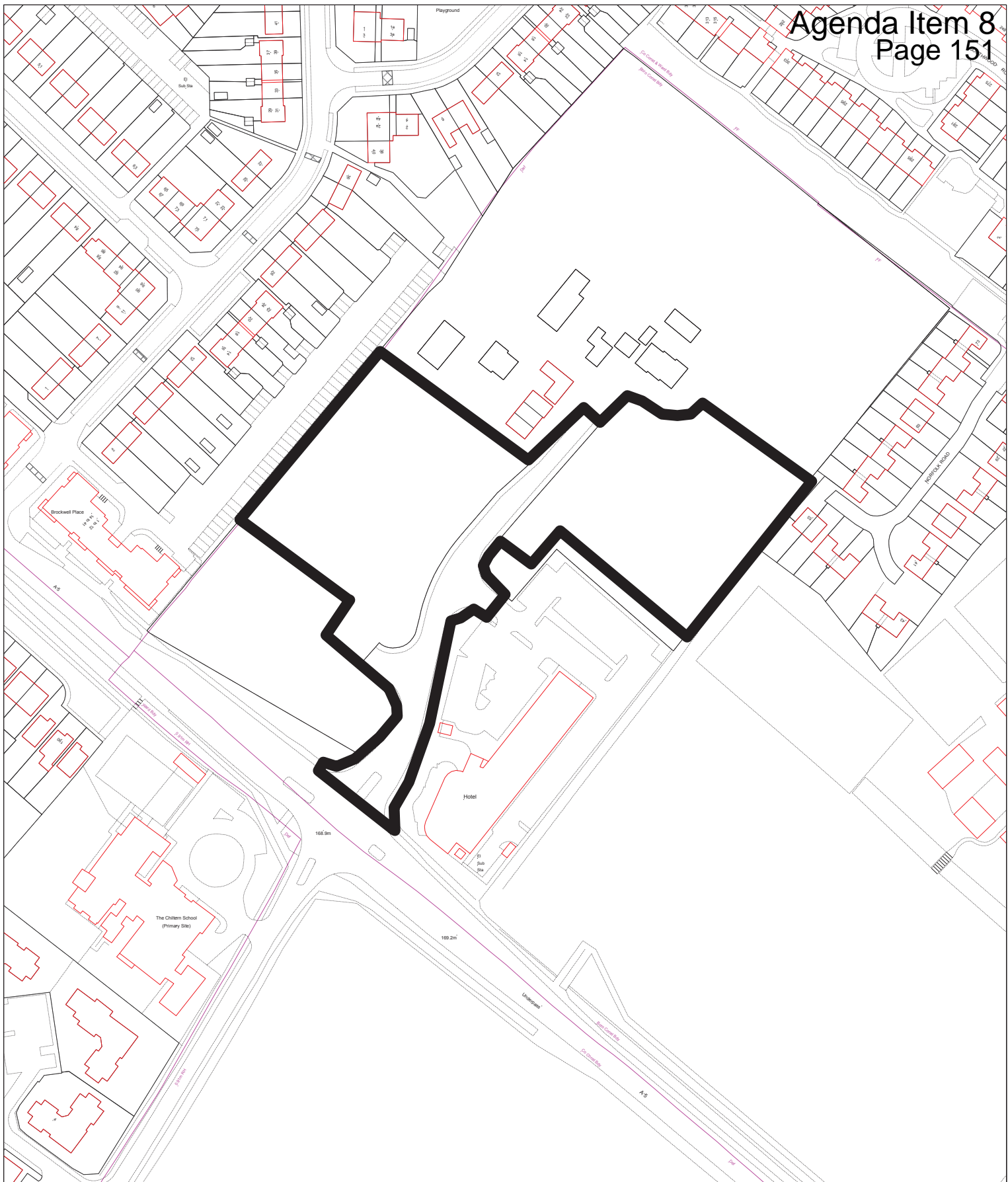
- 2 The proposed development would result in an unacceptable impact on school places for the existing and proposed residents of Shefford, as well as school places in the surrounding villages. As a result the proposal would be unsustainable and contrary to the National Planning Policy Framework (2012), particularly paragraph 72, and policy CS3 (Healthy and Sustainable Communities) of the Core Strategy and Development Management policies (2009).

- 3 In the absence of a completed legal agreement securing financial contributions and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure and would fail to make an acceptable contribution towards local affordable housing stock. The development would be contrary to the objectives of the National Planning Policy Framework (2012), Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the Planning Obligations Supplementary Planning Document (North) (2009).

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The application is recommended for refusal for the clear reasons set out. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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Date: 06:October:2014
Grid Ref: 503314; 220580

Application No.
CB/14/03080/OUT

Scale: 1:2000

Former BTR Site, London Road, Dunstable

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Item No. 8

APPLICATION NUMBER	CB/14/03080/OUT
LOCATION	Former BTR site London Road, Dunstable
PROPOSAL	Outline planning permission for residential development of up to 50 dwellings with all matters reserved except for access on to the main site access road
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Stuart Robinson
DATE REGISTERED	06 August 2014
EXPIRY DATE	05 November 2014
APPLICANT	Julian Hodge Bank Ltd
AGENT	Pegasus Group Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from the adopted Development Plan.
RECOMMENDED DECISION	Outline Application - Approve

Summary of Recommendation

The site, which is designated a Main Employment area, has been thoroughly marketed for over nine years and has no reasonable prospect of being development for employment uses. Although the development would not comply with Policy E1 of the South Bedfordshire Local Plan Review, the principle of development would comply with Policy CS7 of the emerging Development Strategy and the principles of the National Planning Policy Framework. On balance the principle of development is considered acceptable.

Due to the viability of the site, the development proposes approximately 10% affordable housing, which would be below the affordable housing targets identified in both the South Bedfordshire Local Plan Review and the emerging Development Strategy for Central Bedfordshire. The applicant has submitted a viability assessment, which has been broadly accepted by the Council's Housing Officers. As such the level of affordable housing would comply with Policy H4 of the South Bedfordshire Local Plan Review, Policy 34 of the emerging Development Strategy for Central Bedfordshire and the principles of the National Planning Policy Framework.

Site Location:

The application site comprises of an area of vacant land, previously used as the former British Tyre and Rubber (BTR) works. The site is located at the south-eastern edge of the built-up area of Dunstable, however the site is located within the Parish of Caddington.

The site is situated in close proximity to, and accessed off, the A5 (London Road), which is approximately 25 metres away. The site measures 1.30 hectares in area.

The site is located within an area predominantly made up of residential properties. To the north is a residential development, currently being constructed for 64 dwellings. To the west is a residential area which includes a recently constructed apartment building, which reaches six storeys in height. To the south of the site lies a recently constructed hotel (Holiday Inn), which reaches approximately seven storeys in height.

The site is located within the settlement boundary of Dunstable. The site is identified as a Main Employment Area in the South Bedfordshire Local Plan Review and as Employment Land within the emerging Central Bedfordshire Development Strategy. The site is not within close proximity to the Dunstable Conservation Area or any TPO trees.

The Application:

The application seeks outline planning permission for up to 50 residential dwellings. All matters have been reserved apart from access onto the existing access road.

As part of the application, an indicative layout has been submitted. This layout identifies a range of two, three and four bed dwellings. The Design and Access Statement identifies that the dwellings will be between two to three storeys in height.

The site forms part of a wider site, which included the hotel site, to the south, and the residential site, to the north, currently under construction. This site was previously granted outline planning permission (CB/09/06991/OUT) for a mixed use development comprising a maximum of 64 dwellings, a hotel (Class C1) comprising a maximum of 120 bedrooms, offices (Class B1) with a maximum floor area of 880sqm and a specialised care home (Class C2) with a maximum of 75 bedrooms. The proposed application site covers the land identified for a care home and part of the land identified for offices.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

- Chapter 1: Building a strong competitive economy
- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Requiring good design

South Bedfordshire Local Plan Review Policies (2004)

- Policy BE8 Design Considerations
- Policy E1 Main Employment Areas
- Policy H3 Meeting Local Housing Need
- Policy H4 Providing Affordable Housing
- Policy T10 Controlling Parking in New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H3 and H4 are still given significant weight. Policies E1 and T10 are afforded less weight).

The Emerging Central Bedfordshire Development Strategy (June 2014)

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 6 Employment Land
- Policy 7 Employment Sites and Uses
- Policy 8 Change of Use
- Policy 19 Planning Obligations and Community Infrastructure Levy
- Policy 27 Car Parking
- Policy 34 Affordable Housing
- Policy 43 High Quality Development

(Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted in 2014).

Technical Guidance

Revised Central Bedfordshire Design Guide (2014)

Planning History

- | | |
|------------------|---|
| CB/14/03080/FULL | Screening opinion issued, identifying that an Environmental Impact Assessment is not required. |
| CB/14/03075/FULL | Full application currently being considered for a 66 bedroom care home for older people. |
| CB/12/04249/RM | Reserved Matters application granted: Erection of 64 dwellings (associated with outline planning permission CB/09/06991/OUT). |
| CB/11/00172/NMA | Non-material change granted: Variation of Condition 2 of CB/10/03201/RM in respect of safeguarding existing hedgerow adjoining south-eastern site boundary during construction and operational phases of proposed development. |
| CB/10/03201/RM | Reserved Matters application granted: Erection of 120 bed hotel (Class C1) with associated access, parking and landscaping pursuant to outline planning permission CB/09/06991/OUT. |
| CB/10/02949/REN | Extension of time limit to implement planning permission SB/TP/07/0716 granted - Erection of B1 development comprising of 8 units with remainder of the site landscaped pending future re-development with associated highway works, landscaping and car parking. |
| CB/09/06991/OUT | Outline planning permission granted: Mixed use development comprising a maximum of 64 dwellings, a hotel (Class C1) comprising a maximum of 120 bedrooms, offices (Class B1) |

with a maximum floor area of 880sqm and a specialised care home (Class C2) with a maximum of 75 bedrooms.

SB/09/00214/OUT Outline planning permission refused: Mixed use development comprising maximum of 95 dwellings (Class C3), hotel with maximum of 120 bedrooms and maximum of 880sqm of office floorspace (Class B1(a)).

SB/SCN/08/00656 Request under Regulation 5 of EIA Regulations for screening opinion in respect of approximately 5,500sqm of B1 office units, hotel comprising 120 bedrooms and residential development of approximately 2.2ha or maximum of 100 dwellings.

SB/TP/07/00716 Full planning permission granted: B1 development comprising 8 units (remainder of site being landscaped pending future redevelopment) with associated highway works, landscaping and car parking.

SB/TP/05/01168 Full planning permission granted: B1 development comprising 8 units (remainder of site being landscaped pending future redevelopment) with associated highway works, landscaping and car parking.

**Representations:
(Parish & Neighbours)**

Caddington Parish Council No comments received.

Dunstable Town Council No comments received.

Neighbours Two comments have been received in response to this planning application, with one supporting and one objecting. These have been summarised below.

Supporting

A resident from 4 Goodhart Crescent has stated that they support the application and welcome further housing development.

Objecting

A resident from 10 Brockwell Place has objected to the application. Stating that:

- The existing plans will have a detrimental intrusive impact upon the property and quality of living.
- The proposed development may overlooked or obstructed by such a development.
- The development should not extend beyond two storeys so that the development does not intrude or overlook the neighbouring properties. Alternatively, if

the development were to be built to 3 stories in height, the development could be built underground

Consultations/Publicity responses

Highways

A Highways Officer has commented on this application, upon the original plans and on revised information. These comments have been summarised below.

Original Comments

- The Highways Agency should be consulted as the signalled junction of the access road connects onto the A5 (London Road).
- The footpath/cycleway on the A5 should be extended into the site.
- The width of the site access road should be increased from 6.53 metres to 7.30 metres, to improve the horizontal alignment of the access and the forward visibility. It must be proven that a refuse vehicle can get round and that forward visibility can be achieved.
- The Officer has reservations in relation to the alignment of the access road and its junction with the care home. This may be an issue with the care home rather than the residential development.

Revised Comments

- Concerns remain regarding the width of the access road. If the road is not widened then parking controls would be recommended.
- It is considered that due to the nature of the uses, the turning of refuse vehicles is considered to be a matter for the detailed design of the residential development, should it be approved.

Highways Agency

No objection.

Environment Agency

The Environment Agency have identified that they consider that that surface water can be managed appropriately. They have stated that planning permission could be granted, subject to conditions. These conditions would relate to the agreement of a surface water drainage scheme, completion of the works identified in the remediation strategy and regarding the consideration of contamination risks.

Public Protection - Contaminated Land

No objection. A condition is recommended, if the application is approved, to require that the 2011 remediation strategy is implemented and validated prior to occupation.

Planning Policy

A Planning Policy Officer has commented on this application. The Officer's comments have been

summarised below.

- The site is designated as Employment Land in the South Bedfordshire Local Plan Review (2004) and should be protected against development to any non-employment land uses.
- Policy 8 of the emerging Development Strategy states that changes of use will only be permitted if the site has been comprehensively marketed for employment generating uses, there is a local need for the proposed intended use and there are no strong economic reasons why the proposed use would be inappropriate.
- The application is supported by a marketing report, which is considered comprehensive, and indicates that the site has been actively marketed with no success. Given that the rear of the site is already developed with residential and the site is located on the edge of town location, it is considered unlikely that the site will be developed for offices. A change of use to residential will not have an impact on the surrounding land uses, also residential or jeopardise other employment uses on the site.
- Caddington Parish Council are working on a Neighbourhood Plan with Slip End Parish Council. The Plan is currently being prepared.

Economic Development

A Economic Development Officer has commented on this application. These comments have been summarised below:

- The site has been vacant since 2005.
- The site was heavily contaminate as a result of the previous industrial use. The remediation costs were very high.
- The access to the A5 has been completely redesigned, with a crossroads as required by the Highways Agency.
- The costs of the remediation and the highways works has been borne by the owner and may have a resultant impact on the viability of the redevelopment of the site.
- The submitted marketing report, compiled by Lambert Smith Hampton is, in my view, comprehensive and accurate.
- It is regrettable that an office development has not come forward during the last few years, it is unlikely that the site would be developed for offices due to its location which is on the edge of the town and some considerable distance from the town centre.

Waste

A Waste Officer has commented on this application. s the application is for outline planning permission, these

detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. These comments have been summarised below:

- The applicant should identify communal bin store locations for flats, to include designs of store layout of
 - Proposed collection points for individual dwellings, these are not to be restricted by car parking bays. We will not be able to access Plots 1-23 with our collection vehicle, please provide a solution for collection points.
 - We will not be able to access Plots 31 - 45 without major parking restrictions proposed. Either provide parking prevention measures on the road or an alternative collection point.
 - Proposed bin storage location for individual dwellings should be in the rear of the properties boundaries.
 - Tracking details using the Councils current collection vehicle dimensions should be provided.

Ecology

No objection to the proposals but expect the new development to deliver a net gain for biodiversity through native landscaping with nectar and berry rich species and provision nesting opportunities for birds.

Green Infrastructure

A Green Infrastructure Officer has commented on this application. As the application is for outline planning permission, these detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. These comments have been summarised below:

- Pleased that the design relates positively to the existing development in terms of the location of open space and the walking links.
- The concept plan in the Design and Access Statement identifies key spaces within the development however, these have not been translated into the indicative layout. The Officer would be pleased to see these key spaces marked, for example, through green features, or more innovative design of the public realm, or the use of specimen trees.
- Welcome the level of site investigation that has informed the design of SuDS, and that infiltration SuDS are being proposed. I welcome the inclusion of permeable surfaces for the roads, driveways and public areas, however overground storage would be preferred to replace the cellular sub-soil systems.

Leisure

A Leisure Officer has identified that the proposed development should accommodate a LAP. If this cannot

be provided on site, then off-site contributions will be sought.

In response the agent has identified that this matter can be addressed through the Section 106 Agreement.

Housing

A Housing Officer has identified that the policy position of the emerging Development Strategy is 30% affordable housing.

The agent has identified that the development can provide 10% affordable housing at most, due to the viability of the site. To support this claim, a viability assessment has been submitted. Discussions are currently ongoing between Officers, however it is accepted that 30% affordable housing cannot be met.

The housing development, as part of CB/09/06991/OUT, provided 8% affordable housing, due to the viability constraints on the site. The Section 106 Agreement for this application included an 'uplift mechanism' to increase the affordable housing provision, depending on the profitability of the development. This approach should be encouraged, if this application is granted planning permission.

Urban Design

An Urban Design Officer has commented on this application. As the application is for outline planning permission, these detailed comments are not wholly relevant to this application. As such these should provide a guide for future detailed applications, if the application is approved. The Officer's comments have been summarised below:

- The car park should be identifiable as private space through strong boundary treatment.
- The LAP should be overlooked by dwellings on all sides.
- Parking layout should be clarified.
- The boundary treatments between the hotel and the residential parking should be carefully considered to be both secure and attractive.
- The building line should follow the road.
- The turning head to the east seems unnecessarily large.
- At the end of the two proposed cul-du-sacs there should be a pedestrian link into the neighbouring development.
- The view off the primary street down the eastern cul-du-sac should be terminated by a dwelling not parking.

Determining Issues

The main considerations of the application are;

1. Loss of Employment Land
2. Affordable Housing
2. Highways
3. Other Matters
4. Planning Obligations

Considerations

1. Principle of Development

The application site is located within the settlement boundary of Dunstable, on a site designated as a Main Employment Area in the South Bedfordshire Local Plan Review and as Employment Land within the emerging Central Bedfordshire Development Strategy.

The National Planning Policy Framework identifies that, while planning should support sustainable economic growth, the long-term, unrealistic, retention of employment sites should be avoided. Paragraph 22 identifies that:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

The National Planning Policy Framework therefore supports the redevelopment of employment sites, where there is no reasonable prospect of the site being used for employment purposes.

Policy E1 of the South Bedfordshire Local Plan Review (2004) identifies that Main Employment Areas should not be granted planning permission for uses other than B1, B2 and B8 uses. As the application proposes up to 50 dwellings, this C3 use would not comply with Policy E1.

More recently, Policy 8 of the emerging Development Strategy for Central Bedfordshire identifies that proposals for non-employment generating uses on designated employment land will only be considered suitable in exceptional circumstances. As such, the following criteria must be met:

- The site is not currently utilised for employment generating uses;
- There is no reasonable prospect of the site delivering employment generating uses;
- A change of use will not detrimentally impact upon the supply pipeline for B1, B2 and B8 uses within the locality;
- The site has been comprehensively marketed for the current employment generating uses as well as for alternative employment generating uses;
- There is a local need for the proposed intended use; and

- There are no strong economic reasons why the proposed intended use would be inappropriate.

The site has been vacant for over nine years. During which time it has been marketed for a range of employment uses. This marketing process has been verified by an Economic Development Officer. The Officer has confirmed that the change of use will not detrimentally impact the supply pipeline of employment land and that there are no strong economic reasons why the proposed intended use would be inappropriate. The Officer has confirmed that, at this moment in time, there is no reasonable prospect that the site will deliver employment uses. There is also a strong local need for the intended use, housing, as evidenced by the Council's Strategic Housing Market Assessment (SHMA) and the site is already surrounded on two sides by residential development.

As such, both Economic Development and Planning Policy Officers have confirmed that they do not object to the proposed development. It is therefore considered that the principle of the redevelopment of the employment site for residential uses is acceptable.

As such the proposal would be in accordance with the National Planning Policy Framework and Policy 8 of the emerging Development Strategy for Central Bedfordshire. The development would not be in accordance with Policy E1, however, given the position of the National Planning Policy Framework and the emerging Development Strategy, the development is considered acceptable in principle.

2. Affordable Housing

The applicant has submitted a viability appraisal, which identifies that, due to the price of remediating the site and constructing the junction with the A5, the development would provide approximately 10% affordable housing.

Policy H4 of the South Bedfordshire Local Plan identifies a target of 35% affordable housing, while Policy 43 of the emerging Development Strategy for Central Bedfordshire identifies a target of 30% affordable housing to be provided. The emerging Development Strategy for Central Bedfordshire adds further detail to this position, identifying that, if the affordable housing requirements are not achieved due to financial constraints, a financial appraisal should be submitted to the Council demonstrating exactly why the above requirements are not viable. The South Bedfordshire Local Plan Review also identifies that *"the level and type of affordable housing to be provided on a particular site will be a matter for negotiation between the Council and the developer"*.

This position is echoed in the National Planning Policy Framework, which provides guidance where viability concerns are raised regarding the level of affordable housing. Paragraph 173 identifies that flexibility to viability must be provided for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation to enable the development to be deliverable.

The applicant has submitted a viability assessment to accompany the application, which has been assessed by a Housing Officer. The Officer has identified that the assessment is generally accurate and it is accepted that 30% affordable housing cannot be met on the site, if full contributions are provided. The viability assessment has been accepted by the Council's Officer. As such it is agreed that an affordable housing provision of 10% is acceptable in these exceptional circumstances.

It must also be noted that, as part of outline planning application CB/09/06991/OUT, which sought permission for mixed use development across the whole former BTR site, an affordable housing provision of 8% was agreed. The Section 106 Agreement for this application also included an 'uplift mechanism', which allowed for increased contributions and affordable housing if the profitability of the scheme increased. The agent has confirmed that the applicant would be willing to agree a similar uplift mechanism for affordable housing.

On this basis, the application would be consistent with the National Planning Policy Framework, Policy H4 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire. As such the level of affordable housing is considered to be acceptable.

3. Highways

A Highways Officer has no objection to the proposal in terms of traffic generation but has raised concerns regarding the proposed width and visibility of the access road into the application site. The access road would also provide access to another parcel of the site, considered under a separate application for a care home (CB/14/03075/FULL).

The Highways Officer has raised concerns that, if there were on-street parking on the access road, vehicular access would be significantly reduced. On this basis the Officer has advised that the road is widened from 6.53 metres to 7.30 metres. If this cannot be accommodated the Officer has suggested on-street parking controls.

While these comments are noted, the illustrative layout indicates that parking provision for the residential development can be satisfactorily accommodated within the site. As such, as part of this outline planning application, there is nothing to suggest that the development will generate on-street parking on the access road.

The Highways Officer has also identified that the access road will need to allow for the turning of refuse vehicles. The site is of a sufficient size to allow for a turning area within the site. This detail would be provided through a reserved matters application, if the application is granted planning permission.

4. Other Matters

Scale of development

A resident has raised concerns regarding the scale of the proposed development and the impact it would have to the neighbouring residential properties. It must be noted that this application seeks outline planning permission. As such the detail, such as the location and size of the dwellings, is

reserved and is not for consideration as part of this application.

Flood risk

The site is located outside flood zones 2 and 3.

The Environment Agency have identified that they consider that that surface water can be managed appropriately. They have stated that planning permission could be granted, subject to conditions

5. Planning Obligations

The applicant will be required to enter into a Section 106 Agreement to meet the requirements of the Council's Planning Obligations Strategy by contributing to local infrastructure. This will be completed prior to the issuing of any decision.

The table of agreed contributions is set out below. The agent has confirmed that the applicant would be willing to agree a uplift mechanism.

Category	Contribution
Education	£242,348.27
Health	£60,000
Leisure, ROS and GI	£107,370
Community Facilities	£36,150
Waste Management	£4,800
Police	£10,350
Total	£461,018.27

Human Rights issues

In deciding this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity, further action is not required. This planning application does not present any human rights issues.

Equality Act 2010

In deciding this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Recommendation

That the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior completion of a Section 106 Agreement.

RECOMMENDED CONDITIONS

- 1 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.

- 2 **Approval of the details of the appearance, access (excluding details of the main access road), landscaping, layout and scale of the development, (herein called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before development is commenced. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 3 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall include finalised details of the following:

- **Full calculations detailing the existing surface water runoff rates for the QBAR, Q30 and Q100 storm events;**
- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the QBAR, Q30, Q100 and Q100 plus climate change storm events, of the critical storm season and duration;**
- **Full results of proposed drainage system modelling in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;**
- **Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;**
- **Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer's design flow curve;**
- **Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;**
- **Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.**

Reason: To ensure that surface water drainage is provided and that existing and future land drainage needs are protected in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.

- 4 No development shall take place until details of the method of disposal of foul and / or surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.

- 5 The development hereby permitted shall not commence until a landscaping scheme (or a comprehensive landscaping scheme for the whole site) - to include any hard surfaces and earth mounding - has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion 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 in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 6 The development hereby permitted shall not commence until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 7 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy.

- 8 Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy (ref LC321-85A/NJW dated 12 September 2011) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 9 **The development hereby permitted shall not commence until wheel cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the amenity of the area and to prevent the deposit of mud or other extraneous material on the highway during the construction period in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 10 Prior to the occupation of the development, the proposed remediation scheme (JPB 2011 - Reference LC316-133a/NJW) must be validated and implemented, unless otherwise agreed in writing by the Local Planning Authority.

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 in accordance with South

Bedfordshire Local Plan Review Policy BE8 and Policy 44 of the emerging Development Strategy for Central Bedfordshire.

- 11 Before the development hereby permitted is first occupied or brought into beneficial use, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the travel plan shall be implemented in full within 6 months of the development being first occupied or brought into beneficial use. Moreover, the travel plan shall be monitored and the results of this monitoring be reviewed on an annual basis. Further recommendations for improvements to the travel plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 26 and 43 of the emerging Development Strategy for Central Bedfordshire.

- 12 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 10095-SK403, BIR.2861_21-1A and CBC/001.

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

Notes to Applicant

1. 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.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
3. The Environment Agency have no objection to the use of soakaways on this site following our review of a site investigation report in October 2012 in

relation to planning permission CB/09/06991.

4. Condition 13d of CB/09/06991/OUT (contamination verification report) has not been discharged and is therefore relevant to this application and will need to be discharged following completion of the development.
5. Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination

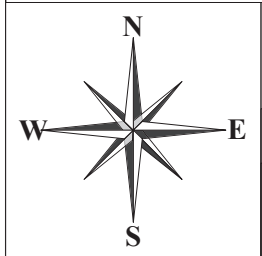
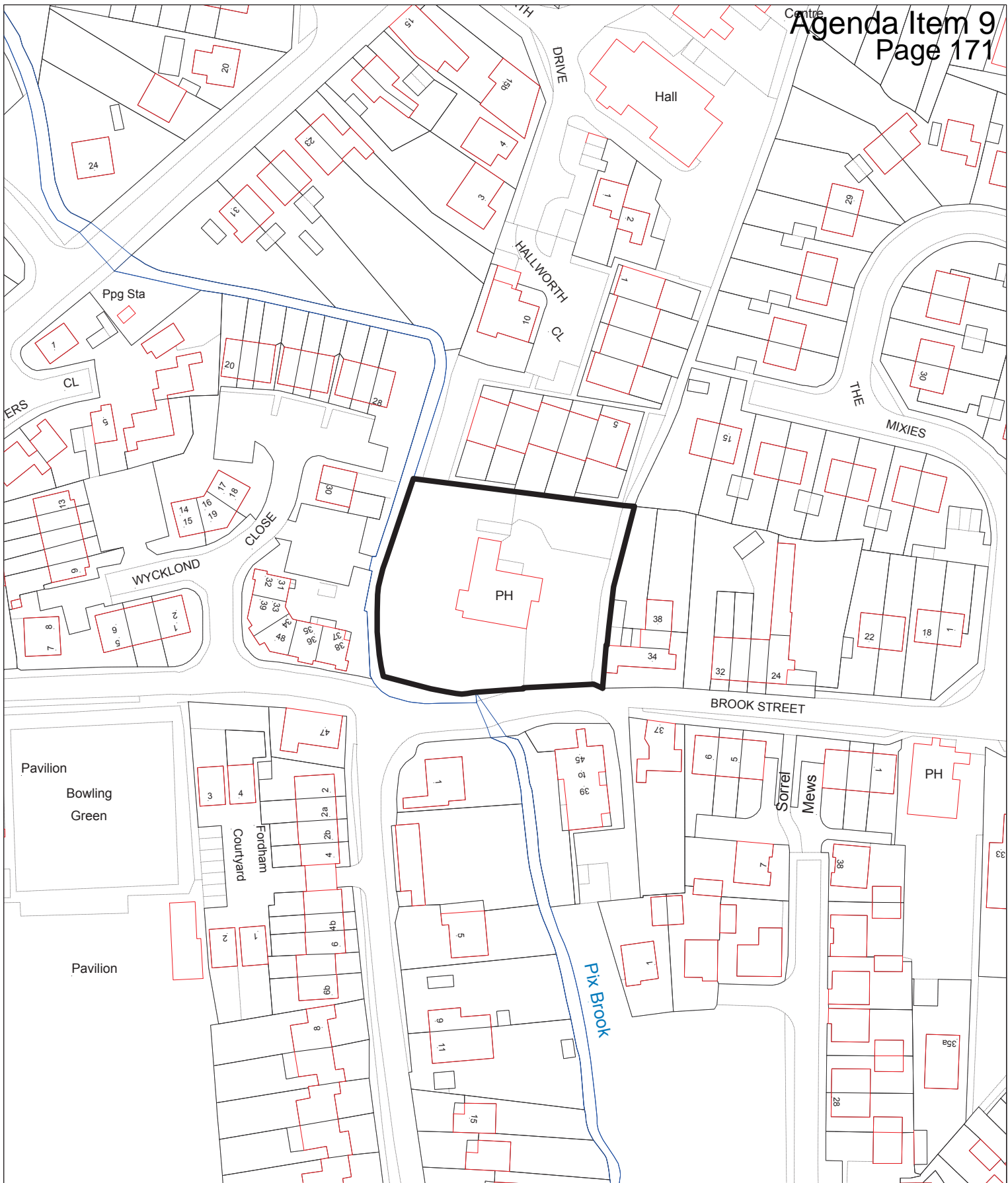
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 07:October:2014
Map Sheet No

Application No.
CB/14/01589/FULL

Scale: 1:1250

The Pig And Whistle, 40 Brook Street, Stotfold, Hitchin, SG5 4LA

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Item No. 9

APPLICATION NUMBER	CB/14/01589/FULL
LOCATION	The Pig And Whistle, 40 Brook Street, Stotfold, Hitchin, SG5 4LA
PROPOSAL	Demolition of existing PH and redevelopment of the site as 7 No. houses with associated landscaping and parking.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Amy Lack
DATE REGISTERED	07 May 2014
EXPIRY DATE	02 July 2014
APPLICANT	Mr O'Sullivan
AGENT	Mark Rawcliffe - arc7
REASON FOR COMMITTEE TO DETERMINE	Cllr Brian Saunders - Called in at the request of Stotfold Town Council who consider the proposal to represent an overdevelopment of the site and the design of the dwellings to fail to reflect the style and design of existing dwellings in the immediate locality.
RECOMMENDED DECISION	Full Application - Approval

Reason for recommendation of approval

The wholesale redevelopment of the existing public house site with residential units is considered acceptable in principle.

The scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding local development. The scheme will not unduly impact upon the residential amenity currently enjoyed by neighbouring properties, nor will it have any significant adverse impact upon highway safety and any potential impacts upon existing local infrastructure will be acceptably mitigated by the securing of S106 contributions.

The proposal is it considered acceptable and in accordance with policies CS1, CS2, CS5, CS13, CS14, DM2, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Central Government guidance contained within the National Planning Policy Framework (2012) and with guidance provided by the Central Bedfordshire Council's Design Guide (2014).

Site Location:

The application site comprises the Pig and Whistle public house, a large attractive two storey building sitting central to the site, with a car parking area to the east, Brook Street defining the boundary of the site to the south, to the west the site boundary is demarcated by Pix Brook the land adjacent to which is currently used as a beer garden by the public house, to the north is a recently developed single

storey sheltered housing block comprising nine, two bedroom bungalow terraced dwellings and one, three bedroom detached dwelling on the former Hallworth House site. To the east are Nos. 34, 36 and 38 Brook Street beyond the public footpath which runs hard to the boundary of the site, linking Brook Street to the residential development of The Mixes and Hallworth Drive beyond.

The site is located within the defined settlement envelope, just south of the town centre of Stotfold. It is not located within a designated conservation area and the subject building is not listed.

The Application:

The application seeks planning permission for the wholesale redevelopment of the site. The existing public house building is to be demolished and seven, two and a half storey residential units erected, comprising: five, three bedroom semi-detached dwellings; one, four bedroom semi-detached dwelling; and one, four bedroom detached dwelling.

Vehicular access to the site will remain from Brook Street on the southern boundary of the site, slightly further west than the existing arrangement. A semi-detached pair will sit on the eastern side of the access adjacent to the existing public footpath along the eastern boundary of the application site. The remaining five units will address the new access road into the site from its western side and back onto Pix Brook to the west.

The access road is terminated by a single storey car port structure, making provision for six car parking spaces, along the northern boundary of the application site.

Cycle parking and refuse/recycling storage provision is made within the private garden areas of each plot.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)
Circular 11/95 - The use of Conditions in Planning Permissions
Circular 05/2005 – Planning Obligations

Core Strategy and Development Management Policies (November 2009)

- | | |
|------|--|
| CS1 | Development Strategy |
| CS2 | Developer Contributions |
| CS3 | Healthy and Sustainable Communities |
| CS5 | Providing Homes |
| CS6 | Delivery and Timing of Housing Provision |
| CS7 | Affordable Housing |
| CS14 | High Quality Development |
| CS16 | Landscape and Woodland |
| CS17 | Green Infrastructure |

DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM10	Housing Mix
DM14	Landscape and Woodland

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

There is no planning history for the application site that is relevant to its redevelopment with residential dwellings or any other use other than as a public house.

Representations: (Parish & Neighbours)

Stotfold
Town
Council

Object for the following reasons:

- Overdevelopment of the site;
- design of the dwellings does not reflect the style and design of existing dwellings in immediate locality;
- In terms of planning gain additional street lighting should be installed to footpath 11 and tarmac re-laid;
- double yellow lines should be enforced along the front of the site;
- Suitable precautions should be taken with respect to health problems and the integrity of the nearby old properties should demolition/construction go ahead.

Neighbours

Third party representations have been received from the owner/occupiers of the following addresses in objection to the development:

- 17 The Mixies
- 26 The Mixies
- 34 Brook Street
- 63 Hitchin Road

The concerns raised by the representations received can be summarised as follows:

- The application will result in the loss of a community facility of which Stotfold is in short supply and the creation of additional housing and Stotfold does not need any more housing, it needs facilities;
- The site is prone to flooding from the brook in bad storms so this number of houses is too great for the plot of land;
- Privacy of residents in 'The Mixies' will be compromised;
- The proposal will result in additional traffic and pressure upon Brook Street;and
- The construction of the development will be disruptive and there is

concern with respect to subsidence and vibration impacting upon the integrity of nearby old buildings.

A third party representation has been received in support of the demolition of the existing public house from the owner/occupier of the following address:

- 38 Brook Street

Their comments can be summarised as follows:

- Public house has been in decline for years, complaints have been made to the police and environmental health to the noise, disturbance and antisocial behaviour of those using the pub, its demolition is welcomed.

The above is a summary of concerns and comments raised by the representations received. Full copies of the third party representations and consultation responses can be viewed on the application file.

Consultations/Publicity responses

Highways No objection subject to conditions.

Please be aware that the rumble strips indicated on the submitted plan will cause a noise issue.

It would be beneficial if the footway serving the development could be fronting the dwellings and the service strip fronting the boundary of plot 6. As submitted the footway is on the opposite side of the road to the dwellings so pedestrians will have to cross the road to use the footway. (A more suitable scheme would be to have the development as a shared surface).

I have attached a condition for the footway to be 'swapped' with the indicated service strip and leave it to your discretion whether to include it in any permission or not?

The visibility to the oncoming traffic from the modified access is sufficient. There are some issues with the in site layout that can be overcome with conditions however the applicant has made me aware that he wishes the development to go through the Section 38 process and have the proposal adopted as public highway. The layout within the site should include a 2.0m service strip either side of adoptable highway, inclusive of the turning head (the applicant has been informed of this).

This is not the case and a revised plan e-mailed to me has not overcome the issue of adequate adoptable layout. I have spoken with the Section 38 officer regarding the site and the layout as submitted is not acceptable and therefore can not go through the adoption process and shall remain private if permission is issued.

This will cause issues with the refuse collection service who may not go into the site to make the weekly refuse collection and a refuse collection point will be required for all properties at the site frontage, outside of the highway and any visibility splays.

Archaeology No objection subject to a condition to agree an archaeological investigation.

The proposed development site lies within the historic core of Stotfold Brook End (HER 17163) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

Further to my comments dated 2nd June 2014, I can confirm that the agent has now submitted an archaeological desk-based assessment and heritage report (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*). This report summarises the known historical, cartographic and archaeological data for the area, and the discussion ends with the following:

"In summary, it must be concluded that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved." (The Pig and Whistle, Stotfold, Central Bedfordshire: Archaeological Assessment and Heritage Report. P Turnbull, 3rd June 2014, page 16)

Environment Agency No objection.

The site is located partly within Flood Zone 2/3 on the western side but the Pix Brook watercourse is within the IDB jurisdiction.

The site is located above a Principal Aquifer but this proposal is not considered high risk.

Internal drainage board No objection. The development will result in a reduction of surface water discharging directly into Pix Brook.

Conditions should be imposed to require storm water design and construction proposal are adequate before the development commences.

Landscaping Object.

The re-arrangement of plots 6 & 7 creates a more positive frontage on to Brook Street and alterations in design of fencing aligning Pix Brook at Plots 1 & 2, there are still concerns about the treatment of Pix Brook in relation to orientation of development and enclosure of the brook corridor. There are missed opportunities to embrace the brook within the development and enhance as part of the street scene therefore I must object to the proposals.

Development Layout and Street scene: The character of street scene along this length of Brook Street is diminishing due to frontages 'turning away' from the road and presenting side elevations, fencing and walls, reducing active frontages, overseeing of and participation of the public realm.

Whilst the amended design includes plots 6 & 7 now presenting a positive 'active frontage' on to Brook Street plots 1 & 2 present a side elevation albeit it with a ground floor bay window facing Brook Street - in addition to a side elevation of cycle / refuse store - which is unacceptable.

The opportunity to embrace Pix Brook as a feature of the site development, setting and general street scene is under valued - the brook is a feature and contributes to the character of the site and street scene. Development on the site must avoid backing on to the brook corridor, back garden fencing is not acceptable. At present adjoining development to the west and south of the brook retain a green infrastructure stand off which enhances the brook setting and adjoining development.

If development on the application site were to be approved a contribution towards enhancement of the Pix Brook should be sought.

Streetscene & Highway Design: The bell mouth in the amended layout is shown as having increased width which is likely to result in loss of enclosure within the immediate street scene.

The footpaths appear to have increased in width which results in a more vacuous space within the development rather than a 'court' or mews.

The covered car park area goes some way to improve the view from Brook Street through the development but it is disappointing that car parking remains the focal point and cars parking dominates the street scene.

There are further opportunities for tree and hedgerow planting to 'soften' development - Plots 1, 6 & 7 frontages could include more tree planting to enclose space and create a 'gateway' into the development.

Surface Water Management: The application appears to propose the discharge of surface water directly in to the Pix Brook which is unacceptable. Surface water must be filtered before discharge to the brook. The application fails to deal with surface water management effectively via SUDs - the employment of a surface water management train and filter stages.

The proposed covered car parking area is located over the permeable paving which is nonsense.

If the car parking area is to be covered by a roofed structure then a green / sedum / brown roof would assist in water attenuation and as part of a SUDs surface water management train.

Soft landscaped areas, including shrubs trees and grass, could perform as bio retention areas, a typical SUDs feature, which attenuates and filters surface water as part of the management train. Shallow channels and rills could capture and convey water on the surface conveying surface water run-off to swales and bio retention areas - avoiding the cost of pipes - and together form multi functional landscape features within the development and filter system before discharge in to the Pix Brook.

Conclusion: I object to the proposed layout and design in relation to landscape and townscape character. I also have concerns regarding highway design and surface water management:

Highway design: - junction design and car parking layout dominates the development and streetscene, this is not acceptable.

Trees and
landscape

New revised plans have been received with regards to this site.

Principle change would seem to be the rearrangement of the parking to the north edge of the site to provide an oak framed covered parking area and in doing so moving the proposed planting of *Acer platanoides* 'Globosum' to a position where their proximity to the parking areas is less likely to cause a conflict. Looking at this area and the proposed planting it would seem that it will be in an area where maintenance will be undertaken by a management company in that it is not located within the boundary of any of the plots. To this end I would have concerns with regards how these trees being planted as large specimens will be managed, maintained and even more importantly watered to ensure good establishment. They are a principle part of the proposed landscaping.

Repositioning of Plots 6 and 7 to the south has resulted in parking now to the rear of these Plots and changes to the landscaping.

It is still proposed that a *Metasequoia Glyptostroboides* is to be planted 4 metres from the south corner of Plot 1. My previous comments regarding this choice of species and its proximity to Plot 1 along with its location on the south of the building were not well received, but it is my personal opinion only that planting this potentially very large tree so close to the building will inevitably bring it into conflict at some point in the future with the property owner, not with regards to foundation design etc but simply because of its proximity. Although a tree with an upright growth habit it will have a canopy spread that exceeds the 4 metres between the tree and building within a short time and as such will require pruning back. As the tree matures and grows in height this problem will continue, conflicting with gutters/fascias etc. As this problem becomes harder

for the owner to deal with themselves then so the consideration to remove it will increase. I believe that there is only a requirement for an owner to retain landscaping and planting for five years and after that point it could be removed, as such then the development will have lost a principal part of its landscaping.

I fully support the use of striking large trees in landscaping schemes and would always try and encourage it where it can reach its full potential without conflict. I would suggest that if this tree is to be used then it should be moved as far south and east on the plot as would be possible.

A tree being planted of this size will require substantial watering to ensure it establishes. As this will be within a private plot then what arrangements can be made to ensure that the new owner will be aware of what watering requirements will be. Should it die within the first five years then there would be a requirement to replace it. As mentioned in earlier comments, the cost of a tree of this size is very high. Can we ensure that the new owner has some idea what the requirements would be, ie supplied with the buyers pack details supplied by the developers landscape team what its maintenance and watering requirements will be to try and ensure it survives and establishes in the first five years.

Rights of way There is a Public footpath (stotfold footpath No. 11) running along the eastern boundary of the site. At present the legal line of the footpath does not follow the used line i.e. the tar path everyone walks on. As part of another application in Stotfold and in order to correct anomalies on the path, this footpath will be subject to a diversion order this year. I intend to move the present legal line of the footpath affecting this application marginally eastwards such that it will lie in the centre of the used route i.e. the tarred path.

The applicant can not develop over the present legal line of the footpath until this has taken place but is, if permission is granted, able to develop on land not under the legal width of the footpath . In this context, please consider the width of the footpath to be 2 metres. As this anticipated move will help remove any problem from the applicant, I do not expect any opposition to the diversion.

Ecology In considering the submitted Ecological Appraisal I am satisfied that no bat interest has been identified on site so the proposal to demolish the Pig & Whistle PH will not impact on a protected species.

The report notes 'The most significant feature is the Pix Brook... which requires protection.'Hence the brook corridor should be a focus for enhancement. The use of 1.8m high fencing of any sort will not enhance the corridor and recommend a 2m bank top buffer is retained.

The report states that where mature trees are present they are to be retained, clearly this was not the case where the walnut was

concerned. Whilst the ideal is for these trees to be retained they will be within the curtilage of the dwellings and hence under the control of the householder. In the case of plot 3 the canopy of the sycamore (as shown on the landscape plan) takes up 50% of the outside space of the property and it is likely that the owner would wish to remove this. As bat boxes are to be erected on these trees and additionally bird boxes are also proposed within the mitigation an assurance of their retention through a covenant would be required.

The report states in 8 that 'Mitigation and enhancement suggestions are made and so long as these are carried out, no significant or major impacts from this development are expected Therefore I suggest mitigation and enhancements recommended in 7.2.1 and 8.2.2 of the Ecological Appraisal are conditioned.

Public protection	No comment to make.
Contaminated land	No objection. Standard informative should land contamination be identified.
Housing development officer	An appraisal for this site has been completed. The scheme is unviable, however it seems the land has been purchased at a too high a value. Developers should be paying the right value for the land taking account of the Council's requirements, not paying too much and then asking the Council's to reduce its requirements. There is £79,000 s106. If that was reduced in some areas where it was not needed and provided as an affordable housing commuted sum that may be acceptable.
Waste services	No objection. However, a designated location on the highway boundary on Brook street where all the residents will need to present their bins and bags on collection day must be provided. The collection contractor will not be accessing this development in order to retrieve the bins and bags.

Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received, third party representations and from an inspection of the application site and surrounding area the main considerations of the application are;

1. Principle of development
2. Character, context and design of external spaces
3. Residential amenity of prospective and neighbouring occupiers
4. Highway safety
5. Car Parking and Cycle Parking
6. Refuse and Recycling

7. Sustainable drainage
8. Archaeology
9. Trees and landscaping
10. Third Party representations
11. Planning obligation strategy

1. Principle of development

Paragraph 49 of the National Planning Policy Framework (2012) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and in the local context, the proposal site is located within the settlement envelope of Stotfold. Stotfold is classified a Minor Service Centre by Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) (2009) wherein accordance with Policy DM4 (Development Within and Beyond Settlement Envelopes) 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. This is subject to the proposal according with the other relevant planning policies which shall be discussed within the main body of the report to follow.

With respect to the principle of the wholesale redevelopment of the site and the loss of a public house, Policy DM8 (Village Shops and Pubs) of the local plan states that planning permission will not be permitted for a change of use resulting in the loss of a pub unless:

- there are other facilities performing the same function within easy walking distance of the village community, and
- the applicant provides evidence that there is no prospect of the use continuing even if permission is refused.

The closest pub to the application site is 'The Stag' less than 100 metres from the Pig and Whistle, which like the subject public house is a small wet led pub, but in a very good state of repair having been refurbished to a high standard.

Stotfold also has the benefit of The Chequers, operated by brewers Greene King and The Fox & Duck. Both of these public houses provide a food service in addition to wet trade. Also within the town centre is The Crown, another small wet trade establishment. As such, notwithstanding the loss of the Pig and Whistle as proposed by this application, Stotfold is considered to remain well served by public houses.

A viability appraisal for the public house has been submitted with the application. This concludes that the pub is incapable of operating at a net profit before tax and is only capable of operating at a marginal break-even level before any property cost. There is no surplus in this business to cover any costs of occupying the property. This assessment deems the Pig and Whistle unviable and with no prospect of its use as a public house continuing even if planning permission for this proposal was refused.

It is therefore considered that demolition of the public house and replacement with seven houses is in principle acceptable and in accordance with Policy DM8 and generally supported by the National Planning Policy Framework (2009).

Notwithstanding the principle of the development having been accepted, careful consideration of criteria set out in Policy DM3, in particular, the proposal needs to successfully respond to the constraints of the site by making the necessary provisions for car parking, cycle parking and refuse storage. The design of the proposed dwellings must also be sympathetic their surroundings and there must not be any undue adverse impact upon the amenities of neighbouring and prospective occupiers. These material considerations will be considered within the main body of the report below.

2. Character, context and design of external spaces

During pre-application discussions and throughout the course of the application as originally submitted and revised there had been concern raised by the Council's Ecological and Landscaping officers with regard to the design response of the scheme to the site in the context of Pix Brook and Brook Street.

It is acknowledged that there is no prevailing or uniform character along the street scene of Brook Street. The proposed development, in a cul-de-sac arrangement will effectively create what will be read as a new street, emphasised by the development on the west side of the access road into the site by virtue of its orientation, turning its side to the established existing development along Brook Street and instead addressing the newly created access road into the site. Revisions to the scheme further to initial comments as part of the consultation of the application has resulted in a stronger address of the proposed buildings with Brook Street, by repositioning Plots 6 and 7 southwards towards the road to better align with the established building line of No.34 immediately adjacent to the east on the opposite side of the public footpath. The on site car parking provision for these two units has been relocated to the rear of each plot as opposed to their frontage. This has significantly improved the presence and interaction of the new development with the street scene. The other significant amendment to the scheme is the termination of the vista up the access road with a shared single storey car port structure. This results in a more positive 'end' to the newly created access and has softened and broken up what was previously a layout dominated by car parking.

The proposal will undoubtedly close down views of Pix Brook running along the west of the site. Where currently the garden area to the front, side and rear of the existing building allows for a more open view across site frontage to the brook the introduction of the proposed units, boundary fencing and the associated required provisions of cycle parking and refuse/recycling storage, along with other domestic paraphernalia will not contribute so positively. This will change the character of the open watercourse edge, to a feature that the development turns its back on and encloses. However, it should be noted that the play equipment and seating in association with the pub on this garden land and street furniture and railings that interrupt the view of the brook from the street do not currently provide a rural setting to the banks of the brook. The

altered setting to the watercourse is not considered reason enough to constrain the development. The layout proposed makes best use of the space available and will provide much needed housing provision.

Subject to the careful selection of materials, and detailing the design and styling of the proposed dwellings is considered acceptable. The proposed development will form a cluster of housing with a common theme that will not have any adverse impact upon the character, appearance, or local distinctiveness of the surrounding area. The layout has been improved upon earlier iterations considered at the pre-application stage and as originally submitted.

Subject to conditions to control the material detailing (condition 2) and secure the delivery of landscaping (condition 14) the development is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity of prospective and neighbouring occupiers

Neighbouring occupiers

The relationship between the proposed buildings and the existing neighbouring properties is considered acceptable.

To west and south the nearest residential properties are beyond Pix Brook and Brook Street respectively and as such are sufficiently removed from the application site as not to be adversely impacted upon by any overbearing presence, loss of light or reduced privacy.

To the north is the relatively new single storey sheltered housing development. This building has low, sloped roof profile, the only element of the building which rises above the closed boarded fencing that currently defines the common boundary between the application site and this neighbouring development. The single storey car port structure is proposed to this north edge of the site, which, by virtue of the good screening provided by the boundary treatment, its low level height and that it will not be a habitable space, its unlikely to have any adverse impact upon the residential occupiers of this neighbouring building. The closest proposed dwelling to the sheltered accommodation is Plot 5 to the northwest of the application site. A separation distance of 13 metres is afforded between the two buildings at their closest point. Only two secondary windows are proposed on the north flank of this building above ground floor level, serving an en suite bathroom at first floor level and a stairwell at second floor level. Given the relatively short distance of the neighbouring building to the common boundary with the application site and the height closed boarded fencing that demarcated this boundary it is unlikely that occupiers will experience any significant loss of privacy from overlooking. However, the presence of a high two and a half storey building introducing windows in closer proximity to the boundary than the existing relationship with the residential accommodation on the upper floor of the public house will have the potential for a heightened perception of being overlooked. Accordingly a condition is recommended to ensure that the window openings at first and second floor level on the north facing flank wall of plot 5 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 17).

To the east Nos. 34, 36 and 38 Brook Street back onto the public footpath which separates the western boundary of these neighbouring properties from the eastern boundary of the application site. Plot 7 sits closest to these neighbouring properties with a separation distance of 2 metres afforded between the east flank wall of the building on Plot 7 and the rear wall of a single storey rear addition to No.34 (the southern most of the three existing neighbouring properties) that sits hard its west boundary and the public footpath. These do not benefit from any windows with an outlook towards the proposed development. Only No.36 and 38, the two properties north of No.34 have the benefit of windows with westward outlook directly towards the application site at first floor level. A separation distance of approximately 10 metres will be afforded between the east flank of Plot 7 and the rear windows of No.36. The north facing windows on the rear elevation of the semi-detached pair of Plots 6 and 7 will only afford oblique views across to the rear of No.38, and to a lesser extend No.36. This relationship is considered acceptable. The presence of a two and a half storey development across the application site will undoubtedly have a significant presence, however the layout of the site, orientation of the buildings on their plots and distances involved are considered acceptable, demonstrating a sympathy to the surrounding existing built form.

To ensure a satisfactory relationship between the development and the existing dwellings to the east a condition is recommended to ensure that the window opening at first floor level on the east facing flank wall of plot 7 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 18).

Prospective occupiers

The relationship between the proposed dwellings to one another is considered acceptable. Orientated and internally laid out so that where openings face one another at a closer proximity, mutual overlooking is between secondary windows serving bathrooms or stairwells and as such there is unlikely to be any significant adverse impact upon the privacy of prospective neighbouring occupiers. The internal space and private amenity space afforded to the curtilage of each dwelling accords with the guidance provided in the Central Bedfordshire Council Design Guide (2014).

For the above reasons the proposed development is considered to have successfully recognised and addressed the constraints of the site by providing an adequate level of residential amenity for the existing neighbouring and prospective occupiers of the development thereby according with policy DM3 which seeks to provide high quality developments. Further to which the proposal is considered to bring forward the residential development of this site contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety

A single access from Brook Street is proposed into the application site to serve all of the proposed units. This is positioned slightly west of the location of the existing access. The proposed residential scheme is unlikely to generate a

greater number of movements to and from the site than the existing public house use. Since the submission of the planning application Brook Street now has only one way traffic coming from the east which is restricted to 20 mph. The Council's Highway Officer consulted on the proposals has raised no objection with respect to highway safety subject to conditions to ensure that the surface finish, visibility and provision of car parking spaces are acceptable.

Conditions have been recommended which amend the arrangement of the footpaths across the frontage and into the development so that pedestrians will not have to cross the road to use the footway. However, these changes are not considered necessary to ensure the development will not have any adverse impact upon highway safety and make the development acceptable, as rehearsed above the highway only has traffic movements in one direction restricted to a speed of 20 mph and as such subject to adequate visibility to oncoming traffic and pedestrian users at the junction of the proposed access with Brook Street (condition 6) the proposal will not give rise to any adverse impact upon highway safety.

Subject to the imposition of conditions to ensure the development, with respect to highway safety is considered to comply with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Cycle Parking

Car parking provision across the site complies with the Council's current car parking standards. Parking provision for the semi-detached dwellings is made within their curtilage, with provision for the detached house made within the proposed car port structure immediately adjacent to its plot along with visitor car parking, two of these three spaces disabled accessible.

All units have the benefit of secure and covered cycle parking, details of which are to be secured by condition (condition 12). Accordingly the proposal makes adequate parking provision across the site which complies with the Council's current standards and will not give rise to any adverse impact upon highway safety, thereby according with policy DM3 of the Core Strategy and Development Management Policies 2009).

6. Refuse and Recycling

There is sufficient space within the curtilage of each of the dwellings to accommodate the storage of refuse and recycling bins in accordance with the Council's current waste strategy to the rear garden area of each dwelling, ensuring that there is not any adverse impact upon the character and appearance of the street scene. A wheelie bin collection point is required and has not been demonstrated on the submitted plans. It is considered there is space to make such provision in an acceptable manner and as such it is recommended a condition be imposed to require this (condition 11).

7. Sustainable drainage

The Council's Landscape Officer consulted on the proposal raises concern at the applicant's intention for surface water from the site to discharge directly into Pix Brook. Pix Brook falls within the jurisdiction of the internal drainage board who

have raised no objection to the development, satisfied that the development will actually result in a reduction of surface water discharging directly into the brook and therefore represents an improvement on the existing use of the site.

The Environment Agency identify that the application site as being located partly within Flood Zone 2/3 on the western side but does not consider the development will pose any significant flood risk to prospective occupiers or neighbours to that extent that the development proposals for the site would be unacceptable in this regard.

8. Archaeology

The proposed development site lies within the historic core of Stotfold Brook End (HER 17163) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

The Archaeological officer consulted on the proposal is in agreement with the conclusions of archaeological desk-based assessment and heritage report submitted with the application (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*) *Heritage Asset Assessment* (Heritage Network, September 2012) which concludes that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved. As such, the proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. However it is not considered that this should present an over-riding constraint on the development subject to the imposition of a condition (condition).

Accordingly, subject to a condition being imposed to ensure that archaeological investigative works take place prior to the development of the site in accordance with policy DM13 of the Core Strategy and Development Management Policies 2009 and Central Government guidance provided within the NPPF (2012).

9. Trees, landscaping and ecology

There is little of vegetation on the site. At the pre-application stage an early mature Walnut tree, located close to the west side of the existing building was identified as having amenity value and that reconfiguration of the site should have retained this as an important landscape feature. However, this tree was not afforded any protection by a tree preservation order and the site is not located within a conservation area and the applicant removed the tree prior to the submission of the planning application.

The proposed landscaping scheme is generally considered acceptable and provides some softening and interest to the development. However, the Council's Landscape Officer does have some reservations with respect to the choice of planting and its location, management and maintenance. These are not however reasons to resist the development and it is considered that the imposition of condition will ensure that an acceptable landscaping scheme can be secured which will enhance the scheme (conditions 14 and 15).

With respect to Ecology the Council's Ecology Officer is satisfied that the submitted Ecological Appraisal identifies no bat interest at the site and as such the proposal to demolish the existing building will not impact on a protected species. An informative is recommended to ensure the applicant is aware that should bats be found to be present all works must cease and Natural England contacted. In addition this it is considered necessary to impose a condition to protect the brook during the demolition and construction phases of the development from pollution (condition 19).

10. Third Party representations

The third party representations received raised concerns that cover a significant range of issues. The material planning considerations have been addressed within the main body of the report above.

The concerns raised with respect to the structural integrity of neighbouring buildings and the potential for the demolition and construction phases of the development, if approved, to be likely to cause damage and also give rise to health concerns of nearby local residents are not material considerations for the local planning authority in the determination of a planning application. Notwithstanding this, the Council's Public Protection team have been consulted on the proposals for the site and raised no concern with respect to noise, disturbance or health implications.

11. Planning obligation strategy

The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In bringing forward recommendations in relation to the Planning Obligation for this development these requirements have been considered.

The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Central Bedfordshire Council's Adopted Supplementary Planning Document: Planning Obligations Strategy (2009) which provides a framework for expenditure of financial contributions collected through planning obligations but this has not been completed.

The proposed development triggers the requirement for the following community infrastructure: sustainable transport; health care; leisure, recreational open space and green infrastructure; community facilities; waste management; and emergency services.

In accordance with Policy CS7 (Affordable Housing) the development is required to provide at least 35% or more of the units proposed as affordable housing units. This application of seven units meets the required threshold for affordable housing provision. In seeking an affordable housing requirement of 35% this equates to 3 affordable housing units from the development.

The applicant is prepared to pay the total S106 contribution of £79,104 but make no affordable housing contribution either on site or by way of a commuted sum. Based on the viability information provided with the application the Council's Housing Development Officer has confirmed the scheme as unviable with the provision of affordable housing. Government guidance contained in *Section 106 Affordable Housing Requirements* states:

Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit.

There is £79,104 s106 contributions which in part could be redirected from some areas where monies are not so crucially required and instead be attributed to an affordable housing commuted sum to be used toward affordable housing provision elsewhere.

The normal approach is 50% market value per unit that replaces the affordable provision. This however is unviable for the development proposed. As affordable housing is at the top of the planning obligation hierarchy, it is recommended the Council should apportion a share of the section 106 monies to its provision, offset by those areas which are currently less of a priority to the Council. For sites of this size this has varied between £5000.00 and £15,000.00.

Of the contributions required it is proposed that monies from the following areas be attributed to an affordable housing commuted sum of £15,645.00, which would be taken from the following areas:

Health Care - £9,600.00

Marston Vale Community Forest – £4,649.00

Police Force – £1,396.00

Subject to the completion of a S106 as per the arrangement of the heads of terms set out above it is considered that any impacts on existing local infrastructure will be acceptably mitigated, bearing in mind the viability of the development, thereby complying with policy CS2 and CS7 of the Core Strategy and Development Management Policies (2009).

Recommendation

That Planning Permission be granted subject to the completion of a satisfactory legal agreement as detailed above and subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall commence until such time as details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 3 Notwithstanding the details provided on the submitted plans hereby approved all parking bays and car ports (internal dimensions) shall measure no less than 2.5 metres x 5 metres each, and disabled car port internal measurements shall be 3.3 metres x 5 metres each. These shall be constructed prior to the first occupation of the residential development and remain thereafter for car parking purposes.

Reason: For the avoidance of doubt and to provide adequate parking provision (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port accommodation on the site shall not be used for any purpose, other than as car port accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 5 Prior to the first occupation of the residential development hereby approved the modified junction of the proposed vehicular access with the highway shall be constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 6 Prior to the first use of the proposed access a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8 metres measured along the back edge of the highway from the centre line of the

anticipated vehicle path to a point 2 metres measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicants control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level in perpetuity.

Reason: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 7 Prior to the first occupation of the residential units hereby approved the proposed vehicular access into the site shall be surfaced in bituminous or other similar durable material to be approved in writing by the Local Planning Authority. Details shall include the arrangements for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 8 Prior to the first use of the modified access hereby approved, any existing access within the frontage of the land to be developed (to the frontage of plot 6 and plot 7), not incorporated in the access hereby approved shall be closed in a manner to be agreed in writing with the Local Planning Authority.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 9 Prior to the first occupation of the development hereby approved full details of the demarcation/signage for the visitor parking spaces shall be submitted to and approved in writing by the local planning authority. Thereafter the agreed signage shall be implemented prior to the first occupation of the development hereby approved and shall remain as agreed thereafter.

Reason: To provide adequate visitor parking provision (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 10 Prior to the first occupation of any of the residential units hereby approved the turning space for vehicles illustrated on the approved drawing no. 825.002P/B shall be fully constructed. Thereafter this shall remain as agreed, in perpetuity.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 **No development shall commence until such time as full details of a refuse collection point located outside of the public highway has been submitted to and approved by the Local Planning Authority. Thereafter the agreed scheme shall be fully implemented prior to occupation of any dwellings hereby approved and shall be retained thereafter.**

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 12 Prior to the first occupation of the residential units hereby approved full details of the design of the structures proposed for the secure and covered cycle storage and storage of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. Thereafter the approved storage provision shall be fully implemented prior to the first occupation of the residential units hereby approved and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking and refuse/recycling storage to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport and that it is in keeping and character with the surrounding area in respect to its design and appearance (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 13 **No development shall commence until such time as full details of the final ground and slab levels of the dwelling hereby approved has 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, 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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 14 **No development shall commence until such time as full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**

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

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that are part of the approved landscaping works, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 16 **No development shall take place until a written scheme of archaeological investigation that adopts a staged approach and includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure that protection and management of archaeological remains preserved in situ within the development (policy CS15 of the Core Strategy and Development Management Policies 2009).

- 17 The window openings at first and second floor level on the north facing flank wall of Plot 5 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows shall be fixed shut. Thereafter these windows shall remain as first installed in perpetuity.

Reason: To protect the amenities of neighbouring occupiers (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 18 The window opening at first floor level on the east facing flank wall of Plot 7 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or

the windows shall be fixed shut. Thereafter this window shall remain as first installed in perpetuity.

Reason: To protect the amenities of neighbouring occupiers (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 19 For the entire duration of the demolition and construction phases of the development hereby approved the length of the perimeter with Pix Brook shall be fenced to prevent and accidental loss of polluting material over the bank.

Reason: To protect the water course from pollutants (Policy DM3 of the Core Strategy and Development Management Policies 2009)

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; 825.001P/B; 825.002P/B; 825.103P; 825.104P; 825.105P; 825.106P/A; 825.107P; 825.108P; 825.200P; 825.201P; 825.202P; 825.203P; 825.204P/A

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

Notes to Applicant

1. Please note that the unnumbered drawing submitted in connection with this application has been given a unique number by the Local Planning Authority. The number can be sourced by examining the plans on the 'View a Planning Application' pages of the Council's website www.centralbedfordshire.gov.uk.
2. The applicant is advised that the watercourse on the boundary of/passing through this site is under the statutory control of the Bedfordshire and River Ivel Internal Drainage Board. In accordance with the Board's byelaws, no development shall take place within 7 metres of bank top, without the Board's prior consent. This includes any planting, fencing or other landscaping.
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, they should notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Andre Douglas on Tel. 0300 300 4404.

5. The applicant is advised that all bat roosts are protected by law whether they are in occupation or not. If bat roosts are found in the building before or during demolition, work must stop immediately and contractors should contact a licensed bat ecologist. If bats are found, then all works must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted and it may then be necessary to obtain a European Protected Species (EPS) Licence.
6. The applicant is advised that no works associated with the construction of the modified vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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 modified vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
7. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
9. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 8. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 8 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the

development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

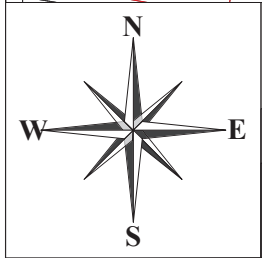
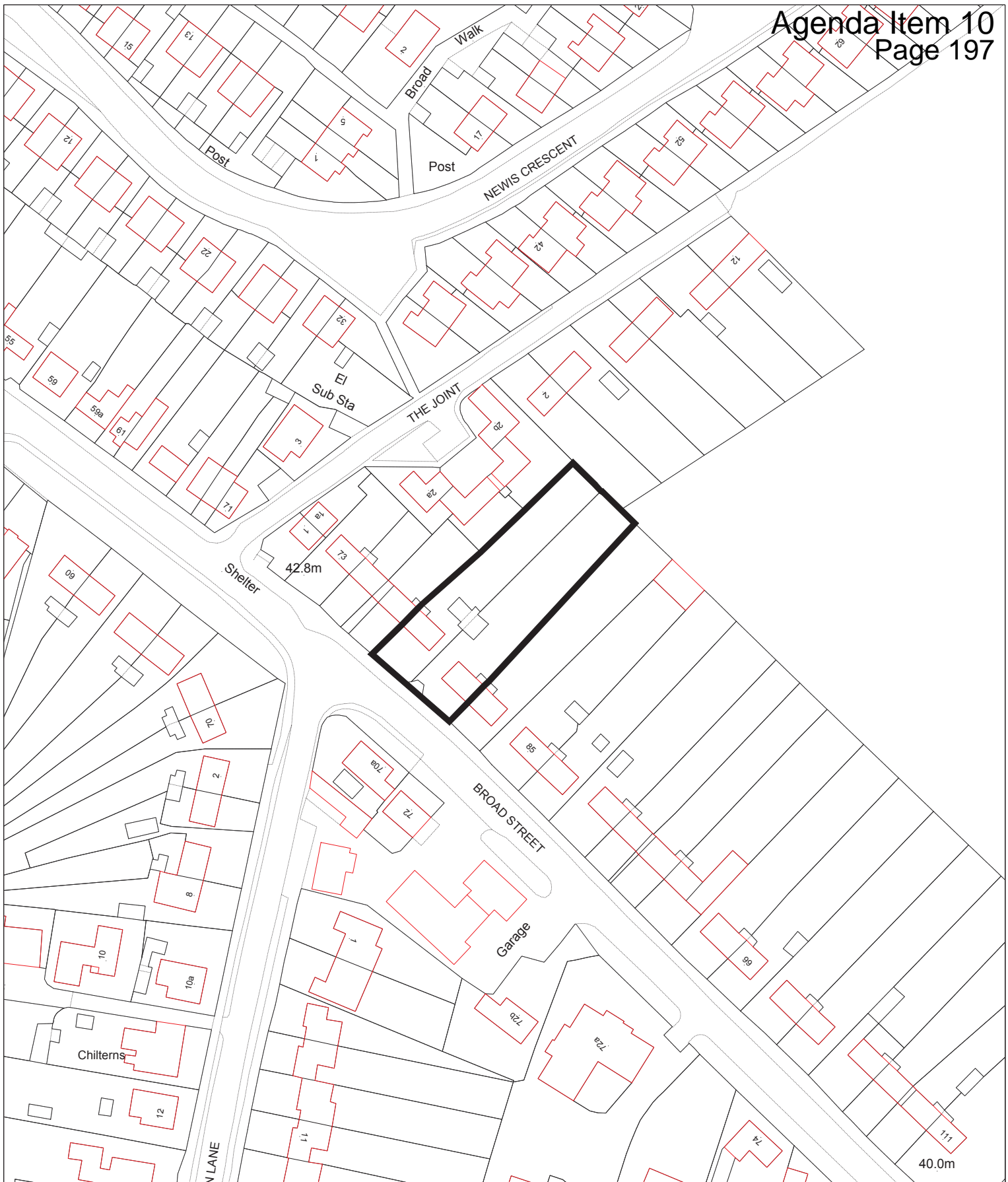
10. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
11. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 06:October:2014
Map Sheet No

Application No.
CB/14/02071/FULL

Scale: 1:1250

79 & 81 Broad Street, Clifton, Shefford, SG17 5RP

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Item No. 10

APPLICATION NUMBER	CB/14/02071/FULL
LOCATION	79 & 81 Broad Street, Clifton, Shefford, SG17 5RP
PROPOSAL	Erection of No. 2 detached bungalows with parking & access
PARISH	Clifton
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Lauren Westley
DATE REGISTERED	23 June 2014
EXPIRY DATE	18 August 2014
APPLICANT	Mr & Mrs Ansell
AGENT	Robert J. Larman Architectural Services
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Cllr Drinkwater for the following reasons: Loss of amenity, Overdevelopment, Highway safety grounds
RECOMMENDED DECISION	Full Application - Recommend Approval

Summary of Recommendation:

The application for planning permission for the erection of two detached bungalows has been recommended for approval. The development will result in the provision of two Lifetime Home bungalows, with access and parking from Broad Street. The proposal will have an acceptable impact on the streetscene, character of the area, neighbouring amenities and highway safety, in accordance with the requirements of policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

Site Location:

The application site is located on the north eastern side of Broad Street, adjacent to the junction with Hitchin Lane. The site is wholly located within the settlement envelope of Clifton and comprises two properties, No. 79 and No. 81. No 79 is occupied by a two storey, end of terrace dwelling and No. 81 is occupied by two storey, semi detached dwelling. The dwellings are separated by the existing access which runs down the middle of the site and provides vehicular access to the rear gardens and garages of both properties.

The site is surrounded by residential properties to either side, with the rear boundary of the site edged by the rear garden of dwellings in The Joint and the open countryside. The edge of the Settlement Envelope wraps around the rear gardens of the dwellings in The Joint and Broad Street.

The Application:

The application seeks full planning permission for the erection of two detached single storey bungalows in the rear gardens of both No. 79 and 81. The bungalows will be two bedroom dwellings and have been designed to Lifetime Home standards.

Access will be provided down the centre of the site, with a shared drive being created that will provide vehicle access to the parking areas for the new dwellings and the existing dwellings.

In order to facilitate the development, the existing garages and outbuildings will be removed from the site.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 7 - Requiring good design

Core Strategy and Development Management Policies - North (2009)

CS1 – Development Strategy

CS2 – Developer Contributions

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Central Bedfordshire Design Guidance (2014)

Planning Obligations SPG (2009)

Planning History

Case Reference	MB/95/00658/FA
Location	81 Broad Street, Clifton, SG17 5RP
Proposal	Full: Two storey rear extension and single storey front extension (demolition of garage and shed).
Decision	Full Conditional Approval
Decision Date	23/06/1995

**Representations:
(Parish & Neighbours)**

- Clifton Parish Council Object -
- The plot is too small for proposal;
 - There is no splay onto Shefford Road and the hedgerow

- will obstruct the view of inward and existing traffic;
- The exit is less than 10m from the mini roundabout;
- The bungalows are considered to close to neighbouring houses in The Joint;
- The new access is considered too narrow for emergency vehicles;
- Drainage of surface water is considered a problem as the land on which the new bungalows will be located slopes away from the site towards the adjacent The Joint properties;
- Fencing to The Joint properties would need to be 2m high for privacy which together with their roof height will greatly reduce light and the visual amenity of existing neighbouring gardens.

Neighbours No response received

Consultations/Publicity responses

CBC Highway Officer No objection, subject to conditions

CBC Tree and Landscaping Officer No objection, subject to conditions

CBC Public Protection (Noise) No comments

CBC Public Protection (Contaminated Land) No comments

Bedfordshire and River Ivel Drainage Board No comments

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on character, appearance and streetscene
3. Impact on amenities of neighbouring properties and future occupiers
4. Parking and highways
5. Trees and Landscaping
6. Other matters

Considerations

1. Principle of development

NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In the local context, the site is wholly located within the Settlement Envelope of Clifton, which is defined as a Large Village under policy CS1 of the Core Strategy and Development Management Policies (CSDMP). In Large Villages policy DM4 (CSDMP) states that small scale housing will be permitted.

It is therefore considered that the principle of the residential development of the site is supported by the Council's adopted policies and national guidance, subject to ensuring that the design, layout and neighbouring amenity is all in accordance with the Council's adopted guidance, this is discussed further below.

2. Impact on character, appearance and streetscene

The surrounding area is characterised by a mix of residential development, with a strong linear line addressing Broad Street to the south of the site and a more mixed built form to the north. Abutting the site along the north eastern boundary are the rear gardens of a bungalow development in The Joint, which comprises four bungalows in a 'horseshoe' shaped development.

The proposal will provide for two detached bungalows within the rear gardens of two existing dwellings. The pattern of development will be consistent with the existing bungalow development in the Joint, with garden depths and heights consistent with those bungalows. The proposed bungalows will have a wall height of 2.5m and an overall ridge height of 4.8m and as such are considered to be of a scale and massing that is consistent with the adjacent built form. It is therefore considered that the proposal would be in keeping with the general character of the built form on the adjacent plots to the north.

It is noted that the proposal does involve the establishment of parking areas to the front of No. 79 and a shared drive leading to parking areas to the rear of the dwellings. There are existing driveways for both properties with parking areas to the rear, however the proposal will result in an overall increase in the amount of hardsurfacing required, which will have an impact on the appearance of the site. However, given that the front garden and landscaping of No. 81 is to be retained and the majority of hard surfacing is provided to the rear of the existing dwellings, the impact to the appearance of the site is not considered to be harmful to the surrounding area or streetscene.

There will be limited views of the bungalows from the streetscene however their distance from the street will ensure this is not significant and adequate landscape and fencing will further reduce any impact. Overall the provision of two bungalows on the site considered to be of a scale and massing that is consistent with the character of the surrounding area and will not have a detrimental impact on the appearance of the site or the streetscene.

3. Impact on amenities of neighbouring properties and future occupiers

The existing and proposed dwellings-

The relationship between the proposed bungalows and the existing dwellings on the site is considered to be acceptable. The application site comprises large gardens that extend some 45m to the rear of the existing dwellings. The proposed bungalows have been sited so as to retain a 24m separation distance between the existing and proposed dwellings, which is in excess of the 21m required by the design guidance for two storey dwellings. The existing dwellings will retain gardens at least 10m in depth and around 80m² in size, in compliance with the requirements of the design guidance. The proposed bungalows will have smaller gardens, with depths of 7m, however they do benefit from a width of 10m, meaning that 70m² of amenity space is provided. This is considered acceptable for a two bedroom bungalow.

Whilst the shared drive and car parking area could give rise to light spillage from headlights, the provision of trellising to the front of the bungalows will ensure this is successfully mitigated. The shared drive is also stepped in from the side walls of both No.79 and No. 81, reducing any impact created by comings and goings.

The proposal will result in two Lifetime Homes, capable of use by wheelchairs and elderly residents which is supported by the Design Guidance and welcomed in the local area.

Adjacent dwellings -

With regards to the adjacent bungalows (2B and 2C The Joint), these dwellings are located 7m from their rear boundaries (the side boundary of the application site). The proposed bungalow will be set in 1m from this boundary, with a wall height of 2.5m and a roof that slopes away from the boundary. The window in the side elevation of the proposed bungalow will be limited to a single obscure glazed window to the bathroom. With boundary treatments to a height of 1.8m it is considered that the impact on the adjacent gardens and dwellings would be acceptable and the proposal would not be overbearing.

With regards to the property to the rear (No. 2 The Joint), this is a two storey semi-detached dwelling with a 25m (approx) rear garden. The nearest bungalow will be sited some 16m from the rear wall of this dwelling. The proposed bungalows are stepped in 7m from the side boundary of No. 2 The Joint and will be separated from this garden by hedging and boundary treatments. Given the setback and the height of the bungalows, it is not considered that any direct overlooking of this garden will be possible and they will not appear overbearing when viewed from No. 2 The Joint.

With regards to the adjacent property No 83, the bungalow has been stepped in by 1m from the side boundary and located some 28m from the rear wall of this dwelling. With a wall height of 2.5m, and boundary treatments to a height of 1.8m, the impact of the proposal to the adjacent garden is considered to be acceptable and would not appear overbearing from No. 83.

Windows in the side elevations of the bungalows have been limited to bathroom and secondary windows that are proposed to be obscure glazed, and as such there is not considered to be a loss of privacy for the adjacent occupiers. In any event the windows will be screened from view by the existing and proposed boundary treatments.

The proposal will result in an increase in comings and going from the site, however this is not considered to be over and above what would be expected in a residential area.

The proposal is therefore considered to result in an appropriate development of the site that will not detrimentally impact on the amenities of the existing surrounding dwellings and will provide a good quality of living for the future occupiers of the dwellings, in accordance with the Design Guidance (2014) and policy DM4 of the Core Strategy and Development Policies (2009).

4. Parking and highways

The existing situation comprises two dwellings with an existing access running

between them to garages and parking spaces at the rear. The proposal is to remove the existing garages and parking, provide replacement parking for the existing dwellings, widen the access, provide a turning area to the rear of the site of a suitable size for a service/delivery sized vehicle and provide parking provision for the proposed dwellings, include one disabled space for each bungalow.

The submitted plans show the access widened to 7m with a further 1.5m provided in front of the replacement parking for No. 79. This additional space is not required in highway terms and can be reduced to a 6m access with 5m parking bays. Revised plans were provided on this basis which has allowed for additional amenity space to be retained in the front garden area, which is welcomed. Changes were also sought in relation to the refuse storage area for collection days, which has been moved closer to the highway boundary.

Parking provision has been provided on site in accordance with the Council's parking standards, which includes two parking spaces (one disabled) for each of the new dwellings, three parking spaces for each of the existing dwellings and a visitor parking space for the site.

Concerns have been raised by the Parish Council in relation to the visibility splays and the existing hedgerow. The visibility splay is indicated on the plan and is sufficient to provide driver/driver intervisibility and the applicant has indicated the hedge will be lowered. A condition is included to ensure this occurs before the development is brought into use. The Parish Council has also raised concerns in relation to the proximity of the access to the mini roundabout on Clifton Road. However the Highway officer has raised no concerns in relation to this relationship as it is an existing access with improved driver/driver intervisibility to vehicles using the access and those travelling from the direction of the mini roundabout. Concerns were also raised in relation to the access width being suitable for emergency service vehicles. The highway officer has confirmed that 3.7m is a suitable width to allow access for both ambulances and fire vehicles and provide suitable operating area at the scene of a fire.

Conditions are recommended to ensure that the layout is implemented on site and ensuring that the garage accommodation remains as garage accommodation and not used for any other use. The highway officer has also suggested that a condition is attached requiring details of cycle storage to be provided. However given that all four dwellings (existing and proposed) will have rear garden areas and external access it is considered that any future occupiers of these buildings will have appropriate space to provide secure cycle storage and parking if required.

The proposal is therefore considered to meet the Council's design guidance in terms of layout, design and provision of access and parking on site.

5. Trees and landscaping

The vegetation to be removed comprises conifer hedging and various shrubs within the existing gardens. An existing Oak tree located in a neighbour's garden to the rear, along with the existing conifer hedge along the rear boundaries is proposed to be retained.

The tree officer is satisfied that the vegetation to be removed is not significant and as such there are no objections to its loss.

Conditions are attached to ensure that a landscaping scheme, with planting and boundary treatments for both plots is provided, that would adequately compensate for removed vegetation and enhance the sites for the new older occupants that the dwellings are aimed at. The landscaping scheme will need to include details of species, sizes and densities of planting.

6. Other matters

New developments like the proposal has implications on the capacity of local infrastructure. The Council's Planning Obligations Supplementary Planning Document (North) sets out contributions that would be required to mitigate those impacts. A Unilateral Undertaking has been submitted and agreed that demonstrates that financial contributions would be made to mitigate the impacts of the development in line with that document.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place unless and until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved 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, 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 an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls, roofs and openings of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 Before the development is brought into use the visibility splay as indicated on the approved drawing no. 172013/1D in land under the applicants control shall be provided and thereafter be kept free of all obstruction to visibility.

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, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 The proposed vehicular access shall be surfaced in a bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for the surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision inclusive of the visitor parking bay on the site shall not be used for any purpose, other than as parking provision, unless permission

has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, parking layout and provision, and the turning area illustrated on the approved drawing no. **172013/1D** and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, 172013/1 Rev D, and 172013/4 Rev A.

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

Notes to Applicant

1. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. The applicant is advised that no works associated with the construction of the widening of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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 widening of the vehicular

access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

4. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

5. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

6. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

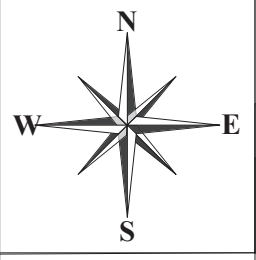
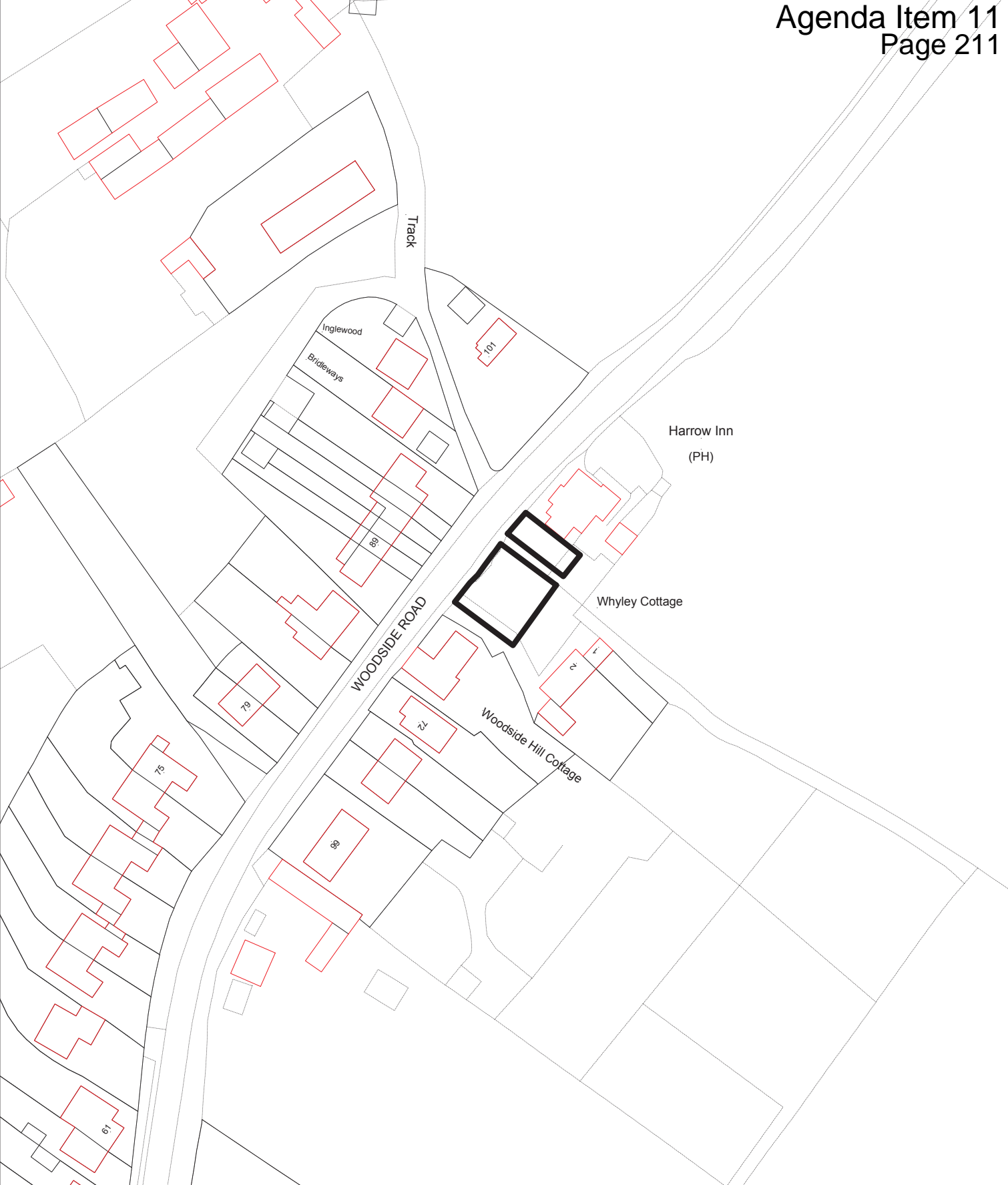
The application is recommended for planning permission for the clear reasons set out above. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 07:October:2014
Grid Ref: 507240; 218560

Application No.
CB/14/03260/FULL

Scale: 1:1250

Land adj to The Harrow, 80 Woodside Road, Woodside,
Luton, LU1 4DQ

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Item No. 11

APPLICATION NUMBER	CB/14/03260/FULL
LOCATION	Land Adj to The Harrow, 80 Woodside Road, Woodside, Luton, LU1 4DQ
PROPOSAL	Erection of 2 semi-detached houses on 'Brownfield site' of redundant car park (Resubmission of CB/14/00173/FULL)
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Debbie Willcox
DATE REGISTERED	11 August 2014
EXPIRY DATE	06 October 2014
APPLICANT	Bridgewater Homes Ltd
AGENT	Mr L Butler
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Kevin Collins for the following reason: The support from the neighbouring properties and photographs of previous residential development on the site suggest that special circumstances on Green Belt have been met.
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Summary of Recommendation

The proposed development would constitute inappropriate development within the Green Belt and would have a significant harmful impact upon the openness of the Green Belt. The very special circumstances case submitted by the applicant is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt. The proposed development would also be cramped and out of character with the grain of the village and thus the proposal would have a detrimental impact on the character and visual amenities of Woodside and upon the amenity of the occupiers of Nos. 1 & 2 Whyley Cottages. The proposal would also fail to offer an acceptable level of amenity to future residents of the property due to the restricted size of the bedrooms. The proposal is therefore considered to conflict with the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policies 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Design Guide for Central Bedfordshire.

Site Location:

The application site comprises an area of hard surfaced land which lies on the eastern side of Woodside Road, within the hamlet of Woodside, to the south west of the M1 motorway.

The site was previously used as a car park for the former Harrow public house, which was recently converted into a dwelling. The site has a frontage to Woodside

Road of some 29m and is divided by a definitive right of way: Public Footpath (No. 4 Slip End). To the north of the footpath the site is approximately 15m deep by 7m wide; to the south of the footpath the site is approximately 26m deep by 19m wide. The former public house is located to the north, and ribbon development continues along Woodside Road to the south. At the rear of the site are Nos. 1 & 2 Whyley Cottages. The site is inclined, with the land falling towards the road.

The site has recently been fenced off with 2m high metal fencing, an enforcement notice has been issued for its removal.

The site is washed over by the South Bedfordshire Green Belt.

The Application:

The application seeks planning permission for a pair of semi-detached dwellings with associated gardens, parking, bin storage and cycle storage. The smaller section of the site, to the north of the footpath would provide four parking spaces and a waste storage and collection point to serve both dwellings. The larger section of the site would accommodate the dwellings, garden areas and cycle storage.

The dwellings would each have a kitchen and a lounge/diner on the ground floor and two bedrooms and a bathroom on the first floor. The dwellings would measure 6.6m deep by 5m wide and would have a dual pitched roof with a ridge height of 6.5m.

The dwelling to the north would have a rear garden comprising 56 square metres, the dwelling to the south would have a rear garden comprising 54 square metres.

Between the public footpath and the proposed dwellings, an access way providing vehicular access to the dwellings behind the site would be retained, measuring 2.8m wide.

The application is a resubmission of application no. CB/14/00173/FULL, which was refused planning permission earlier this year for the following two reasons:

1) The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review and policy 4 of the emerging Development Strategy for Central Bedfordshire. No very special circumstances have been established in this case and thus the proposal is contrary to Section 9 of the National Planning Policy Framework and policy 36 of the emerging Development Strategy for Central Bedfordshire.

2) The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental

to the visual amenities of the surrounding area and the residential amenities of the occupiers of Whyley Cottages. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

The application differs from the previous application predominantly in that the ridge heights of the dwellings have been reduced by 0.7m and that a case for Very Special Circumstances has been supplied, which will be discussed further below.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

GB3 Green Belt Villages

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-in' Sites

H12 Controlling Infilling in Villages

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies GB3, BE8, H2 and H12 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Green Belt

Policy 4: Settlement Hierarchy

Policy 5: Neighbourhood Planning

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 27: Parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 56: Green Infrastructure

The draft Development Strategy for Central Bedfordshire is due to be submitted to the Secretary of State in October 2014, but, having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy, which is consistent with the NPPF.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

Design Supplement 5: Residential Development, 2014

Planning Obligations Strategy, October 2009

Planning History

CB/11/01424/PAPP - Advice given on proposal for the change of use of the Public House to residential and 1 detached dwelling. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00616/PAPC - Advice given on proposal for the erection of two new detached dwellings. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00640/FULL - Application withdrawn for the change of use of restaurant on ground floor with 3 beds and bathroom over to 3 bed detached house with garage.

CB/12/02743/FULL - Application refused for alterations and extensions to the Harrow to form 2 new dwellings. Appeal dismissed.

CB/12/04303/FULL - Application granted for change of use of restaurant on ground floor with 3 bedrooms and bathroom over to 1 no. 3 bedroom detached house with garage.

CB/13/03407/FULL - Application granted for the retention of "As Built" alterations and additions.

CB/14/00173/FULL - Application refused for the erection of 2 semi-detached houses.

CB/ENC/14/0340 - Enforcement Notice issued 01/09/2014 to secure the removal of fencing around the land, taking effect on 01 October 2014. No appeal has been received.

Representations: (Parish & Neighbours)

Slip End Parish Council The Parish Council support this application, provided:

1. The drive to the cottages at the rear is formalised.
2. Construction materials are kept as per the proposed plans.
3. The construction phase is monitored by CBC's enforcement team to ensure the developer keeps to the approved plans as previously this has not happened.

Neighbours (Nos. 1 & 2
Whyley Cottages) Support the application for the following reasons:

- The development would make good use of a barren, purposeless and redundant piece of land;
- The development would provide vehicular access to Whyley Cottages;
- The development would be an asset to the village;
- The roof height of the proposed dwellings would be low enough that there would be no impact on light reaching Whyley Cottages;

- The site previously had two dwellings, which existed as recently as 1961, so there was originally tandem development in this location; the application would merely restore the previous situation.
- The development would increase the variety of available housing within the village.
- Returning the site to its original use would improve property values for Whyley Cottages as the uncertainty is driving values down.

(Inglewood & 95,
Woodside Road)

Object to the application for the following reasons:

- The development would not enhance the lovely, quiet hamlet;
- The development would handicap the existing quiet atmosphere;
- The revised proposal does not overcome the reasons for refusal.

Consultations/Publicity responses

Highways Officer

The applicant is proposing to construct a pair of semi-detached houses on the car park of the former public house, known as The Harrow.

The units comprise of two, two bedroom properties with off-street parking for two cars per unit.

There is a public footpath adjacent to the proposed units and a 2.8m wide vehicle access to serve the existing rear property. This new vehicle access will require the kerbs to be lowered and the existing redundant vehicle crossing to the frontage of the new properties will need to be closed and the footway reinstated. This work must be carried out by Bedfordshire Highways at the applicant's expense. I shall impose a condition to secure its provision. There is also a footpath 'finger post' type sign which will also require repositioning. The Rights of Way section are aware of this and will be considering an alternative location for the sign.

I would advise that there shall be no physical barrier between the public footpath and the access to the rear of the proposed development.

The applicant has indicated pedestrian intervisibility splays for the new vehicle access which is fine, however the existing access to the south west of the development, will also require a pedestrian splay across the corner of the front boundary of the adjacent proposed unit (see attached plan).

Driver / driver intervisibility shall be provided and maintained at the new and existing vehicle access. To secure this splay I would recommend that a 2.4m wide margin is kept clear from all obstruction, measured in to the site from the face of the nearside kerb line of the main carriageway (see attached plan).

The bin store area shown on the applicants drawing may not be practical for the south western plot. Perhaps the storage area can be within the curtilage to the rear of the property, with the collection point to the side of the property, towards the frontage (see attached plan).

I would not wish to raise any highway objection to the application subject to the following conditions.

1. Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

Reason

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

2. Before the accesses are first brought into use, a triangular vision splay shall be provided on each side of the accesses and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

To provide adequate visibility between the existing highway and the vehicular accesses and to make the accesses safe and convenient for the traffic which is likely to use them.

3. Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason

To provide adequate visibility between the existing highway and the vehicular accesses and to make the accesses safe and convenient for the traffic which is likely to use them.

4. The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

5. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

6. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

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

7. No development shall commence until details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be

implemented throughout the construction works and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

8. Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason

To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.

9. Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

10. Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason

To ensure adequate off street parking during construction in the interests of road safety.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued by the council :

- i. 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 Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the

applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. 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 the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

To fully discharge condition 1, the applicant must provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.

ii. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.

iii. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

iv. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local

Planning Authority for details of the closure of the redundant access in accordance with condition 5. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 5 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - July 2010".

Rights of Way Officer
(Initial comments)

Public Footpath no. 4, Slip End must remain the full existing width as marked by concrete kerb edging on site. It is not clear from the submitted plans whether there will be any physical boundary between the Public Footpath and the access left for the rear property to the side of it, or the other side where the proposed parking is shown. Although an open aspect is preferred, it is not clear how the applicant intends to stop people driving down or parking on the Public Footpath. This may be particularly relevant if larger vehicles use the proposed access for the rear property which is only proposed as 2.8 metres wide. Additionally, it is not clear where the applicant intends the existing Public Footpath signpost to be sited. It is currently on the right hand side (see photo attached). This could be an obstruction within the vision splay and may be hit by vehicles?

Finally, I believe all archaeological trenching work is complete but if further work is required, this should not in any way affect the public footpath or its use or I should be sent further details before any work is carried out.

I note that Highways did refer to the Public Footpath signpost in their original response to CB/14/00173/FULL but for clarification, it would be up to the applicant/agent to tell me where they intend the signpost to be relocated rather than for me to resolve this issue. The Public Footpath must be signed where it leaves the metalled road as required by Section 27 of the Countryside Act 1968. It must be in a position where it is clearly visible to

walkers and somewhere it is not at danger of being hit by passing vehicles.

Rights of Way Officer
(Further comments)

The additional information submitted all seems acceptable to me from the public footpath point of view.

The relocation of the Public Footpath signpost to the other side of the path is fine as long as John does not feel it will impact on visibility or access for vehicles. I would prefer it to stay on the Harrow side of the road – one side of the path or the other. The provision of a raised table is fine; the Walking and Cycling Officer quite likes them as they provide a clear indication to pedestrians where they can cross the road and slows traffic.

I welcome the comment from the agent clarifying that no boundary fencing will be erected alongside the Public Footpath on either side. My preference in the first instance is for it to remain completely open with bollards being installed if there becomes an issue in the future with regard to parking or driving down the footpath. Obviously the driveway for the rear property to the right and new dwelling parking to the left of the footpath should be of adequate width to mean that there would be no need for anyone to park or drive down any part of the footpath width.

Determining Issues

The main considerations of the application are;

1. **Principle of Development and Green Belt Implications**
2. **Design Considerations**
3. **Amenity Considerations**
4. **Parking, Highway Safety and Rights-of-Way**
5. **Other Issues**

Considerations

1. **Principle of Development and Green Belt Implications**

The application site is located within the South Bedfordshire Green Belt within the hamlet of Woodside, within the parish of Slip End. Woodside is separated from the village of Slip End to the south by open fields. Woodside is not listed within either Policy GB3: Green Belt Villages of the South Bedfordshire Local Plan or Policy 4: Settlement Hierarchy of the Development Strategy for Central Bedfordshire. The preamble to Policy 4 states that settlements not identified within the hierarchy are considered to be part of the countryside due to their small scale and rural nature.

Slip End is identified within these policies as being inset from the Green Belt, however, the application site is located a significant distance outside the inset boundaries of Slip End.

The application site is therefore washed over by the Green Belt and is considered to be part of the countryside. Neither Policy H2 nor H12 of the South Bedfordshire Local Plan Review, which apply to fall-in sites and controlling infilling in villages respectively, can be applied to this application as these policies specifically exclude sites that are washed over by the Green Belt.

The principle of the development therefore must be considered against Section 9 of the National Planning Policy Framework (NPPF) and Policy 36 of the Development Strategy for Central Bedfordshire, which is considered to be in accordance with Section 9 of the NPPF. Section 9 states that the construction of new buildings within the Green Belt should be considered as inappropriate development, excluding certain limited exceptions. Among these listed exceptions are the following:

- 1) limited infilling in villages; and
- 2) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Development which is inappropriate is, by definition, harmful to the Green Belt. Section 9 of the NPPF states that planning permission should not be granted for inappropriate development within the Green Belt unless there are 'very special circumstances' which exist and would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

In this case it is not considered that the proposal can constitute limited infilling of villages because, as a result of its small scale and rural character, Woodside is not considered to be a village in terms of the Settlement Hierarchy, but part of the open countryside. It is also noted that villages that are washed over by the Green Belt do not have a defined village envelope and therefore it cannot be stated that the site is located within the village envelope. Both Policy GB3 and 4 set out those villages within the South Bedfordshire Green Belt where infilling will be permitted and Woodside is not included within these lists. It is therefore judged that the proposal cannot be considered to represent "infilling within villages".

It is accepted that the site previously held two dwellings and therefore constitutes brownfield land. However, there is little evidence as to exactly when the building was demolished, it has certainly disappeared from the Ordnance Survey maps by 1971; the site has therefore been open for at least 40 years and in recent years has been used until recently for car parking for the adjoining Harrow Public House. The test must therefore be whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

It is considered that the erection of buildings in this location would have a significantly greater impact on the openness of the Green Belt than the use of the site for car parking and therefore the redevelopment of this site would not fall within the categories of permissible 'exceptions' and would constitute inappropriate development within the Green Belt.

Relevant to this application is the recent Appeal decision for application reference no. CB/12/02743/FULL. This application sought to extend the Harrow public house into the northern part of the current application site and to convert the extended building into a pair of semi-detached dwellings. It is noted that the Inspector considered that the proposed development would result in a material increase in the footprint of built development, which would materially erode the openness of Green Belt and have a significantly greater impact than the existing building. No very special circumstances were submitted and the Inspector concluded that substantial weight should be given to the harm that would have been caused by the proposal to the Green Belt. The Appeal was consequently dismissed.

The applicant has submitted that, in this case, Very Special Circumstances exist which outweigh the harm that would be caused to the Green Belt in terms of inappropriateness and loss of openness. These are as follows:

- 1) The site is a redundant brownfield site.
- 2) The site is clustered to both sides, to the rear and across the road by residential dwellings.
- 3) The development is supported by the majority of people living near the development.
- 4) The applicant is prepared to contribute £10,000 towards the creation of a raised crossing of the Woodside Road, linking the two sections of the public footpath that adjoins the site. The crossing would provide an element of traffic calming and would also form part of a "heritage greenway" which has been identified within the emerging Caddington & Slip End Neighbourhood Plan.

The first point has been addressed above. In reference to the second point, the existence of other dwellings within the vicinity does not alter the fact that the development would have a significant impact on openness through the introduction of built form upon the site. It is therefore considered that neither of these points can contribute to a Very Special Circumstances case. It should be noted that the Inspector for the earlier appeal, also concluded against these points.

The third point indicates that there is a strong degree of support for the proposal. It is noted that the application is supported by Slip End Parish Council, however, direct consultation and the posting of a site notice received only four responses, two in favour of the development and two against. Moreover, it is considered that, on its own, the level of local support an application has is not sufficient to outweigh the harm that would be caused to the Green Belt by development.

The proposal for a heritage greenway would comprise a route from the southern tip of Slip End to the northern tip of Caddington, which will include the upgrade of existing footpaths to encourage sustainable methods of transport such as walking, cycling and horse riding. The existing public footpath adjacent to the site is part of this route and the section immediately across the road is expected to be one of the first to be upgraded. The viability report that has been prepared for the proposed heritage greenway proposes that the provision of the crossing of Woodside Road should be the second highest priority .

It is noted that there is an issue with the alignment of the crossing with the footpath. A representative from Amey has indicated that a simple table crossing would cost in the region of £10,000. However, it will not be possible to provide a simple table crossing to align with the footpath desire line due to a number of adjacent accesses to private properties. There are therefore two options: 1) to provide a crossing away from the desire line of the footpath or 2) to raise a much larger section of Woodside Road incorporating the various accesses. The anticipated costing for this is between £20,000 - £30,000.

Paragraph 88 of the National Planning Policy Framework states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to say that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Caddington & Slip End Neighbourhood Plan is at an early stage of preparation, and as yet the draft plan is not complete and formal pre-submission consultation has not been carried out. Due to the early stage of the Neighbourhood Plan, no weight can be given to the aspirations that can be found within it. Therefore the level of weight that can be given to the public benefit that would result from the provision of a crossing to Woodside Road is extremely limited, particularly considering that the proposed contribution would not be sufficient to provide the crossing on the appropriate desire line.

Given the substantial weight that must be given to potential harm to the Green Belt, it is not considered that the proposed public benefit of the provision of £10,000 for the crossover of Woodside Road is sufficient to outweigh the harm that would be caused to the Green Belt both by reason of inappropriateness and loss of openness. The applicant has thus failed to demonstrate that Very Special Circumstances exist in this case. It is therefore considered that the proposed development would conflict with Section 9 of the NPPF and policy 36 of the emerging Development Strategy for Central Bedfordshire and significant weight should be given to this harm.

Attention should be drawn to the planning history of the site. Pre-application advice was initially sought in 2011 and again in 2012 in regards to the application site and the adjoining Harrow public house, which at that time formed one complete site. Advice given at the time was that the whole site should be considered comprehensively and that the erection of new buildings on the site would not be acceptable as it would be contrary to Green Belt policy. As noted above, this approach was supported by the Inspector when determining the Appeal for application no. CB/12/02743/FULL.

2. Design Considerations

Policy BE8 of the South Bedfordshire Local Plan Review sets out the certain requirements in terms of the design of new development and their impact upon the character and appearance of the surrounding area. Among other things, development proposals should ensure that:

- proposals take full account of the need for opportunities to enhance or reinforce the character and local distinctiveness of the area; and
- the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views; and
- the setting of any development should be carefully considered, whether in the countryside or built-up area. Attention should be paid to its impact on public views into, over and out of the site. Those views should not be harmed and opportunities should be taken to enhance them or open up new views.

In terms of appearance and materials it is considered that the proposed new dwellings would respond well to their setting and would complement other dwellings within the immediate vicinity. The scale and height of the dwellings would also be respectful of surrounding development and the dwellings would continue the building line of the dwellings to the north and south along Woodside Road.

However, in relation to the pattern of development and the grain of the area, it is considered that the proposed development would be out of character. The gardens would be cramped, barely meeting the minimum garden size permitted for family houses and the front gardens would be extremely small.

Furthermore, there are two dwellings located behind the site, Nos. 1 & 2 Whyley Cottages, and the introduction of dwellings in front of these cottages would relegate them to backland status. These dwellings would be almost completely obscured from view from the streetscene and the cramped rear gardens of the new dwellings would further give the impression of tandem development of a very different character to the surrounding ribbon development.

Again, it is considered that the Appeal for application reference no. CB/12/02743/FULL is relevant to this application. The Inspector stated, in paragraph 10, that it was important to maintain a sense of openness and space for Whyley Cottages. This is considered to add weight to the judgement that the development would have an unacceptable impact on the visual amenities of the local surroundings.

The Inspector also made it clear that views from the public footpath that runs through the site must be considered. The Inspector felt that a two storey building in close proximity to the footpath would appear unduly dominant to walkers when emerging from the footpath to the east of the site. It is considered that the proposed dwellings, though located on the other side of the footpath than the previous proposal, would have a similar, unacceptable impact on views from the footpath, increasing the level of harm that would result from the development.

Overall it is considered that the proposal would fail to reinforce the character of the area and to complement and harmonise with the local surroundings, particularly in terms of the grain of the area. Public views through the site of No. 1 & 2 Whyley Cottages would be damaged by the introduction of development in

front of these cottages and there would be harmful impact on views from the public footpath. It is therefore considered that the proposal fails to accord with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

3. Amenity Considerations

The proposed dwellings would be located in front of Nos. 1 & 2 Whyley Cottages, with a separation distance of approximately 19m between the front elevation of Nos. 1 & 2 Whyley Cottages and the rear elevation of the proposed dwellings and thus there would be no overshadowing of Whyley Cottages. However, there would be a detrimental alteration to the outlook of Whyley Cottages, who will look over the rear fence, garden and elevation of the new dwellings rather than the streetscene, and it is considered that this would create an unacceptable sense of enclosure. The Inspector's comments, as reported in the previous section regarding Whyley Cottages, contribute to the weight that should be given to this consideration. Although it is noted that letters of support have been received from Nos. 1 & 2 Whyley Cottages, it is considered that the proposed development would still give rise to an unacceptable impact on the owners of these properties.

The Council's Design Supplement 5: New Residential Development advocates a separation distance of 21m to prevent interlooking and a loss of privacy. Taken in isolation, it is considered that, on balance, a 19m separation distance would be sufficient to prevent an unacceptable degree of interlooking and loss of privacy, however, in the context of the scheme it is considered to be symptomatic of the overly cramped nature of the scheme and to add to the detrimental impact that would take place for the residents of Whyley Cottages.

Also symptomatic of the cramped nature of the development is that the proposed development would not meet the Council's minimum internal space standards, as set out in Design Supplement 5. The gross internal floor area of each house, at 54 square metres, is well below the 71 square metres suggested by the Design Supplement. Furthermore, the bedrooms are also well below the essential minimum standards, with the double bedrooms having an internal floor area of 8.6 square metres instead of the minimum 12 square metres set out within the Design Supplement, while the single bedrooms would have an internal floor area of 5.8 square metres instead of the required 8 square metres. It is therefore considered that the proposal would not offer future residents of the development an acceptable degree of amenity.

To conclude, the proposal would not have a detrimental impact on the dwellings to the north and south of the site, however, it is considered that the impact of the proposal on the amenity of occupiers of Whyley Cottages would be unacceptable. It is also considered that the proposal would not offer an acceptable degree of amenity to future residents of the property as a result of the substandard bedroom sizes. The proposal is therefore considered to conflict with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

4. Parking and Highway Safety and Impact on the Right-of-Way

The comments of the Highways Officer have been noted and it is considered

that, subject to the imposition of appropriate conditions, the development would not have a detrimental impact upon highway safety.

Following the receipt of the initial comments from the Rights-of-Way Officer, the agent has confirmed that there would be no physical boundary between the public footpath and the access to Whyley Cottages, however bollards can be used to prevent vehicles using the access from encroaching on the Public Footpath. This has been agreed by the Rights-of-Way Officer and could be controlled by condition, should the application be approved, as could the exact positioning of the relocated Public Footpath sign.

5. Other Issues

In addition to the offered contribution of £10,000 towards the proposed crossover, the applicant has submitted a Unilateral Undertaking offering a level of contributions in line with the Council's Planning Obligations Strategy.

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no issues under the Equality Act 2010.

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review and policy 4 of the emerging Development Strategy for Central Bedfordshire. The very special circumstances case that has been submitted is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and harm to openness. The proposal is thus contrary to Section 9 of the National Planning Policy Framework and policy 36 of the emerging Development Strategy for Central Bedfordshire.
- 2 The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental to the visual amenities of the surrounding area and the residential amenities of the occupiers of Whyley Cottages. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

- 3 The proposed development would fail to conform with the Council's recommended gross internal floor area standards and minimum bedroom standards as set out in the Council's Design Supplement 5: New Residential Development and would therefore fail to offer an acceptable level of amenity to future occupiers of the proposed development. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this report. In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Meeting: Development Management Committee
Date: 22 October 2014
Subject: Partial non-compliance with Planning Condition
Application ref: CB/13/03597/OUT
Land at French's Avenue, Dunstable
Report of: Director of Regeneration and Business
Summary: To withhold enforcement of the condition as set out provided alternative specified actions are complied with.

Advising Officer: Director of Regeneration and Business
Contact Officer: John Spurgeon, Principal Planning Officer, Major Applications Team
(Tel: 0300 300 5304)
Public/Exempt: Public
Wards Affected: Dunstable – Northfields
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

To ensure the protection of the countryside while managing growth.

Financial:

1. None

Legal:

2. The proposed amended survey works would be compliant with relevant legislation pertaining to protected species.

Risk Management:

3. Insofar as ground would not be disturbed there is negligible risk to the Council of pollution pathways being activated.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None as the survey works would be to undisturbed ground.

Community Safety:

7. Part of the land is now owned by CBC but does not have formal public access. Any survey works on it would be done so as to minimise community safety implications. The remainder of the land is fenced.

Sustainability:

8. Would continue to deal sustainably with protected species..

Procurement:

9. Not applicable.

RECOMMENDATION:

The Committee is asked to agree that the Local Planning Authority would not enforce the submission, before development takes place, of a scheme required under condition 5 of planning permission CB/13/03597 based on an up-to-date reptile survey provided:

- (a) All materials arising from the demolition of all buildings and structures on Parcel A are removed immediately from site,**
- (b) In the event that (a) is not complied with, an appropriate survey has been carried out of the pile of such materials before the pile is disturbed, and if reptiles are found, the pile is not disturbed unless and until the approved scheme permits its disturbance, and**
- (c) The scheme is submitted to the Local Planning Authority by 31st May 2015.**

Background

10. Outline planning permission CB/13/03597/OUT, issued on 3rd April 2014, permitted demolition of existing buildings on land at French's Avenue, Dunstable, and redevelopment to provide up to 23,500m² of residential floorspace including flexibility for up to 100m² of A1/A3 retail floorspace with associated vehicular access and landscaping enhancements. The site is in two parts: Parcel A is the former factory area and is permitted for residential / retail development; Parcel B is open land to the rear and has the status of County Wildlife Site, notably for its species rich chalk grassland. Parcel B is to be used under the permission as an open space accessible from the development.

11. Certain pre-commencement conditions have been imposed on the outline permission. One of these is condition 5 which relates to protection of reptiles. Condition 5 reads:

No development shall take place until a scheme, based on an up-to-date reptile survey, to inform the future management of the site and protection measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: To enable proper consideration of the impact of the development on the contribution of reptile interests to the amenity of the area.

The condition was intended to inform any necessary mitigation and guide future management of Parcel B. The wording of this condition makes it clear that the scheme has to be submitted and approved before development commences. Therefore, the reptile survey, on which it is based, also has to take place (ie completed) before development commences.

12. The survey can commence this October (subject to weather conditions) but, given the number of survey days required, it is unlikely that it can be concluded in appropriate weather conditions before the main development on Parcel A commences early next year. The intending developer therefore asks if the terms of the condition could be varied. Having only recently reached the stage where access can be made available for conducting the survey, a planning application to vary the condition would therefore be determined much later than the October start. He is prepared to be governed by the minuted resolution of this Committee.
13. The Council's Ecologist accepts that no reptiles would be hibernating on Parcel A unless piles of materials from the demolition of the building remained on the site. Therefore she would accept development on Parcel A at any time provided all demolished materials were removed from site directly. If they remained (for use as hardcore for example) the survey should revisit the piles before they are removed. No development on Parcel B needs to take place until well into next year. Therefore the Ecologist recommends that the survey and scheme be submitted to the Local Planning Authority no later than the end of May 2015. In such terms, it would be acceptable not to enforce the strict terms of the condition.

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