

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

**This meeting
will be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning

direct line 0300 300 5132

date 23 May 2017

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 24 May 2017 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: All Members of the Council (pending the appointment of the Chairman, Vice-Chairman, Members and Substitutes of the Development Management Committee at the Annual Meeting of the Council on 18 May 2017)

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.

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AGENDA

Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements and Communications**

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

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 26 April 2017 (copy previously circulated).

4. **Members' Interests**

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

Report

Item	Subject	Page Nos.
5.	Planning Enforcement Cases Where Formal Action Has Been Taken	7 - 14

To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

6. **Planning Application No. CB/16/02972/FULL** 15 - 38

Address: Former Dukeminster Estate, Church Street,
Dunstable

Erection of 277 dwellings with parking and associated works.

Applicant: Persimmon Homes North London

7. **Planning Application No. CB/16/05229/OUT** 39 - 64

Address: Land west of Bedford Road, Lower Stondon

Outline: Erection of up-to 85 dwellings together with vehicular/pedestrian access from Bedford Road; a Country Park; a play area; other open space; landscaping including an orchard; footpath links; sustainable drainage; other related infrastructure and change of use to residential garden land.

Applicant: Star Planning and Development

8. **Planning Application No. CB/16/05797/OUT** 65 - 88

Address: Shelton Farm, Lower Shelton Road, Marston
Moretaine, Bedford, MK43 0LP

Outline: Residential development consisting of 2 x two bedroom dwelling bungalows, 4 x three bedroom dwellings, 4 x four bedroom dwellings and 1 x five bedroom dwelling including 3 x custom (self) build dwellings, associated infrastructure and landscaping.

Applicant: Shelton Farm Estates Ltd

9. **Planning Application No. CB/16/00814/OUT** 89 -
116

Address: Land at Camden Site, Grovebury Road, Leighton
Buzzard

Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas.

Applicant: EDS Holdings Ltd

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|-----|--|--------------|
| 10. | <p>Planning Application No. CB/17/00492/FULL</p> <p>Address: Land at Chase Farm, East of High Street, Arlesey</p> <p>Construction of 2 roundabouts, 3 signalised pedestrian crossings and 2 bus laybys on the section of relief road approved under application reference CB/15/02916/REG3.</p> <p>Applicant: Telereal Ventures Ltd</p> | 117 -
134 |
| 11. | <p>Planning Application No. CB/16/04384/REG3</p> <p>Address: Lancotbury Close Amenity Land, Totternhoe</p> <p>Regulation 3: Provision of additional off - road parking.</p> <p>Applicant: Central Bedfordshire Council</p> | 135 -
146 |
| 12. | <p>Planning Application No. CB/17/01844/FULL</p> <p>Address: 1 Station Road, Blunham, Bedford, MK44 3NZ</p> <p>Single storey pitched roof rear extension.</p> <p>Applicant: Ms C Dawson</p> | To
Follow |
| 13. | <p>The Determination of an Application to Reduce the Width of Arlesey Footpath No. 5</p> <p>To determine an application to reduce the width of Arlesey Footpath No. 5.</p> | 147 -
174 |
| 14. | <p>Site Inspection Appointment(s)</p> <p>Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on 21 June 2017 and the Site Inspections will take place on 19 June 2017.</p> | |
| 15. | <p>Late Sheet</p> <p>To note representations as detailed in the Late Sheet to be circulated on 23 May 2017.</p> | 175 -
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Meeting: Development Management Committee

Date: 24 May 2017

Subject: Planning Enforcement cases where formal action has been taken

Report of: Director of Regeneration and Business

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

Advising Officer: Director of Regeneration and Business

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**

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 24th May 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	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	Awaiting outcome of PFMT presentation.
2	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 March 2014. Magistrates Prosecution successful. Crown Court prosecution successful.	15-May-17	Not complied	Appeal against the refusal of CB/16/01453 for a smaller, lower double garage in the same location dismissed. The property owner has until 15 May 2017 to fully comply with the enforcement Notice and demolish the whole structure.
3	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				Awaiting outcome of PFMT presentation.
4	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
5	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		07-Apr-17	Revised appeal decision 07/04/16, appeal dismissed Enforcement Notice upheld. Demolition work has commenced on site	Decision to decline to determine new planning application CB/17/00185/FULL. Planning permission CB/16/02327/FULL granted 29/9/16, condition 2 requires submission of demolition scheme and demolition of unauthorised extensions as per compliance with Enforcement Notice. Appeal received 31/10/16 against Condition 2, awaiting decision from Planning Inspectorate. Enforcement Notice requires demolition of unauthorised extensions by 7/4/17. Demolition work on site has commenced.

Planning Enforcement formal action (DM Committee 24th May 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	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	Awaiting outcome of PFMT presentation.
7	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Planning appeal received 07/06	02-May-17	Not complied	Appeal against the refusal of the Section 191 application for the use of a dwelling house for residential purposes (CB/15/04424) was dismissed in January 2017. Land owner has until 2 May 2017 to cease the residential use of the single dwelling. Site inspection will be carried out to check compliance.
8	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 -Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials. 1XEnforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15 12-Aug-15 12-Aug-15 04-Feb-16	12-Sep-15 12-Sep-15 12-Sep-15 07-Mar-16	12-Nov-15 12-Nov-15 12-Nov-15 07-May 16 07-June-16			Complied with Complied with Complied with Complied with	Full compliance with Enforcement Notices - case is now closed.
9	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15			Complied with	S215 notice complied
10	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Discussions to be held to consider how far we can take this given progress to date.

Planning Enforcement formal action (DM Committee 24th May 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
11	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16		27/09/2016	Appeal decision 27/7/16 - Enforcement Notice upheld	Prosecution to commence.
12	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes	06-May-16 07-Apr-17	08-Jun-16 08-May-17	08-Jul-16 08-Jul-17 08-Aug-17	Appeal received 26/04/17			Part compliance with the Section 215 Notice. Tyres and scrap removed. Check compliance 08/07/17 and 08/08/17
13	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site. Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal received 27/12/15	02-Mar-17 02-Jun-17	Appeal dismissed	Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Legal challenge against Council's decision to decline to determine planning application to temporarily retain a single pitch (one mobile and one static) - CB/16/05603. Injunction remains in place to prevent further development. Enforcement Notice remains in effect, compliance 2/3/17 and 2/6/17. No compliance yet, awaiting Counsel advice on further action.
14	CB/ENC/15/0466	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				New application submitted under ref CB/17/01420/FULL to comply with enforcement notice.
15	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16				Report sent to legal on 04/04/2017 to consider prosecution action.
16	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal	19-Jan-17	Appeal dismissed	Challenge against Appeal decision has now been lodged. All action held in abeyance.

Planning Enforcement formal action (DM Committee 24th May 2017)

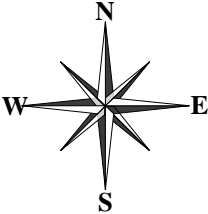
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
17	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17				Despite some works being undertaken a prosecution case has been submitted to LGSS Law for non-compliance with S.215 Notice - however Agent advises that they are now arranging road closure and date for works to commence on the matters outstanding.
18	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16	06-May-16	06-June-16 06-July-16	Appeal received 06/05/16		Notices withdrawn	Various non compliances with conditions placed on CB/15/04844 remain. Minimal impact upon amenity. Continued negotiations with the land owner.
			Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16	06-May-16	06-Jun-16				
19	CB/ENC/16/0170	Car Park, The Pack Horse Public House, Watling Street, Kensworth	Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan.	20-Apr-17	18-May-17	18-Jul-17				Check compliance 18/07/17
20	CB/ENC/16/0179	Land at 81 The Rowlands, Biggleswade, SG18 8NZ	S215 Notice - Untidy land	02-Aug-16	02-Sep-16	02-Oct016				Court date adjourned until 07/08/2017 at Luton Magistrates Court as the property is in the process of being sold and the owner will clear the land by 20/06/2017. If cleared and compliance achieved the prosecution case will be discontinued.
21	CB/ENC/16/0216	Falcons Field, Lower Rads End, Eversholt, MK17 9EE	Enforcement Notice - Unauthorised construction of a tree house	08-Mar-17	08-Apr-17	08-May-17	Appeal received 28/03/17			Enforcement Notice came into effect on 08/04/2017 with a complainance date of 08/05/2017, however an appeal was received on 28/03/2017 but awaiting confirmation from The Planning Inspectorate.

Planning Enforcement formal action (DM Committee 24th May 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
22	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16				Case adjourned until 25/04/2017 where the joint owners were found guilty and fined. LGSS Law to confirm costs allocation and allow the owners a further two months to comply with the requirements of the Notice. Failure to comply may result in a further prosecution.
23	CB/ENC/16/0390	7 Lovers Walk, Dunstable, LU5 4BG	Section 215 - Untidy Land	20-Oct-16	20-Nov-16	20-Dec-16				Notice not complied with - file being prepared for Legal.
24	CB/ENC/16/0482	The Halt, Crawley Crossing, Bedford Road, Husborne Crawley, MK43 0UT	Breach of conditions - Condition 1 and 2 - Construction Traffic scheme and landscaping details.	16-Mar-17	16-Mar-17	15-Apr-17				Details for discharge of Conditions 1 & 2 of the planning approval have yet to be submitted and failure to submit will result in a discussion with the Team Leader to see if this is expedient to pursue further.
25	CB/ENC/16/0548	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17	Appeal received 09/02/17			Appeal received.
27	CB/ENC/16/0549	Land rear of Unit 14, Pulloxhill Business Park, Greenfield Road, Pulloxhill, MK44 5EU	Enforcement Notice - The unauthorised material change of use of the Land to open storage and cleaning of commercial plant and machinery with the associated provision of a 2.5 metre high earth bund along the north eastern site boundary and boundary bund, fencing with gates on the road frontage.	27-Jan-17	01-Mar-17	01-Apr-17 01-Jun-17				All plant/equipment removed and the only Enforcement notice requirement outstanding is the removal of the side boundary earth bund with the soils spread over the cleared area.
28	CB/ENC/17/0007	The Kings Head, Great North Road, Lower Caldecote	Breach of condition - Condition 2 - following first occupation of the dwelling, the existing dwelling shall be demolished and all resultant detritus be removed.	05-Apr-17	05-Apr-17	17-May-17				Check compliance 17/05/17
28	CB/ENC/17/0013	Lidlington Post Office, 35 church Street, Lidlington, MK43 0RJ	Temporary Stop Notice - The unauthorised erection of a structure.	24-Feb-17	24-Feb-17	24-Feb-17				Planning permission for a storage building to the rear was granted under CB/17/01081/FULL dated 21/04/2017.

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/16/02972/FULL
	Date: 05:May:2017 Grid Ref: 502298; 222178	
Scale: 1:5000	Former Dukeminster Estate, Church Street, Dunstable	

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Item No. 6

APPLICATION NUMBER	CB/16/02972/FULL
LOCATION	Former Dukeminster Estate, Church Street, Dunstable
PROPOSAL	Erection of 277 houses with parking and associated works.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Donna Lavender
DATE REGISTERED	18 July 2016
EXPIRY DATE	25 November 2016
APPLICANT	Persimmon Homes North London
AGENT	
REASON FOR COMMITTEE TO DETERMINE	<ul style="list-style-type: none"> • Major application that is a departure from the development plan
RECOMMENDED DECISION	Recommended for Approval subject to the completion of a S106 Agreement.

Summary of Recommendation

The proposed development would result in the efficient re-use of previously developed land and is considered to be in accordance with local and national policy and there are no matters of detail that weigh against the grant of planning permission. The submitted viability assessment fully demonstrates that the development cannot deliver full contributions due to viability issues and given those constraints an acceptable level of affordable housing and proportionate contributions have been secured. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy BE8 of the South Bedfordshire Local Plan Review and the Council's adopted Design Guidance (2014).

Site Location:

This site comprises the 4.65 ha. central and northern part of the 6.5 ha. Dukeminster Estate together with the estate road to Church Street (0.35ha.). This was until recently a commercial enclave on a rectangle of land half a mile east of Dunstable town centre with a long history of commercial use.

The Estate sits off the northern side of Church Street and the land was levelled in the past by forming embankments up to 5m high to part of the north and west sides. The embankments were planted resulting in a mature wooded bank on these frontages overlooking flats and houses in The Mall, Kingsway and Bernards Close. Part of the eastern boundary has an area of undergrowth, with young trees on a bank falling to the Busway. The White Lion Retail Park and Sainsburys superstore lie beyond to the east. To the south, the main site adjoins a care home and an Extra Care scheme. Access to the application site is off Church Street which runs between these two developments.

All the commercial buildings which stood on the site have now been demolished. The 1973 Tree Preservation Orders protect (a) trees in an Area which includes the bank towards the NW corner of the site and (b) individual trees at the foot of the bank to the rear of Scott's Court, Kingsway, and Earls Court, The Mall.

The Application:

The application represents an amendment to a previously approved scheme for the erection of 170 dwellings. The proposed scheme is described as 277 units; however the total number of dwellings would be 321 if permission was granted. The apparent discrepancy reflects the nature of the application which seeks to amend only parts of the approved scheme resulting in 44 units from the approved scheme being retained.

The revised scheme has changed the mix of units away from a house led scheme with a modest number of flats to a flat led scheme with a number of dwellings. The dwelling mix has moved away from larger units to a focus on smaller units. The proposed dwelling mix would be 120 houses and 204 flats. The flats are either 2 or 3 bedroom units with the houses being 2 or 3 bedroom units.

The general road layout and open space provision reflects that of the previously approved scheme although there have been a number of amendments made to respond to comments from consultees and local residents.

The application is supported by a comprehensive suite of documents including:

- Geotechnical Ground Investigation
- Street scenes
- Sustainability report
- Environmental Noise Assessment
- Residential Travel Plan
- Transport Assessment
- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Landscape Management Plan
- Ecology Statement
- Financial Viability Assessment
- Road Safety Assessment

RELEVANT POLICIES:

National Planning Policy Framework (March 2012) & National Planning Practice Guidance (November 2016)

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 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment.

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

E1 Main Employment Areas

H2 Making provision for housing via 'Fall-in' sites

H3 Local housing needs

H4 Providing Affordable Housing

R10 Children's play area standard

R11 New urban open space

T4 Public transport services along the former Luton/Dunstable rail line

SD1 Keynote sustainability policy.

(Due weight can be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It is considered that Policy BE8 is consistent with the Framework and carries significant weight. However, Policy T10 carries less weight.)

Development Strategy

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

Supplementary Planning Guidance and other documents

1. Central Bedfordshire Design Guide (September 2014)

2. Dunstable Town Centre Masterplan, May 2011

3. Managing waste in new developments SPD

Other relevant documents

- Luton to Dunstable Railway CWS
- Borough of Dunstable Tree Preservation Order No.1 1973
- Borough of Dunstable Tree Preservation Order No.2 1973

Relevant Planning History:

CB/15/03052/RM	Application for approval of reserved matters for the development of 170 dwellings with car parking including garages, internal access roads, public open space including play areas, landscaping, drainage and other related infrastructure pursuant to outline planning permission CB/13/01368/OUT. The outline planning application was not EIA and was not accompanied by an Environmental Statement.
CB/13/01368/OUT	Permission. The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas.
SB/OUT/06/0884	Appeal permission expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300m ² of Class A1 floorspace and up to a

maximum of 520m² of Class D1 floorspace.

- CB/11/02380/FULL Resolved to Grant - Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300m² (gfa) of Class A1 retail space and 513m² (gfa) of Class D1 accommodation. Section 106 Agreement not signed.
- CB/11/03053/DEM Demolition consent for removal of buildings.
- CB/11/04497/OUT Resolved to Grant - Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to 203 residential dwellings together with a 75 bed care home, 568m² (gfa) Class A1 retail space, 505m² (gfa) Class A2 financial and professional services or Class 3 restaurants and cafe space, 555m² (gfa) Class D1 non residential institutions space, 783m² (gfa) Class B1 business space together with associated vehicular parking and landscaping areas. Section 106 Agreement not signed.
- CB/12/01114/SCN Screening Opinion for current proposal - Not EIA Development.
- CB/13/00710/FULL [land to south-east of site] Permission - New build Class C2 care home facility and upgrade of existing access road.
- CB/13/01276/FULL [land to south of site] Permission. Demolition of all existing buildings on the site and redevelopment for the construction of 83 Extra Care Flats for Older Persons with communal areas, support facilities and retail unit.

Town Council:

Dunstable Town Council
(31/08/17) (*Verbatim*) -

Members were satisfied with the overall layout of the estate including the number of parking spaces and the number and type of properties. Members expressed concern about the single vehicle access arrangements to the site from Church St and in particular questioned the capacity and vehicle control arrangements taking account of the increased number of vehicles associated with the development alongside the existing vehicle volumes associated with the Priory View care home. Members asked that CBC be requested to review the suitability of these access arrangements at the Church St junction entrance.

Members suggested that a footpath link be created near or adjacent to the L.E.A.P. to provide access to the guided busway and the nearby local bus stop.

Previous comments made regarding the landscaping proposals contained within the outline planning

application CB/15/03052/RM remain unchanged where still relevant.

Internal Consultees:

CBC Housing Development Officer (09/08/16) & (06/12/16) - Should seek affordable housing contribution on the additional 148 dwellings. The original 170 units were not subject to affordable contribution with the affordable being delivered through the 83 bed extra care scheme. A viability report was submitted with this application (CB/16/02972) which demonstrated that zero affordable housing could be achieved from the scheme.

If the independent review indicates broad agreement with the submitted viability in terms of zero affordable housing it is recommended a review mechanism to be incorporated into the S106.

Further to negotiations, a revised proposal for 15% Affordable Housing provision has been put forward with 10% Shared Ownership (15) and 5% (7) Starter Homes.

CBC Integrated Transport (21/11/16) - No comment

CBC Ecology (05/12/16 , 31/08/16 & 20/04/17) - No objection. Welcome references to biodiversity and the need to give consideration to bats and birds when undertaking works. Also welcome the planting/seed mix.

CBC Highways Officer (30/09/17, 11/10/16 & 27/03/17) Recommendations made for the commissioning of a safety audit which should inform any appropriate amendments to the access to the site and any highway safety mitigation.

On receipt of the safety audit and on the advice of the Councils Highways Officer, a revised access plan demonstrated more appropriate alignment, visibility and pedestrian refuge points were supplied.

CBC Strategic Landscape (16/08/16, 07/12/16, 09/12/16 & 22/03/17) No Objection, however offered recommendations. The visitor parking bays at the main access to the development would benefit from the inclusion of street tree / trees within a build out to define the parking area, assist in traffic calming and also contribute to a landscape / green 'gateway' to the site.

The higher density housing to the southwest of the site appears to include very limited communal green space therefore it is recommended that more opportunities for additional 'community greens / pockets parks' with

attractive landscaping and seating in this area of the development be considered.

A footpath and cycle access at the northern point of the site would increase permeability of the development and offer residents access to the bus way and wider 'green' public open spaces, promoting recreation opportunities and health.

In addition a request was made for a landscape management plan which was received on 02.05.17.

CBC Public Art (27/07/16 & 09/12/16) -

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

If the application were to be approved it is requested a Condition be applied to secure a public art plan.

CBC Sustainable Growth (15/08/17, 28/11/16 & 09/03/17) -

Additional information was requested on how sustainability standards required by policy would be met. A sustainability statement was supplied on 02.05.17 for consideration.

Furthermore, to ensure that policy requirements are met, the following planning conditions should be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres per person per day.

CBC Trees and Landscape (06/12/16 & 10/04/17) -

No objection to the application on the provision that tree protection conditions are imposed.

CBC Sustainable Transport - Travel Plan Officer (10/08/16) -

There are some amendments required. It would also be useful to see a plan of the proposed direct pedestrian/ cyclist access to the busway as this will be a key component to the success of the measures put lined in the plan.

The plan, as per the previous application will need ongoing implementation and monitoring secured via an appropriate condition.

Urban Design Consultant
(02/12/16 & 17/03/17) -

Lack of street trees, particularly in front of apartment blocks 12 (plots 445-461) (plots 410-424, 383-397)

Ground floor garden spaces should not be provided on the street frontage. Private garden space should be provided to the rear of the building. An alternative to private gardens would be an area of communal space.

Bin/cycle stores and undercroft parking provide inactive ground floor frontages to the street within the apartment blocks.

Recessed or cantilevered balconies (rather than those supported by an external frame) would add more interest to the apartment elevations.

The relationship of apartment blocks 5, 9 and 8 to adjoining dwellings needs addressing. They should step down from four to three storeys where they adjoin 2 storey dwellings.

Flat blocks 8 and 9 frame the main square, which is a key space within the scheme should be brick rather than render. Buildings should animate the square but the central part of the elevation is weak with an inactive ground floor.

CBC Waste Services
(07/12/16 & 24/03/17) -

Raise no objection in principle but give detailed advice on the required level of bin provision and requirements for storage and collection points which could be secured through condition.

CBC Green Infrastructure
(15/06/17) -

The levels of open space provision on the development site should be checked against the Leisure Strategy standards. We would expect that the development delivers the required quantity of open space on site in the first instance. If this is not possible, contributions would be required to enhance or extend existing open spaces. N.B. Refer to S106 obligations.

CBC SuDS Team
(21/03/17) -

We are unable to recommend the application CB/13/01368/OUT for approval until details have been received to demonstrate that condition 12 and 13 of CB/15/03052/RM have been satisfied.

Details to discharge the conditions under the RM application were submitted to support this application on 02.05.17.

CBC Countryside Services
(26/08/16 & 19/12/16) -

Concerns expressed over the lack of open space provision and the a direct impact on existing Countryside Sites, it is just over 1000mtrs to

Walk/Cycle to Houghton Hall Park to engage in educational/countryside activities. it is also noted that the Residential Travel Plan makes no reference to visiting the nearest park space at Houghton Hall Park. Furthermore concerns expressed about the visual view of the landscape in particular to the north east boundary overlooking the Guided Busway.

CBC MANOP (Meeting the Needs of Older People) Officer (19/08/16) - Request that the needs of older people are addressed and considered in the assessment of the application.

CBC Pollution Officer (12/08/16 & 02/12/16)- No Objection, subject to the imposition of conditions to secure a phase 4 validation report in respect of remediation and an updated noise mitigation scheme.

External Consultees:

Natural England (05/08/16) - Statutory nature conservation sites – no objection.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Landscape enhancements.

Highways England (15/08/16) - No objection

Anglian Water (06/09/16) - Raise no objection subject to the imposition of conditions to secure a foul water strategy and surface water management.

Environment Agency (18/08/16) - The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters and as such planning conditions may be deemed necessary by the Local Lead Flood Authority and/or CBC Pollution Team in terms of mitigating any risk of contamination to controlled waters.

Sports England (29/07/16) - No Comments.

106 Sustainability Mitigation Obligations:

CBC Education Officer (08/03/17)- Has requested contributions towards the delivery of additional education facilities arising from the development.

CBC Leisure Officer
(23/09/16 , 19/12/16 &
13/04/17) -

The development generates a requirement to provide on and off site open space totalling 5.4ha. Both Countryside Recreation and Informal Recreation would be made off the development site in the form of creation or improvements to existing facilities.

Children's Play/Teenagers - a development of this size should provide on-site play provision of: 1 NEAP play area plus 2 LEAP / LAP combined play areas. The proposed onsite LEAP and 2 LAP play areas falls below the standard required for the development, and the equipment proposed previously (below) is unsuitable.

As an alternative to onsite play facilities the developer may wish to provide a contribution toward enhancement of existing play facilities locally.

As no onsite outdoor sport would be appropriate on this development, a contribution of £86,627 is sought toward Dunstable Town Council's project to upgrade the sports changing pavilion at Kingsbury Park, which accommodates football and bowls pitches/facilities, based on the Sport England Playing Pitch Calculator. In addition a £70,000 contribution towards an offsite NEAP.

Other Representations:
Neighbours

One letter has been received from a resident of Priory View which raises no objection to the application.

44 letters have been received from residents of **Priory View, Bernard Close and Kingsway** which raise objection on the following grounds (In summary):

- Overlooking
- Invasion of privacy.
- Extra traffic /pollution onto an already very congested road
- Loss of trees
- Boundary fences which are in a poor state of repair
- Existing health problems would be exacerbated by construction works and increased pollution
- 600 extra cars, vans, lorries would travel up and down the access road.
- Miss selling of property

- Over Development
- Site is much higher than Kingsway
- High rise buildings should be located away from existing dwellings
- Site hoarding should be retained to provide privacy
- Branches have already been removed from protected trees
- Junction with Church Street would be over capacity with associated severe congestion and highway danger;
- Loss of light
- Adverse impact on the gardens to Priory View
- Disturbance during construction works
- Too many new homes are being built in the area
- Nobody will want to live in Priory View after the new development is carried out

A petition of objection signed by 71 residents and 7 visitors to Priory View has been received which raises objection on grounds of

- Loss of light
- Overlooking
- Shading of landscaped garden
- Increased noise
- Increased traffic volumes adding to existing levels of congestion
- Increased pollution
- Severe disruption to residents
- A northern exit road should be created
- Taller dwellings should be located away from existing dwellings; the layout plans should be turned around.

Determining Issues:

The main considerations of the application are;

1. **Principle of Development**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

Considerations

1. Principle of the 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 falls within the town of Dunstable. Dunstable is designated as a town which is considered to be a sustainable location for planning purposes and wherein the principle of new development is considered acceptable.

The principle of development for residential on this site was established with the grant of Outline planning permission, and subsequent approval of reserved matters for the demolition of all buildings on the site and re-development for 170 dwellings. This planning permission remains extant and as such is material to the consideration of this application.

Since the original grant of planning permission the NPPF has been published and there have been other changes such as the CIL Regulations; however, none of these changes mitigate against the principle of a residential development on this site.

Accordingly there is no objection to the principle of residential development on this site. A residential reuse would make a positive contribution towards urban regeneration and the supply of land for housing with effective use of the available land and is therefore considered acceptable in principle and accords with national advice and Local Plan housing policies. It is also accepted and agreed that the site is previously developed land and so the principle of the use of the site for residential development is therefore acceptable, subject to other considerations such as design, amenity and highway which are considered later in this report.

This full planning application has been considered in relation to the EIA Regulations (2011) as amended March 2014 and it is felt that no further information is required to be submitted in this respect.

2. Affect on the Character and Appearance of the Area

Appearance and Scale

The scale of development has increased significantly since the original approval; however, this has also reflected a change in the mix of proposed dwellings with a much greater emphasis on flats. The change in mix and numbers has also resulted in an increase in the height of the development with several four storey flat blocks included.

There is a mix of terraced units with some semi-detached properties and a significant presence of flats proposed. Building materials are mainly brick with some render and timber cladding used to create interest and variety. The materials generally reflect those found in the new developments to the south of the site.

In terms of overall scale, the development would not be out of character with the care home and extra care building which are two and a maximum of five storeys high respectively. The heights of the buildings vary within the development and amendments have been made to ensure that there is a progressive transition between the different building heights to create an interesting but balanced street scene.

There have been other revisions to the development to remove areas of undercroft parking and replacement with flats to animate the street frontage. The materials treatment of the proposed blocks has been revised to create more visual interest and break up the mass and bulk of the flat blocks. The proposed layout conforms to established good principles of design by respecting key groupings of buildings, street design, set backs, boundary treatments, parking typologies and materials.

As such, following the revisions to the scheme, it is considered that, the development would complement the character and appearance of the surrounding area.

Layout & Legibility

With regards to pedestrian access, a network of footpaths would be constructed within the site and linkages would be provided through the north eastern and north western boundaries to the busway and The Mall respectively as with approved scheme.

The majority of private outdoor space for flats is provided as balconies with limited communal garden space and houses would be served by rear gardens which, in most cases, comply with the CBC Design Guide. Given the site's proximity to public open spaces within walking distance of the Priory Gardens and the Grove park and the on site play area provision (detailed below); it is considered that the amenity space provided would be acceptable.

Landscaping

To soften the appearance of the development within the site, trees would be planted on the sides of roads. Additional planting would be introduced along the north eastern boundary to provide a buffer with the busway. A detailed landscape strategy covers the whole site and includes two Local Areas for Play (LAP) one situated at the site entrance and another on the north western edge of the site. In addition, a LEAP would be provided on the north eastern corner of the site. The details of landscaping submitted are considered acceptable.

Subject to appropriate conditions, the proposed development would therefore make a positive contribution to the locality and hence would not conflict with the aspirations of the Outline Planning permission and policies BE8 of the South Bedfordshire Local Plan Review (SBLPR) and national advice within the National Planning Policy Framework (NPPF).

3. Neighbouring Amenity

The objectors have raised a number of issues in their representations; most of the points have been addressed above, however, the following points address some of the specific issues raised.

Concern has been raised over loss of light and overshadowing particularly for the Priory View development; however, the development lies to the north of the Extracare facility and it is unlikely that there would be any overshadowing of properties except at the beginning or end of the day and any impact would be minimal due to the distances involved. The scheme was revised by moving one of the flat blocks further away from the boundary with Priory View and reducing building heights.

The layout of the flats, position of windows and their balconies to the rear of the Extracare facility has been amended to reduce the likely impact of any overlooking. Concerns were expressed by residents that block 1 would result in overbearing impact on Priory View due to its proximity to the shared boundaries. However this block in terms of its siting and up to a height of three storey was approved under the previous reserved matters application. The revisions secured during the life of the application, reduced the proposed four storey nature of this block 1 building back down to three storey adjacent to the shared boundaries which is consistent with their previous and extant permission. As such, it is considered that the impact of this proposed development would be no greater than the previously approved and extant permission.

Further concerns of residents of Priory View were raised in respect of Block 2 due to its proximity to the boundary resulting in overbearing impact and due to its overall height and position of windows and balconies having the potential to result in mutual overlooking concerns. Amendments were secured during the life of the application which removed the arched entrance to the parking which contained flats above and all windows and balconies have been removed from the rear elevation facing Priory View. A minimum separation of 29 metres is now proposed between the flat block 2 and Priory View which is in excess of the 21 metre separation indicated in the Councils Technical Design Guidance to prevent mutual overlooking. Whilst these revisions would not completely eliminate overlooking to the residents external amenity space it would be sufficiently mitigated and the layout would generally accord with the principles of the Council's Design Guide.

An approximate 10 metre depth buffer surrounds the north and western boundaries shared with other additional residential properties in Bernard Close, Kingsway and The Mall. This separation, including the rear garden spaces of the existing properties adjacent to the shared boundaries with the site, which are excess of 10 metres in depth, makes for an adequate separation that would not give rise in amenity concerns in terms of mutual overlooking or overbearing impact to this local residents.

Concern has been expressed about health impacts arising from the development. The issues raised around dust and noise will relate to the construction phase of the development and will greatly reduce once the development is fully occupied. The greatest impact will, therefore, be relatively

short lived. Any nuisance that may arise would be covered by other regulations and addressed by the Councils Public Protection Team. Whilst the concerns raised by the objectors are fully understood they do not represent grounds to resist the current revised scheme and furthermore some of these concerns can be addressed through a Construction Management Plan condition.

The Councils Public Protection Officer acknowledges that dwellinghouses have been sited in order to minimise noise disturbance however the original noise report was conducted in 2011 prior to the busway becoming operational and prior to changes on the White Lion Retail Park and no noise attenuation scheme has been updated and supplied with the application and therefore this would need to be secured through condition.

A bin collection scheme in terms of storage and collection points have not been supplied for consideration however there is sufficient space within the layout to allow for these provisions and as such this matter can also be secured through condition.

In terms of amenity space for future occupiers, each bedroom space meets either the minimum standards which are conveyed within the Central Bedfordshire Design Guide or statutory limitations under the Housing Act. Furthermore, the garden space for each dwellinghouse would meet external standards conveyed within the same technical planning guidance. There is a 20 metre or more in some instances, separation between the back to back of each dwellinghouse to ensure that the development would not result in mutual overlooking concerns. Therefore the proposal would conform with policies BE8, the Central Bedfordshire Design Guide and section 7 of the NPPF requiring good design.

4. Highway Considerations

Access onto the site comes off Church Street and was established by the Outline permission, although this was for a lesser number of dwellings. The layout of the dwellings follows the road design which was previously approved and comprises two inter-linked loops which terminate in cul-de-sacs in the north eastern and north western parts of the site. Amendments have been made to this access in terms of its alignment and width to improve visibility and pedestrian access in accordance with the conclusions of a safety audit supplied during the course of the application.

A total of 574 parking spaces including garages would be provided against the CBC requirement of 578 spaces. Given the proximity of the site to the town centre, busway and pedestrian/cycle routes, this provision is considered acceptable.

The traffic assessment and comments from the highway officer confirm that whilst there would be an increase this would not be to a level that would be unacceptable or warrant refusal of planning permission.

The Highways Officer has not wished to raise an objection to the granting of this approval subject to the imposition of conditions. Therefore it is considered that the application would conform with policy T10 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

5. Other Considerations

Affordable Housing Provision

Affordable housing provision was secured through the original outline planning permission for that number of units, in the form of Priory View. A viability report has accompanied this revised full planning application which concluded that this scheme, despite the increase in unit numbers, was considered to be unviable due to the construction costs in relation to flat blocks and due to the unsuspected additional ground construction works. As such no affordable housing provision was offered on the outset of this application.

However notwithstanding the conclusions of the viability report an element of affordable housing has been proposed as the viability report over estimated the likely S106 contributions. 10 % Shared ownership and 5% Starter homes has been agreed upon by the developer for the additional units proposed by this application which is considered acceptable in light of the viability conclusions. The proposal therefore is in accordance with Section 6 of the NPPF which requires the delivery of a sustainable, inclusive and wider choice of high quality homes.

Contamination

The remediation strategy submitted in pursuit of discharge of condition 11 of permission number CB/13/01368 covers this entire site and as such covers this application and was included as part of this application submission. The Council's Pollution Officer raises no objections to the proposed development subject to the imposition of a condition to secure a phase 4 report demonstrating the effectiveness of the remediation strategy and a condition that if any unsuspected contamination found through site investigation, excavation, engineering or construction works to ensure this is identified and remediated.

Ecology

The Councils Ecologist and Natural England have both concluded that the proposal is unlikely to affect any statutorily protected sites or landscapes. Section 11 of the NPPF calls for a net gain in biodiversity. The references to biodiversity is welcomed including the planting/seed mix. The Councils Ecologist has recommended the provision of bat/bird boxes into the built fabric of dwellings which could be secured through condition. No further objections have been raised by the Councils Ecologist or Natural England. The proposal therefore is considered to be in accordance with the NPPF.

106 Obligations

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. The applicant has (as stated previously) submitted a viability report to demonstrate that it is not financially viable to provide a policy compliant scheme for affordable housing. This report has been independently reviewed and whilst there have been revisions to the applicant's assessment this has not materially changed the conclusion that the development was in deficit in relation to residual land value.

Spending Officers were consulted and comments returned from Education and the Councils Leisure team whereby contributions were requested. Notwithstanding the conclusions of the viability report full education and leisure S106 contributions can be secured in addition to the affordable housing (as explored in section 5.1) the S106 package shall include:

- Education contribution (for additional 148 units): £460, 788
- NEAP play area £70,000
- Upgrade the sports changing pavilion at Kingsbury Park: £86,627

which would form heads of terms for the legal agreement that would be required if Members resolve to approve.

Property Miss selling

Property miss selling has been raised; however, this is not a material planning consideration and should be addressed with the vendor of the units concerned.

Sustainable Growth

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of Sustainable Development, requiring a Sustainability Statement to be submitted with applications demonstrating a developments contribution to Sustainable Development through energy efficiency, biodiversity net gain (which is covered above) water efficiency and landscaping opportunities. This statement was submitted for consideration as part of this application. The Councils Sustainability Officer is satisfied that the development can contribute to Sustainable Development and has recommended conditions to secure its commitment and as such the development is in accordance with the NPPF in this regard.

SuDs

The original outline planning permission for this site, required that a 'Surface Water Drainage Strategy which would set out the appropriateness of SuDS to manage surface water run off, including the provision of the maintenance for the lifetime of the development which they serve would be discharged by way of condition prior to the commencement of works. However as this proposal is a standalone application, an updated drainage statement was supplied with this application. Subject to the Councils SuDs Engineer being satisfied with the content of this report which will be updated to the committee on the late sheet, it is considered that the proposal accords with section 10 of the NPPF.

Human Rights issues:

The proposal raises no Human Rights issues.

Equality Act 2010:

The proposal raises no Equality issues.

Recommendation:

That Planning Permission be **APPROVED** subject to subject to the completion of a Section 106 Agreement and the following conditions:

RECOMMENDED CONDITIONS

- 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 building shall be occupied until a phase 4 Validation report demonstrating the effectiveness of the remediation strategy, presented in the BRD 'Additional Contamination Assessment and Remediation Strategy' document (Report Ref: BRD2297-OR2-B) dated October 2015, has been submitted and approved in writing by the Local Planning Authority. Any such validation report shall include responses to any unexpected contamination discovered during works.

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall 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.

Reason: To protect human health and the environment.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 3 **No development shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the noise.co.uk report (Ref: 16065A-1) dated 24th October 2016, with windows being 'fixed shut' when adjacent to commercial sources. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: This is a pre-commencement condition as the materials and other methods of noise mitigation are required to be pre-ordered prior to construction and to protect the residential amenity of any future occupiers.
(Policy BE8 SBLPR and the provisions of the NPPF).**

- 4 **Prior to the commencement of development, including demolition, all tree protection barriers shall be erected and positioned in strict accordance with the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev C and 711 Rev C), in full compliance with the appropriate build specification as being shown on the drawings. The tree protection barriers shall then remain securely in position throughout the entire course of development.**

**Reason: This is a pre-commencement condition as protection for pre-existing trees must be erected prior to construction to secure the protection of the rooting system, rooting medium and natural canopy spread of retained trees from all development activity, so as to maintain their good health in the interests of securing visual amenity
(Policy BE8 SBLPR and the provisions of the NPPF.)**

- 5 During the course of development, all hand excavation and root pruning being undertaken in the areas indicated as such on the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev C and 711 Rev C), shall be carried out under the direct supervision of a qualified arboriculturist, appointed by the developer to oversee these operations, in full compliance with good arboricultural practice.

Reason: To ensure compliance with good arboricultural practice and to minimise damage to tree roots caused by construction operations being required within the designated Root Protection Area's of the retained trees, so as to maintain their good health, in the interests of securing visual amenity. (Policy BE8 SBLPR and the provisions of the NPPF)

- 6 No part of the development shall be occupied prior to implementation of those parts identified in the travel plan that are capable of implementation prior to occupation. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interest of promoting sustainable transport.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 7 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

**Reason: This is a pre-commencement condition as ground works in relation to Foul Water will be required to be completed before the foundations and building of the units to prevent environmental and amenity problems arising from flooding.
(Policy BE8 SBLPR and the provisions of the NPPF).**

- 8 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the

potential for on-street parking which could adversely affect the convenience of road users.

(Policy BE8 SBLPR and Section 4, NPPF)

- 10 **Notwithstanding the details supplied with this application, no development shall take place, until details of the materials to be used for the external walls and roofs (including the provision of birds/bat boxes) 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: This condition is pre-commencement as materials are ordered prior to construction and to control the appearance of the building in the interests of the visual amenities of the locality and in the interest of ensuring a net gain in biodiversity.

(Policy BE8 SBLPR and Sections 7 & 11, NPPF)

- 11 **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: This condition is pre-commencement as ground levels must be agreed on site prior to construction to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.

(Policy BE8 SBLPR and Section 7, NPPF)

- 12 The dwellings hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.

(Policy BE8 SBLPR and Section 7, NPPF)

- 13 The planting and landscaping scheme shown on approved drawings 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 shall mean the period from October to March) and shall be maintained in accordance with the approved landscape management plan. 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 with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping.

(Policy BE8 SBLPR and Sections 7 & 11, NPPF)

- 14 No part of the development hereby approved shall be brought into use until a Public Art Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; strategies for pupil 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 SBLPR and the Central Bedfordshire Design Guide.

- 15 **No development shall take place until a Construction Management/Method Plan and Statement with respect to the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority. Development works shall be undertaken in accordance with the approved Construction Management/Method Statement/Plan. The details shall include, amongst other things, access arrangements for construction vehicles; compounds, including storage of plant and materials; details of how the road shall be kept clear of mud deposit or other extraneous material; loading and unloading areas and construction workers parking arrangements.**

Reason: This condition is pre-commencement as the method of management of construction traffic and/or materials on site is required before works begin, in the interest of safeguarding the local residential amenity.

(Policy BE8 SBLPR and Section 4, 7 and 13 of the NPPF)

- 16 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.**

Reason: This condition is pre-commencement as the details and materials used in construction must be ordered in advance of construction and in the interests of sustainability.

(Section 10 of the NPPF)

- 17 **No development shall commence until a detailed surface water drainage scheme for the site and an assessment of the hydrological and hydrogeological context of the development, including a plan for long term maintenance and management, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system has been calculated as well as how it will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the**

development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: This condition is pre-commencement as the surface water drainage scheme will require ground works to be carried out prior to construction, to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

- 18 No building shall be occupied until the junction of the proposed vehicular access within the highway has been constructed in accordance with the approved details shown on drawing number 17078/002 Rev A (Access).

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy BE8 SBLPR and Section 4, NPPF)

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 38992/001 rev B Drainage Layout Sheet 1 of 2, 38992_002 E Proposed Drainage Layout Sheet 2 of 2, Drainage Strategy (38992-004) received 02.05.17, 14.100.1.100.1 rev 32 Site Layout Coloured, 14.100.100.1.SH rev 32 Storey Height Plan, 14.100.1.100.MAT rev 32 Wall & Roof Materials, 14.100.1.101 Rev A Site Location Plan, 14.100.1.101.2 rev 22 Site layout (with altered area), 14.100.1.200 rev - Single Garage, 14.100.1.201 rev -Double Garage, 14.100.1.A01 rev D Bickleigh House Type, 14.100.1.A02 rev B Bickleigh House Type (Contemporary), 14.100.1.B01 rev D Hanbury House Type, 14.100.1.B02 rev C Hanbury House Type (Contemporary), 14.100.1.C01 rev C Hatfield House Type, 14.100.1.C02 rev - Hatfield House Type (Contemporary), 14.100.1.D01 rev D Alnwick House Type, 14.100.1.D02 rev C Alnwick House Type (Contemporary), 14.100.1.E01 rev C Leicester House Type (Elevations), 14.100.1.E02 rev B Leicester House Type (Plans), 14.100.1.F01 rev D Moseley House Type, 14.100.1.F02 rev B Moseley House Type (Contemporary), 14.100.FL.01 rev E Flat Block 1 Plans, 14.100.FL.01.1 rev C Flat Block 1 Elevations, 14.100.1.FL.02 rev C Flat Block 2 (Plans), 14.100.1.FL.02.1 rev C Flat Block 2 (Elevations), 14.100.1.FL.03 rev C Flat Block 3 (Plans), 14.100.1.FL.03.1 rev C Flat Block 3 (Elevations), 14.100.1.FL.04 rev D Flat Block 4 (Plans), 14.100.1.FL.04.1 rev D Flat Block 4 (Elevations), 14.100.FL.05 rev E Flat Block 5 (Plans), 14.100.FL.05.1 rev E Flat Block 5 (Elevations), 14.100.1.FL.06 rev C Flat Block 6 (Plans), 14.100.1.FL.06.1 rev C Flat Block 6 (Elevations), 14.100.1.FL.07 rev C Flat Block 7 (Plans), 14.100.1.FL.07.1 rev C Flat Block 7 (Elevations), 14.100.1.FL.08 rev C Flat Block 8 (Plans), 14.100.1.FL.08.1 rev C Flat Block 8 (Elevations), 14.100.1.FL.09 rev C Flat Block 9 (Plans), 14.100.1.FL.09.1 rev C Flat Block 9 (Elevations), 14.100.1.FL.10 rev C Flat Block 10 (Plans), 14.100.1.FL.10.1 rev C Flat Block 10 (Elevations), 14.100.1.FL.11 rev C Flat Block 11 (Plans), 14.100.1.FL.11.1 rev C Flat Block 11 (Elevations), 14.100.1.FL.12 rev C Flat Block 12 (Plans), 14.100.1.FL.12.1 rev C Flat Block 12 (Elevations), 14.100.1.H01 rev – Lumley House Types

(Contemporary – Plans), 14.100.1.H02 rev – Lumley House Types (Contemporary – Elevations), 14.100.1.J02 rev B Rockingham House Type (Contemporary), 14.100.1.K01 rev A – Greyfriars House Type, 14.100.1.SS.01 rev H Street Scenes 1, 14.100.1.SS.02 rev H Street Scenes 2, 14.100.1.SS.03 rev H Street Scenes 3, 14.100.1.101.3 rev 32 Cycle Parking, 14.100.1.101.4 Affordable Housing, JSL2463 110 rev F Landscape Strategy, JSL2463 111 rev E Landscape Management Zones, JSL2463 210 rev D Hard Landscape, JSL2463 300 rev A Illustrative sections, JSL2463 510 rev D Soft Landscape Planting Plan 1 of 2, JSL2463 511 rev D Soft Landscape Planting Plan 2 of 2, JSL2463 550 rev G Tree and shrub palette, JSL2463 570 rev E Landscape Management Plan, JSL2463 705 rev D Tree Constraints & Shade Analysis, JSL2463 710 rev C Tree Protection Removal Plan 1 of 2, JSL2463 711 rev C Tree Protection Removal Plan 2 of 2, 17380/CHUR/5/500 rev E Refuse Vehicle Tracking, JSL2463 873 Ecology Statement, Energy Statement (May 2017), 16065A-1 Noise Assessment, 37341/5501 Rev A Residential Travel Plan, 37341/5501 Rev A Transport Assessment, Site Safety Assessment 1687C Jan 2017, 17078/002 Rev A (Access), BRD2297-0R2-B Contamination Assessment and Remediation Strategy (Oct 2015) & QTS Enviro Report 14-27284.

Reason: To identify the approved plans and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.

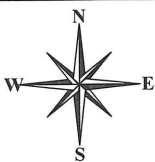
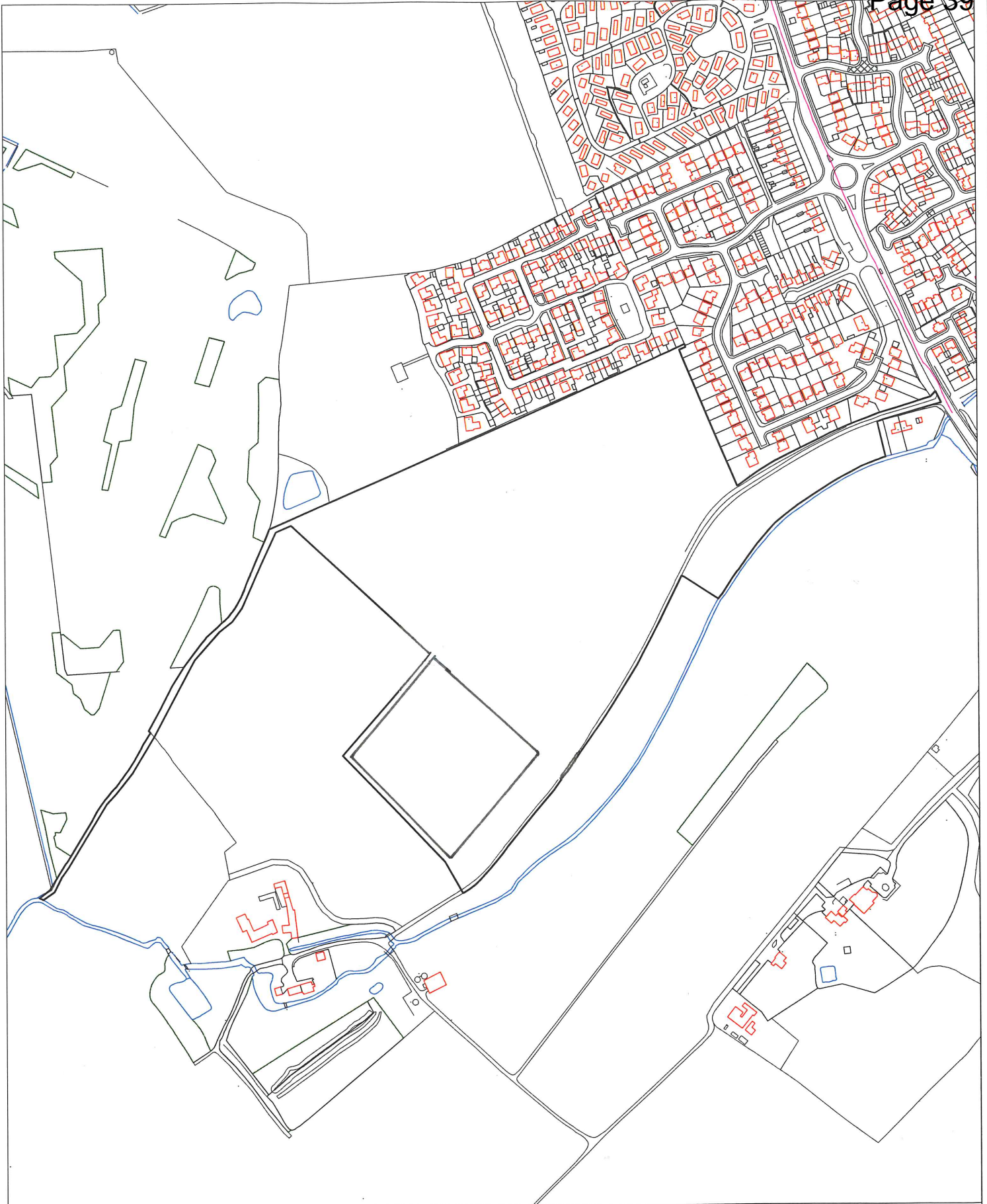
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through engagement with the applicant at pre-application stage and during the application 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) Order 2015.

DECISION

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Date: 08:May:2017

Map Sheet No.

Application No.
CB/16/05229/OUT

Scale: 1:3500

Land west of Bedford Road, Lower Stondon

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Item No. 7

APPLICATION NUMBER	CB/16/05229/OUT
LOCATION	Land west of Bedford Road, Lower Stondon
PROPOSAL	Outline Application: Erection of up-to 85 dwellings together with vehicular/pedestrian access from Bedford Road; a Country Park; a play area; other open space; landscaping including an orchard; footpath links; sustainable drainage; other related infrastructure and change of use to residential garden land
PARISH	Stondon
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Michael Huntington
DATE REGISTERED	21 November 2016
EXPIRY DATE	20 February 2017
APPLICANT	Ms E Hunter and Mr A Hunter
AGENT	Star Planning and Development
REASON FOR COMMITTEE TO DETERMINE	Major application and departure from the Development Plan
	Parish Council objection to a major application recommended for approval
RECOMMENDED DECISION	APPROVAL subject to completion of Section 106 Agreement

Reason for Recommendation

The proposal is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document; however the application site is closely related to the existing settlement boundary in Lower Stondon / Henlow Camp which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area, however this impact is not considered to be harmful, and there is a small scale loss of Grade 2/3 agricultural land. The proposal is considered to be acceptable in terms of landscape, archaeological and ecological impact, highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management DPD. The benefits of the proposed country park, new footpath network, affordable housing and traffic calming are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

The application site is situated to the south west of the eastern part of Lower Stondon. Lower Stondon has a distinctive east - west split, with the older part of the village located to the west, and more recent development located to the east along the A600 Bedford Road, joined up with other newer housing development at Henlow Camp. The village centre is situated at the crossroads of Bedford and Shillington Roads.

Recent housing development forms the site boundary to the north and north east, a brook and farm track forms a site boundary to the south, it abuts open farmland to the west and

the site joins up with an existing area of public open space to the north.

The site is currently arable land, and is accessed via a farm track from Bedford Road. It is gently rolling landscape.

The Application:

The applicant seeks outline planning permission for residential development of up to 85 new dwellings, with vehicular access from Bedford Road; a country park, play area, other open space, landscaping including an orchard, footpath links, sustainable drainage, and other related infrastructure.

All matters are reserved except for access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1 – Development Strategy
Policy CS2 – Developer Contributions
Policy CS3 – Healthy and Sustainable Communities
Policy CS4 – Linking Communities – accessibility and transport
Policy CS5 – Providing Homes
Policy CS7 – Affordable Housing
Policy CS13 – Climate Change
Policy CS14 – High Quality Development
Policy CS16 - Landscape and Woodland
Policy CS17 - Green Infrastructure
Policy DM3 - High Quality Development
Policy DM10 – Housing Mix
Policy DM14 - Landscape and Woodland
Policy DM15 - Biodiversity
Policy DM16 - Green Infrastructure
Policy DM17 - Accessible Greenspaces

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Central Bedfordshire Sustainable Drainage Guidance (May 2015)

Relevant Planning History:

Application Number	16/04079
Description	EIA screening opinion
Decision	Opinion released
Decision Date	September 2016

Consultees:

Parish/Town Council

We are writing in response to your recent publication of the above application.

At the 21st December 2016 and from the meeting of the 26th April 2017, Stondon Parish Council resolved by a unanimous vote that we **OBJECT** to this application.

The following is a list of the key points to the objection

- The site is situated outside the settlement envelope
- The site is not sustainable as it is not within an acceptable walking distance of the following core services:
 - Community facilities
 - School
 - Doctors Surgery
 - Garage
 - Car Servicing
 - Village shops
 - Food Outlets
 - Bus stop and related public transport
- The site is not sustainable as it does not provide accessible cycling to Arlesey Railway station
- We have had no assurances that the footpaths and visibility splays can be delivered
- The improvements to the A600/A507/Chapel Road roundabout will not provide mitigation to the increased traffic and there is insufficient detail on how these will be delivered
- There has been no assessment of the impact of increased traffic on Station Road due to the unsustainable nature of this proposed development

- There will be a loss of agricultural land which has not been assessed but is thought to be listed as Grade 1
- There has been no assessment of school capacity to determine whether pupils could be accommodated locally
- The development represents an encroachment into the open countryside
- There is no agreement or proposal in place to show how the countryside park will be managed or identification of a long term sustainable maintenance provision (S106)
- This development borders the parish of Henlow, Ickleford, Holwell, NHDC and there is no indication they have been consulted

SETTLEMENT ENVELOPE

Clearly this site is situated outside the settlement envelope. The applicant has not demonstrated that the economic and social benefits arising from the application will significantly and demonstrably outweigh any adverse environmental impacts.

Our understanding is that in October 2016, CBC had achieved 4.89 years (98%) provision of its housing land supply and preparation of the local plan are material to the determination of this application. This changed in April 2017 when CBC could not engage the 5% commitment as it could not show it was not consistently under delivering and could demonstrate a housing land supply of 5.88 years.

We believe that it can be argued that these are sufficient to fully engage Policy CSDMP Policy DM4 and that the application should be refused for non-compliance, consequently it should not be assessed against the policy requirements of the NPPF.

Developers promoting sites outside settlement limits in Central Beds have argued that NPPF paragraph 49 unambiguously applies which states that the Council's housing policies are not up to date and at paragraph 14 the NPPF states among other things that where the development plan policies are out of date the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

That does not, however, provide any applicant with generic grounds for arguing that since the development policies are out of date, development outside of the village of Lower Stondon will be acceptable. The applicant must demonstrate that the economic and social benefits arising from the application **will significantly and demonstrably** outweigh any adverse environmental impacts. This is weighing the sustainable benefits of the application against the sustainable dis-benefits.

SITE LOCATION

The site is located outside of the southern boundary and settlement limits of the village of Lower Stondon. It is not adjacent to the historic core of the village (A600/Station Road junction) which lies approximately 800m to the north of the site access.

The site area set out in the application form is 10.41ha (25.72acres). It has **an irregular shape and oddly has a rectangular parcel of land omitted** but contained by the application boundary. The future use of this land (albeit outside the application site) is pertinent to a consideration of the application proposals and we have sought clarification from CBC as to its ultimate purpose.

As outlined above this site is not easily accessible, apart from a single track used by farm machinery to manage the high quality agricultural land that is currently in use.

The sharing of the proposed new road with pedestrians, vehicular traffic and **large farming machinery** we believe will present an unacceptable risk to potential residents.

SUSTAINABILITY

Access to Local amenities

We do not believe the location of this site is sustainable, as it is not within an acceptable walking distance of the core community facilities.

These include, but are not limited to, the following, Lower School, Doctors surgery, shops, bus stop, as per the guidance given by the Institute of Highways and Transportation "Guidelines for Providing Journeys on Foot, 2000".

The access road is greater than 275m from the A600 resulting in a very isolated community and thus has very limited access to local amenities.

Furthermore the site, being located on the southern periphery of the settlement is not, contrary to the propositions in the planning submission, located within easy walking distance of

local services, facilities and bus stops. It does not comply with Policy CSDMP CS4 which requires development to be in locations where easy convenient access to all local facilities can be achieved by walking, cycling, bus or train. As such it also fails the social role in NPPF and the thrust of Section 4 of the NPPF on sustainable transport.

Access to Rail Links

The site is not sustainable as it does not provide accessible cycling to Arlesey Railway station and will consequently increase the drain on local resources. There is no certainty that the access to the site, footpaths and visibility splays can be delivered within the highway boundary.

Both of these items will increase the volume of road traffic into the area and increase the load on the very busy route in an out of the Hitchin/Stondon via the A600.

Access to Footpath and Entrance to Development

We have had no assurance that the footpaths and visibility splays can be delivered as there is no indication on the plan that the applicant owns the land to deliver these.

The Parish Council believes that this land is owned by private individuals and that they have not been asked if they wish to sell the land. Their land abuts the highway and the only footpath available is by crossing the A600 which has high traffic volumes.

There are references on drawings that some areas could not be surveyed due to ditches and dense vegetation, but no details have been provided on how these will be mitigated. If ditches are present, there is no mention on how these will be managed.

The entrance is outside the 30 mph limit to the village and would expose all traffic to increased risk. This area has had a small number of fatal accidents. Stondon Parish Council has implemented, under the "Rural Match Funding Scheme", a buffer zone to try and mitigate the issue of speeding in this area.

We believe that additional measures, beyond those suggested will be required. This is based upon the information provided by the applicant that vehicle speeds are still in excess of 40 mph close to the proposed entrance and within the current buffer zone.

Traffic Calming and Crossing point

The proposed traffic calming scheme does not have an

assessment report from CBC Highways Team. In addition there is no indication that residents of Henlow Camp have been consulted for their input, as this development will impact on traffic volumes and proposals might affect their properties. The proposed traffic calming will potentially impact on services provided by North Herts District Council and Ickleford Parish Council.

There seems to be no consideration to providing access to the south of the estate (via footpath, walkways or other routes) with the increased risk of having to cross the road to access public transport.

Junction Improvements A600/A506

While this junction is some distance away from the proposed development the improvements to the A600/A507/Chapel Road roundabout will not mitigate the increased traffic and there is a lack to detail on how these improvements will be delivered. In the proposed application the Sustainability Statement (page 9) advises that these improvements will meet the environmental role but these are not proven and there is a distinct lack of evidence.

Omissions of text from the "Access and Sustainable Transport" paragraph 5.26 would seem to suggest that the report is incomplete and will require re-submission.

Economic Gains

The economic gains will be short lived and relate only to the construction period.

Loss of prime Agricultural Land

There will be a loss of agricultural land which has not been assessed by the applicant. Our brief research shows that The Natural England Agricultural Land Classification for the site as Grade 1 quality. Grade 1, 2 and 3a defines the best and most versatile (BMV) land by policy guidance – refer Annex 2 of the NPPF.

Para 112 of the NPPF states that 'local authorities should seek to use areas of poorer quality land in preference to that of higher quality'.

Para 142 of the NPPF notes that 'in preparing Local Plans, local planning authorities should safeguard the long term potential of the best and most versatile agricultural land'.

Other sites of a lower agricultural grade are available within the District and those sites should be considered first. Surely this is a matter that applicant has to demonstrate that the selection

agricultural land is essential to reduce the declining food security of the UK.

Local Resources

School

There has been no assessment of school capacity to determine whether pupils could be accommodated. There is a suggestion that contributions might be made but no detail or analysis has been provided. We understand a meeting was held with Stondon

Lower School but we are not aware that similar meeting with Derwent took place, nor have we been provided with the outcome of those meetings.

Doctors

There does not seem to have been any consultation with the nearest Doctors Surgery to the proposed site and we understand that this practice is already at capacity. There has been no suggestion on how the increased population will be accommodated within local health services, nor has there been any indication as to the level of contribution to assist in developing the surgery. All other facilities are not within reasonable walking distance and thus further impact on the unsustainable transport methods that will be used to access them.

Water, Sewerage, Flooding and Communications

The location is close to a flood plain (as housing close by has, in the past, been advised of this risk) and no plans have been provided on how this will be managed. The ground permeability is very low and from the information provided the use of proposed foul water scheme and discharge into a local water course could yield sources of contamination.

There is insufficient detail on the provision of water supply and removal of foul water and how this will be delivered. We believe there is no existing capacity within the current services. The proposed pumped scheme will be required to be connected to this system within the suggested timeframe, although detail of the consequences and associated impact are unknown.

Encroachment into Open Countryside

The development represents a significant encroachment into the open countryside. There is no doubt that any development of the application site would lead to a change in character and appearance of this area. The site has a significant undulating nature, something that is extremely rare in the mostly flat

vicinity, making it a Valued Landscape in Framework terms. Consequently any development would unacceptably erode the rural setting of the area, neither conserving nor enhancing the varied countryside character or quality of the wider landscape. Subsequently the terms of CS Policies CS16, DM4 and DM14 would be unacceptably compromised with regard the core principles of the NPPF.

The “Sustainability statement” seeks to prove that soils will be protected and conserved (page 11), although there is no contamination report, no agricultural viability report and no consideration of the groundwater protection zone. The statement does not accurately record the answer to loss of green field land. The definition of Greenfield is land that has not been previously developed and is outside the urban area. It is clear that there is a loss of green field land. The assertions cannot be proven to ensure there are acceptable environmental impacts.

Proposed Countryside Park

Stondon Parish Council will need to be provided with a long term (20 years) economically sustainable plan on how this park will be delivered and managed. We have not been provided with any details as to the **Heads of Terms of the S106 proposal** and there is no support documentation on what is proposed within the delivery of the Country Park. CBC is not in a position to manage this park area.

The proposed access to footpaths linking to the other parts of the village have been suggested but we have not been provided with details on how they will be delivered or if the CBC Footpaths Officer has been consulted.

The proposed Park borders to an open space in Pollards Way. No detail or information has been provided on how the Countryside Park will integrate with this open space. Again, there are concerns that the applicant does not detail land ownership between the two sites.

The current Allotments in Stondon have some spaces but we believe that this influx and with current demand we will have an unmet need. This will need to be accommodated within this proposal.

This development borders the parish of Ickleford, Holwell and NHDC and there is no indication they have been consulted

This development, the proposed traffic calming and the additional drain on resources will potentially impact on neighbouring Parishes and it would seem that they have not

been consulted. NHDC (North Herts District Council) in their call for sites has identified a site directly opposite the proposal for an additional 120 houses and this will further impact on the applicant's plans. No consideration has been made for this.

Land Ownership

In addition the applicant has made offers to residents that abut the proposed development offering them land that the Parish Council do not believe they have clear ownership of and that we would want clarification of ownership and that they are authorised to make this offer. The applicant has not provided any clarity to the land it owns and what additional land might be required. We have concerns that any potential residents would be exposed to unreasonable risk in accessing the development on foot, by cycle or car. We believe that the community benefits proposed will be at the expense of a large cost to the local community and that some aspects, such as the public footpaths, are not deliverable.

Conclusion

The Parish Council has requested clarifications from CBC in regard to this development but have yet to receive satisfactory responses.

The Parish Council, at the last meeting on 21 December 2016, voted unanimously to support the following resolution.

Following submission of minor changes to the layout and a review at the Parish Council meeting of 26 April 2017, the Parish Council have not changed their viewpoint from the original application.

Resolved to OBJECT to Application no CB/16/05229/OUT on the grounds of being outside the settlement envelope, location, sustainability, deliverability and in breach of several core policies in both the NPF and the local plan.

Anglian Water

The site is in the catchment of Shillington Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

Planning conditions will be necessary requiring the drainage

strategy covering the above issues to be agreed.

Environment Agency	<p>We have no objection to this application.</p> <p>The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk.</p>
Internal Drainage Board	<p>The development is close to the Drainage Board's watercourse, and development should not take place within 7m of the watercourse without the Board's prior consent.</p>
Sustainable drainage	<p>Outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, subject to recommendations and planning conditions.</p>
Archaeology	<p>The proposed development site lies within a landscape that is known to contain multi-period archaeological remains including the medieval moat and settlement at Holwellbury (HER 419) that lies to the south-west of the application area. While the proposal could have a damaging impact on any surviving archaeological remains at the site, this piece of land is currently considered to have low archaeological potential. Therefore, there would be no archaeological constraint on this development.</p>
Ecology	<p>No objection to the proposal.</p> <p>Ecological surveys undertaken have found limited species interest present on the existing site and there is ample opportunity for the development to deliver a net gain for biodiversity.</p> <p>Proposals include ecological enhancement measures securing features beneficial to wildlife.</p> <p>A condition requiring the provision of a Landscape and Ecological Management Plan will ensure these are delivered as part of any approved scheme.</p>
Education	<p>Contributions will be required for additional school places.</p>
Footpaths	<p>Welcomes the creation of a new footpath link to connect to the west, but would suggest an upgrade to cycle path.</p>
Green Infrastructure	<p>This proposal shows good potential for delivering a net gain in green infrastructure, with the creation of hedgerows, a woodland copse, significant areas of recreational open space, habitat enhancements, enhanced footpath access, the integration of greenways within the residential development and habitat enhancement along the brook corridor.</p> <p>The proposals for sustainable drainage appear to be positive, and further proposals for SuDS should be developed with officers in the flood risk and environmental policy teams.</p>

Health	None received
Highways Development Control	<p>Would like to see a widened footway alongside Bedford Rd., from the site access to the Orchard Way roundabout. Although the applicant proposes a 1.5 to 2metre wide footway, the highway verge is such that it could be wider subject to a piped culvert in the ditch. Ideally would like to see a 2 metre footway with a 1 metre kerbside verge. It will also require street lighting which would in all probability need to be introduced anyway as part of the 30mph speed limit extension. All of this will help change the nature of the road in tandem with the proposed speed limit reduction measures, helping to make the access visible.</p> <p>In addition would like to see improved connectivity to Orchard Way and this could be achieved through the existing play area. A contribution would need to be secured in this regard such that a hard but permeable surface could be introduced facilitating use all year round.</p>
Housing	<p>Support this application as it provides for 30 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation does not indicate the tenure split of the affordable units.</p> <p>The Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 22 units of affordable rent and 8 units of intermediate tenure (shared ownership) from this proposed development.</p>
Landscaping	<p>No objections to the outline proposals in principle regarding landscape but mindful of the sensitivity of the wider rural setting, including the elevated AONB landscapes to the south, and potential impact of change on views.</p> <p>The proposed development could assist in enhancing the existing urban edge and provide a quality landscape setting for the south of Lower Stondon.</p>
Leisure and open space	<p>This development generates a requirement for 1.73ha of open space to be provided within the development or as a contribution to identified local needs.</p> <p>A good level of Amenity Space has been provide on-site and has been designed to incorporate the play space to create a multi-functional space. There are good linkages between the gateway parkland, the central green, play area and country park.</p>
Public Art	Requests a Public Art Condition
Public Protection	No objection subject to a planning condition requiring remedial measures to be undertaken should contamination be found while carrying out any development.
Self build plots	Would like to encourage the developer to provide a number of

serviced plots for self and custom housebuilders registered on the Central Bedfordshire's Self and Custom Build Register and would like to hear from the developer how many serviced plots this development would be able to offer.

Sustainability

No objection subject to a planning condition requiring development to provide

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres per person per day,

and to incorporate climate change measures into the development to minimise risks of overheating in buildings.

Trees

Acceptable in principle, subject to more detail at the appropriate stage.

Other Representations:

Neighbours

- Applecroft 24
- Bluebell Drive 5, 9, 30, 31
- Bedford Road 32
- Goldfinch Place 2
- Holwellbury Farm the apple store, little orchard, the lodge
- Holwellbury farm cottages 1,2
- Holwellbury farmhouse
- Karen House 10
- Long Close 32
- Meadowsweet 5, 29
- Midlands way 7
- Orchard Way 4, 8, 17, 23, 25, 27, 29, 31, 39, 41, 43, 45, 49
- The Pastures 5
- Pear Tree Close 3
- Plum Tree Road 5, 14, 16, 18, 20, 22, 24, 25, 26, 28, 29, 30 32, 34, 38, 40, 44, 52
- Pollards Way 8, 15, 16, 22
- Poynters Road 162
- The Railway 12, 21
- Shannon Close 7
- The Sidings 12
- Signal Close 1,12
- Station Road 5a, 10, 20b, 26, 36a, 53, 148, 149, 161, 169, 212
- Wilbury Road 3

These comments can be summarised as follows:-

Agricultural land - high quality, loss of

Distance from facilities - site is not within an acceptable walking distance for core services such as schools - not within 800m some existing amenities are private to the air base,

Five year land supply

Landscape beauty

Infrastructure deficit - doctors, schools, shops, public transport

Pollution - air and noise

Public transport due to be reduced

Privacy - 35m distance between houses not sufficient - human rights act right to privacy, effect on Plum Tree Road in particular

RAF Henlow closure announcement - other development already announced in the village, unsustainable level of growth

Vehicular access to the site - A600 - very busy road - access to the site - speed

Village envelope - development outside of

Traffic - potential for congestion

Travel Plan not specific

Wildlife - impact upon

Deliverability of footpath along A600 = land ownership issues. Access is used by farmer to get to fields

NPPF paras 112 and 143 high quality land

Flood risk from watercourse

Utilities - insufficient capacity for both the water main and the foul sewer

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Planning contributions
6. Planning balance
7. Other considerations

Considerations

1. Principle

- 1.1 The site lies outside of the settlement envelope of Lower Stondon and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Lower Stondon is designated as a large village where Policy DM4 limits new housing to small scale developments. On the basis of Policy DM4 a residential proposal outside of the

settlement envelope would be regarded as contrary to policy. As of April 2017 the Council can demonstrate 5.88 years housing land supply. Policies relating to housing supply are no longer considered to be out of date and appropriate weight can now be applied. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with the NPPF.

- 1.2 Lower Stondon is designated as a large village. Lower Stondon is very closely related to Henlow Camp and the RAF base which is due to close in 2020. Lower Stondon and Henlow Camp contain a number of services including village shops, petrol station, doctor's surgery, restaurant/pubs, school, local businesses, community halls and public transport availability via buses. Taking these points into account it is considered that, as a settlement, Lower Stondon should be regarded as being sustainable.
- 1.3 Settlements that are designated as large villages are considered to be able to accommodate small scale housing and employment uses together with new facilities to serve the village. Although small scale development is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. The scale of this proposal is considered to be reflective of the scale of development of the area, namely that of Orchard Way and Plum Tree Road north and east of the site. In the wider context of the settlement, the addition of up to 85 dwellings is considered to be small scale.
- 1.4 With this scheme, 35% of the up to 85 dwellings would be affordable homes. The applicant will be required to commit to a legal obligation that would confirm the extent of deliverability of the development on the site within a five year period to show how it would contribute to the Council's housing land supply. The development would positively contribute towards the supply of housing to help meet need and weight should be attributed to that benefit in the planning balance.
- 1.5 The site falls within both grade 2 (very good) and 3 (good to moderate), when looking at the agricultural land classification map. The loss of such a small area of arable land is not considered to be significantly harmful.
- 1.6 The site will be accessed via the existing farm track. Subject to achieving the necessary technical approvals, the location of this access is considered acceptable. Pedestrian and cycle access will also be achieved through connections to the existing open space routes to the north and through Orchard Way and Pollards Way. The provision of a new public footpath link to connect to the existing footpath network to the south west is a planning benefit that will link the two parts of Lower Stondon and encourage the use of the wider public footpath network.
- 1.7 The site is within reasonable walking distance of village facilities, and the proposed cycle / pedestrian link through the Pollards Way open space will provide an attractive leisure route to the village centre, and a new footpath along Bedford Road will contribute to traffic calming along this road.
- 1.8 The provision of the Country Park and extension to the existing open space is considered to be a significant benefit to the wider community.

2 Affect on the Character and Appearance of the Area

- 2.1 Development of the site will increase the built form in the area. Development will result in a loss of open countryside and this is considered to be an adverse impact. However the site abuts residential development and curtilage on two of its four sides. It can be regarded as a sympathetic extension of the village, and while there would be a loss of open countryside it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance.

- 2.2 The site is clearly viewed from public vantage points along FP49 to the south and from the adjacent Pollards Way public open space. The view from FP49 towards the site is of a hard edge formed by the houses and rear gardens of Plum Tree Road and particularly Orchard Way. The site itself is part of a large arable field, with a gently sloping character. There are long views offered from the site to the south west towards the Chilterns. The development will have a neutral affect on the character and appearance of the edge of Lower Stondon, and the softer edge to the development as identified on the indicative layout could even improve the view of Lower Stondon from this footpath.

3 Neighbouring Amenity

- 3.1 The site does adjoin a number of residential curtilages on its northern and eastern boundaries on Orchard Way and Plum Tree Road. The development would be visible from these properties but the indicative layout shows development could be proposed that would not result in buildings being overbearing or causing any loss of light.
- 3.2 The indicative masterplan indicates that there will be a minimum of 35 metres between existing and future properties, and some existing gardens will be extended. This distance is considered acceptable, and although the layout is indicative, planning conditions will secure this as a minimum distance when a more detailed scheme comes forward.
- 3.3 A planning condition could also be used to ensure that new properties alongside these existing residential areas have a mix of 2 and 1.5 storey elements.

4 Highway Considerations

- 4.1 Highway interventions will be necessary to make the proposal acceptable in planning terms. These interventions include:-
- a) The provision of a footpath alongside Bedford Road to ensure that pedestrians can access the village facilities and others from the access to the site.
 - b) The provision of traffic calming between the site access as far as the Holwellbury turn approximately 200 metres to the south east along Bedford Road. This will include a speed reduction to 30mph along this stretch of highway.
 - c) Minor changes to the Airman roundabout to enable the roundabout to work more smoothly.

Following concerns expressed by the Parish Council relating to the capacity of the roundabout junction of the A507 with the B659 at Henlow, the applicant undertook further technical work to assess the potential impact of the proposed development on that junction. This work confirmed that the junction is currently working at capacity, with delays on all arms of the roundabout, but that potential additional movements at the junction from this development would have minimal impact upon queue lengths.

CBC have commissioned an A507 route study in order to understand capacity issues along this road. This will form the basis for future financial contributions to address any capacity issues along this stretch of road, if and when appropriate.

5. Planning Contributions

Planning contributions could be secured, following on from the guidance that states that any contribution must be:-

- a. necessary to make the development acceptable in planning terms
- b. directly related to the development

- c. fairly and reasonably related in scale and kind to the development

Due to regulations introduced in 2014, restrictions on the use of s106 contributions have been limited for all Local Planning Authorities. The impact of this is that authorities will only be able to accept a maximum of five contributions towards each infrastructure project.

The following will be secured by s106 planning agreement:-

up to £693,425 towards the provision of places at nursery, lower, middle and upper schools

contributions towards the following:-

provision of a new community hall in Lower Stondon

upgrading the footpaths FP46 and FP48 adjacent to the site

and:-

provision of a new footpath westwards from the proposed open space to connect to the existing PROW network at FP46 and FP48

creation of a country park integrated with the adjacent existing Pollards Way recreation ground, together with associated car park and seating, and with transfer to Parish Council or other organisation, together with appropriate commuted sum for maintenance purposes

local area for children's play

improvements to the existing surface water drainage system on the existing recreation ground as part of wider drainage strategy

new lit footpath along Bedford Road

traffic calming measures along Bedford Road

travel plan implementation

35% affordable housing in accordance with CBC housing requirement

6. The planning balance and whether the scheme is sustainable development

- 6.1 When the application was originally submitted, the Council could not demonstrate a 5 year supply of deliverable housing. The Council can now demonstrate a 5 year supply, but this does not mean that planning applications on unallocated land can be automatically rejected, and indeed such applications still have to be determined in the context of the presumption in favour of sustainable development as set out in the NPPF, and its commitment to significantly boost housing supply.

Other than the village framework policy H4, there are no other technical or environmental considerations that would prevent housing development in this location.

The provision of 60% of the site as publicly accessible open space, improvements to the drainage problems on the existing Pollards Way open space, new public footpath connections, traffic calming on Bedford Road, and the provision of 35% affordable housing all weigh favourably in the planning balance towards recommending approval in this location.

7. Other Considerations

- 7.1 Anglian Water have indicated that there are capacity issues at the sewage treatment works. The applicant will be required to work with Anglian Water to expand the capacity

of the treatment works to cater for this development proposal.

- 7.2 A brook is located close to the access track that serves the site. There will be no danger of the brook flooding any of the proposed dwellings, as the ground rises to where the buildings are proposed to be located. A surface water drainage strategy will be required to ensure that any surface water is appropriately managed before it leaves the proposed development site
- 7.3 The proposed development site lies within a landscape that is known to contain multi-period archaeological remains including the medieval moat and settlement at Holwellbury that lies to the south-west of the application area. While the proposal could have a damaging impact on any surviving archaeological remains at the site, this piece of land is currently considered to have low archaeological potential. Therefore, there would be no archaeological constraint on this development
- 7.4 **Human Rights issues:**
Based on the information submitted, there are no known issues raised in the context of the Human Rights / Equality Act 2010, and as such there would be no relevant implications within this proposal.

Recommendation:

That Planning Permission be granted subject to the completion of a S106 agreement and the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 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 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)
- 3 **No development shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
- Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009). This is a pre-commencement condition as materials cannot be altered after start of construction.**

- 4 The landscaping details required to be submitted by condition 2 of this permission shall include details of hard and soft landscaping (including details of boundary treatments and any public amenity open space, and Local Areas of Play) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.

The soft landscaping scheme, which will include ecological enhancement measures, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread); measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.

- 5 **No development shall commence until details of (a) porch canopies; (b) doors, windows, garage doors, and associated reveals, sills and lintels; (c) ducts, flues and vents; (d) rainwater goods; (e) meter boxes; and (f) areas for storage of refuse and recycling bins and the kerbside collection point; have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009). This is a pre-commencement condition as materials cannot be altered after start of construction.

- 6 **Prior to the approval of the details required by condition 2 of this permission, details of the method of disposal of foul and surface water drainage shall be 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. (Section 10, NPPF). This is a pre-commencement condition as drainage systems are required to be installed prior to construction of the dwellings.

- 7 No dwelling shall be occupied until details of a scheme for the provision of public art to form part of the development, including a timetable for its provision, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To control the appearance of the development in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 9 No external lighting shall be installed until details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

To control the appearance of the development in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 10 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 11 The development shall take place in accordance with the principles set out in the Approved drawing number 230201_PS_IMP_003 April 2017 Illustrative Masterplan, including the extent of development, the location of the play area, extent of open space, footpath and cycle linkages, and the back to back distance of a minimum of 35 metres between existing houses on Plum Tree Road, Orchard Way and the proposed development..

Reason: For the avoidance of doubt

- 12 **No development shall take place until details of the existing and final ground, ridge 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. Thereafter the site shall be developed in 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). This is a pre-commencement condition as final ground, ridge and slab levels need to be agreed before development commences.

- 13 The dwellings hereby permitted shall not exceed 2 storeys in height, and will consist of a mixture of 2 and 1.5 storeys alongside existing houses on the northern and eastern boundaries of the site.

Reason: To ensure that the site is not overdeveloped and that the character and

visual appearance of the area is not adversely affected
(Section 7, NPPF)

- 14 The development hereby approved shall comprise no more than 85 units.

Reason: For the avoidance of doubt

- 15 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 16 **No development shall take place until details of the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
(Section 4, NPPF). This is a pre-commencement condition as the details of the junction need to be agreed before construction of the road begins.**

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number 5779.005 rev E (insofar as it proposes the development access arrangements only).

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

- 18 **No development shall commence 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) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) Details of site compounds, offices and areas to be used for the storage of materials;**
- c) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

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 safeguard the amenity of existing and future residents. (Section 7, NPPF) This is a pre-commencement condition as this detail needs to be agreed before the start of construction.

- 19 The development shall take place in accordance with the land use budget as set out in the Approved drawing number 230202/PS006 March 2017 Land Use Budget.

Reason: For the avoidance of doubt

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that in order to comply with Condition 16 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. (HN viii)
2. 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. (HN xii)
3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. (HN ix)
4. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

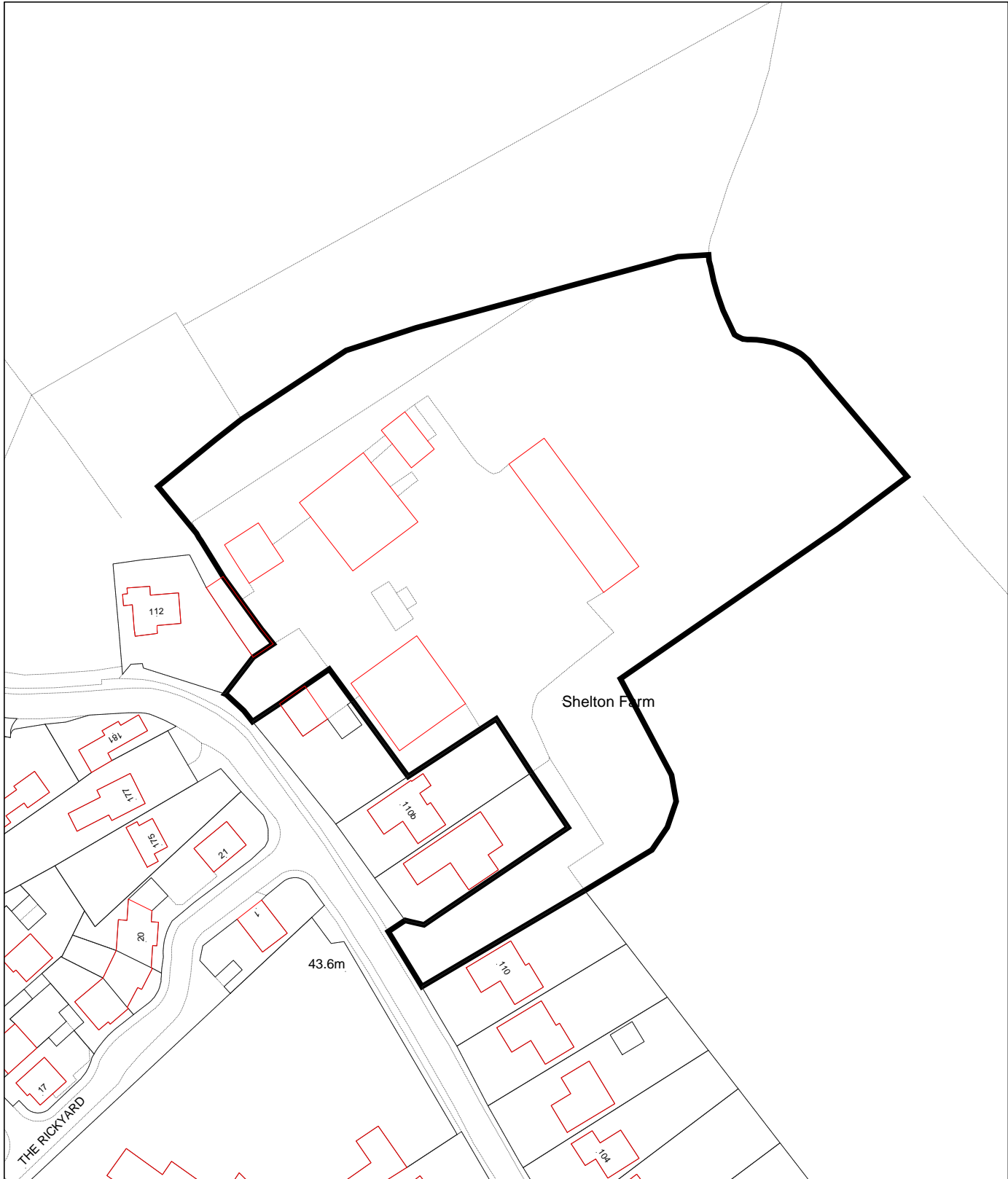
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

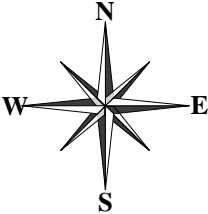
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	CASE NO. Application No CB/16/05797/OUT
	Date: 08:May:2017	
Scale: 1:1250	Map Sheet No	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford MK43 0LP

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Item No. 8

APPLICATION NUMBER	CB/16/05797/OUT
LOCATION	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
PROPOSAL	Outline: Residential development consisting of 2 x two bedroom dwelling bungalows, 4 x three bedroom dwellings, 4 x four bedroom dwellings and 1 x five bedroom dwelling including 3 x custom (self) build dwellings, associated infrastructure and landscaping.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Judy Self
DATE REGISTERED	10 January 2017
EXPIRY DATE	11 April 2017
APPLICANT	Shelton Farm Estates Ltd
AGENT	NextPhase Development Ltd
REASON FOR COMMITTEE TO DETERMINE	Not in line with existing local plan; loss of open countryside; unsustainable addition to small village with limited services; not in keeping with small village; dangerous entrance near blind bend on Lower Shelton Road; insufficient parking for number of properties/bedrooms causing potential blocking of roads to emergency services and overspill onto Lower Shelton Road; the development would decrease the narrow green barrier between Lower Shelton and the planned expansion of Wooton.
RECOMMENDED DECISION	Outline Application - Approval

Summary of Recommendation

The principle of residential development has been established on the site. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be harmful. The proposal is also considered to be acceptable in terms of highway safety and residential amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide an affordable housing contribution through a commuted sum. The proposal would deliver 3 serviced plots towards meeting the need identified in the Council's Self Build Register. The scheme would also contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to outweigh the harm arising from the development and the proposal is, therefore, considered to be acceptable.

Site Location:

The application site is known as Shelton Farm. Shelton Farm itself is an area of land

on the eastern side of Lower Shelton Road, at the northern end of Lower Shelton. The site is bounded on three sides by open countryside. It has previously been in use as a scrapyards, and so at least some of it is brownfield land. The site is generally flat and the former concrete yard has been cleared from the site. A public footpath crosses the rear of the site and enters the site via the access to the site which is formed between nos. 110 and 110a Lower Shelton Road. The site is within the Marston Vale Community Forest area.

Lower Shelton is a small village separated from Marston Moretaine by the busy A421. The village follows a linear pattern and has very limited facilities beyond an hourly bus service. Its character is generally of detached houses facing the road although there are some semi-detached houses, a few terraces towards the south near the A421, and some backland development.

Under the most recently adopted policy, the Core Strategy and Development Management Policies for Central Bedfordshire (North) 2009 (CS), the village has no settlement boundary.

The Application:

A revised plan has been received during the determination of the application with all neighbours /PC being consulted over the revised site layout plan.

Outline planning permission is sought for the construction of 11 dwellings on the site. All matters are reserved except for access and layout. The proposed layout indicates the following house types:

- 2 x 2 bed bungalows (plots A & B)
- 1 x 3 bed, part 1.5 / part single storey self build dwelling (plot C)
- 1 x 3 bed, part two storey / part single storey self build dwelling (Plot D)
- 1 x 4 bed two storey self build dwelling (plot E)
- 3 x 4 bed, 2 storey dwellings (plots G, H & K)
- 1 x 3 bed, part 2 storey / part single storey dwelling (plot I)
- 1 x 5 bed, part 2 storey / part single storey (plot J)
- 1 x 3 bed 2 storey dwelling (plot L)

Discussions have taken place between the applicant and the Highway Development Management team. With regards to the northern access confirmation has been received from the applicant that the site is used by Shelton Farmhouse and the application site and there is a limited right of way (2m wide) for the owners of 122 Lower Shelton Road. This access is for maintenance only and not a general right of access. They clarify with regards to car parking for Shelton Farmhouse that this application utilises only the area that the applicants have a right to use and there is no interference with any parking areas in relation to the farmhouse.

Following the approval of reserved matters application CB/15/00797/RM (erection of 5 dwellings) a significant number of applications have been refused (for the reasons as set out in the 'Planning History' section below) with a number of Appeals dismissed. Whilst the applications and reasons for refusal vary the Inspector's findings are considered to primarily relate to the effect on the character and appearance of the area and the impact upon the living conditions of the future occupiers of the 'milking parlour'.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1	Sets out the strategy for major settlements
Policy CS14	High Quality Development
Policy DM3	High Quality Development
Policy DM4	Development Within and Beyond Settlement Envelopes
Policy DM15	Biodiversity

Development Strategy

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

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/16/00914/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline planning application for the erection of two dwellings. All matters are reserved except for access and siting.
Decision	Outline Application – Refused for the following reason: 1. The site is outside any Settlement Envelope, is within the open countryside and within part of a scrapyard. The application site forms part of a larger site where there would be a requirement of infrastructure provision in the form of affordable housing if all the sections of land were developed as a whole. As a consequence approval of the application would result in piecemeal development failing to secure the removal of the scrapyard use or provide affordable housing provision. The development would have a poor relationship with the existing scrapyard and the harm caused by the erection of the two dwellings in respect of the character and appearance of the area would not be outweighed by the benefits of the scheme. The proposal is therefore contrary to policy DM3 and CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development.
Decision Date	27/04/2016

Case Reference	CB/15/04916/FULL
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Discontinuance of existing scrap yard use and Erection of three detached houses.
Decision	<p>Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development of this site, which is located within part of a scrapyard, by virtue of the location, excessive size, close proximity and density will result in a cramped form of development which would have a harmful impact upon the character and appearance of the open countryside and the rural character of the setting of the village. As such the proposal is contrary to policy DM3 of the Core Strategy & Development Management Policies (2009); policy 43 of the emerging Development Strategy for Central Bedfordshire; the National Planning Policy Framework (NPPF) and the Council's Design guidance 2014 (Placemaking in Central Bedfordshire). 2. The application site forms part of a larger site where there would be a requirement of infrastructure provision in the form of affordable housing if all the sections of land were developed as a whole. As a consequence approval of the application would result in piecemeal development failing to secure and provide affordable housing provision. The proposal is therefore contrary to policy CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development. 3. The application is not accompanied by a complete and agreed Unilateral Undertaking which is required to provide a Management Plan for the area of open space and secures the area to be used as a wildlife area only, and is therefore contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009) and the National Planning Policy Framework 2012 in order to deliver sustainable development. 4. The site is outside any Settlement Envelope and is within the open countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved. The development would cause harm to the character and appearance of the area by extending the built development into the countryside and would be inappropriate, unacceptable and unsustainable in principle. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November

	<p>2009 and the National Planning Policy Framework (NPPF)</p> <p>5. The proposal does not meet the standards as set out in the Council's Design Guide and insufficient information has been submitted to properly and accurately assess the proposal in terms of highway safety. As such the proposal is contrary to Policy DM3 of the Core Strategy & Development Management Policies and the Design Guide for Central Bedfordshire (2014).</p>
Decision Date	16/2/2016

Case Reference	CB/15/03045/FULL
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Erection 5 No bedroom dwelling
Decision	<p>Full Application – Refused for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal, which is located within part of a scrap yard, by virtue of the excessive bulk, size, design, siting and edge of small village location would result in a cramped and confined form of development at odds with the existing plot size and surrounding properties; as such the proposal is contrary to the NPPF (in particular paragraphs 58 and 64); Policy DM3 of the Core Strategy and Development Management Policies; Policy 43 of the Emerging Development Strategy for Central Bedfordshire and the revised Central Bedfordshire Design Guide 2014. 1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved and would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 38, and 57 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework (NPPF). 2. The application contains insufficient information to enable an accurate assessment of the application in terms of access, turning area and layout. As such the proposal is contrary to Policy DM3 of the Core Strategy & Development Management Policies and the Design Guide for Central Bedfordshire (2014) 3. The proposal by reason of its size, design and siting would result in an undesirable and unacceptable form of development

	such that it would have an adverse impact on the amenity and privacy of the future occupiers of plot 4; as such the proposal is contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009).
Decision Date	28/09/2015
Appeal Decision Date	30/08/2016
Appeal Decision	Planning Appeal Dismissed

Case Reference	CB/15/02413/VOC
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Variation of condition: Vary condition 3 of planning permission CB/15/00797/RM dated 27 May 2015. Introduction of drawing no. WEL/15/0011/012 Showing revised site layout (plots 2 and 3 only); minor realignment of drive; re siting of visitor parking; reduction in visitor parking.
Decision	Variation of Condition – Refused for the following reason: 1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary the site layout would result in a reduction in the designated open space wildlife area as previously approved and would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. No justification for this reduction has been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 38, and 57 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework (NPPF).
Decision Date	25/09/2015

Case Reference	CB/15/02752/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline application to erect five dwellings. A terrace of three units and a pair of semi detached houses
Decision	Outline Application – Refused for the following reasons: 1. The proposed development of this site, which is located within part of a scrapyard, by virtue of the location, scale and density will have a harmful impact upon the character and appearance of the open countryside and the rural character of the setting of the village. As such the proposal is contrary to policy DM3 of the Core Strategy & Development Management Policies (2009); policy 43 of the emerging Development Strategy for Central Bedfordshire; the National Planning Policy Framework (NPPF)

	<p>and the Council's Design guidance 2014 (Placemaking in Central Bedfordshire).</p> <ol style="list-style-type: none"> 2. The application contains insufficient information to enable an accurate assessment of the application in terms of highway access and layout to adoptable standards, inclusive of a sufficient turning area to show that the development can be accommodated in a manner that would not cause increased danger and inconvenience to users of the highway. As such the proposal is contrary to Policy DM3 of the CS&DMP and Design Guide for Central Bedfordshire (2014). 3. The application contains no information in the form of a legal agreement requiring the provision of, or contributions towards the off-site provision, of affordable housing; as such the proposal is contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire (November 2009); policy 19 of the emerging Development Strategy for Central Bedfordshire; the Planning Obligations Strategy Supplementary Planning Document (adopted February 2008) and the National Planning Policy Framework 2012 in order to deliver sustainable development. 4. The siting of plot 1 would result in excessive building bulk abutting the boundary with No. 112 Shelton Road to the detriment of the amenities of the occupiers of this property by way of overbearing impact and loss of light; as such the proposal is contrary to the National Planning Policy Framework (NPPF), Policy DM3 of the Core Strategy and Development Management Policies (2009) and the adopted Central Bedfordshire Design Guide (2014).
Decision Date	17/09/2015
Appeal Decision Date	18/03/2016
Appeal Decision	Planning Appeal Dismissed

Case Reference	CB/15/02406/VOC
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Variation of Condition: Vary conditions 23,25,26 & 27 from outline planning permission CB/12/03121/OUT Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land. Resiting of barn to area shown on drawing no. JML-012-06-15 and redefinition of open use land boundary to that shown edged in red on drawing no. JML-012-06-15
Decision	<p>Variation of Condition – Refused for the following reason:</p> <ol style="list-style-type: none"> 1. Development in rural areas should be located, designed and landscaped in such a way that it minimises the impact on the countryside. The proposal to vary condition 27 would, by virtue of the change in the character of the site, be an intrusion into the countryside, detrimental to its appearance and rural

	<p>character and thus, would represent further encroachment into the open countryside which is valued for its biodiversity, landscape, ecology and accessibility. Because of this change in the character of the use of the land the proposed development would fail to enhance the local rural distinctiveness of the area and would be harmful to the character and appearance of the open countryside. No circumstances have been put forward by the applicant which would outweigh the harm identified and therefore the proposal is considered to be unacceptable and contrary to Policies DM3, DM4, DM15, CS1 and CS14 of the Core Strategy and Development Management Policies, November 2009 and Policies 1, 19, 38,43 and 57 of the emerging Development Strategy for Central Bedfordshire.</p> <p>2. The application is not accompanied by a complete and agreed Deed of Variation which is required to provide contributions towards off-site affordable housing, education and a Management Plan for the area of open space and secures the area to be used as a wildlife area only, and is therefore contrary to policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire(November 2009); policy 19 of the emerging Development Strategy for Central Bedfordshire; the Planning Obligations Strategy Supplementary Planning Document (adopted February 2008) and the National Planning Policy Framework 2012 in order to deliver sustainable development.</p>
Decision Date	19/08/2015

Case Reference	CB/15/02424/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline: Erection of live/work unit. Reserved Matters on Access and Layout.
Decision	<p>Outline Application – Refused for the following reason:</p> <p>1. The site is outside any 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 development into the countryside and would be inappropriate, unacceptable and unsustainable in principle. No evidence of need for such accommodation has been put forward or identified that would overcome this conflict with the objectives of the National Planning Policy Framework (2012) and policies DM3 (High Quality Development) and DM4 (Development Within and Outside of Settlement Envelopes) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).</p>
Decision Date	19/08/2015
Appeal Decision Date	30/08/2016
Appeal Decision	Planning Appeal Dismissed

Case Reference	CB/15/00797/RM
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Reserved Matters : Condition 1 "Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the Appearance Landscaping and scale. Following Outline CB/12/3121/OUT Dated 15th May 2013 Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land.
Decision	Reserved Matters- Granted
Decision Date	27/05/2015

Case Reference	CB/12/03121/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land.
Decision	Outline Application - Granted
Decision Date	15/05/2013

Case Reference	CB/12/03121/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land.
Decision	Outline Application - Granted
Decision Date	15/05/2013

Case Reference	CB/10/03681/OUT
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
Proposal	Outline: Redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre.
Decision	Full Application - Refused
Decision Date	06/01/2011
Appeal Decision Date	09/11/2011
Appeal Decision	Planning Appeal Dismissed

Case Reference	MB/02/02154/FULL
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP
Proposal	Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use, parking area, landscaping and resurfacing of public footpath.
Decision	Full Application - Granted
Decision Date	14/07/2005

Case Reference	MB/02/01542/FULL
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP
Proposal	Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use , parking area, landscaping and alterations to public footpath and Marston Vale Cycleway.
Decision	Application Withdrawn
Decision Date	03/12/2002

Case Reference	MB/01/00506/OA
Location	Land At Shelton Farm, Lower Shelton Road, Marston Moretaine
Proposal	OUTLINE: RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS)
Decision	Outline Application - Refused
Decision Date	29/05/2001

Case Reference	MB/01/00506/OA
Location	Land At Shelton Farm, Lower Shelton Road, Marston Moretaine
Proposal	OUTLINE: RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS)
Decision	Outline Application - Refused
Decision Date	29/05/2001

Case Reference	MB/00/01177/OA
Location	Land At Shelton Farm, Lower Shelton Road, Marston Moretaine
Proposal	OUTLINE: RESIDENTIAL DEVELOPMENT OF 21 DWELLINGS (ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS)
Decision	Outline Application - Refused
Decision Date	10/10/2000

Case Reference	MB/92/01554/LDC
Location	Shelton Farm, Lower Shelton Road, Marston Moretaine, MK43 0LP
Proposal	LAWFUL DEVELOPMENT CERTIFICATE: STORAGE, DISMANTLING, BREAKING, REPAIR, RENOVATION AND SALE OF MACHINERY FOR DITCHING, DRAINAGE, HEDGE CUTTING, LIFTING, LIVESTOCK TRANSPORT AND TRAILERS TOGETHER WITH THE SALE OF PARTS AND EQUIPMENT INCLUDING TYRES AND OILS ARISING FROM AGRICULTURAL MACHINERY.
Decision	Lawful Dev - Existing - Granted
Decision Date	01/03/1993

Consultees:

Parish

Having considered the revised plan, Marston Moreteyne Parish Council objects to this application.

The proposed development would constitute overdevelopment of the site. The proposed dwellings are both out of scale and character with the surrounding area and properties. The site has outline permission for five dwellings which was considered by the Planning Authority to be appropriate to the size of the development area and in keeping with surrounding properties.

It is the opinion of the parish council that the proposed scheme would also bring an unacceptable level of increased traffic to the detriment of the surrounding area. There are safety concerns for both accesses, but in particular the access proposed to the north of the development site. This access is located on the corner of a sharp bend and there are concerns regarding the safety of both motorists and pedestrians if the access is allowed at this location.

Currently motorists experience regular confrontations with other road users on this bend and near miss accidents have been all too frequent. Members feel that by allowing an access at this spot it would compound the problem due to the increase in traffic manoeuvres. The additional issue of the safety of school children and other pedestrians who use the adjacent footpath can also be called into question.

The application does not include any information relating to waste storage/collection or how foul sewage will be dealt with. The latter being advised as “unknown” on the completed form. Item 2.10 of the applicant’s Supporting Statement document notes “the retention and re-siting of an existing barn as per the Section 106 Agreement agreed with permission CB/12/03121/OUT has been incorporated into the scheme ...”. In its response to planning application number: CB/15/02406/VOC on 5th August 2015, the parish council sought to draw the planning authority’s attention to the matter that the barn had been demolished and as such requested that the matter was fully investigated. Given this fact the parish council does not therefore give any credibility to the applicants Supporting Statement.

The Council requests that neighbour’s comments are taken into consideration regarding this application.

Trees & Landscape Officer The site has few redeeming features with the most important being the existing boundary hedgelines. The application indicates that these are to be retained and incorporated into the proposed development. These boundary features are to be protected throughout development by using tree protection fencing at a distance and detail prescribed in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

Should approval be recommended landscape and boundary treatment detail will be conditioned.

Rights of Way Officer No objection

SuDS Management Team No objection subject to the specified conditions

Highways Development Management No objection subject to the specified conditions

Environment Agency No comments received

IDB No comments to make

Housing Officer No objection subject to a commuted sum

Ecology Officer Whilst I do not object to the principle of development on the site I feel that increasing housing numbers and the built area will not achieve biodiversity gains and so does not accord with

Adult Social Care (MANOP)	the NPPF hence I object. Our view is that the needs of older people should be considered as part of this proposal and we would support a proportion of dwellings in the scheme being suitable for older people, by incorporating some or all of the design features mentioned in our response
Marston Vale Community Forest	Would seek a contribution towards the achievement of the 30% woodland cover by maximising woodland to tree cover across the development site. The trees and woodland should ideally be located within the public realm.

Other Representations:

18 The Rickyard (Sup)	A welcome addition and the lower school would benefit from new pupils
<u>Lower Shelton Road</u> Nos. 92A; 106 (Obj); 108 (Obj) 112 (Obj) 129 (Obj) 177 (Obj) 193 (Obj) Shelton View (obj) x 2	<ul style="list-style-type: none"> • The application is contrary to policy and not in line with any existing local plan; • Detrimental to highway safety; • It would lead to a loss of amenity by developing a lot of open countryside; • Unnecessary; • Overdevelopment; • Unsustainable form of development; • Cramped form of development; • Not in-keeping with the small village; • Insufficient parking ; • Poor behaviour by the developer; • Noise and light pollution; • Loss of privacy; • The northern access is not within their control; • It would be detrimental to the residential amenity of the occupants of the Milking Shed conversion; • In breach of restrictive covenants; • There are discrepancies / differences / errors / inadequacies within the information / documents; • Detrimental to wildlife and ecology;

Other Representations: re consultation 7/4/17

159 Lower Shelton Road (sup)	A vast improvement on the many previous applications with the exception of the original 5 dwellings. However it will be a challenge to construct a pond with the water table being so low and to replace the old barn which has long been demolished.
<u>Lower Shelton Road</u> Shelton View (obj) x 2 106 (obj) 108 (obj) 110 (obj)	There are no details available on the Council's website relating to the legal agreement and this should be available to allow the general public and local community a good understanding relating to this planning application. All the previous comments made in response to the original consultation are still valid

Determining Issues:

The main considerations of the application are;

1. Principle
2. The Appearance of the Site
3. The impact upon neighbours and future living conditions
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 The site lies outside the settlement envelope and is therefore located in land regarded as open countryside. However the principle of residential development on this site has been established as the site was granted outline permission for 5 detached dwellings on part of the site with an area of managed open space and a biodiversity pond area on the remaining part. Approval was granted as a departure from policy because of the removal of an unrestricted agricultural scrap use on a brown field site.
- 1.2 Lower Shelton is not recognised as a settlement that is suitable for additional growth. The current scheme proposes 11 dwellings which are spread over a larger area thereby extending the built development further into the area previously identified as open space and biodiversity although it would primarily be the rear gardens of plots H, I and J which extend beyond the established brownfield area. The pond area would remain unaltered. It is considered that the main issue, in determining the current application, is whether this harm is so significant as to warrant a refusal.

Paragraph 14 of the NPPF states:

Where the development is absent, silent or relevant policies are out of date, granting permission unless;

- *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”*

At 1st April 2017 this council can demonstrate 5.88 years supply of deliverable housing sites.

The current application proposed 6 additional dwellings to that previously consented under CB/12/03121/OUT. The current proposal includes 2 x bungalows; 3 x self build dwellings and an offsite contribution towards affordable housing. On balance is considered to outweigh the degree of encroachment upon the open countryside

1.3 Relevant Applications/Decisions

The site has a significant planning history and more recently a number of Appeals were dismissed by the Planning Inspectorate.

- 1.4 Whilst the applications and reasons for refusal vary the Inspector's finding are

considered to primarily relate to the effect on the character and appearance of the area and the impact upon neighbouring residential amenity.

- 1.5 In a previous appeal decision APP/PO240/W/16/314374 (erection of live work unit) the Inspector found that the whole red line site should not be treated as brownfield land but only that section which lies within the obvious limits of the previously developed land.
- 1.6 However, the Inspector also found that the site was considered to be in a sustainable location that could provide a higher density development than that which had been previously permitted.
- 1.7 The applicant states (para 2.11 of the supporting statement) that the proposal increases the density of the site to a level more acceptable than that provided within the previously approved scheme for 5 dwellings (CB/12/03121/OUT) and as such contributes more sustainably with the Development Plan.
- 1.8 Whilst it is accepted that the current application would extend beyond that area previously approved for residential development into the area available for open space and biodiversity it would primarily be the rear gardens of plots H, I and J which extend beyond the established brownfield area.
- 1.9 Self-build and Custom Housebuilding Act
The Self-build and Custom Housebuilding Act 2015 places a number of duties on Local Planning Authorities which include keeping a register of individuals and associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects. Councils are required to publicise their registers and have regard to their register when carrying out their functions such as planning, housing, disposal of land and regeneration. The register is a material consideration in planning decisions.
- 1.10 Currently there are 17 people looking for a plot located in the Marston Moretaine, Lidlington, Wootton, Houghton Conquest and Ampthill area; and 116 people on the register would consider a plot anywhere within Central Bedfordshire. To date there have been 16 plots permitted in Houghton Conquest and 7 in Pottton, but there is still unmet demand in Central Bedfordshire area.
- 1.11 In conclusion:
This development would extend beyond the obvious limits of the previously developed land which weighs against the approval of the development. The benefits of the scheme include 2 x bungalows; 3 x self build dwellings and an offsite contribution towards affordable housing. On balance, given that there are no materially harmful impacts associated with the development that individually or collectively would significantly and demonstrably outweigh the benefits of the development approval is recommended.

2. The appearance of the site

- 2.1 The application is submitted in Outline with all matters reserved except for access and layout.
- 2.2 The proposal is for the 3 self build dwellings taking access from an existing north access and 8 dwellings taking access from an existing south access.

The proposed layout does not appear cramped or hemmed in and the dwellings benefit from fairly large plots with the gardens backing onto the open countryside on the three sides. The proposed layout, density and garden sizes are in accordance with the Council's Design Guide.

- 2.3 The proposed layout shows a mix of bungalows and one-and-a-half storey dwellings on the edge of the site closest to the existing properties on Lower Shelton Road with the build height being raised to two storey height further into the site.
- 2.4 Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place. The application is submitted in Outline with all matters reserved except for access and layout and any subsequent reserved matters application would need to take careful account of the rural nature of the site.

3. The impact upon neighbours and future living conditions

- 3.1 Policy DM3 requires that new development to respect the amenity of neighbouring properties. As previously established a residential scheme can be delivered at this site that properly addressed the relationships between existing and the proposed dwellings.
- 3.2 Policies CS14 and DM3 seek design that is of a high quality. The Council's Design Guide reinforces the objectives that new residential development is of a high quality that provides an acceptable standard of living accommodation for future occupiers.
- 3.3 The site abuts the boundary of No 112 on its western side. This property is a substantial chalet bungalow with a garage on its eastern side closest to the site. There is also a long building, referred to as a former milking parlour which borders the site and has been granted consent to be converted to a 2 bedroom dwelling, The neighbour comments received have been noted.
- 3.4 From the proposed plan a distance of some 15m separate the rear of plot C to the side/rear elevation of no. 112 lower Shelton Road and some 7m separate the rear of plot C to the shared boundary with the former milking parlour conversion. Plot C is detailed as a part 1.5 / part single storey self build dwelling and this relationship might be acceptable but given that consent is being sought for 'access' and 'layout' these issues will be fully assessed in any subsequent Reserved Matters application.
- 3.5 From the proposed plan plots A and B are single storey and this relationship to properties on Lower Shelton Road might be acceptable. Given that consent is being sought for 'access' and 'layout' these issues will be fully assessed in any subsequent Reserved Matters application.

Detailed matters, such as appearance would be assessed at reserved matters stage but it appears as though a good standard of accommodation for 11 units at the site could be achieved.

- 3.6 It is considered that the submitted layout demonstrates that a scheme of 11 dwellings on the site can be accommodated without causing serious harm through loss of outlook, light or privacy or by causing shadowing. The outlook

for existing residents on Lower Shelton Road would clearly change but not harmfully. However any subsequent reserved matters application would need to take careful account of those relationships and an appropriate condition will be attached to any grant of permission.

4. Highways Considerations

4.1 The applicant has submitted a revised layout to that previously assessed. The proposal is for 3 dwellings taking access from an existing north access and 8 dwellings taking access from an existing south access. Visibility from the accesses is acceptable. The proposal is outline with all matters reserved apart from access and layout.

The layout includes tracking diagrams which are tight but workable. The layout still does not include any visitor parking provision (1 space required for the north access dwellings and 2 spaces required for the south access dwellings). Some of the parking spaces are below standards, especially plot G which only has 3.0m length parking space when you discount the service margin (which should not be included as length of parking provision), there should be 6.0m in front of garages, and 5.0m clear of the highway. These issues can be dealt with by conditions, although this will affect the plot layouts.

Whilst the highway related concerns have been duly noted no objection is raised by the Highways Officer subject to the specified conditions. As such the proposal would not contribute to highway safety concerns and therefore would be in accordance with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF.

5. Other Considerations

5.1 Infrastructure

The proposed development would involve the erection of more than 10 dwellings and as such contributions would normally be sought towards additional infrastructure. The regulations relating to Self and Custom Build development provide an exemption from payments made under the Community Infrastructure Levy (CIL) towards infrastructure. Whilst CBC does not have a CIL it is considered that the exemption set out in the regulations is intended to apply to all forms of contribution to off site infrastructure as the reason for the exemption is to avoid placing an additional financial burden on the individuals building the plots. It is, therefore, considered that it is not appropriate to seek infrastructure contributions for the proposed development.

5.2 Affordable Housing

Based on viability the Housing Officer has confirmed acceptance of an off site contribution of £75,000 towards affordable housing. However it is recommended that a review mechanism to review the viability again towards the end of the development is outlined within the S106. This can then incorporate all actual costs incurred, all sales values achieved etc. If the viability review indicates the scheme has generated a greater return than anticipated, the Council can request a further financial contribution towards off site affordable housing provision.

5.3 Other Section 106 issues

It is considered that an agreement will need to be entered into with regards to

the management of the Open Space and the erection of the barn.

It is considered that an agreement will be needed to ensure that the plots C, D and E are delivered as serviced plots to individuals and occupied by the self builder for a reasonable time period. Priority should be given to those on the Council's register living in (or connected to) the area with a cascade mechanism should there not be sufficient demand. These matters should also be addressed in a section 106 agreement.

5.4 **Ecology**

Limited information has been submitted with the application but it is understood from the planning statement that the site has been cleared of vegetation. There is an opportunity to secure a net gain for biodiversity and the previous planning permission (CB/12/03121/OUT) depicted this through the relocation of a timber barn and provision of natural meadow and wetland habitat for the benefit of wildlife. This proposal still includes the barn and pond (as per paragraph 2.10 of the supporting statement) but the meadow area has been reduced to accommodate additional units resulting in the loss of approximately 0.1Ha of grassland.

Whilst the comments of the Ecology Officer are noted as are the concerns raised through the consultation process, a refusal on insufficient biodiversity gains would be difficult to justify.

5.5 **SuDS Management**

As this is a major development it would have been expected to have at least a brief Surface Water Drainage Strategy to be submitted with the application outlining the drainage design and some drainage parameters.

However, the SuDS Management Team accepts that there could be a viable drainage scheme utilising the pond for surface water attenuation with a limited discharge to the adjacent watercourse.

On this basis no objection is raised by the SuDS Officer subject to the specified pre commencement conditions.

5.6 **Rights of Way**

The Rights of Way Officer is pleased to see that the applicant is both aware of the Public Footpath running through the development and has made accommodations for it within the site layout.

As the Public Right of Way will not be directly affected by the construction of the new properties, it is expected that the footpath remains open and accessible to the public throughout the development should approval be recommended. However, there will need to be a period when the footpath will need to be closed to the public to allow landscaping works to take place and the new pond to be constructed. At this time, the developer will need to apply to the Council for a temporary closure of the footpath to allow them to undertake those works without presenting any risk to users of the footpath.

5.7 **Human Rights issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights Act and as such there would be no relevant

implications with this proposal.

5.8 Equality Act 2010:

Based on the information submitted there are no known issues raised in the context of Equalities Act and as such there would be no relevant implications with this proposal.

Recommendation:

That the outline planning application be APPROVED subject to the prior completion of a Section 106 Agreement and the following:

RECOMMENDED CONDITIONS / REASONS

- 1 No development shall commence at the site before details of the scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") relating to the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.**

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.

- 3 An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.**

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 No development shall take place until a detailed surface water drainage scheme for the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance.

This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 5 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 6 Any application for reserved matters shall be for the following:

- 2 x 2 bed single storey bungalows (plots A & B)
- 1 x 3 bed, part 1.5 / part single storey self build dwelling (plot C)
- 1 x 3 bed, part two storey / part single storey self build dwelling (Plot D) with no accommodation in the roof space
- 1 x 4 bed two storey self build dwelling (plot E) with no accommodation in the roof space
- 3 x 4 bed, 2 storey dwellings (plots G, H & K) with no accommodation in the roof space
- 1 x 3 bed, part 2 storey / part single storey dwelling (plot I) with no accommodation in the roof space
- 1 x 5 bed, part 2 storey / part single storey (plot J) with no accommodation in the roof space
- 1 x 3 bed 2 storey dwelling (plot L) with no accommodation in the roof space

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 No development above ground shall take place until full details of the access/junction arrangements shown on the approved drawing no. 0280-01/02 Revision C have been submitted to and approved in writing by the local planning authority and no dwelling approved under any subsequent reserved matters application shall be occupied until such time as the agreed works have been implemented

Reason: To ensure the provision of appropriate access arrangements and associated off site highway works in the interest of highway safety

8 Notwithstanding the details shown, any subsequent reserved matters application shall include the following:

- The south access road designed and constructed to a standard appropriate for adoption as public highway
- Vehicle parking inclusive of visitor parking, and garaging in accordance with the councils standards applicable at the time of submission
- Cycle parking and storage in accordance with the councils standards applicable at the time of submission
- Driver/driver intervisibility and pedestrian visibility from the residential accesses within the site
- A construction traffic management plan detailing access arrangements for construction vehicles, on site parking and loading and unloading areas

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times

9 No dwelling shall be occupied until the pedestrian link between the two sites as indicated on the approved plan 0280-01/02 Revision C has been implemented and thereafter retained for the purpose of pedestrian link between the two sites

Reason: For the avoidance of doubt and pedestrian movement

10 The modified north vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) for a distance of 5.0m into the site, measured from the highway boundary, before the premises are occupied, and any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway. 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 highway safety and to enable vehicles to draw off the highway before the gates are opened.

11 The detailed plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area suitable for a service/delivery sized vehicle taken from the north access and a turning area suitable for an 11.5m length refuse vehicle taken from the south access, within the curtilage of the site .

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

12 Notwithstanding the details shown the driveway length in front of the garage(s) shall be at least 6.0m as measured from the garage doors to the highway boundary, other on plot parking spaces shall measure 2.5m x 5.0m each clear of the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

- 13 Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling 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.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0280-01/01 (A) site location plan; 0280-1/02 (C) proposed layout plan.

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

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that in order to comply with Condition 7 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 Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority that the highway authority have permitted the construction in accordance with the approved plan, before the development is brought into use.

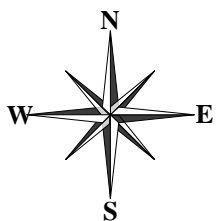
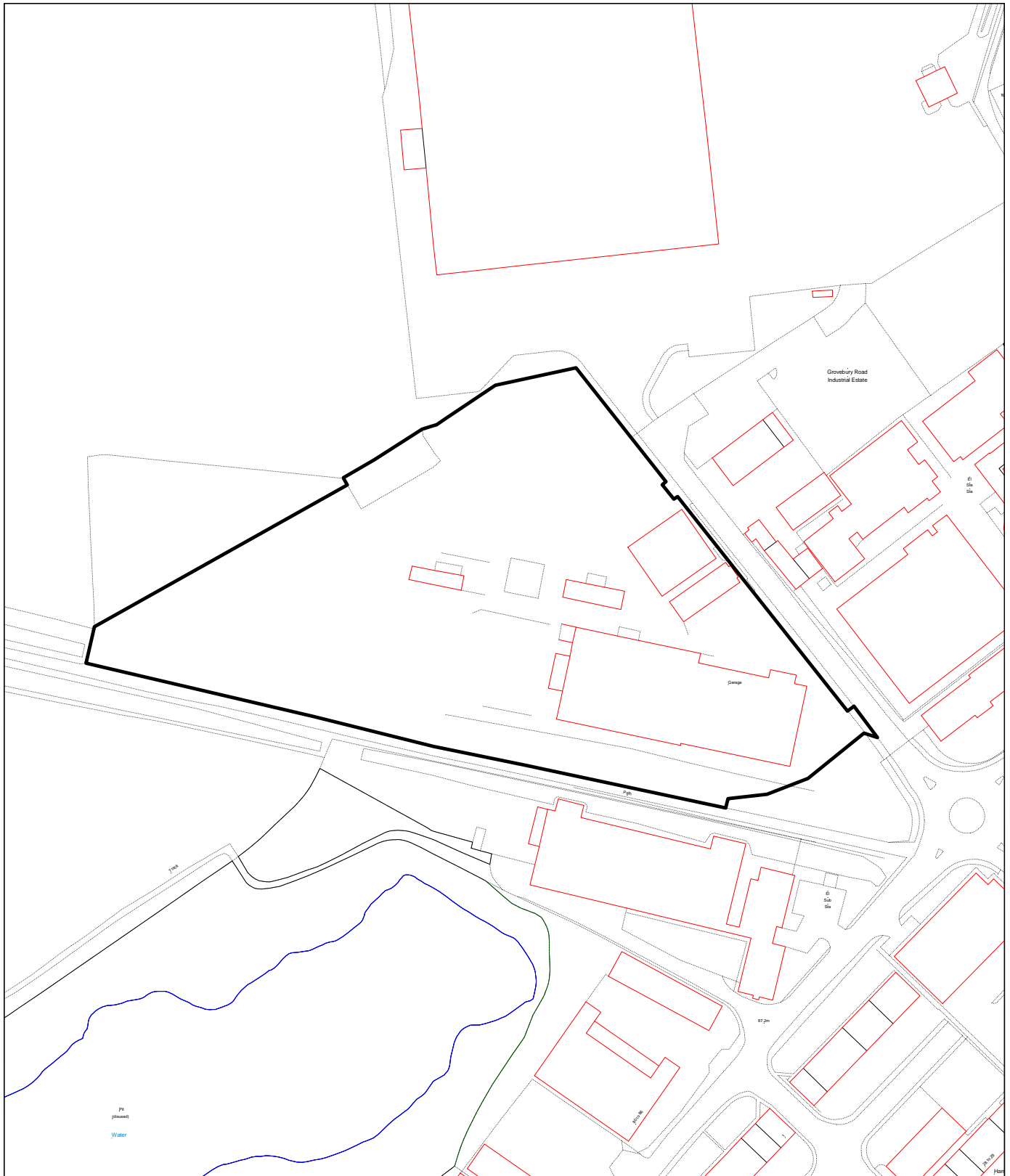
2. The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system.
3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049
4. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved

5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site 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 Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. 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) Order 2015 - Part 6, Article 35

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) Order 2015.

DECISION



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 05:May:2017
Grid Ref: 492033; 224284

Application No.
CB/16/00814/OUT

Scale: 1:2000

Land at Camden Site, Grovebury Road, Leighton Buzzard

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Item No. 9

APPLICATION NUMBER	CB/16/00814/OUT
LOCATION	Land at Camden Site, Grovebury Road, Leighton Buzzard
PROPOSAL	Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Donna Lavender
DATE REGISTERED	03 May 2016
EXPIRY DATE	21 September 2016 (Extension of time Agreed until 31/05/17)
APPLICANT	EDS Holdings Ltd
AGENT	The W R Davidge Planning Practice
REASON FOR COMMITTEE TO DETERMINE	<ul style="list-style-type: none">• Major application that is a Departure from Development Plan• Major Application with Town Council Objection• Updated information for committee to consider
RECOMMENDED DECISION	Approval subject to completion of a section 106 agreement and referral to the Secretary of State as a departure from the Development Plan

Update to Committee

The application was previously heard and considered by the Development Management Committee on 1st March 2017. The resolution of the committee was that the application be approved subject to the completion of a 106 agreement in consultation with Chairman and Vice-Chairman of the Development Management Committee and Cabinet Member. The 106 agreement was to include four matters resolved at the committee and the committee is asked to reconsider the application on the basis of the updated information in respect of this four matters as referenced below:

- Pedestrian Linkage to the Town Centre via Grovebury Road

Applicant advises that they are prepared to provide a pedestrian link at the western end of the site to connect with the existing adjacent footpath and cycleway. Furthermore the applicant has advised of their willingness to fund additional signage of these routes if found to be necessary through the heads of terms and as such it is considered that this matter is resolved.

- Bulky Goods Limitation

The applicant has advised that this matter is not considered to be necessary or justified given that the retail impact assessment undertaken does not identify any

adverse impact upon the town centre. However they have agreed to define the range of uses Units G to K as trade counter, limitations on all other units in the site to a minimum floor space of 850 square meters and total overall development area to 7350 square metres and exclusion of food sales throughout. As such it is considered that this matter is resolved.

- Section 106 Heads of Terms for contributions towards offsite Highways improvement works

- Off site Highway Works at maximum of £25,000
- Additional support and enhancement works of maximum £25,000

The applicant has agreed to these contributions and as such it is considered that this matter is resolved.

- Water Meadows Access

The applicant does not consider that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. The applicant has advised that the access cannot be justifiably or reasonably be sought as a concomitant of the development.

Conclusion

Whilst the applicant has failed to agree the provision of access across land also within their ownership to the Water Meadows and thereby providing a pedestrian link to the town, they have agreed to an alternative pedestrian link to the town centre via Grovebury Road and as such, it is considered that appropriate connections to the town centre could be realised and therefore our recommendation for approval remains the same, subject to the 3 additional head of terms agreed by the applicant as advised herein.

Reason for Recommendation

Taking account of the site's history of low level employment use and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the NPPF. In relation to retail impact the proposal is considered to satisfy the sequential test, having regard to the availability and suitability of other sites within Leighton Buzzard. The identified retail impact would be marginal but not significant in NPPF terms.

The proposed development is also considered to be acceptable in terms of other environmental impacts and compliance with Local Plan policies and the provisions of the NPPF.

Site Location:

1. The application site lies within an existing employment area containing a mix of employment uses including factories, offices and warehouses to the south of Leighton Buzzard. The town centre lies to the north of the application with the High Street approximately 0.6km to the north.

2. The application site is located to the west of the roundabout junction between Grovebury Road, Chartmoor Road and Boss Avenue. The site is roughly triangular in shape and the north eastern boundary is marked by Boss Avenue with a pedestrian/cycle way marking the southern boundary. To the west of the site lies open fields/meadows which stretch to the River Ouzel and Grand Union Canal. The Forticrete building materials factory lies to the north of the site.
3. The area of the site is 2.4 hectares and generally level with no significant level changes. Much of the site comprises hard standing although there are various buildings to the eastern side which appear to have been constructed as factory/warehouse units with ancillary office facilities. There are a variety of employment uses within the buildings but the main use of the site is for open storage with associated B1, B2 and incidental uses. There is a self storage use at the eastern end with extensive open storage of containers, mobile offices and related site plant structures on the southern side of the site. There is also open storage of cars and other light vehicles as well as large commercial vehicles to the northern and western parts of the site.
4. Access to the site is from two access points off Boss Avenue with one towards the southern end of the frontage with the other at the northern end towards the Forticrete unit.
5. The site boundaries are marked by palisade and chain link fencing with some hedge/scrub planting along the southern and north western boundaries. The site forms part of a Main Employment Area identified in the Local Plan.

The Application:

1. The application is made in outline form with all matters except means of access reserved for subsequent approval. The application is supported by illustrative plans as well as the following detailed reports: Retail Statement; Framework Travel Plan; Transport assessment; Ground Investigation Report; Flood Risk Assessment; Drainage Strategy and Site condition and marketing report.
2. The application proposes the erection of non-food retail units with total floor area not exceeding 7350 square metres gross external area (GEA) – which equates to 4984 square metres net gross internal area (GIA) together with associated access arrangements, parking, servicing, circulation and landscaping areas. A design and access and planning statement have been submitted along with indicative site layout and elevations (these plans are purely illustrative and are not for approval at this time). The plans indicate that there would be two buildings with the larger providing conventional retail units with the other building providing trade counter uses to support activities such as the motor trade and building industry. The illustrative details suggest that the retail floorspace would extend to 6227 square GEA with the trade counters extending to 1121 square metres (GEA).
3. The applicant has advised that none of the proposed retail units would have a floor space of less than 850 square metres GEA (excluding the trade counter units).

4. The access is proposed from a revised access at the southern end of the Boss Avenue frontage. The access position and detail has previously been approved in connection with a small convenience store (see planning history below for details). There are no significant off site highway works proposed as part of the development.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of Town Centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

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

Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review Policies (SBLPR)

SD1: Sustainability Principles

BE8: Design Considerations,

T10: Controlling Parking in New Developments

E1: Providing for B1-B8 Development within Main Employment Areas

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 BE8 and R14 are broadly consistent with the Framework and carry significant weight. Policies T10 and E1 carry less weight but are considered relevant to this application.

Development Strategy

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

Minerals and Waste Local Plan (2005)

Policy W4: Waste minimisation and management of waste at source

Supplementary Planning Guidance

Land South of the High Street, Leighton Buzzard, Development Brief (2012)

Land at Bridge Meadow, Leighton Buzzard, Development Brief (2012)

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (April 2014, May 2015)

Managing Waste in New Developments SPD (2005)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Central Bedfordshire Council Employment & Economic Study (2012)

Central Bedfordshire Retail Study 2013

Planning History

The following relevant planning history relates to the application site:

Application Number	CB/15/00817/OUT
Description	Erection of neighbourhood retail shopping facility, with associated access, parking servicing, circulation and landscaping areas.
Decision	Outline Application - Granted
Decision Date	14/07/2015

The following planning applications relate to land to the south of the application site off Grovebury Road:

Application Number	CB/12/03290/OUT
Description	Outline Planning: Proposed non food retail park of up to 10,775 sqm (116,000sqft) Gross retail floorspace, up to 600 sqm (6,460 sqft) storage up to 604 sqm (6,500 sqft) pub/restaurant, up to 167 sqm (1800sqft) drive thru restaurant, new vehicular access and associated highway works, associated car parking; hard and soft landscaping and associated infrastructure works.
Decision	Outline Application - Refused
Decision Date	21/02/2013
Application Number	CB/12/02071/OUT
Description	Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use
Decision	14/11/2013
Decision Date	Outline Application - Granted
Decision Date	Undetermined
Application Number	CB/16/05251/RM
Description	Approval of all reserved matters pursuant to outline planning permission CB/12/02071/OUT comprising appearance, landscaping, layout and scale concerning development of retail warehousing of 7,258sqm GIA (including mezzanines) with associated outdoor project areas and a drive thru restaurant of 246sqm GIA with provision of car parking (270 spaces) and servicing.
Decision	n/a
Decision Date	n/a

The following application relates to Houghton Regis North Site 1:

Application Number	CB/12/03613/OUT
Description	Outline planning permission with the details of access,

appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Under consideration.

(Officer note: It is anticipated that this development will provide a maximum of 30,000 square metres of retail uses. This application therefore represents a material consideration for the current application in relation to matters of retail demand and viability.)

Decision Outline Application - Granted
Decision Date 02/06/2014

The following planning history relates to the existing Tesco and Homebase stores at Vimy Road, Leighton Buzzard:

Application Number CB/10/04238/FULL
Description Demolition of existing Class A1 retail warehouse (Homebase) and construction of extension (2,850 sqm) to existing Class A1 foodstore (Tesco) with additional car parking and landscaping. Construction of freestanding canalside Class A3 restaurant/cafe unit with public realm enhancements on Leighton Road frontage. Permission. Not implemented. Expired 28 May 2015.

(Officer note: This planning permission has now lapsed but was live when the previous applications off Grovebury Road, listed above, were determined. This lapsing of this permission is a material change in circumstances since the earlier applications were determined).

Decision Full Application - Granted
Decision Date 28/05/2012

Consultation Responses

Leighton Linlade
Town Council RESOLVED to recommend to Central Bedfordshire Council that objection be made to application reference CB/16/00814/OUT (Land at Camden site, Grovebury Road) on the following grounds:

- i) Loss of employment land and the impact on the supply of B Class land in the locality.
- ii) The impact the proposal would have on bringing forward

land South of the High Street.

iii) When taken with the extant permission on Grovebury Road, the proposal would represent an oversupply of non-food retail units to the detriment of the town centre.

It was agreed that the Town Council by way of the Town Clerk would wish to make verbal representations should the item be taken to Development Management Committee.

Public Protection

With respect to the above application whilst there are a number of Environmental Impacts it is believed that these can be dealt with by way of condition. The proposed conditions relate to lighting, noise management and contaminated land.

Highways
Development
Management

Original comments

The Transport Assessment concludes that there is significant detriment to the highway network at some of the junctions but this could be subject to further investigation with the highway authority.

It was recommended that the proposal should not be permitted until:-

The committed development within the area that is not represented with the TEMPRO forecasting has been revisited. The capacity calculations are amended to traffic flows relating to the site.

Proposed improvements to the highway have been put forward to mitigate against the detriment the proposal has on the highway network and in particular the Grovebury Road corridor.

Comments On Additional Information

Revised details were submitted to address the deficiencies in the originally submitted documents. These identified that the impact on the highway network would not be significant overall but there were locations where queuing at peak periods would increase and needed to be addressed.

A financial contribution towards off site works along with improvements to the Stanbridge Road entry to the Stanbridge/Billington Road roundabout to create two entry lanes should be sought.

Drawing number 1579L-01 shows a 2 lane approach on Stanbridge Road measuring a total width of 5.0m for the first 7m then narrowing down to single width. This width of 2.5m per lane is an absolute minimum and one where cyclists would feel intimidated. Further amendment is required to this

proposal.

Until the above issues have been addressed then in highway terms it is not possible to advise that the proposal would not cause unreasonable levels of congestion at the junction of Stanbridge Road and Lake Street.

(Officer note: discussions are continuing with the applicant and their agent to address these issues and it is anticipated that these will be resolved prior to the Committee Meeting and covered in the Late Paper update; this will include any highway related planning conditions).

Integrated Transport No comment to make.

Countryside Services A development of this size, and nature does not directly impact on the Countryside Service but attention needs to be raised to record that the site was previously put forward concerning residential development. Any further residential development applications of this site will meet a request for the same or if not improved offer regarding the future off-site contribution/connectivity of open spaces. The offer would be expected to include the attached All Saints Church Meadow for the provision of public accessible amenity greenspace as part of the wider Ouzel Valley partnership (OVP) requirements.

Countryside Access Spending Officer There are no contributions sought from this development.

Internal Drainage Board Provided that there is to be no change to the existing storm water drainage arrangements and no increase in the impervious area of this site the Board will offer no objection to this development.

Trees and Landscape Officer To ensure successful separation and avoid future conflict, these units will need to clear the boundary, and provide sufficient space for further landscaping, in order to enhance and reinforce the required visual separation.

The proposed access road running parallel to the southern boundary needs to respect the existing landscaping adjacent to a well used public footpath linking Grovebury Road with the Grand Union Canal and Tiddenfoot Waterside Park, and sufficient planting space should therefore be allowed in order to accommodate further planting needed to supplement and enhance this visual buffer.

Given the size and combined mass of these buildings, there will need to be sufficient provision for more extensive tree planting than is being proposed. This tree planting needs to be built into the layout scheme at the very onset, using tree

pits, tree grids and guards, as part of the integral design of the parking areas.

Effective tree planting is required in order to successfully soften the built form and provide specimens that will be of sufficient scale and proportion with their surroundings, and be protected by vehicle parking and traffic movements. In this respect, it should be recognised that such planting cannot just be made on the basis of a planning condition, where subsequently the space needed for planting is often already taken up by prior car parking allocation.

Environment
Agency

We have no objection to this application.

Ecology

It is acknowledged that this is a brownfield site with extensive, existing hard standing. However the site does lie within the Greensand Ridge Nature Improvement Area and is immediately adjacent to meadows in the River Ouzel corridor. As such I would ask that the landscape scheme considers this edge of the site to ensure it is adequately buffered to prevent a detrimental impact from the proposed development and that the objectives of the NIA are considered when preparing the planting scheme.

Landscape

No objection to the principle of redevelopment of this site.

The redevelopment of the site offers opportunity for proposed development and landscape to enhance not only the application site but also the surrounding natural environment.

Detailed recommendations are also offered on how the indicative layout plans could be improved and the landscape provision greatly enhanced.

Public Art

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments including commercial uses and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Travel Plan Officer

The revised travel plan dated July 2016 now meets the criteria for a travel plan at outline stage. The updating, implementation and ongoing monitoring of this plan will need to be secured via an appropriate condition.

Green Infrastructure

No Comment.

SuDS Management
Team

We consider that planning permission could be granted for the proposed development if details of the final design,

construction and future maintenance of the surface water drainage scheme are secured by appropriate planning conditions.

Anglian Water Raise no objection to the application but make a number of recommendations related to the detailed design of the development and links to Anglian Water assets.

Highways England Offer no objection

Planning Policy The site is currently in use as employment land (allocated as an E1 site in the South Beds Local Plan). As the proposal is above the default threshold in the NPPF (para 26) of 2,500 sqm, the proposal is subject to a sequential and impact test, which have been submitted with the application.

The Retail Study 2012 found that Leighton Buzzard town centre performed well with a diverse range of retail offer and local vacancy rates providing an attractive shopping environment.

Following receipt of further information and clarification from the applicant:

The further information has been reviewed together with the updated Retail Study (Still in draft). The Retail Study Update basically echoes what the 2012 Study has said. It also acknowledges that there is retail leakage to centres such as Luton and Milton Keynes from Central Bedfordshire. Therefore this type of development would reduce this leakage out of Central Bedfordshire especially with the development to the east of Leighton Linlade.

There is concern that out-of-centre retail parks will have a similar effect to what the White Lion Retail Park is having on Dunstable town centre. However it is acknowledged that Leighton-Linslade is a more vibrant and healthy town centre serving a different population and many visitors access it regularly. To address this it would be appropriate for there to be a condition put on place restricting the minimum size of the units, as suggested by the applicant, so as not to compete with the town centre.

Bedfordshire Fire and Rescue Service We would ask that fire hydrants are installed at the developers cost and that the numbers are as follows: On a commercial site we will require one hydrant at least every 120 metres apart for normal risk premises and 90m apart for high risk premises with no premise further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association.

The Greensand
Trust

Object to the planning application. The proposal is located in an area of high landscape value, as highlighted in the Leighton-Linslade Green Infrastructure Plan (2014) and we do not see sufficient evidence of appropriate landscaping elements to mitigate such a significant proposed development as this. The views across the meadows are extremely important locally, and they and their setting must be protected.

Additionally, it is noted that the Meadows are within the ownership of the applicant. The Meadows have long been identified as a potential public access resource, particularly because this could facilitate key access corridors identified within the Leighton-Linslade Green Wheel – a proposed network of routes and spaces supported through the Ouzel Valley Park Strategy, The Big Plan II and the Leighton-Linslade Green Infrastructure Plan.

It is therefore suggested that should the authority be minded to approve the application, that the opportunity to secure the meadows for the greater public benefit must be taken. The Greensand Trust is a key partner in the Ouzel Valley Park Steering Group and is the owner of land adjacent to the west (across the River Ouzel) so is well placed to help take this opportunity forward.

Other Representations

Six letters have been received from residents and local business people from: Highfield Road, Rowley Furrows, Hockliffe Street, High Street, Mill Road, Stanbridge Road and Ampthill Road which raise objection on the following grounds:

- What we really need are more companies to provide more jobs not a hotel or big retail outlets.
- The traffic on Grovebury Road is always a nightmare as it is.
- We already have all the large retail outlets we need in the town.
- Would rather go to Milton Keynes or Aylesbury than cause more congestion in an already gridlocked town with very limited amenities for an increased population.
- Our profitability as a company has halved since 2008 and our building has more value than the business, but we are happy to carry on and promote the town as a town with a high street worth preserving and a community worth fighting for.
- It is in the wrong place and older people cannot get there anyway.
- Would potentially devastate the town centre.

- At the moment businesses struggle to survive.
- We now have 14 empty shops approximately.
- The market continues to struggle.
- Take away more footfall from the town and the tipping point could be reached.
- The growth of the internet in recent years has caused retail businesses to struggle further, and continues so with many big companies going out of business.
- Many people decide to shop and be active locally.
- This type of retail park has been voted down before.
- We have buses and cycle routes into the town centre.
- The town centre is a beautiful, well cared for centre.
- There are lots of town centre based community activities.
- It has been shown time and time again that out of town shopping damages town centres.
- Leighton Buzzard is one of the few towns in Bedfordshire that still has a town centre of Old English character.
- An open A1 use is requested.
- Traffic accessibility is poor.
- The site has current tenants.
- Out of town developments hollow out town centres.
- There is no over capacity in comparison goods.
- The retail study is flawed.
- Impact on the town centre is under estimated.
- Any impact on the town centre turn over greater than 5% is harmful.

A petition containing 36 signatures has been received from the Leighton Buzzard Market Traders Association which raises objection on the following grounds:

- Harm to town centre trade.
- Loss of trade to market stallholders.

- Loss of retail choice for local people.
- Adverse impact on long established market.
- Work with the Town council to improve the market offer will be undermined.

One letter of support has been received from an adjacent business which makes the following comments:

We would like to take this opportunity to formally lodge our support for the application as presently before you and as shown indicatively on the attached revised plan(s). It represents an appropriate use of land adjoining our significant roof tile plant situated immediately adjacent.

Leighton Buzzcycles have made the following comments:

Whilst we in no way object to the proposed land use & development, & also note the provision of cycle parking & access onto the neighbouring cycleway, the proposed application is limited purely to the brown-field site (bounded by the application red line) rather than including the flood-plain meadows within the blue line also owned by the applicant.

The latter is critical proposed open space & cycle & pedestrian access within the Leighton Linslade Cycle Town long-term plan as evidenced by the LLTC Big Plan, the Green Infrastructure Plan endorsed by the Partnership Committee & also the wider Cycle route Green Wheel strategies. The proper development of this open space provides a vital link between the proposed development & the Town Centre & also between Parsons Close, the White Bridge crossing of the Canal & thence to the Railway Station, schools & Leisure Centre integrating the development into the wider cycle & walking network. It is recommended that no approval be given for this development until the wider network & amenity use of the meadows is agreed, & also the cycle route upgrade along Grovebury Road, linking the development into the south end of town.

Determining Issues:

The main considerations of the application are;

- 1. Planning policy and background**
- 2. Employment Land Allocation**
- 3. Retail Impact**
- 4. Mitigation of Impact on Town Centre**
- 5. Highways and access**
- 6. Landscape**
- 7. Design concept**
- 8. Meadows**
- 9. Other Matters**

Considerations

- 1.0 Planning policy and background**

- 1.1 The application site is located on the southern side of Leighton Linlade and forms part of a designated Main Employment Area. In line with South Bedfordshire Local Plan Review Policies E1 and E2 the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. Accordingly the Council would not wish to see current employment land lost to non-employment uses. However, in order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites should also be considered on a site-by site basis in relation to detailed considerations.
- 1.2 In line with the 'town centres first' approach advocated by the National Planning Policy Framework (NPPF), the Council seeks to support the role and function of the town centres. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered.
- 1.3 For proposals over 500 square metres gross external floorspace that are outside a designated town centre boundary, the development should be considered against a retail impact test. The retail impact test should consider the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. The impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made will also be considered. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

2.0 Employment Land Allocation

- 2.1 Taking account of the site's history of low employment levels and development initiatives and the opportunities for employment creation which would result from the proposal. The applicant has indicated that over 70 jobs could be created against the current level of less than 10 jobs across the site. The proposed non-B Class development is considered acceptable.
- 2.2 The current buildings on the site do not conform to modern design standards in terms of form, insulation and ancillary facilities and are not attractive to existing or new businesses. Much of the site is turned over to open storage which generates very little employment.
- 2.3 The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.
- 2.4 The proposed non-B Class development is considered acceptable given the

current low level of employment use on the site when compared to the proposed uses.

3.0 Retail Impact

3.1 Sequential test

In line with the Council's broad objective to support the role and function of the town centres, proposals for retailing outside of town centre boundaries will be considered against a sequential test as required under the NPPF guidance. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered favourably.

3.2 The applicants have undertaken an assessment of the availability and suitability of other sites within Leighton Buzzard. These include the planned developments at land south of the High Street and the Bridge Meadow site, for which the Council has endorsed Planning and Development Briefs. The briefs set planning frameworks to guide the future regeneration of the two sites and set down appropriate land uses and development principles.

3.3 Land south of the High Street is identified as providing an opportunity to extend the town centre to improved facilities for the town's current and future population. Development on this site is an objective within the council's Plans. Accordingly the Council have committed substantial resources and have commenced, and in some cases concluded, the assembly of key land parcels for land south of the High Street. As such this site should be considered available within the plan period.

3.4 However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.

3.5 As with the land south of the High Street, any future scheme for the Bridge Meadow site would need to be in line with the objectives of the Development Brief. The Brief identifies opportunities for development which could incorporate a mix of uses including further education, health, recreation and residential. The Bridge Meadow Development Brief envisages a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme. Given this, and the complex land assembly and tenancy issues, the Bridge Meadow site should be regarded as unavailable, unsuitable and unviable for the proposals being put forward.

3.6 As noted in the planning history section planning permission has been granted in outline for retail development further to the south on the edge of Leighton Buzzard. This site would be of sufficient size to accommodate the proposed development, however, it would be located further from the town centre and as such the current site would be sequentially preferable in terms of location. It should be noted that reserved matters have recently been submitted for this consented site and these are subject to a separate report

on this committee agenda. This site should, therefore be considered as likely to be delivered in the short to medium term.

3.7 There are no other sites of suitable size to accommodate the proposed development in the Leighton Buzzard area and it is considered that the site does not fail the sequential test under the terms of the NPPF. The Vimy Road permission noted in the planning history has lapsed and the site remains in active used and is considered unlikely to come forward in the short term. The HRN1 site referenced in the planning history is part of a very large development which would require significant infrastructure and reserved matters approval before delivery could commence; it is considered that this site is also not available in the short term.

3.8 Impact test

In accordance with NPPF guidance the proposals should be also considered against a retail impact test which examines the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

3.9 In particular, due consideration must be given to retail proposals on land south of the High Street and the Bridge Meadow site. The proposed retail developments must demonstrate that the proposals will not compromise either of these planned schemes from coming forwards over the plan period.

3.10 In general terms the Retail Impact Assessment submitted in support of the application indicates that Leighton Buzzard continues to perform well, and overall is a vibrant and healthy centre. It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and 'bulky goods' trade. These conclusions are in line with the Council's own retail studies and the advice of the Council's retail consultant.

3.11 On the basis of the aspirations for the Bridge Meadow site (a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme) and the timescales of this development it is considered that the proposal would not adversely impact upon the deliverability of the Bridge Meadow development.

3.12 Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations. Given the different aspirations of the application proposals and those for the town centre expansion site, the development is unlikely to impact on the marketability of the land south of the High Street. It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.

3.13 The Council's 2013 Retail Study (the most recently published version) shows there is a substantial amount of comparison goods leakage (65%) from Zone 8, the area in which Leighton Buzzard is located and the Study does highlight opportunities to 'clawback' some of this trade to increase market

share through new retail development. As noted in the Consultation responses from the Policy officer the Study has an error which results in an under estimate of available capacity; the applicant's retail consultant has produced updated data that takes account of this discrepancy.

- 3.14 It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The proposed retail floor space (which could impact on the town centre) would be limited to 6,221m² (GEA) – 4984m² GIA of the total 7,350m² (GEA) – 5880m² GIA proposed.
- 3.15 The findings of the Council's study are reflected in the findings of the applicant's assessment that supports the application. It should be noted that consent for an extension to the Tesco store has lapsed which effectively adds another 2,850m² into the need for floor space when compared to the 2013 Council Study. This means that the figure can be added to the floor space identified in the retail Study as this was seen as a commitment thereby increasing the potential floor space need.
- 3.16 Taking all of the above into account the updated information derived from the 2013 retail study shows a capacity for Leighton Buzzard of 13,911m² (GIA). The proposed development could deliver upto 8,037m² GIA which when combined with the 6,132m² GIA for the consented Grovebury Road scheme and Bridge Meadows scheme's potential 1,000m² GIA gives a total of 15,169m² GIA. This total is above the capacity estimate and generates a small excess of 1258m² GIA. Whilst this is above the figure identified in the capacity study it is less than 10% and not considered to represent a significant over supply. The figure also assumes that all of the potential floorspace will be delivered.
- 3.17 Under the terms of the NPPF need cannot be cited as a reason for refusal. However deficiencies can lead to greater levels of impact and this is therefore a relevant consideration under the impact test. The proposal would be reliant on trade diversion, both from Leighton Buzzard town centre and elsewhere. It is necessary to consider whether the proposals would give rise to acceptable levels of trade diversion, without leading to any unacceptable impact upon the vitality and viability of the town centre. In some circumstances the loss of one or two key retailers in a town centre could commence the process of gradual and continued decline, either through national economic trends, or new development and a consequent significant impact.
- 3.18 The current leakage of comparison goods trade from Leighton Buzzard and opportunities for 'clawback' trade within Leighton Buzzard are identified within the application. In light of the Council's 2012 Retail Study, there is little 'bulky goods' trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks. Any trade diversion from elsewhere in the Study area would more likely result in the creation of unsustainable shopping patterns and this would not be in line with the broad objectives of the NPPF.
- 3.19 The applications are therefore reliant on 'clawback' trade from the four Milton

Keynes retail parks. It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment. This is in the context of appropriate restrictions being placed on any consent restricting the sale of goods and minimum floor space of units as a greater level of flexibility in the range of goods is unlikely to be unacceptable in impact terms.

3.20 The applicant's retail capacity assessment has indicated a 5.4% trade diversion attributable to the proposed development which would rise to 7% when the other consented scheme, at Grovebury Road, is taken into account. Generally a diversion of 10% is considered to be significant and potentially seriously detrimental.

3.21 Given the clear conclusion regarding the impact of the proposals, it is not considered that an objection purely upon retail policy grounds could be sustained. Nevertheless, it is inevitable that there will be some product overlap with the town centre, including some businesses that would be directly affected.

4.0 Mitigation of Impact on Town Centre

4.1 Whilst the principle of the development is considered to be acceptable in terms of retail impact, safeguards are required to minimise the potential for impact on the town centre. The applicant has proposed a minimum floor space of at least 850m² (GEA) for any unit within the development. Such a floor space would be significantly larger than most town centre units and would encourage smaller operations to look for premises in or adjacent to the town centre.

4.2 It is also proposed to restrict the sale of goods to comparison goods only and exclude convenience goods which would add further protection to the town centre. The restrictions would also address the minimum unit size and control the overall maximum number of units. The restrictions would be secured through the proposed section 106 agreement.

5.0 Highways and access

5.1 The site would take access from a new junction on the eastern boundary off Boss Avenue; this junction has previously been agreed to serve a small retail unit adjacent to the roundabout. The proposed access would provide access for commercial vehicles and customer vehicles.

5.2 The highway officer has confirmed that the updated traffic assessment is robust and that the principle of the development is acceptable in terms of impact on the immediate road network. There are concerns over the impact on the wider road network at times of peak demand.

5.3 The applicants have proposed capacity improvements to the Stanbridge Road arm of the Stanbridge Road/Billington Road Roundabout. The details of this improvement are being finalised and an update on progress will be provided in the Late Sheet.

- 5.4 The applicants have also proposed a £25,000 contribution towards the provision of bus signals at the Billington Road Junction. A contribution would also be made to upgrade the nearest bus stops to provide real time passenger information. These contributions will be secured through a section 106 agreement and would be in conformity with the CIL regulations.
- 5.5 The proposed travel plan will address travel to the site by means other than the private car. The travel plan and its implementation will be secured through the proposed section 106 agreement.
- 5.6 With the proposed mitigation measures the proposed development is considered to be acceptable in highway terms.

6.0 Landscape

- 6.1 Several of the consultees have raised issues around the need to provide appropriate landscaping as part of the development along with safeguarding vegetation on or adjacent to the site boundaries. These are matters of detail that should be addressed at reserved matters stage should planning permission be granted. The advice received to date would be used to guide the design development. It is considered that adequate landscaping could be provided as part of the detailed design of the proposal.

7.0 Design concept

- 7.1 The submitted indicative proposals show two separate building blocks with large areas of car parking. The larger building would contain the retail uses with the smaller building providing the trade counter element. The detailed design and layout would be subject to a reserved matters application but the principle of two substantial buildings is considered acceptable given the character and nature of the surrounding area which is characterised by substantial employment buildings. The site is of sufficient size to provide adequate car parking which would be designed in detail at reserved matters stage.

8.0 Meadows

- 8.1 Several of the consultation responses have highlighted the opportunity to bring the meadows to the west into public use/management. It is acknowledged that this area has high amenity value and could provide significant amenity value to residents of the area. There is not, however, a significant planning link between the proposed development and community use of this land. It is not considered that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. Notwithstanding this the matter has been discussed with the applicant but they have confirmed that use of the meadow land is not part of the current proposal.
- 8.2 It should also be noted from the consultee responses that the Council does not have the resources available to manage the land should it be made available at this time.

9.0 Other Matters

9.1 Human Rights issues

The proposal raises no Human Rights issues.

9.2 Equality Act 2010

The proposal raises issues of access under the Equality Act and an Informative will be added to the decision notice to remind the applicant of their responsibilities accordingly.

Recommendation

That the application be **Approved** subject to completion of a section 106 agreement, referral to the Secretary of State as a departure from the Development Plan and the following conditions:

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 Details of the layout, scale, appearance (including materials) and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development on that plot begins and the development shall be carried out as approved.

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To protect, as far as possible the character of the locality, the materials are critical to the appearance and quality of the development

and need to be approved prior to development commencing.
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 5 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows. 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 new and retained 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 and ensure that the landscape is designed and delivered as a fundamental part of the overall design concept.
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 6 Before development begins, a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include written details of how public art would be commissioned and integrated as part of the development, setting out details of community engagement/consultation undertaken, timeframes for the creation and advertisement of an artists brief, the artist shortlisting and agreement process, and a maintenance plan for any artworks created including funding for long term maintenance. The strategy shall then be fully implement in accordance with the approved details.

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself as an intrinsic part of the design development process and thereby enhance, as far as possible the character of the locality.
(Policy BE8 S.B.L.P.R and Section 7 NPPF).

- 7 Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To ensure that there is no light pollution or glare to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 8 Prior to the submission of a Reserved Matters Application an appropriate assessment and scheme shall be submitted to and approved in writing to ensure that the proposal in terms of noise (and vibration) from traffic, fixed plant, commercial activities and deliveries does not impact on the amenity of adjoining land users. No units shall be occupied until the any scheme or

mitigation schemes have been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 9 No part of the development hereby permitted shall be brought into use until a Service Yard Management Plan which shall include details of hours of deliveries and loading/unloading of vehicles has been submitted to and approved in writing by the Local Planning Authority. Delivery management shall be implemented in accordance with the approved plan at all times.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area; the .
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 10 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and Sections 7 & 11, NPPF).

- 11 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**
A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.

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.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF).

- 12 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:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by

a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
(Policy BE8, SBLPR and Sections 7 & 11 NPPF).

- 13 **No development shall commence until a detailed Surface Water Drainage Scheme for the site based on the agreed Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The final scheme shall include a management and maintenance plan and be designed in accordance with the DEFRA 'Non-Statutory Technical Standards for Sustainable Drainage Systems' (March 2015) and the Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015). The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

The following information shall be included in the Surface Water Drainage Scheme:

- 1) A clearly labelled surface water drainage layout plan showing the position, gradient, dimension and level of each drainage element.**
- 2) Details of soil infiltration tests carried out in appropriate locations in accordance with BRE Digest 365.**
- 3) An assessment of the existing and proposed impermeable areas together with detailed design calculations for the proposed infiltration systems including an allowance for climate change.**
- 4) Details of long term management arrangements and maintenance requirements for each drainage element.**

Reason: To ensure that the approved system will be delivered as an integral part of the development function to a satisfactory minimum standard of operation and maintenance and to prevent the increased risk of flooding.
(Sections 7 & 10, NPPF).

- 14 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of any unit comprising the development, the fire hydrant(s) serving that development unit shall be installed as approved. Thereafter the fire hydrant(s) shall be retained as approved in perpetuity.**

**Reason: In the interests of fire safety and providing safe and accessible developments.
(Section 8, NPPF)**

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 123450/1 rev B, 123450/3 Rev D, 123450/4 Rev B, 123450/5 Rev A 123450/6 Rev B, 123450/7 Rev E, 123450/8 Rev E and 002.

Reason: To identify the approved plans and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

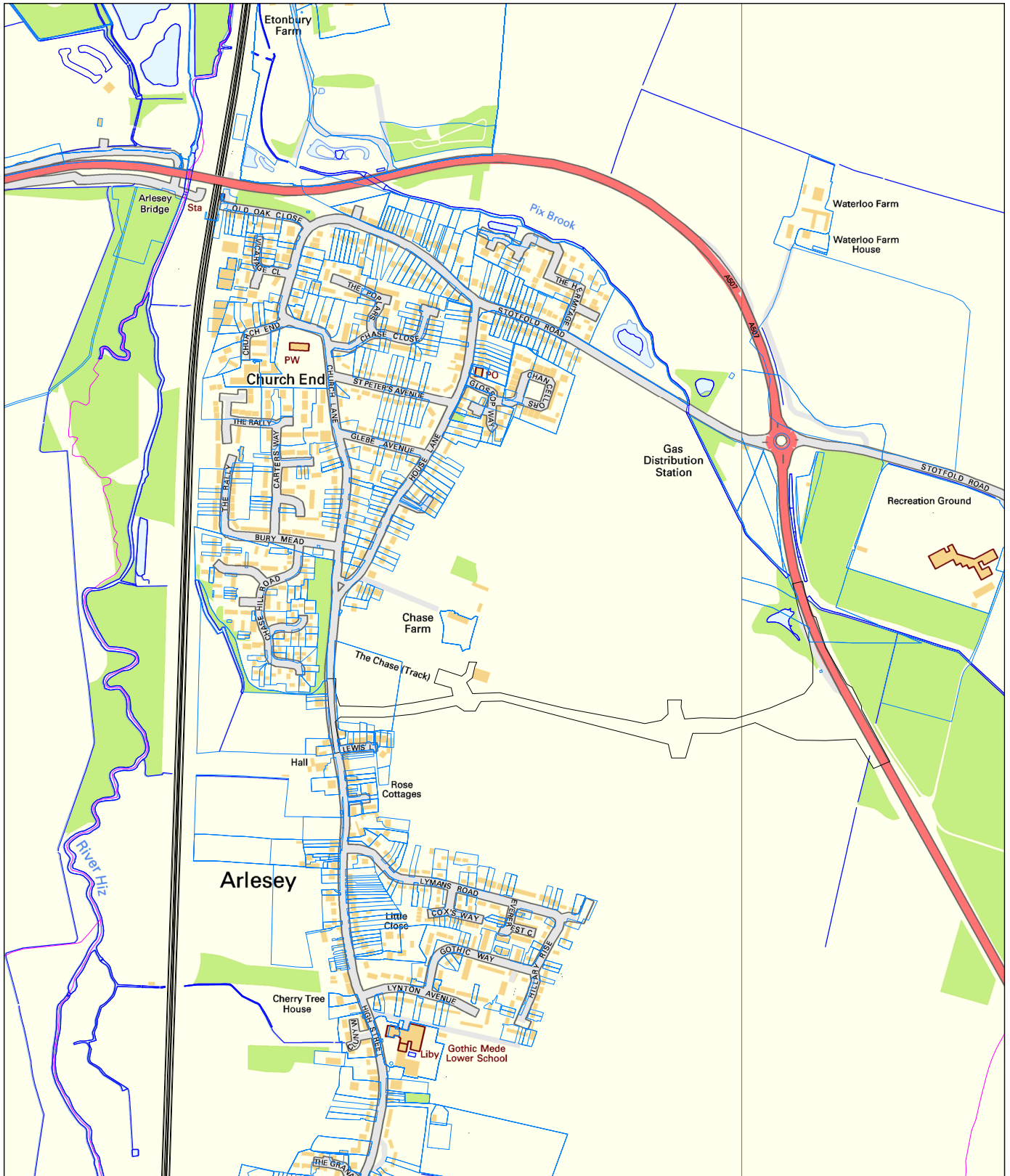
The Council acted pro-actively through engagement with the applicant during the application process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/17/00492/FULL
	Date: 08:May:2017 Map Sheet No	
Scale: 1:10000	Land at Chase Farm, East of High Street, Arlesey	

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Item No. 10

APPLICATION NUMBER CB/17/00492/FULL
LOCATION Land at Chase Farm, East of High Street, Arlesey
PROPOSAL Construction of 2 roundabouts, 3 signalised pedestrian crossings and 2 bus laybys on the section of relief road approved under application reference CB/15/02916/REG3.

PARISH Arlesey
WARD Arlesey
WARD COUNCILLORS Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER Michael Huntington
DATE REGISTERED 01 February 2017
EXPIRY DATE 03 May 2017
APPLICANT Telereal Ventures Ltd
AGENT Woods Hardwick Planning Ltd

REASON FOR COMMITTEE TO DETERMINE This is an application for development on CBC land and Town Council objection to major application

RECOMMENDED DECISION Approval with conditions

Reason for Recommendation:

The proposal will provide access points, pedestrian crossings and bus laybys for the section of the relief road approved under CB/15/02916/REG3 and will hereby enable delivery of the development allocation in accordance with Policy MA8 of the Core Strategy and Development Management Site Allocations Document and the adopted Arlesey Cross Masterplan.

Site Location:

The site comprises a corridor of agricultural land between the A507 and the High Street in Arlesey. To the north and south of the site is further agricultural land that forms part of the Chase Farm landholding.

The site and adjoining land is mostly allocated under Policy MA8 of the Site Allocations DPD and detailed within the Arlesey Cross Masterplan Adopted Technical Guidance.

The Application:

This application is for the construction of 2 roundabouts, 3 signalised pedestrian crossings and 2 bus laybys on the section of relief road approved under application reference CB/15/02916/REG3. The proposed road is intended to provide access to future development on the wider land east of High Street as identified within the Arlesey Cross Masterplan. This will comprise approximately 900 dwellings, an extra care facility, 8 ha of employment land, a supermarket, retail units, community facilities, a GP surgery and a new lower school.

The application is necessary because when the original application was submitted the exact

nature of the accesses onto the relief road were not known, and the consented relief road therefore has no points of access for the proposed development. The approved relief road also does not include details relating to pedestrian crossing facilities or bus stops.

The application is accompanied by a transport assessment which addresses the transportation and highway issues raised by the proposal.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

- CS1 Development Strategy – Part 3.16 Arlesey
- CS3 Healthy and Sustainable Communities
- CS4 Linking Communities – Accessibility and transport
- CS13 Climate Change
- CS15 Heritage
- CS16 Landscape and Woodland
- CS17 Green Infrastructure
- CS18 Biodiversity and Geological Conservation
- DM3 High Quality Development
- DM4 Development Within and Beyond Settlement Envelopes
- DM9 Providing a range of transport
- DM13 Heritage in Development
- DM14 Landscape and Woodland
- DM15 Biodiversity
- DM16 Green Infrastructure
- DM17 Accessible Greenspaces

Core Strategy and Development Management Policies - North 2009

Central Bedfordshire (North): Site Allocations DPD – Adopted April 2011

- MA8 Land at Chase Farm and Land West and North-East of High Street, Arlesey

Minerals and Waste Local Plan (2005)

- W4 Waste minimisation and management of waste at source
- W5 Management of wastes at source: Waste Audits

Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

- WSP5 Including waste management in new built development

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/15/02916/REG3
Description	Construction of section of relief road between A507 and High Street, formation of a new roundabout junction on the A507 and mini roundabout on the High Street
Decision	Approved
Decision Date	March 2016

Application Number	CB/17/01158/OUT
Description	Outline Application: Development of up to 950 No. dwellings and 80 bedroom extra care unit, a two form entry lower school, up to 7,000 sq. metres of employment floor space, up to 6,500 sq. metres of retail (A1-A5), a hotel. Healthcare inc. provision of new doctors surgery and dentists and leisure/community use of which up to 500 sq. metres to comprise of community use floor space, provision of new cycling & walking routes, open space including sports pitches, associated changing parking and other ancillary facilities and formal play areas together with associated works and operations including engineering operations & earthworks.
Decision	
Decision Date	not yet determined

Consultees:

Parish/Town Council	<p>OBJECT</p> <p>Arlesey Town Council is of the view that permission for the planning application CB/17/00492/FULL should not be granted. The Council OBJECTS to the application on the basis that the Transport Assessment is based upon an indicative development plan that is not in compliance with the Arlesey Cross Masterplan, specifically with regards to the requirement to provide 10ha of employment land.</p>
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The Council also contests the statement in the Travel Assessment that the High Street is operating at less than 50% of capacity, and believes that the assessment of the roads' capacity has not been carried out in accordance with the guidance in the Design Manual for Roads and Bridges. The Council also questions the logic used for the placement of the bus stops.

Non compliance with the Illustrative masterplan:-

While permission is not being sought for the development of the western parcel of the Arlesey Cross masterplan, the transport assessment that supports the application clearly states in section 4.14 that the trip rates are based on the primarily residential configuration as proposed in the accompanying 'illustrative master plan rev P11'. This illustrative masterplan does not include sufficient employment land for the development to be in accordance with the Arlesey Cross Masterplan, and specifically, Policy MA8 of the North Site Allocations Development Plan Document which calls for

The Arlesey Masterplan, adopted in March 2014 and, as it states in section 1.15 of that document is a 'material consideration in guiding and informing development management decisions in respect of any future planning applications in Arlesey Cross' clearly envisages that the bulk of the employment land would be provided as part of the eastern parcel of land covered by the illustrative masterplan accompanying this application. Section 4.7 of the Arlesey masterplan states that 'the principal employment area will be located on the eastern side of Area B [the eastern portion of the Arlesey Cross area]. This will allow a direct access into the employment land to be taken from the new relief road close to the proposed junction on the A507, ensuring that commercial traffic, particularly HGVs, do not need to travel through the town.

For this application to be compliant with the Arlesey Cross Masterplan, the Transport Assessment should include trip rates that are in accordance with the provision of the 'high quality business park' that accesses the 'relief road close to the proposed junction on the A507'.

Other considerations

High Street Capacity

Paragraph 4.38 of the Transport Assessment suggests that the High Street is operating at less than 50% of capacity based upon the 'expected capacity' of 750 vehicles per hour in the busiest direction as stated in the Design manual for Roads and Bridges (DMRB), Volume 5, Section 1, Chapter 3. However, DMRB also states that this capacity should be reduced when more than around 15% of the traffic consists of large vehicles and no attempt seems to have been made to determine whether this threshold has been reached.

Furthermore, chapter 4 of this section of the DMRB describes the Assessment Procedure that should be applied when determining a road's capacity. Paragraph 4.2 states that the expected capacity 'should be calibrated with observed traffic flows to validate the appraisal, taking into account of any network constraints that may limit a desirable flow'. There is no evidence that any such appraisal has been carried out.

While the expected capacity takes into account a level of parked cars, the high number of parked cars on the High Street should be considered as out of the ordinary for a road of that nature. Traffic flow is reduced to being one direction for long distances, and must therefore constitute a network constraint that would significantly limit a desirable flow and be likely to reduce the capacity of the road. Until a full appraisal of the effect of the parked cars has been carried out, it is impossible to determine whether the High Street's operating within capacity. Local observations suggest that it is or at near capacity when traffic is at its peak during school term times.

Bus stop location

Section 2.6 of the accompanying Transport Assessment states that the location of the bus stops have been chosen following consultation with the local bus providers but does not clearly explain why they are both located on the northern side of road, and therefore, serving only eastbound buses. Buses would operate in both directions and, to minimise the disruption to traffic of buses stopping, it seems that laybys should be provided on both sides of the road.

Conclusion

In conclusion, the Town Council feels that the Transport Assessment that accompanies this application has some serious flaws in that it is based on trip rates that do not include the employment land that would be provided as part of a development that is compliant with the Arlesey masterplan, and that the appropriate guidance has not been followed when determining the capacity of the high Street. As a result, the Council believes that the planning permission should be refused.

The Town Council hereby seeks the Planning Officer's and CBC's development management committee members' full consideration of these representations and awaits notification of the relevant DMC's meeting date, where the application will be considered in due course.

Anglian Water

No comment

Archaeology

The proposed development site has considerable archaeological potential, but this does not present an overriding constraint on development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This can be secured by suitable planning condition.

Ecologist

No objection subject to a planning condition requiring the submission of a Biodiversity Method Statement.

Green infrastructure

No comment on road scheme elements of the application.

Highways Development Management

The alignment of the Relief Road has been modified slightly from that consented (planning ref CB/15/02916/REG3) in the vicinity of the two roundabouts. However, this is not considered to be detrimental to the operation of the Relief Road.

No assessments of impacts on off-site junctions on the local network have been included, as the application does not seek consent for any development other than the new junctions.

The southern arm of the Central roundabout is identified as serving a future Relief Road on drawing no. 16254-ARLE-5-132 B. The width indicated in the junction capacity assessment is 7.3m, which is consistent with the width of the Relief Road. The arm to the north, which will serve approximately 550 dwellings, is shown as 6.5m wide, whereas

a width of 5.5m would be appropriate (a Main Street in accordance with *Movement and Streets*), unless provision for a future bus route is being reserved.

In accordance with the Arlesey Cross Masterplan document, the new junction on Stotfold Road is intended to provide local access to residential parcels at the northern end of the development only, with natural traffic calming features introduced to discourage rat-running through the remainder of the residential development to the south. The Illustrative Masterplan indicates a route around the eastern edge of the development that may attract rat-running, and measures to discourage this should be incorporated into the final design.

Discussions with bus operators have indicated that existing bus services might be diverted from their existing routes along the Relief Road in order to serve the development. Two bus stops on the Relief Road are proposed, both on the northern side, one to the east of each new roundabout. Section 10.05.04 of Central Bedfordshire's Design Guide states that 'a direct bus route should be considered with bus stops located where they can be reached within 10 minutes, or a 250m walk, for pedestrians in close proximity to residential plots and new employment sites.' The Transport Assessment uses the maximum distance of 400m as recommended in DoE guide 'Creating Places' as the determining criterion but demonstrates that not all dwellings lie within that 400m

Both of the new roundabouts include uncontrolled crossing facilities, and three signal controlled (Toucan) crossing points are also proposed along the Relief Road. The central of these lies approximately on the line of the main green corridor running north-south shown on the Arlesey Cross Masterplan. However, the Illustrative Masterplan submitted by the applicant does not show this route, which appears to have been replaced by a route running around the eastern edge of the development. This outer route would not provide a direct route to Stotfold Road and Etonbury School for the majority of residents. The original master-planned proposal linked the cycle route to the existing RoW FP1A via Hillary Rise linking to the existing local centre, i.e. lower school, and library etc., providing a segregated route into the existing area of Arlesey. The proposed route of the new north south route does not therefore satisfy that requirement in particular as it does not connect with any existing routes. The principle of a toucan crossing to serve the cycle route is accepted but is not in accordance with the Arlesey cross masterplan and may need to be relocated with a revised route.

No Road Safety Audits have been submitted for the proposed new junctions on the Relief Road. It is suggested that the

applicant is requested to provide these, including the Designer's Response to any issues identified.

The TA includes an assessment of the impact on the High Street of development of the eastern land, in conjunction with development on the western land, assuming the western section of the Relief Road is not complete. With full development the increase in traffic on the High Street during the AM and PM peaks is predicted to be between 40-50%. The TA then looks at the theoretical capacity of the High Street based on DMRB guidance on the capacity of roads, and concludes that the High Street is currently operating at less than 50% of its theoretical capacity, and therefore the increases identified would still mean the High Street would be operating well below capacity. However, parking along the High Street and the resultant delays caused is a particular issue in Arlesey and it is considered that the DMRB guidance is not reliable in this case, and the conclusion in the TA is not valid. However, this application is not seeking consent for any development, and therefore the issue of impact on the High Street is not relevant to this application, but must be considered in future applications for development on the eastern land.

In summary therefore the Highways Team has the following concerns pertinent to this application:

- Verge widths not in accordance with the Arlesey Cross concept masterplan and CBC design guide
- Bus stop locations not in accordance with the CBC design guide requirements
- Crossing locations not in accordance with the Arlesey Cross concept masterplan

However, should this application be recommended for approval please include the highway conditions and informatives relating to the following:

Conditions

Condition 1 - Construction Environmental Management Plan

Condition 2 - Submission of Details – Adoptable Streets

Condition 3 – Submission of details – Highway signage strategy

Informatives

Submission of Details – Adoptable Streets and Signage Strategy

	Surface Water Drainage
	New Roads and Street Works Act
Highways England	Offer no objection
Landscape	Landscape proposals will need to be developed as part of the overall design.
Minerals and Waste	No objections
Natural England	No comments
Sustainable transport	A travel plan was submitted as part of the original plan, and will need to be revisited in light of concerns relating to the width of the proposed cycleways/footpaths and location of the proposed bus stops.
Trees and Landscape	Indicative planting needs to be finalised as part of the detailed landscape proposals.

Other Representations:

Arlesey Residents Association	Maintain the objection that the methodology used in the Transport Assessment does not recognise the extensive on street parking that is taking place along the High Street The Residents Association believe that there are opportunities to improve High Street traffic flow by limiting on street parking, and would support CBC in coming up with solutions to the problem.
Neighbours	1a The Hermitage - the transport assessment does not adequately address the impact of development upon the High Street 3 Lewis Lane - Concerns relating to privacy, noise & vibration from the proposed development.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Highway Considerations
3. Other Considerations

Considerations

1. Principle of Development

- 1.1 The application forms part of the allocation site MA8, allocated through the Central Bedfordshire North Site Allocations DPD (April 2011). This allocation requires the provision of a relief road running north along the west of the High Street to the north east of Arlesey and joining the A507, in general accordance with a concept masterplan, an extract of which is shown below. The masterplan does not go into any detail about how the development parcels on either side of the relief road will be accessed.

- 1.2 The relief road and the points of access at either end have the benefit of planning consent, granted in March 2016. At the time that the application was submitted the nature of the accesses on to the relief road were not known, and the consented relief road has no points of access for the proposed development, nor does it provide details of any pedestrian crossing facilities or bus stops. This application does not revisit the approved road details, and indeed the road scheme can be constructed subject to the approval of the relevant planning conditions.
- 1.3 This application for the roundabouts, bus laybys and pedestrian crossings allows for these elements of the road to be constructed at the same time as the rest of the eastern relief road, not at a later date, and it is considered that this is a more efficient way of constructing the road.
- 1.4 The transport assessment, while it refers to an indicative masterplan that has yet to be approved, is there to assist the determination of this planning application. The applicant has not sought the indicative masterplan to be approved within this application, as it is part of the outline application for Chase Farm that is yet to be determined. (CB/17/01158/OUT).

- 2.
- 2.1
- 2.2



- 2.3 The signalised crossings have been designed as Toucan type crossings. They have been located along key desire lines that will come forward once the masterplan is developed, namely routes to the local centre, along the strategic north - south cycle route and the central bus stop. This is considered an acceptable reason for choosing these locations. Cycle and pedestrian routes to connect to these crossings will be considered in detail by officers as part of planning application CB/01277/OUT.

3. Other Considerations

- 3.1 Concerns expressed by the resident of 3 Lewis Lane relating to noise and vibration will be addressed by a Construction Management Plan, and concerns relating to privacy will be addressed by conditions relating to the existing permission for the road reference

CB/17/01158/OUT.

3.2 Human Rights and Equality Act 2010 issues:

This planning application is not considered to give rise to any human rights or equality issues.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before any part of the development is brought into use.**

Reason: The condition must be pre-commencement to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policies CM13 and DM3 of the Core Strategy and Development Management Policies (2009) and policy MA8 of the Site Allocations DPD (2011).

- 3 **Part A: No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme of investigation shall include the following components:

- A method statement for the investigation of any archaeological remains present at the site;
- An outline strategy for post-excavation assessment, analysis and publication

Part B: The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- The completion of all elements of the archaeological fieldwork, which shall be monitored by the Archaeological Advisors to the Local Planning Authority;
- The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be

approved in writing by the Local Planning Authority;

- The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report.

Reason: In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidable affected as a consequence of the development and to make the record of this work publicly available. This is also compliant with policy CS15 of the Core Strategy and Development Management Policies (2009) and policy MA8 of the Site Allocations DPD (2011). This is a pre-commencement condition as archaeology cannot be recorded after the start of construction.

- 4 Prior to the first use by vehicular traffic of the development hereby approved, a landscaping scheme to include all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following first use of any separate part of the development (a full planting season means the period from October to March).

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policies DM14 and DM15 of the Core Strategy and Development Management Policies DPD (2009).

- 5 **No development shall take place until full details of existing trees and hedgerows on the site indicating those to be retained and the method of their protection during development works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.**

Reason: To ensure that existing landscape features are protected and retained in the interests of visual amenity and biodiversity in accordance with Policy DM14 of the Core Strategy and Development Management Policies DPD (2009). This is a pre-commencement condition as trees to be retained need to be identified before the start of construction. This is a pre-commencement condition as trees that are to be retained need to be identified and protected before the start of construction.

- 6 Prior to the first use by vehicular traffic of the development hereby approved a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure appropriate landscape management in the interests of visual amenity in accordance with policy DM14 of the Core Strategy and Development Management Policies DPD (2009).

- 7 No construction groundworks 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 previously submitted Environmental Statement, a Phase 2 intrusive sampling investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, and prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 intrusive sampling investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation / validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies DPD (2009).

- 8 **No development shall commence 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) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) **Details of site compounds, offices and areas to be used for the storage of materials;**
- c) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

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 safeguard the amenity of existing and future residents. (Section 7, NPPF) This is a pre-commencement condition as this detail needs to be agreed before the start of construction.

- 9 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exits and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until 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 and to prevent the deposit of mud or other extraneous material on the highway during the

construction period.

(Section 7, NPPF) This is a pre-commencement condition as this detail needs to be agreed before the start of construction.

- 10 This approval relates only to the details shown on the submitted plans, numbers
- 16254-ARLE-5-130B General Arrangement Key Plan (Roundabout Planning)
 - 16254-ARLE-5-131B General Arrangement Sheet 1 (Roundabout Planning)
 - 16254-ARLE-5-132B General Arrangement Sheet 2 (Roundabout Planning)
 - 16254-ARLE-5-133B General Arrangement Sheet 3 (Roundabout Planning)
 - 16254-ARLE-5-134A Longitudinal sections Relief Road Sheet 1
 - 16254-ARLE-5-135A Longitudinal sections Relief Road Sheet 2
 - 16254-ARLE-5-136A Longitudinal sections Relief Road Sheet 3
 - 16254-ARLE-5-137A Longitudinal sections Local Centre
 - 16254-ARLE-5-138A Longitudinal sections Central Roundabout
 - 16254-ARLE-5-139B Cross Sections Sheet 1
 - 16254-ARLE-5-140B Cross Sections Sheet 2
 - 16254-ARLE-5-141B Cross Sections Sheet 3
 - 16254-ARLE-5-142B Redline Plan (Roundabout Planning)
 - 16254-ARLE-5-144 Directional Signage (Roundabout Planning)
 - 16254-ARLE-5-145 Tracking Sheet 1 (Roundabout Planning)
 - 16254-ARLE-5-146 Tracking Sheet 2 (Roundabout Planning)
 - 16254-ARLE-5-147 Tracking Sheet 3 (Roundabout Planning)
 - 16254-ARLE-5-524 Tracking layout Sheet 1
 - 16254-ARLE-5-525 Tracking layout Sheet 2
 - 16254-ARLE-5-526 Tracking layout Sheet 3

Reason: To identify the approved plans and for the avoidance of doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.
3. Notwithstanding the details shown on the plans hereby approved for planning purposes the proposed works shall be carried out in full compliance with standards contained in Design Manual for Roads and Bridges and or Manual for Streets as appropriate.
4. Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

5. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- a. Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- b. Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- c. Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk) Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

6. Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than a 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed. This process should be agreed in writing with the Local Planning Authority.

In order not to cause destruction of, or damage to, the nests of wild birds, their eggs and young. This corresponds to the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended).

7. The applicant is advised that in order to comply with Condition 10 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 (HN viii)

- 8. 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. (HN xii)

- 9. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. (HN ix)

- 10. 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 Streetworks Team Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ or by email at: streetworks@centralbedfordshire.gov.uk.

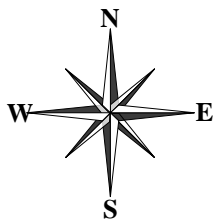
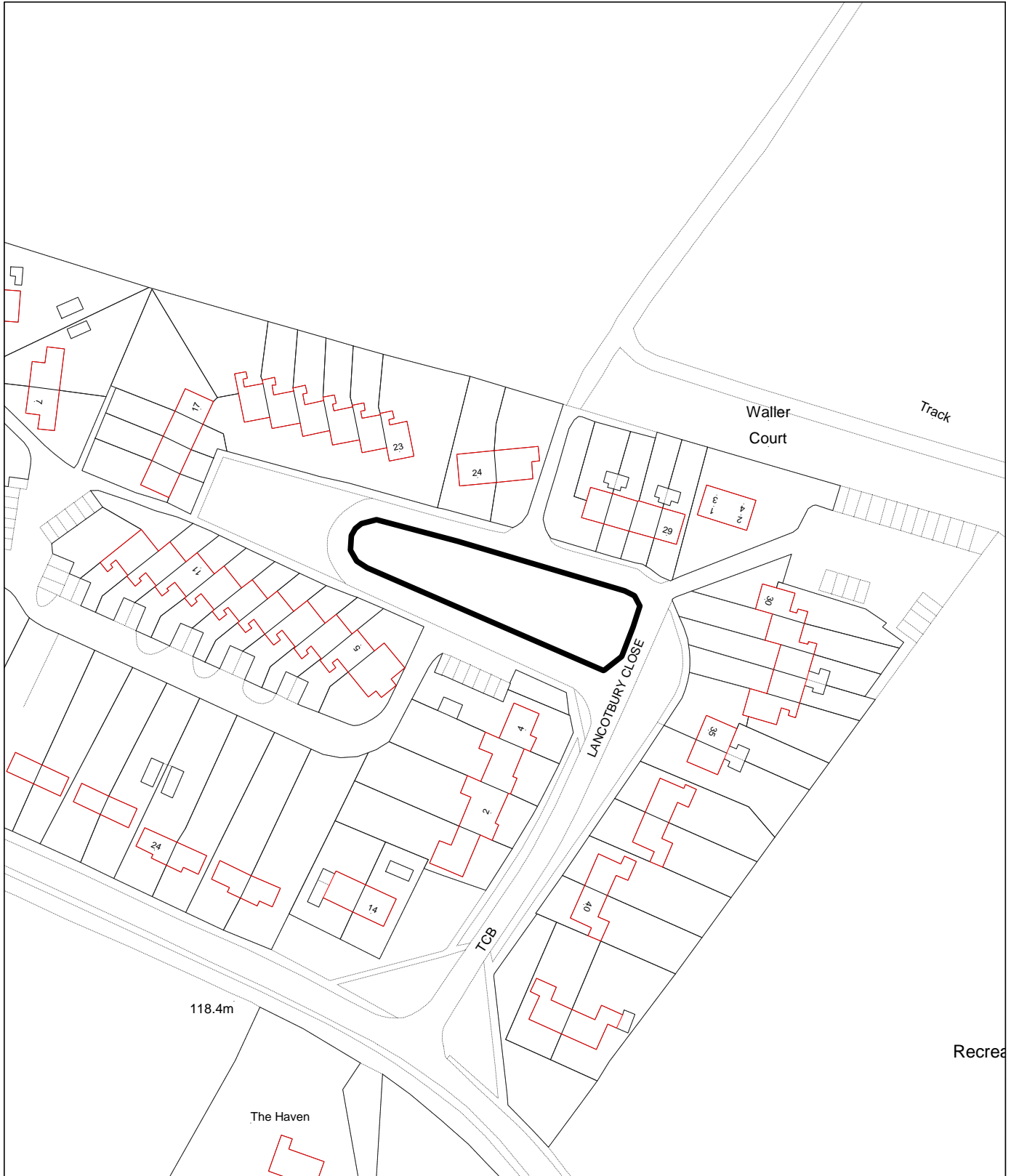
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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) Order 2015.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 05:May:2017
Grid Ref: 499013; 221474

Application No.
CB/16/04384/REG3

Scale: 1:1250

Lancotbury Close Amenity Land, Totterhoe

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Item No. 11

APPLICATION NUMBER	CB/16/04384/REG3
LOCATION	Lancotbury Close Amenity Land, Totternhoe
PROPOSAL	Regulation 3: Provision of additional off - road parking
PARISH	Totternhoe
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Janes
CASE OFFICER	Nicola Darcy
DATE REGISTERED	02 November 2016
EXPIRY DATE	28 December 2016
APPLICANT	Central Bedfordshire Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Regulation 3 application with neighbour objections which cannot be overcome by condition.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

On balance, the loss of some amenity land will be to the greater good of the users of the highway network and the community by providing greater connectivity and protection of the remainder of the amenity provision. It is considered therefore that the proposed development conforms with Policies BE8 & R12 of the South Bedfordshire Local Plan Review and Sections 4 & 7 of the National Planning Policy Framework

Site Location:

The application site consists of a small parcel of amenity land located at the northern end of Lancotbury Close in Totternhoe.

The Application:

The applicant, Central Bedfordshire Council, propose to provide 18 off road parking spaces and the realignment of an existing kerb on a moderately proportioned plot of amenity land.

Following Parish Council comments, the proposal has been amended and now proposes 18 echelon parking spaces, as a row of 9 on each side of the grass amenity area.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Section 4: Sustainable Transport

Section 7: Requiring Good Design

South Bedfordshire Local Plan Review

BE8 Design Considerations

R12 Recreation Open Space

T10 Parking

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & R12 are still given significant weight. T10 is afforded less weight.)

Development Strategy

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

Supplementary Planning Guidance

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None relevant

Representations:

Totternhoe Parish
Council

I have been instructed to write to you regarding the above Planning Application. My Council do not consider the current proposal to have linear parking in the Close by cutting into the grass amenity land in the centre of the Close, to be the best option. There has been a long term parking problem in this Close and it is felt that a better solution should be considered.

After careful consideration of the drawings associated with this application the Council would recommend that chevron parking would be a better solution and would create more parking spaces, with the loss of an additional area of amenity land being too small to be noticeable. Further it is considered there is not the need for a footpath across the amenity area as most residents would park their cars adjacent to their properties.

The existing area of amenity land is already used as an unofficial car park by residents to the detriment of its appearance. Chevron parking will provide more car parking spaces than a linear scheme, and will discourage residents and visitors from further degrading the grassed areas. A straw poll of residents taken by Councillors has demonstrated that they would support the Council's views on this important issue.

We trust that due consideration will be given to the view of the Council and the local residents.

Consultees:

1. CBC Highways Officer The applicant wishes to provide echelon parking spaces, the annotated dimensions of which are in accordance with the Council's Design Guide. The parking bays shown on the drawing do not reflect the dimensions shown and are considered indicative. The use of the echelon parking requires the provision of a one way system which may also require waiting restrictions outside 26 – 28 Lancotbury Close to prevent on street parking obstructing the new parking spaces.

I would recommend the following conditions are imposed.

- Development shall not begin until details of a proposed traffic regulation order for the proposed one-way system and on-street parking restrictions have been approved by the Local Planning Authority and no development shall be brought in to use until the traffic regulation orders have been implemented in accordance with the approved details.

Reason

In the interest of highway safety.

- The proposed development shall be constructed in accordance with the parking standards guidance in the Central Bedfordshire Design Guide.

Reason.

In the interest of road safety and for the avoidance of doubt.

- The widening of the existing carriageway shown hatched with a black line on the approved drawing shall be constructed to an adoptable standard.

Reason

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

Furthermore, I should be grateful if you would arrange for the following Highway Notes to the applicant to be appended to any consent issued by the council.

- The applicant is advised that in order to comply with Condition 3 of this permission it will be necessary for the developer of the site to enter into a Dedication Agreement to ensure the land is dedicated as public highway. Further details can be obtained from the

Highways Development Management, Regeneration and Business Directorate, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ. The applicant is also advised that if any of the construction works associated with the widening of the carriageway affects or requires the removal and/or the relocation of any equipment, apparatus or structures, then the applicant will be required to bear the cost of such removal or alteration.

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.

Other Representations:

28 Lancotbury Close Yes we need more parking for residents, not a one way system, have you thought about the farm tractors and delivery vans and lorries?? Tractors have to cross the green, but wont be able to with this plan. Why not just allow dropped Kerbs and install driveways, keeping the green as it is for children to play on. It seems that it is being made too complicated when the solution is so simple

29 Lancotbury Close I live at number 29, and have my own drive which solves all of my parking issues. Why not give residents permission to put dropped kerbs in, this would solve all of one side of Lancotbury Closes parking problems, without cost to the council??
At the other end of the Close, why not take out the grass near the houses in the horseshoe shape, so residents can park nearer their houses than at present they cant get anywhere near with a car?
The way these plans are drawn, the car spaces are at an angle, the one way suggestion should be the other way round, so getting into these spaces is easier?
As I live at 29, I also dont want to go right round the Close to go a few yards up the road, it is wide enough to pass so why put a 1 way system in?
Can you confirm that you will be putting double yellow lines in? And if so what for?
Residents want their own parking of course, and a lot are prepared to put their own in with permission to drop the kerbs, at present they drive over the kerb to keep their cars safe from burglary and vandals, near to their houses, this will not stop even with this proposed parking put in, so I feel that where possible, permission should be given for residents to go over council verges to get onto their front

gardens, as I was able to do.
Are these places allocated for certain houses?
We need more information.

24 Lancotbury

My wife and I strongly support the application, however, we have concerns regarding new parking bays opposite our drive way. At present, to back out of our drive, we have to mount the grass area to enable a turning circle. The proposed plans mean a car would be parked there therefore not allowing space to reverse out of our drive. On occasions when cars park on the green close to the edge opposite our drive, it can be almost impossible to manoeuvre out, especially if cars are parked too close to the dropped kerb. We would like consideration made for this and would welcome someone to view.

9 Lancotbury

I support the application but have some comments about it.

(1) Have the double yellow lines that were in the original design been removed? Will this mean that the Close could still be blocked by parked cars when there are parking spaces available?

(2) When relocating the lamp posts could anything be done about the fact that they flood our bedrooms with too much light at night? Could they be switched lower or off between midnight and 6am?

(3) I think the new design with a One Way system and echelon parking at the east end is much better. It is both more practical and more attractive. But surely the echelons are sloping the wrong way - unless you are intending to force people to reverse into parking spaces? Entering at the south of the Close you would have to turn through 120 deg to the right to get into a bay and when reversing out you would then be facing the wrong way for the One Way system. The same applies to the bays on the north side of the Close.

(4) What is the new profile of the grassed area going to be? I do not see how to view this on line.

(5) Could any thought and provision be given to planting some trees on the grassed area to enhance it? This could be done between the rows of echelons but also a few in the open grassed area would be attractive. If it is a matter of lack of funds I would be happy to canvass the residents about funding and even planting the trees ourselves if necessary.

5A Lancotbury

CONS:

1. Difficult to enter parking spaces in a forward direction due to proposed one way system, therefore necessitating car boot emptying over grass area which is unsafe due to being very slippery over winter.

2. Still does not give the required number of car parking spaces, therefore original problem not addressed.

PROS:

1. Least disturbance of green areas
2. Wider road at the lower end of the Close giving better access for larger vehicles.

Considerations

1. Principle

Policy R12 of the South Bedfordshire Local Plan Review emphasises the need to preserve formal and informal open spaces in the district. The Local Authority considers that open spaces have a vitally important amenity role in addition to their value for recreational purposes. Such open spaces contribute to the variety of land uses within the urban fabric which help to make towns and villages convenient, satisfying and enjoyable to live.

In the case of the proposed amenity land, in places, the land appears to show evidence of being used for unauthorised parking leaving some of the grassed amenity areas in an unacceptable state. As such, the loss of a relatively small portion of this large expanse of land for hardstanding would allow the control of parking concentrated to the areas proposed and allow for the remaining amenity land to regrow and add value to the streetscene. Furthermore the scheme has additional benefits which are material considerations, including a one way system around the Close and the realignment of a problematic kerbline to prevent large vehicles from damaging the kerb.

As such, on balance the loss of some amenity land would be to the greater good of the remainder amenity provision, the users of the highway network and the community by providing greater connectivity and protection of the remainder of the amenity provision. It is considered therefore that the proposed development conforms with Policies BE8 & R12 of the South Bedfordshire Local Plan Review.

2. Affect on the Character and Appearance of the Area

The introduction of formal parking on the amenity area would provide greater protection of the remainder of the green space from indiscriminate parking and therefore ensuring the visual protection of the amenity space is retained. Therefore it is considered that the proposal would conform with Policy BE8 of the South Bedfordshire Local Plan Review and Section 7 of the NPPF.

3. Neighbouring Amenity

The council as applicant has provided the following response to the various points raised by residents:

1. Introduction of one-way system

The introduction of a one-way operation has the benefits of maximising on-street parking and enhancing safety. The marginal dis-benefit is that some residents will have to drive slightly further to their properties.

2. Number of car parking spaces created

The arrangement seeks to maximise the number of parking spaces available to residents in a way that is affordable for the authority to construct.

3. Accessibility for larger vehicles including tractors, lorries and delivery vans

The one-way arrangement and changes to the kerb line will make it easier for all vehicles to negotiate their way around the central island.

4. Option to remove the grassed amenity area at the western end of the Close

The amount of material that would have to be excavated makes this option prohibitively expensive for the relatively few additional parking spaces created.

5. Orientation of the spaces to facilitate access to spaces

The spaces are deliberately orientated to encourage drivers to reverse in and accords with road safety guidance (reference paragraph 20.17 of the Traffic Signs Manual).

6. Introduction of waiting restrictions

The need for waiting restrictions will be assessed once the scheme is in place.

7. Allocation of spaces

There is no intention to change the first-come first-served basis for on-street parking within the Close.

8. Issues when accessing driveways

The need for 'h-bar' markings to protect property accesses will be considered when finalising construction plans.

9. Profile and landscaping of the grassed area

The provision of trees within the amenity area can be considered for the scheme's construction, assuming budgets allow.

10. Design of the replacement street lighting

Where a lighting column has to be moved it is likely to be replaced with a modern LED version. These use a lot less energy to run and afford greater control over the 'spread' of light.

11. Option to allow residents permission to drop the kerb and to provide a driveway so that they can park within the curtilage of their property

The option to apply for a dropped kerb will remain open to residents with requests assessed in accord with the authority's published guidance.

Having regard to the above, it is considered that, on balance, the proposed scheme would alleviate some of the parking problems within the Close. Furthermore, the scheme is not considered to give rise to an unacceptable impact on the local residential amenity in terms of inconvenience, noise and disturbance which could substantiate a reason for refusal. Therefore it is considered that the proposal would conform with Policy BE8 of the South Bedfordshire Local Plan Review and Section 7 of the NPPF.

4. Highway Considerations

The works to form the parking areas would be undertaken by the authority in accordance with the appropriate specification. The creation of these additional parking spaces at the end of this cul-de-sac would help in reducing the parking problems in the area. Therefore the Councils Highways Officer has confirmed that there should not be a restriction to the granting of permission to the above planning application on highway grounds, subject to the imposition of conditions. However, the matter of providing a one-way system and on-street parking restrictions is a matter that is controlled by the Council as a Highway Authority and should not therefore be controlled by planning condition. The proposal would not contribute to highway safety concerns and it is considered to be in accordance with policy T10 of the South Bedfordshire Local Plan Review, the Central Bedfordshire Design Guide and Section 4 of the NPPF.

5. Other Considerations
Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises issues under the Equality Act with regards to the provision of disabled parking spaces and the scheme provides for the retention of one on road parking space accordingly.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The proposed development shall be constructed in accordance with the parking standards guidance in the Central Bedfordshire Design Guide.

Reason: In the interest of road safety and for the avoidance of doubt. (Section 4, NPPF)

- 3 The widening of the existing carriageway shown hatched with a black line on the approved drawing shall be constructed to an adoptable standard.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.
(Section 4, NPPF)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number CBC/001.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. 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.

3. The applicant is advised that in order to comply with Condition 3 of this permission it will be necessary for the developer of the site to enter into a Dedication Agreement to ensure the land is dedicated as public highway. Further details can be obtained from the Highways Development Management, Regeneration and Business Directorate, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ. The applicant is also advised that if any of the construction works associated with the widening of the carriageway affects or requires the removal and/or the relocation of any equipment, apparatus or structures, then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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) Order 2015.

DECISION

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Central Bedfordshire Council

Development Management Committee

24/05/2017

The determination of an application to reduce the width of Arlesey Footpath No. 5

Report of Paul Mason - Assistant Director - Highways

Report Author: Adam Maciejewski – Senior Definitive Map Officer – x76530

Purpose of this report

1. The eastern end of Arlesey Footpath No. 5 has been historically obstructed over the majority of its width by Arlesey Garage and the rear boundary of No. 72 Stotfold Road. The previous owner of the Garage applied for the width of the footpath within the curtilage of the Arlesey Garage to be extinguished: leaving just the narrow remainder along the adjoining alleyway. The Arlesey Town Council has objected to such a width reduction, instead requiring the retention of a greater width. This report looks at the various aspects of both the original application and the Town Council's request.

RECOMMENDATIONS:

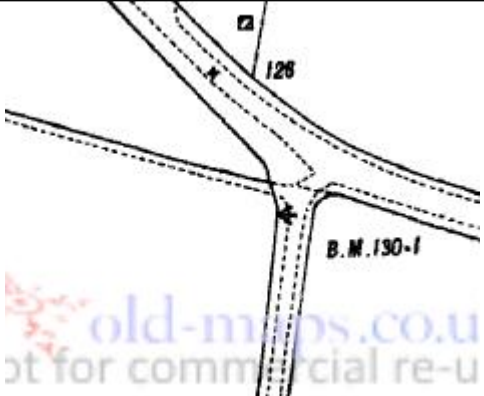
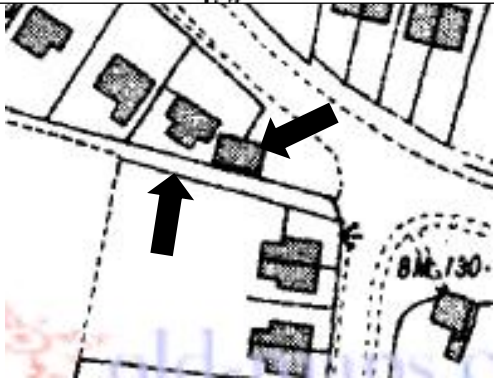
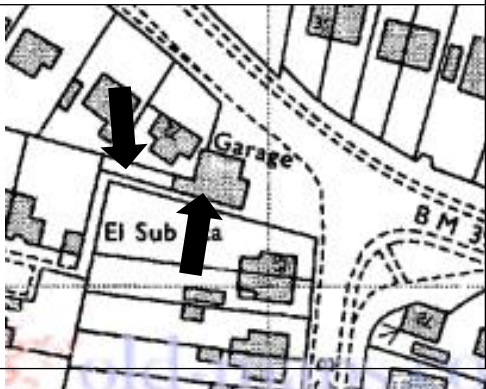
The Committee is asked to:

1. Approve the application to make a public path extinguishment order under Section 118 of the Highways Act 1980 to extinguish that part of the historically obstructed width of Arlesey Footpath No. 5 between points A and B as shown on the map at Appendix A, whilst retaining the unobstructed portion of the footpath that runs along the alleyway between House Lane and Chase Close with a variable width of between 0.82 and 1.22 metres.
2. Formally abandon the County Council of Bedfordshire (Arlesey: Part of Footpath No 5) Public Path Diversion Order 2001 which was objected to and never forwarded to the Secretary of State and is considered erroneous and redundant at this time.

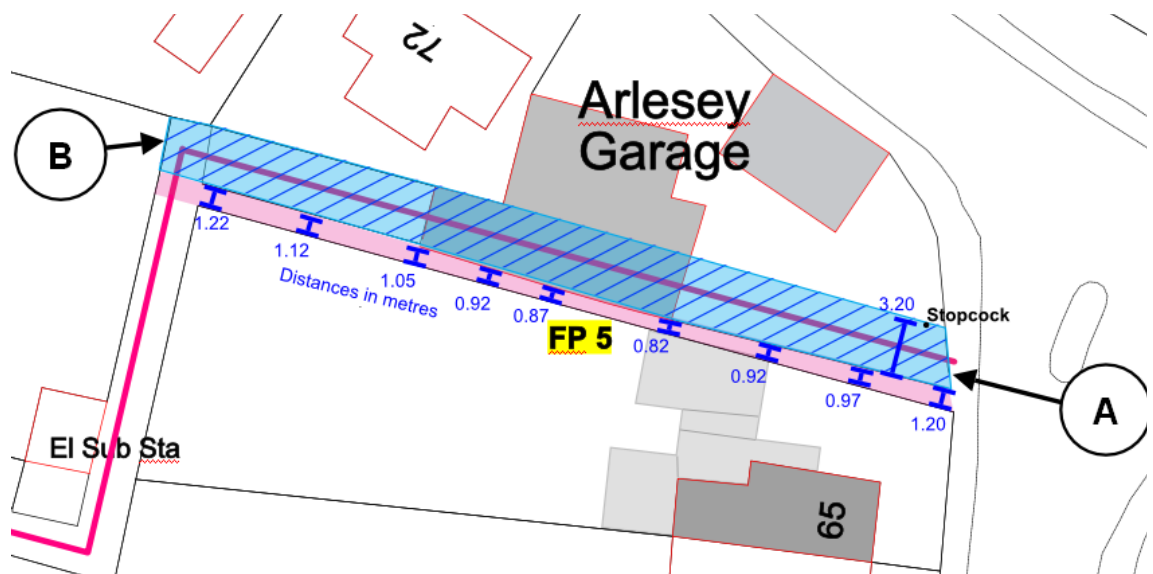
Issues

2. In May 2015 Mr. Steward Chalkley, the prospective purchaser of Arlesey Garage at the corner of Stotfold Road and House Lane asked his solicitor to conduct a CON29 property search. The results indicated that Arlesey Footpath No. 5 passed through the curtilage of the Garage, running along the forecourt, through the 1960s extension to the property and thence through the rear garden of No. 72 Stotfold Road situated to the rear of the Garage.

3. The vendor's solicitor (acting for the then owner, Mr. Gunn) submitted an application in July 2015 to extinguish that part of the width of Footpath No. 5 within the curtilage of Arlesey Garage and No. 72. The proposal plan at Appendix A shows that the retained width of the footpath between points A-B is confined to the currently used alleyway situated between Arlesey Garage and No. 65 House Lane.
4. The Arlesey Garage has now been bought by Mr. Chalkley. Mr. Chalkley has asked to be invoiced for the public path order application whilst leaving the application in Mr. Gunn's name as they have a private financial agreement on this matter.
5. The Definitive Statement for Arlesey Footpath No. 5 does not record a legal width for the obstructed section of path between points A-B. The original 1952 parish path survey also does not record a width. The historical width of the footpath has therefore been estimated from the 1937 25":1 mile Ordnance Survey map which shows the route of the footpath as an approximately 4.0 - 4.5 metre wide agricultural access track.

	<p>Extract from the 1922 25":1 mile Ordnance Survey map (Rev. Ed.)</p> <p>The footpath is annotated "F.P." for footpath on the map which indicates its character rather than status. No houses are depicted.</p> <p>There is no Garage.</p>
	<p>Extract from the 1937 25":1 mile Ordnance Survey map (3rd Ed.)</p> <p>The access to the field is now delineated by the boundary to No. 72 House Lane and is a wide track (arrowed).</p> <p>The Garage is recorded as a small building (also arrowed).</p>
	<p>Extract from the 1977 1:2,500 Ordnance Survey map (4th Ed.)</p> <p>The Garage is shown significantly extended over and into the previous access track to the field. (arrowed)</p> <p>The track to the rear of No.72 House Lane is shown as a separate land parcel (also arrowed).</p>

6. The centre-line of Footpath No. 5 is recorded on the Definitive Map as running along the centre of the historical access track and thus outside the current alley way; instead running through the Arlesey Garage and forecourt and within the rear garden of No. 72 Stotfold Road. Consequently, even if it can be proved that the enforceable width of the footpath is less than the width of the historic access track, enforcement action would still be required to make the footpath open and available for public use.



Measured widths of eastern portion of Footpath No. 5 showing the centre-line of the footpath

7. The issue of the narrowness of Footpath No. 5 was previously addressed in 2000-2001 by the former Bedfordshire County Council when it made a public path diversion order to move the legal line of the footpath out of the Garage on to the alleyway. At that time the County Council considered the footpath to be narrower and didn't include the alleyway. The *County Council of Bedfordshire (Arlesey: Part of Footpath No. 5) Public Path Diversion Order 2001* was made in March 2001 but received objections from a number of local and national walking groups. For reasons unknown, the order was not forwarded to the Secretary of State and instead was informally abandoned without resolving the issue.
8. The usable width of Footpath No. 5 along the alleyway connecting House Lane to Chase Close varies between approximately 0.82 and 1.22 metres (see above plan) making it impossible for pushchairs or wheelchairs to pass each other or oncoming walkers. However, it is a functional width for unidirectional traffic.



The narrow section extends from point A on House Lane for approximately 44 metres to the dog-leg and wider alleyway at point B adjacent to Chase Close.

9. To increase the width of the alleyway would require either the demolition of the boundary wall and outbuilding (garage) of No. 65 House Lane or the demolition of forecourt wall, extension to the Arlesey Garage and removal of the trees, rear fence and garden shed of No. 72 Stotfold Road. No. 65 House Lane is an innocent party in this issue: the obstruction being caused by the southwards extension of the Arlesey Garage in the c.mid-1960s, see photographs below.



Photo taken in possibly the 1950s.
A single-story garage with one work bay



Photo taken in c.1970s
Redevelopment to a two-story building with two work bays. The apex of the original building is marked by the rendered surface.



(c) Google Street View

Photograph taken in July 2016

Showing further development of a second story above the second work bay.

10. Given the historic nature of the obstructions, the case officer consulted on the proposed width reduction of the legal width of Footpath No. 5 to the current width of the alleyway. However, the Arlesey Town Council and the local ward member, Cllr. Richard Wenham have both requested that the proposed width reduction should retain a greater width than the alleyway, so that if the Garage were ever redeveloped, a wider footpath could be recreated. The Town Council's and local member's requests are included at paragraphs 36 and 40 below and a plan of the extra width required is shown at Appendix C.

Legal and Policy Considerations

11. The legal and policy considerations of this application and of the Arlesey Town Council's request for a greater width are discussed at Appendix B, and summarised below.

Validity of the Definitive Map and duties of the Council

12. Section 56 of the Wildlife and Countryside Act 1981 provides that the Definitive Map and Statement are conclusive evidence at law of the status, position and width of any public right of way recorded on it. The Statement would normally be used to define the width but in this case no width is recorded. Consequently the historic width of the 1937 agricultural access track (4 - 4.5 metres) has been used to establish the likely width for the footpath. Schedule 12A to the Highways Act 1980 does provide a backup by specifying minimum and maximum widths of 1.0 and 1.8 metres respectively for a non-field-edge footpath where a width cannot be proven. Using this maximum width of 1.8 metres would include very little of the alleyway as the legal line of the footpath would run almost in its entirety through the Garage, forecourt, and the rear garden of No. 72 Stotfold Road.

Enforcement of a right of way

13. Section 130 of the Highways Act 1980 imposes a duty on the Council, as the Highway Authority, to assert and protect the rights of the public to pass and re-

pass along all public highways and provides a range of legal mechanisms by which a variety of different types of obstruction can be removed under Sections 143, 149, 154 and 137 of the Act (see paragraphs B.21 *et seq.*)

14. Any enforcement action would require notice to be served on the land owners specifying what was required to be removed and by when. The recipients of the notices could, for certain obstructions, appeal to the Magistrates' Court. If the obstructions were not removed the Council could (depending on the type of obstruction) either then enter the property to remove the obstruction, apply to the Magistrates' Court for a court order to do so, or seek to prosecute the owners for failing to remove the obstructions.

Central Bedfordshire Council's Policy

15. The Council's Rights of Way Enforcement Policy dictates how the Highways Act 1980 should be applied to those rights of way that are obstructed. Under the policy the Council is able to waive the requirement that an obstructed path be open before processing an application. The Council is required to act in a reasonable and proportionate manner when considering its actions. This is especially so as the obstructions are historic in nature and have not been imposed by the current owners of the land in question.

The Proposed Extinguishment

16. Sections B.10 – B.15 of Appendix B consider the legislative tests of Section 118 of the 1980 Act which is the discretionary power of the Council to stop up some or all of a public path. The essential criteria of Section 118 are:
 - a. That it is expedient that the path or way should be stopped up on the ground that it is no longer needed for public use, and
 - b. That the Secretary of State or Council are satisfied that it is expedient to confirm an extinguishment order having regard to the extent that the path is likely be used by the public (if not stopped up) – ignoring any temporary obstructions - and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way.
17. The term *expedient* allows the Council to consider the impact of the proposal and the path on both the users and owners of the land as well on whether it is appropriate to enforce a greater width or maintain the historical status quo.
18. When all factors are considered, I consider it is expedient to maintain the current status quo of this footpath and to seek the extinguishment of the entire section of historically obstructed footpath, retaining the currently used, if somewhat narrow, alleyway.

Case law

19. There are two significant judgments relating to stopping up obstructed footpaths: these are the *Ashbrook* and *Send* cases at paragraphs B.16 and B.19 respectively. I do not consider either case is directly applicable to this

application and would not prevent the Council from making or confirming an extinguishment order.

Land Ownership

20. The current width of the alleyway between points A-B is unregistered, although it has a caution against it by Eastern Power Networks owing to the electricity cabling laid beneath the alleyway.
21. The curtilage of Arlesey Garage under Title BD306566 shows that the extent of the ownership includes the historic section of agricultural access track.
22. The curtilage of No. 72 Stotfold Road also includes the extent of the historical track to the rear of the property and was recorded as doing so in February 1988.
23. The curtilage of No. 65 House Lane is unregistered. The owner, Mrs. Taylor, inherited the house from her father who lived there in the c.1950s and his father before him. She stated that her father owned the access track as part of the property but was not concerned when the Garage encroached over the access track in the 1960s.
24. Within the errors and constraints imposed by the scale of historic mapping (25":1 mile and 1:2,500) it is unclear whether any of the historic access track has been encroached upon by No. 65 House Lane. What is clear, though, is that the garage and the rear garden of No. 72 have both encroached significantly over the access track.

Options for Consideration

25. This report proposes and recommends that the majority of the width of the footpath between points A-B be extinguished to leave just the width of the existing alleyway which varies between 0.82 and 1.22 metres in width. No works would be required to achieve this result.
26. Arlesey Town Council has, however, requested that a greater width (2.0 metres) be retained. The Town Council had also originally requested that the full 2.0m width of the retained footpath be enforced to either side of the physical extent of the Garage building and opened up for public use and the differing ground levels adjusted. The Town Council considers that the cost of any works should be paid for by the owners of the land. The enforcement aspect of this request has subsequently been withdrawn.
27. If an order is confirmed for the retention of a 2 metre wide footpath and the Central Bedfordshire Council considers it expedient to enforce the legal width, with the exception of the Garage building itself, the Council will have to serve formal notice on the owners of No. 72 Stotfold Road and the Arlesey Garage.
28. The obstructions that would need to be removed are:
 - i. Approximately 18 metres of low (approx. 1 metre high) brick wall alongside the forecourt
 - ii. Approximately 11 metres of low brick wall with panel fencing above to the rear of No. 72 Stotfold Road

- iii. Approximately 1 metre of 2 metre high brick wall to the rear of No. 72 Stotfold Road
 - iv. A large 29 year old ornamental cherry tree and two elder trees and miscellaneous shrubs within the rear garden of No. 72 Stotfold Road
 - v. A garden shed within the rear garden of No. 72 Stotfold Road
 - vi. Possibly other miscellaneous garden material from behind the fence of No. 72 Stotfold Road.
 - vii. Additionally the tarmaced forecourt of the Garage would need to be lowered to the level of the alleyway. Similar work may be required for the ground level at the rear of No. 72 Stotfold Road.
29. The owners of No. 72 can appeal to the Magistrates' Court over the requirement to remove trees and any miscellaneous deposits (including surfacing/paving) under Sections 154 and 149 of the 1980 Act respectively. If the Court refuses the appeal it can direct the obstruction to be removed by the Council.
30. If the owners of the Garage and No. 72 do not remove the obstructing walls, fence and shed within the times specified in the notice served under Section 143 the Council can either undertake works to remove the obstructions, or can seek to prosecute the owners of the obstructions in the Magistrates' Court under Section 137ZA of the Act.

Consultations

31. Mr. Chalkley, the owner of Arlesey Garage, has been consulted on the proposal and on the Arlesey Town Council's request for a 2 metre width. In a letter, dated 3 May 2017, Mr. Chalkley stated:

"...You have asked me to give my reasons why I appose the application to widen the footpath to two metres in front and behind the garage.

- 1. The doors into the building will be obstructed.*
- 2. Removal of fence and trees in garden of 72 Stotfold Road will compromise the structure of the building.*
- 3. The stopcock serving water main to properties in House Lane is located in proposed footpath and would require removal.*
- 4. Arlesey Town Council are agreed to leave footpath as it is."*

32. With regard to point 3 Mr. Chalkley is of the opinion that the works to remove the trees and boundary wall would be sufficient to compromise the structural integrity of the Garage's extension to the extent that the entire structure would require demolition. Whilst the extension does look slightly decrepit, I cannot comment on its resilience to the ground works required to open up the footpath.



33. Mr. and Mrs. Kirwan, the owners of No. 72 Stotfold Road, have been consulted on the proposal and on the Arlesey Town Council's request for a 2 metre width. In a letter, dated 5 April 2017, Mrs. Kirwan outlined the history of her property and of the Garage as she knew it, stating:

"...In 1948 Mr Pyman purchased the Garage and house. When the new development (Chase Close and The Poplars) was built, Mr Pyman built a low wall, his family recall that he said 'he had to leave a three-foot width for the footpath' which he did. (This wall still forms the boundary of our property). During this period of ownership, Mr. Pyman extended the garage, his family said he had building regulations for this. In January 1985 the garage and house were sold to Mr. Gunn, who divided the two buildings. He sold the house... in January 1986 and it remained empty until my husband and I purchased the house in December 1986.

We registered the land at the time of purchase, we were aware of the footpath running behind our property and there was no condition in our purchase agreement regarding any right of way over our land. The fact that Mr Pyman and Mr Gunn had been allowed to extend the garage, forming a narrower footpath, plus, the fact that our garden boundary is also in line with the garage wall, leads me to believe that the three-foot rule was adhered to and that the land gained was legally belonging to the property. Furthermore, the permission for the building work lies with the County Council, who would have also agreed to the width of the footpath.

I would like to say that I cannot see what positive outcome would be achieved in the local authorities requesting this piece of land for a wider footpath, especially because the footfall on the existing one is low. We have lived in this property for over thirty years, the existing boundary wall has been in place for at least fifty years. I would suggest this section of land in dispute, is classed as Excepted Land. It has two three mature trees, a patio and a workshop on it, plus nesting Wrens, Blackbirds, Wood Pigeons and Bumblebees. I feel the [Town] Councils pursuit to claim this section of land is a waste of time and public money, not to mention the distress caused to our family."

34. In response, the process of mapping public rights of way did not start until the early 1950's, with the Draft Map of Public Rights of Way being published in April 1953 and the first Definitive Map and Statement in March 1964. This was shortly before the possible construction of the Garage extension. Whilst planning consent is required prior to development taking place, such consent does not remove the additional legal requirements to stop up or divert public rights of way affected by the development before that development takes place. In the 1960's and 70's liaison between the various district councils and County Council over planning and rights of way issues was poor: numerous incidences of buildings being built over the legal lines of footpaths date from this period. Additionally, the rights of way question on property searches (Form CON29) has only been compulsory since 4 July 2016. Prior to that date the optional question was not always asked and many owners (such as the Kirwans) are unaware that a public right of way passes through their garden or house until they are contacted years later by the Council. Moreover, fencing part of a right of way into a garden

does not extinguish that right, instead creating an unlawful obstruction to the highway.

35. Mrs. Taylor, the owner of No. 65 House Lane has discussed the issue in a number of telephone calls to the Senior Definitive Map Officer. She stated that her father owned the house originally and that he owned the access track to what was originally fields where Chase Close is now situated. He had not objected to the encroachment of the Garage on to the track. This would have been shortly after they moved their caravan out from the end of the garden along the track in the early 1960's. Mrs. Taylor has stated that her stopcock is situated within the Garage's forecourt at what would have been the historic northern boundary of the access track.

36. Arlesey Town Council was consulted and stated in an e-mail, dated 21 December 2016,

"...The Town Council considered the proposed reduction of Arlesey Footpath No. 5 at its meeting held 20th December 2016, and resolved to OBJECT on the basis that any future redevelopment of Arlesey Garage would enable the path to be reinstated to its original width. The Town Council is aware that users of the path in its current state complain of its width being far too narrow. Whilst the Town Council is not suggesting that the Garage be demolished, it is mindful that at some point in the future the Garage and site may be redeveloped. In this event, the Town Council would wish to see a planning condition applied to ensure that the footpath is widened in order to re-establish, as closely as possible, the defined legal width..." The area subject to be enforced is shown on the plan at Appendix C by red shading with the obstruction caused by the main Garage building shown in green.

37. Following a later site meeting with the Senior Definitive Map Officer, the Town Council stated in a further e-mail, dated 9 March 2017,

"...The Town Council would be agreeable to the reduction in width of the highway and increase of the footpath by 2 meters, providing that a 2 meter widening of the usable width of the footpath to the front and rear of the current building is achieved at the garage owner's own cost including the removal of trees, repositioning of fence of 72 Stotfold Road and attaining the appropriate ground levels. The deeds of the property should record the existence of a 2 meter footpath in its entirety, so as to preserve and protect the reinstatement of the full 2 meter width at the point of any future redevelopment..." The Parish Clerk also confirmed that *"...You are correct in your assumption that ATC would indeed object to an order to narrow the footpath to the current width of the alleyway ..."*

38. Further to correspondence sent to the Town Council by Mr. Chalkley, the Town Council reviewed its previous resolution on Footpath No 5 at a meeting held on 18 April 2017. The Town Council has now stated that it

"...was informed that 72 Stotfold Road is held under a separate freehold to the Garage site, and given that 72 is not due to change ownership in the near future, coupled with the fact that 72 may have already established boundary rights at Land Registry (as we are locally informed), the Town

Council's previous position that the path be made wider to the front and rear of the garage is obviously unachievable. Taking this into account, and also the effect that moving the wall to the front of the garage would have on access to the garage, the Town Council reviewed its position and resolved that it would not seek the enforcement of short term action as previously requested, but in the event of any future re- development of the Garage site or 72 Stotfold Road a reinstatement of the 2 meter width would be required..."

The Town Council also reiterated that it would object to the proposed width reduction.

39. In response – any width of the footpath that is obstructed would remain an unlawful obstruction. The council cannot fetter its duties under the Highways Act 1980 by issuing any guarantee not to enforce the full width of route at a later date: indeed it could be compelled to do so by a court order under Section 130B of the Act.
40. The local ward members were consulted. Cllr. David Shelvey stated in an e-mail that *"...I have no problem with this..."* Cllr. Richard Wenham stated an e-mail that *"...I am not convicted[sic] of the need to make this change. Just because a structure has been (illegally) constructed on part of a PROW does not in my view mean it should be legitimised. At some point in the future there may be an opportunity to return the path to its correct width over its full length. We should certainly not further restrict the width over the blue area shown on the map ..."*
41. In response – any order which leaves part of the order route obstructed is likely to be fraught with legal difficulties and benefits nobody. The proposed inclusion of part of the Garage within the order route in order to secure a greater width at some unknown date following some future redevelopment of the Garage is a tenuous reason. It would be much better to ensure the order route is not obstructed by a building and, if the Garage is redeveloped at some point in the future, to specify as a planning condition at that time that space be made for an extra width of footpath to be dedicated and set out prior to the redevelopment commencing.
42. The Chiltern Society and Ramblers were consulted but have not responded.
43. British Telecom, National Grid (gas), UK Power Networks, and Anglian Water were consulted as statutory undertakers. Anglian Water did not respond. National Grid has stated it has no apparatus and therefore no objection to the proposal. Similarly, BT Openreach has stated it has no objection to the order being made.
44. UK Power Networks has stated *"...I am a little concerned by this notice as we have high voltage and low voltage underground cables in this path that provide supply to a large part of Arlesey. Any reduction in width will have an adverse effect on our ability to maintain the cables or make necessary fault repairs. It may also create a safety issue to the adjoining properties and their owners or people working there, i.e. fencing contractors, etc..."*
45. Following reassurance that the alleyway was not being narrowed beyond its current width UK Power Networks subsequently stated: *"...Based on your information below I will withdraw the objection. Can you please forward a copy*

of the amended extinguishment order clearly stating our rights so that we can add it to our files please. The replacement cabling has not yet been done due to resourcing problems but, hopefully, this will be done early in the new year. I have copied in our Project Manager for this work... who can liaise with you directly regarding timings for the work and future resurfacing..."

Reason for Decision

46. Arlesey Footpath No. 5 is obstructed between points A-B by a variety of walls, fences, trees, shed and the southern work bay of Arlesey Garage and has been so for potentially 50 years.
47. Consequent to a CON29 property search an application has been made to extinguish the obstructed section of footpath whilst retaining the unobstructed but narrow (0.82-1.22 metre wide) section along the alleyway between House Lane and Chase Close.
48. Arlesey Town Council has requested that a greater width of 2.0 metres be retained so that this greater width can be reclaimed if the Garage is demolished in the future.
49. The recommendations in this report would not physically alter anything on the ground but would merely change the legal record for Arlesey Footpath No. 5. Arguably enforcement action could be taken to enhance the route of the footpath and thus increase its suitability and usability but this is considered to have a disproportionate effect on the affected landowners.
50. This report consequently proposes that the Town Council's request should be not granted and that the application should be approved as made.

Council Priorities

51. The retention of the existing narrow footpath weighs the needs of local residents against the effect of enforcement action on local land and business owners. By keeping the status quo it perpetuates the inconvenience experienced by those with mobility scooters and pushchairs but supports landowners who have lived with this network anomaly for half a century. The Committee has to balance the interests of local owners and residents and the public at large in determining how to act in a responsive but proportionate manner. This proposal as set out therefore meets the following Council priorities to varying degrees:
 - Delivering great residents' services
 - Protecting the vulnerable, promoting wellbeing
 - Creating stronger communities
 - An efficient and responsive Council

Corporate Implications:

Legal Implications

52. The legal line of Arlesey Footpath No. 5 is currently unlawfully obstructed by a variety of items (trees, fences, walls, garden shed and the Garage's southern work bay). The Council has a legal duty to seek the removal of these, or alternatively to use its discretion to seek the extinguishment of the obstructed sections.
53. If the Council makes a public path extinguishment order, as recommended, it is likely that the Town Council will object. If any objections are made and not withdrawn the Council cannot confirm the order as an unopposed order but instead would have to consider whether to forward the order to the Secretary of State for Environment, Food and Rural Affairs for confirmation. The Secretary of State appoints an independent Inspector to hear the objections and to confirm, modify or not confirm the order.
54. If the proposed order is not confirmed the Council will then have to address what it does with the obstructions within the full 4-4.5 metres width of the footpath.
55. If the Committee resolves to retain a greater width than the width of the current alleyway, then enforcement action may need to be taken at a later date by serving notice on the owners of the land and potentially arguing the case for enforcement in the Magistrates' Court.
56. There is the potential risk that if any appeal to the court is successful the Council may not be able to undertake the enforcement action to open up the footpath to its legal width.

Financial Implications

57. Mr. Chalkley, the current owner of Arlesey Garage has confirmed in writing he wishes to be invoiced for Mr. Gunn's application as part of a private agreement with the previous owner. Consequently the Council's administration costs of approximately £2048 up to and including the making of the recommended order and the cost of advertising the making and any confirmation of the recommended order will be recharged to him if a public path extinguishment order is made as per the current recommendation.
58. However, if the Committee resolves that no order should be made the current legislation (Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), as amended) prevents the Council charging for any administration costs already incurred: these costs would be borne by the Highways Assets Team's budget.
59. Similarly, if the Committee resolves that the an order should be made to retain a greater width than that applied for, it is my opinion that no charge should be made to the applicant. This is because such an order would be contrary to the applicant's interests as it could detrimentally affect the use of the Garage and may lead to future enforcement issues. Consequently, in such a case, the

administration and advertising costs would again be fully borne by the Highways Assets Team's budget.

60. Whatever the width of footpath retained in the public path extinguishment order, it will attract objections from either the Town Council or the effected landowners. The order, if not abandoned, would need to be forwarded to the Secretary of State with a supporting case bundle and further submissions as part of the process of either written representations, a public hearing or a public local inquiry. These administrative costs, including the potential hire of a local venue, would be borne by the Council and could cost between £500 and £2000 which would be paid out of the Highways Assets Team's budget.
61. If an order for a greater width than the current alleyway is made, the Council may need to attend the Magistrates' Court to defend any enforcement notices issued and to potentially prosecute the obstructors. If the Council was successful, its costs of approximately £2000 would be reimbursed by the losing parties. However, if the Council lost it would be liable for the winning parties' legal fees and court costs – which could exceed several thousand pounds. These costs would need to be paid from the Highways Assets Team's budget.
62. If enforcement action was taken and the Council chose to undertake the clearance work itself, it would have to initially pay its contractors from the Highways Assets Team's budget and then seek reimbursement from the land owners for the cost of the works. The costs of the works including disposal of waste/arising would be approximately £2000.

Equalities Implications

63. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
64. Arlesey Footpath No. 5 currently has a restricted width of between approximately 0.82 and 1.22 metres. This does make it difficult (but not impossible) for double buggies and mobility scooters to use the route. It does mean though that pedestrians have to defer to approaching users already on the path.
65. The proposal would not change this situation but would remove the public right of way from the adjoining properties which currently have the prospect of enforcement action being taken against them.
66. The Town Council's alternative proposal of retaining a greater width and having enforcement action taken to open the route of the footpath up across the rear garden of No. 72 and the forecourt of Arlesey Garage would marginally benefit the public as the narrow section of the footpath would be reduced from approximately 44 metres to 18 metres in length – thus marginally improving the passage of buggies and mobility scooters. This though would have a detrimental effect on the owners of these properties.

Community Safety Implications

67. The Council has a statutory duty under the Crime and Disorder Act 1998 to consider the community safety implications that may result from making the decision set out in the report. The alleyway is narrow and does not allow a great deal of space for people to pass each other by. This could have safety implications if walkers have aggressive dogs. The proposal would not change the current situation however, but would merely maintain the status quo.
68. The Town Council's alternative proposal to provide a wider route through enforcement action would provide more room for walkers, buggies and dogs – although a narrow, 18 metre long, section would remain in the middle of the alleyway.

Corporate Risk

69. Arlesey Footpath No. 5 has been historically obstructed for over 50 years. Whilst the present owners of No. 72 Stotfold Road were unaware of the footpath when they bought their property, the new owner of Arlesey Garage was aware that the building obstructed the footpath. The new owner was, however, advised by the Council that an order removing the footpath from the building could be made but that confirmation of that order was never a certainty.
70. This report considers that enforcement of such a historic obstruction is unreasonable and not expedient owing to the passage of time – although legally it could be done. Moreover, any enforcement action would not remove all the obstructions unless the demolition of part of the Arlesey Garage was also considered.
71. The enforcement of the historic legal line of the footpath is likely to cause some degree of press interest: this is unlikely to be sympathetic to the Council's cause.

Conclusion and Next Steps

72. The eastern end of Arlesey Footpath No. 5 does not have a recorded width, instead its width of 4-4.5 metres has been inferred from the historic agricultural access track that it ran along. However, the majority of the width of Arlesey Footpath No. 5 has been obstructed by walls, trees, fences and the extension to Arlesey Garage since this was built in the c.mid-1960s. The remaining width of the footpath, between approximately 0.82 – 1.22, metres is usable but does not allow prams or mobility scooters and pedestrians to pass each other.
73. Prior to the sale of the Arlesey Garage the vendor submitted an application to stop up that part of the width obstructed by the Garage, forecourt wall and wall, trees and shed situated in the rear garden of the neighbouring property (No. 72 Stotfold Road). This report proposes that the application to be approved and a public path extinguishment order made to stop up the majority of the width of the footpath: retaining just the width contained within the existing alleyway.

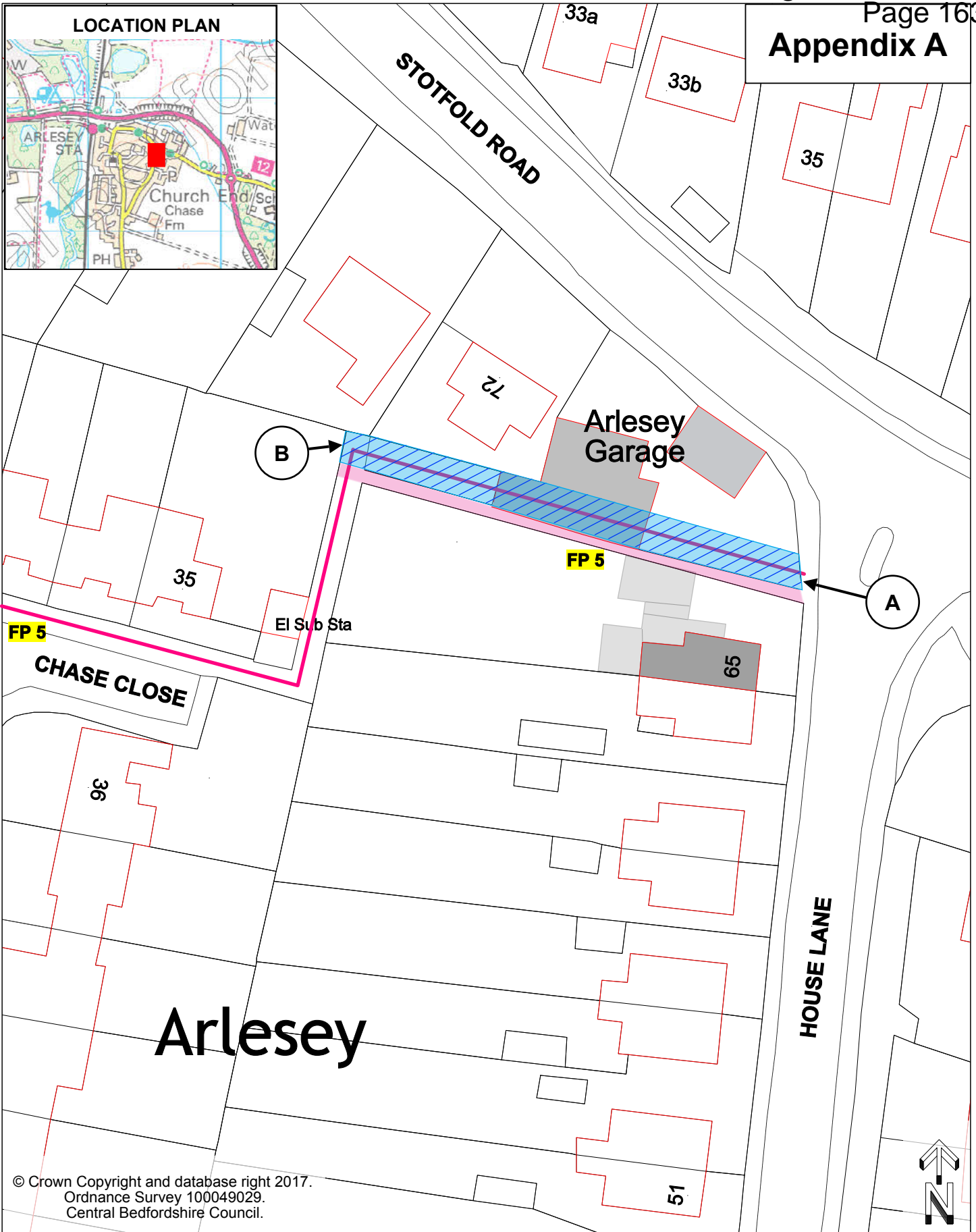
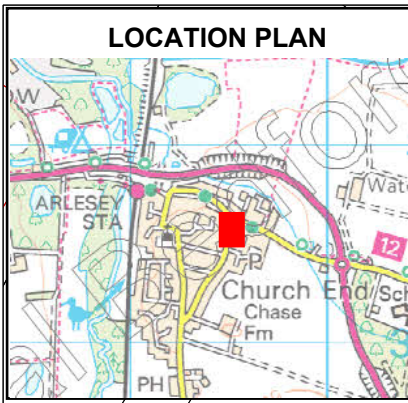
74. Arlesey Town Council has objected to the proposal, instead wanting a greater width of 2 metres retained so that this can be reclaimed if the Garage was ever demolished.
75. If no extinguishment order was made/confirmed the Council would have to review what action it should take in light of the obstructed nature of the footpath.

Appendices

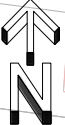
Appendix A – Plan of proposed extinguishment

Appendix B – Legal and Policy Considerations

Appendix C – Alternative proposal by Arlesey Town Council.



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HIGHWAYS ACT 1980

Proposed extinguishment of part of the width of part of Arlesey Footpath No. 5 at Arlesey Garage



Width of FP 5 to be stopped up X  Y

Width of FP 5 to be retained X  Y

Unaffected footpath 

Date: 09 July 2015
 Scale: 1:500@A4

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Appendix B

Legal and Policy Considerations

Validity of the Definitive Map and duties of the Council

B.1. Section 56(1) of the Wildlife and Countryside Act 1981 states:

“(1) A Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein to the following extent, namely-

Where the map shows a footpath, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map...

(b)-(d) (omitted)

(e) Where by virtue of the foregoing paragraphs the map is conclusive evidence, at any date, as to a highway shown thereon, any particulars contained in the statement as to the position or width shall be conclusive evidence as to the position or width thereof at that date...”

B.2. Under normal circumstances the Council would rely on the Definitive Statement to provide particulars as to the precise position and width of the footpath. Where a width is not recorded the Council has to try to use other evidence, such as the likely historic width based on map evidence to ascertain a legal width. Unfortunately the Definitive Statement does not specify a width for the section of footpath between points A-B.

B.3. The centreline of Footpath No. 5 runs on the northern side of the forecourt boundary wall, inside the Garage’s extension (second work bay) and inside the rear boundary fence of No. 72 Stofold Road. The historic Ordnance Survey maps (see extracts in the main report) show that the access track has evolved over time – with the width of the footpath being presumed to be the physical extent useable in 1937.

B.4. Section 1 of Schedule 12A to the Highways Act 1980 provides that where the width of a highway is proved that width will be both the minimum and maximum width. In any other case the minimum width of a footpath which is not a field-edge path is 1 metre and the maximum is 1.8 metres. I have used the historic width of the access track to indicate the maximum width of the footpath which would include the present alleyway rather than the unproven maximum width of 1.8 metres which would include very little of the alleyway and which would run through the Garage and rear garden of No. 72 almost in its entirety.

B.5. Section 130 of the Highways Act 1980 (*“the 1980 Act”*) puts Central Bedfordshire Council, as the Highway Authority, under a duty to *“...assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority...”*. The High Court case of *Regina v Surrey County Council (ex parte Send Parish Council) 1979*, mandates that the Council, as highway authority, carries out its duty in a reasonable and

appropriate manner to facilitate use of the route by those legally entitled to do so. Central Bedfordshire Council has discretion in how and the extent to which it discharges its duty. Currently members of the public cannot use the majority of the width of the footpath and the Council therefore needs to take action. The Council can either enforce the legal width where it is obstructed or it can reduce the legal width to a width that is not obstructed having regard on the effect that such a width reduction would have on the use of the path by the public.

- B.6. Section 130(6) of the 1980 Act also specifies that where a Highway Authority receives representations from a parish council that a right of way under its control has been unlawfully stopped up or obstructed the Council has a duty to take proper proceedings accordingly to resolve the issue. Arlesey Town Council has made representations to Central Bedfordshire Council that Footpath No. 5 is obstructed and has provided what it deems to be an acceptable means of resolution, see main report.

Central Bedfordshire Council Policy

- B.7. Central Bedfordshire Council's *Rights of Way Enforcement Policy* defines the Arlesey Garage as a "*permanent feature*", being an operational commercial building. It is unsure whether the Garage can also be classified under the policy as a "*long-lived feature*" as these are defined as being constructed before 1 March 1964 – the extension being built sometime in the mid-60's. The forecourt wall and the garden shed, trees and garden fence to the rear of No. 72 Stotfold Road are classified as "*temporary features*".
- B.8. Section 3 of the Enforcement Policy relates to obstructed paths subject to an application for a public path order or definitive map modification order which would resolve the obstruction issue. It states:
- 3.1 *Keeping paths open and available for public use is a general duty of both the landowner and Central Bedfordshire Council . The execution of the Council's duty, however, must be reasonable and proportionate. Whilst there is no justification in directly linking the presence of obstructions on an existing path with the processing of an application to divert or extinguish it, the presumption shall be that all paths that are the subject of an application will be open and available for public use until such time as an extinguishment or diversion order is made and confirmed (and where necessary, certified).*
 - 3.2 *The decision as to whether enforcement action is appropriate, and whether an application to divert or to extinguish a path is appropriate, should be made by the Rights of Way Team Leader on the merits of each individual case.*
 - 3.3 *The Case Officer, in consultation with the Rights of Way Team Leader, may temporarily waive the requirement that a path should be open and available for public use where he or she deems it appropriate having regard to all the circumstances of the particular case.*

3.4 *Where the legal line of the path is obstructed by temporary structures that can be removed the applicant will be required to open up the path on the legal line until an order has been confirmed and, where necessary, certified.*

B.9. The above policy requires that the execution of the Council's duty under Section 130 of the 1980 Act must be "*reasonable and proportionate*". As the footpath is useable along some of its width, but not the full width, it is not considered reasonable to require that the temporary features (wall, trees, fence and shed) should be removed pending the making and confirmation of the proposed extinguishment order which would obviate the need for enforcement action. The waiving of the requirement to remove the obstructions has been authorised by the Senior Definitive Map Officer in consultation with the Highway Assets Team Leader.

Extinguishment of public paths

B.10. Section 118 of the Highways Act 1980 enables Central Bedfordshire Council, as the Highway Authority, to extinguish public footpaths, bridleways, and restricted byways and is paraphrased below:

- (1) *Where it appears to a council as respects a footpath, bridleway, or restricted byway in their area... ..that it is expedient that the path or way should be stopped up on the ground that it is no longer needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, extinguish the public right of way over the path or way...*
- (2) *The Secretary of State shall not confirm a public path extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way...*
- (3) - (4) (omitted)
- (5) *Where... ..proceedings preliminary to the confirmation of the public path extinguishment order are taken concurrently with proceedings preliminary to the confirmation of a... public path diversion order... then, in considering-*
 - (a) *under subsection (1) above whether the path or way to which the public path extinguishment order relates is needed for public use; or*
 - (b) *under subsection (2) above to what extent (if any) that the path or way would apart from the order be likely to be used by the public;**the council or secretary of state, as the case may be, may have regard to the extent to which the... .. public path diversion order... ..would provide an alternative path or way.*

(6) *For the purposes of subsections (1) and (2) above, any temporary circumstances preventing or diminishing the use of the path or way by the public shall be disregarded.*

- B.11. Before making an order under Section 118 the Council has to be satisfied that the section of path to be stopped up is no longer needed for public use. Were the entirety of the footpath open and available for use by the public it would be used and there would be occasions when the extra width would be necessary to allow two pushchairs or mobility scooters to pass. However, the section to be narrowed between points A-B on the plan at Appendix A is a straight line and users can wait safely at either end until convenient to pass. Convenience is different to need. I consider that the section of footpath to be stopped up between points A-B, whilst desirable, is not *needed* for public use.
- B.12. The Council also has to consider the expediency of the stopping up. In doing so, it has to consider the impact of the stopping up on the public use of the route and weigh this against the impact of enforcing the route on the current owners of the Garage and No. 72 Stotfold Road. As part of the expediency test the Council can consider whether enforcement action is in the public interest and is a reasonable and proportionate use of its power. I consider that it is expedient for the Council to stop up that part of Footpath No. 5 obstructed by the Garage
- B.13. Before the Council or the Secretary of State for Environment, Food and Rural Affairs confirms the order it, or he, must be satisfied that it is expedient to do so, having regard to the extent to which the footpath would be used. In considering this use any temporary circumstances preventing the public using the route must be disregarded. Whilst the garage itself can be considered a permanent feature, the forecourt wall and the trees and rear fence of No. 72 Stotfold Road are temporary and thus must be disregarded.
- B.14. The Council also has to have regard to the effect of the proposed extinguishment on the land to either end of the footpath. In practice the proposed extinguishment would not detrimentally affect the use of the right of way or the land to either end. The retention of a greater width would benefit the lands served by the path by improving access for buggies and mobility scooters and allowing people to pass these on the majority of the affected part of the route.
- B.15. If the footpath were open and available for public use across the forecourt and through the rear garden of No. 72, it is likely that members of the public would utilise this wider width to avoid having to squeeze past each other. It would also facilitate easier use of pushchairs and mobility scooters. This path – in its reduced width form – is used on a daily basis and would continue to be used irrespective of whether any stopping up of the obstructed width occurs. Disregarding the temporary obstruction, the reduction in width would detrimentally affect the public's use of the footpath. However, more complaints have been received by the Council about the surfacing of the path than its narrowness. Given the effect that opening up the footpath would have on the owners of the obstructed sections and the specific – but limited - benefit of a wider path I consider it would be expedient to stop up the obstructed portion of the footpath and thus confirm the order.

Case law

- B.16. The case of *Ashbrook, R (on the application of) v East Sussex County Council [2002] EWCA Civ 1701* (“*Ashbrook*”) concerned whether an order to remove a footpath from a farm building could be forwarded to the Secretary of State and whether doing so contravened the Council’s own policies on applications relating to obstructed paths. Compounding the issue was the recent conviction of the landowners under Section 137 of the 1980 Act for obstruction of the footpath and the ongoing failure to remove those obstructions.
- B.17. The County Council (“*ESCC*”) had a policy whereby applications would not be processed if paths were obstructed unless “*the removal of the obstruction is not considered reasonably achievable*”. Schieman LJ. held that whilst the *ESCC* was correct in coming to the conclusion that the removal of the barn was not reasonable, the deliberate and persistent flouting of the law was something that should have been considered. It was not and neither were the judgments of the Magistrates’ Court and therefore the decision to forward the order to the Secretary of State was quashed.
- B.18. Central Bedfordshire Council’s Enforcement Policy, see above, permits an application to be processed even if the path is obstructed. Consequently this report’s recommendation is in accord with *Ashbrook* on policy issues.
- B.19. The case of *R. (oao) Send Parish Council) v Surrey County Council [1980] HL QBD 40 P&CR 390* (“*Send*”) related to the actions of Surrey County Council in trying to extinguish an obstructed route and substitute for it a less convenient alternative – rather than enforcing the original line which was supported by Send Parish Council. In his judgment, Lane LJ. held that the County Council, in doing so, had acted in the interests of the obstructors and not in the interest of those who had a right to use the footpath and that no reasonable authority could have so acted if they truly had in mind the ambit of their duty under the Highways Act (of 1959).
- B.20. There are similarities between the *Send* case and Arlesey Footpath No. 5. However, I consider the extended period of obstruction of the footpath and the public’s ability to use the narrow unobstructed portion is sufficient to differentiate the two cases and to allow the Council to take what can be considered a reasonable and proportionate stance in stopping up the historically obstructed portion of the footpath.

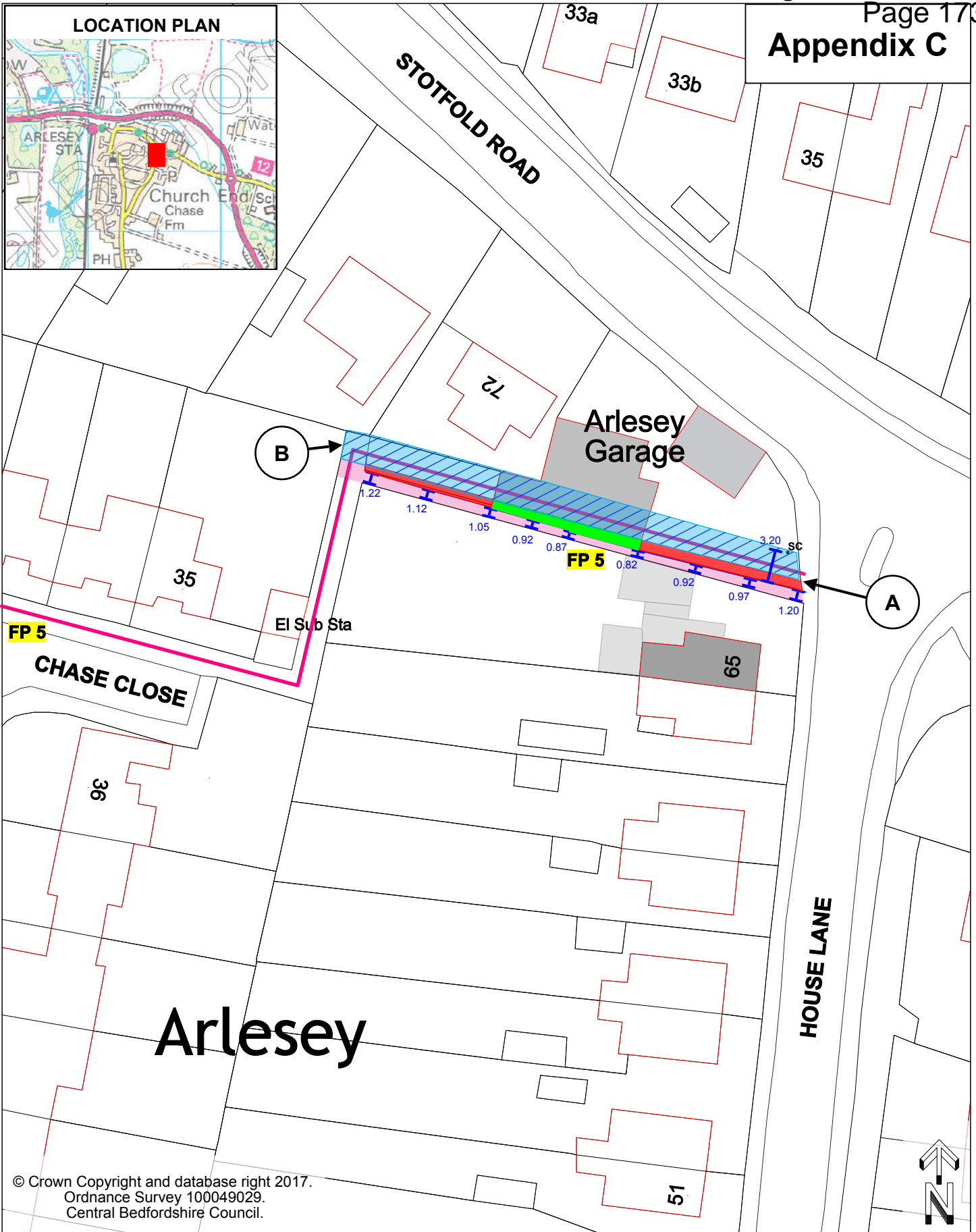
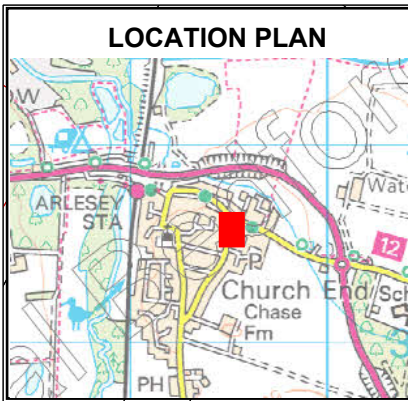
Enforcement of public rights of way

- B.21. There are a number of sections of the Highways Act 1980 relating to enforcement action and the removal of obstructions from public rights of way:
- A. Section 130(A) relates to the serving of notice on the Highway Authority by members of the public for obstructions. It specifically excludes buildings and any structure that can be used as a dwelling but does include trees and walls.

- Action under Section 130(B) is taken by the complainant in the Magistrates' Court which would direct the Council to take such steps as necessary to remove the relevant obstructions.
- B. Section 143 which gives the Council the power to remove structures erected or set up on a highway. Structures include "...any machine, pump, post or other object of a similar nature as to be capable of causing obstruction..." and can be considered to include fences, walls and sheds. As proper buildings are not included within the definition it is unlikely that these are covered by this section of the Act but the garden shed would be included.
- Action under Section 143 would require serving of notice requiring the removal of the obstructions no sooner than 7 days hence. If no action is taken within one month of the notice being served the Council can act to remove the obstructions and seek recovery of the costs incurred from the owners of the obstructions.
- C. Section 149 permits the removal of "things" deposited on the highway. Whilst the nature of "things" is not defined, it can be assumed that these relate to miscellaneous materials (including surfacing/paving) rather than structures or buildings.
- Action under Section 149 would require serving of notice requiring the removal of the obstructions no sooner than 7 days hence. If no action is taken by the deadline, the Council can apply to the Magistrates' Court for an order empowering them to remove and dispose of the obstructions and seek recovery of the costs incurred from the owners of the obstructions.
- D. Section 154 enables the Council to serve notice on the owner of overhanging hedges, trees or shrubs to remove these if they endanger or obstruct the passage of users.
- Action under Section 154 would require serving of notice requiring the removal of the obstructions no sooner than 14 days hence. The recipient of the notice can appeal to the Magistrates' Court.
 - If no action is taken by the deadline and no appeal is made, the Council can take action to remove the vegetation in question and seek recovery of the costs incurred from the owners of the land.
- B.22. Section 137 is an additional power which enables the Council to prosecute any person for wilfully obstructing a highway. The erection of any structure and its subsequent maintenance constitutes a continuous offence. Additionally, Section 137ZA empowers the Court to order anybody convicted of an offence of wilful obstruction to remove the obstructions by a specified date.
- B.23. Prosecution is achieved by laying an information or complaint before the Magistrates' Court to the effect that:
- i. Footpath No. 5 is shown on the Definitive Map as running along the alleyway and has a width of approximately X metres (as specified in any prior confirmed stopping up order)

- ii. Part of the width of Footpath No. 5 is obstructed by specified items (walls, trees, fences, shed etc.)
- iii. That notice requiring the removal of the specified items has been served and expired and that these still obstruct the footpath and thus constitute a continuing offence.

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HIGHWAYS ACT 1980

Proposed extinguishment of part of the width of part of Arlesey Footpath No. 5 at Arlesey Garage (Arlesey TC suggestion/request)



Width of FP 5 to be stopped up



Sections of FP 5 obstructed by minor objects



Unaffected footpath



Width of FP 5 to be retained



Section of FP 5 obstructed by building (Garage)



Date: 10 MAR 2017
 Scale: 1:500@A4

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***Item 6 (Pages 15-38) – CB/16/02972/FULL – Former
Dukeminster Estate, Church Street, Dunstable***

Amended Recommendation for Deferral

The statutory consultation period in respect of the amended proposals ends on the 23rd May 2017. However in view of the concerns raised by neighbouring residents of Priory View about ensuring the community have a full understanding of the amended proposals and in keeping with the requirements of the public sector Equality Duty it is recommended that the application be **deferred** to the next Committee due to be held on 21 June 2017.

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Item 7 (Pages 39-64) – CB/16/05229/OUT – Land west of Bedford Road, Lower Stondon

Amended Recommendation

Approve subject to s106 and to receipt of any new material representations received from additional consultations currently underway and due to expire on 8th June 2017.

Additional Consultation/Publicity Responses

Three further letters of objection and a video have been received from neighbours, which raise the following issues:

- Increase in traffic
- No connection to Arlesey Station
- Outside village framework
- Local shops / doctors / schools not able to cope
- Loss of farming land
- Encroach into local countryside
- No walking access to facilities
- Council now has a 5 year land supply

Additional consultations have gone out to Henlow Parish Council, Ickleford Parish Council (in North Herts), North Herts District Council and Hertfordshire County Council. Awaiting comments.

Additional Comments

In terms of the additional neighbour representations, these matters do not raise any additional matters that have not been addressed previously in the officer's report, where material.

Additional/Amended Conditions/Reasons

Amended planning condition 13, which currently reads as:

The dwellings hereby permitted shall not exceed 2 storeys in height, and will consist of a mixture of 2 and 1.5 storeys alongside existing houses on the northern and eastern boundaries of the site.

Reason: To ensure that the site is not overdeveloped and that the character and visual appearance of the area is not adversely affected
(Section 7, NPPF)

Add 'In the ratio of 25%/75%' after word 'storeys' to make the wording of the planning more precise.

Amended condition 16, which currently reads as:

No development shall take place until details of the junction between the proposed estate road and the highway have been submitted to and approved in writing by the

Local Planning Authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road. (Section 4, NPPF). This is a pre-commencement condition as the details of the junction need to be agreed before construction of the road begins.

Add 'and footpaths and associated traffic calming and street lighting on Bedford Road' after the word highway and after the phrase 'until that junction', to avoid any doubt.

Item 8 (Pages 65-88) – CB/16/05797/OUT –Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP

Additional Consultation/Publicity Responses

Other Representations: re consultation 7/4/17

Lower Shelton Road
112

There are no details available on the Council's website relating to the legal agreement and this should be available to allow the general public and local community a good understanding relating to this planning application. All the previous comments made in response to the original consultation are still valid

Additional 'INFORMATIVE NOTES TO APPLICANT'

8. 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.

Additional Comments

None

Additional/Amended Conditions/Reasons

None

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Item 9 (Pages 89-116) – CB/16/00814/OUT – Land at Camden Site, Grovebury Road, Leighton Buzzard

Additional Consultation/Publicity Responses

Other Representations:

In addition to the representations set out in the Officers report of 1st March 2017 and those set out in the late sheet for that meeting, two further representations have been received from previous objectors. The first of these is appended to this late sheet and has been circulated to the members of the committee. The second raises the following additional matters:

- The statement that the retail park will draw most of its revenue back from other towns is incorrect.
- The number of jobs created will cost more jobs in the town centre.

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From: Victoria Harvey [<mailto:vapharvey@btinternet.com>]
Sent: 19 May 2017 10:22
To: Planning Online
Subject: Fw: CB/16/00814/OUT late papers letter EDs retail park

I would be grateful if you could put this in the late papers for the meeting of 24th May
many thanks
Victoria

Dear Development Management Committee

application CB/16/00814/OUT

I think that this officer's recommendation goes against the Community Consultation for Leighton Buzzard.

The results of this have been published since the previous planning meeting

The response from the community as written up by CBC
http://www.centralbedfordshire.gov.uk/Images/leighton-buzzard-draft-community-plan_tcm3-22971.pdf

said "In the jobs and business category the most popular category of jobs and Business by a strong margin, that people would like to see investment made to is High Street Development. **(at 65%)**...The most common responses were that people would like to see the south side of the high street developed and **that out of town retail outlets should be discouraged to encourage people to shop in the town centre.**

I think that there are strong reasons on employment for a call in especially as as there is no evidence that is in the public domain about the lack of opportunities and possibilities for development for employment

I personally think that there are much stronger reasons to Judicially review this planning application than the reasons for the Claymore site (.I personally am presently taking further legal advice on this issue.)

There are two key legal cases; the ruling of Tesco Stores Ltd v Dundee City Council re the duty of Planning authorities to follow their Development plan as regards employment land.

The officer's recommendation on the EDS site is not in accordance with the policies of the development plan on employment which include saved policy E1 from the 2004 South Bedfordshire Local Plan, the NPPF and the technical evidence base of CBC on employment and the Inspector's report from the examination in public of the last core strategy. Therefore, it goes against the ruling in the Tesco Stores Ltd v Dundee City Council para 17 that "The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: ... His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it. "Although the ruling continues with acknowledgement that that

judgement must be exercised by the planning authority, it does also say “Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean”.

There are serious concerns as there is a high demand for employment land in the area as articulated by Cllr Spur in the previous planning meeting, supported by updates from CBC to the Partnership Committee, as well as the saved policy E1 from the South Bedfordshire Local Plan as well as the CBC technical evidence base which is a material consideration so the loss of this site for employment land is concerning. The arguments that there is little reasonable prospect of employment uses on this site in the middle of an employment area that is in high demand, are based on documents not in the public domain and that do not appear to have been shown to Cllrs on the planning committee.

The decision also goes against the Wednesbury Test of Unreasonableness as the conclusions in the planning officers report in relation to viability and vitality re para 23 of the NPPF, that the town centre is not suitable for bulky goods and not reliant on DIY is contradicted clearly and obviously by the evidence of your eyes if you walk through the town centre as there is a long list of DIY and bulky goods shops in the town centre.

Detailed reasons

Employment grounds.

Summary ;There has to be a clear and consistent understanding of the development plan as well as a clear understanding of the reason why it has been departed from. I argue that both the officers report and the Development Management Committee showed a lack of understanding of the development plan/ NPPF. In addition the evidence for the departure from the development plan is based on documents that are not in the public domain and appear not to have been shown to councillors. There is a large body of evidence from CBC showing a shortage of employment land in the area.

- 1. There has to be a clear and consistent understanding of the development plan and this has been clarified in case law; Tesco Stores Ltd v Dundee City Council states . para 17. *It has long been established that a planning authority must proceed upon a proper understanding of the development plan: see, for example, Gransden & Co Ltd v Secretary of State for the Environment (1985) 54 P & CR 86, 94 per Woolf J, affd (1986) 54 P & CR 361; Horsham DC v Secretary of State for the Environment (1991) 63 P & CR 219, 225-226 per Nolan LJ. The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: it cannot have regard to the provisions of the plan if it fails to understand them.***
- 2. It is understood that an exercise of judgement by the planning authority is needed but it needs to be reasonable; Para 19 “As has often been observed, development plans are full of broad statements of policy, many of which may be**

mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.

3. The judgement continues to clarify this by further explaining that the planning authority has to follow the meaning of the words in the development plan in para 20

“If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”

4. Therefore the decision has to be based on an understanding of the development plan. The Development Plan in this case as regards employment is the saved policy E1 from the South Bedfordshire Local Plan and the NPPF and the technical evidence base from the previously submitted Core strategy which CBC describes in the officers report page 69 *“At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decision”* I would argue that in the absence of a core strategy the latest technical updates commissioned by CBC also are a material consideration.

5. CBC was criticised for its plan making abilities and understanding of the local employment situation by the Inspector in the examination of CBC’s previous draft core strategy. The CBC core Strategy was withdrawn in 2015 on the Inspector’s advice due to the failure of the Duty to Cooperate on housing but also on employment.. The report was very critical of both the policies and the lack of evidence base on employment land allocation. The report stated

<http://www.colchester.gov.uk/CHttpHandler.ashx?id=17782&p=0> para 58.” *The Plan identifies land to support the delivery of an additional 27,000 jobs over the Plan period. This is stated to be an aspirational figure and, as far as I can tell from the limited discussion held during the Examination to date, is only tenuously linked to any assessment of future employment growth. 59. There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I”*

6. **The Inspector highlighted the lack of cooperation with Luton over accommodating the need for employment land from Luton. Para 62.Cllr Young defends the Plan's approach to employment provision suggesting that LBC's emerging homes: jobs provision is not balanced and that a more flexible approach to employment land could boost housing supply in Luton where it is most needed. This reinforces my observation about the lack of acceptance of LBC's urban capacity estimate."**
7. **The Inspector then gives a conclusion that is very critical of Central Bedfordshire Councils approach to planning for housing and employment land in the context of the Duty to Cooperate; para67."** *In summary, there is almost no evidence of any active, constructive and ongoing engagement on this important cross-boundary issue. The differences between the Council and LBC seem to be part of their wider failure to reach an accommodation on housing provision. The uncertainty of other neighbouring authorities over the nature and effects of the employment approach pursued in the Plan simply could not have arisen in my judgement had the Duty been complied with on this matter."*
8. **Furthermore CBC's own technical evidence base for the core strategy (withdrawn in 2015)shows a shortage of employment land and as I explained in paragraph 4 this technical evidence base is considered a material consideration.** The Local Economic assessment by GVA for CBC 2012 and used as supporting evidence for the submitted draft core strategy(withdrawn 2015) shows a shortage of employment land supply in Central Bedfordshire Council http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014_tcm3-7430.pdf 1.22 *Providing suitable employment land and premises for existing businesses to grow and new businesses to locate in Central Bedfordshire and create jobs is a priority for the Council, however in the last year, the loss of employment land to other uses has outweighed the gains. Some of the main losses have been in office space in areas like the Dukeminster Estate in Dunstable, however some of this land has been replaced with residential and extra care, which will provide additional employment opportunities. Central Bedfordshire Council has worked closely with partners to improve provision of premises that meet business needs, and this is evident in the opening of the Incuba Centre in Dunstable to provide office space for small and start up businesses. Nevertheless, the loss of land may need to be considered in relation to longer term jobs growth."*
9. **The statements in the Officer report then surely shows a lack of understanding by officers and Cllrs of CBC of the development plan in light of the Inspectors report on the previous core strategy submission which suggesting that the employment needs of Luton had not been accommodated , and the Local Economic Assessment 2012 for the core strategy , the policy E1 in South Bedfordshire Local Plan, and with the overwhelming evidence from CBC of shortage of employment land in the area provided further on in this document. The officer's report gives the impression of widespread availability of land para 2.3 "Large scale employment, particularly class B8, uses are generally seeking**

locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.” This surely fits into the Humpty Dumpty description of plan making in *Tesco V Dundee* “**they cannot make the development plan mean whatever they would like it to mean.**” Para 19 *TescoStoresLtd v Dundee*

10. **The Officer report’s comments on employment land availability contradict the saved policy from South Bedfordshire Local Plan adopted 2004; policy E1** “Within main employment areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or b8 of the use classes order 1987. The point of this policy is explained .para 1 “ *The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, **relationship to public and private transport infrastructure and facilities**, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects”* **Therefore this area on Grovebury road has been allocated as a main employment in policy E1 as it is most suitable for employment due to a host of reasons including closeness to transport infrastructure. In addition to this argument of 2004 the new A5-M1 strategic link road is about to be opened this year and so this will, strengthen the accessibility to transport infrastructure hence supporting the allocation of the area for industrial use. This is in direct contradiction to the line in the officers report** “Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway.”
11. **The development plan still allocates this area as employment land to meet the anticipated needs of business.** The CBC Development Plan in the absence of up to date policies/ core strategy consists of saved policies from South Bedfordshire Local Plan adopted 2004 and the NPPF. The NPPF para 21 and 22 are relevant to employment land. **The NPPF states in para 21 “local planning authorities should:• set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;”** Saved Policy E1 of the South Bedfordshire Local Plan explains that this area has been allocated for employment due to its audit and evaluation of future industrial needs. “ *The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, **relationship to public and private transport infrastructure and facilities**, adjoining uses, size and site configuration, can be considered to be suitable for a wide*

range of B1-B8 use and appropriate for modern industrial and commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects

There is no evidence base from CBC to support the removal of the allocation of this land for employment. Indeed the Inspector in 2015 on CBC's core strategy stated *There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I* The evidence base that I am about to go through in detail in the paragraphs below increases the support of this allocation.

12. **Recent evidence from CBC shows that there is a high demand for employment land in Leighton Buzzard. CBC updates to the Partnership Committee of Central Bedfordshire Council and Leighton Linslade Town Council show a demand for more employment land.** The Partnership Committee had an update from CBC in June 2016; item 10 on the agenda which states in para 2.3 page 4 of the agenda item; *"The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity to the M1."* (this item is attached). The Partnership Committee was also updated in December 2016 by CBC in item 8 on the agenda in section 2.2 *"Be Central Bedfordshire website www.becentralbedfordshire.co.uk) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1st April 2016, with Leighton Linslade featuring prominently."* (this item is attached)

13. **In 2014 November , CBC (Abel Banu) advised the applicant of the need for industrial land in the area and so did not support a change to residential.** This is in the supporting document (Appendix B A7) also attached. The applicant considered residential development and had contacted CBC .This is in the supporting document (Appendix B A7) also attached. CBC stated that *" the report also notes a number of business in and around the area unable to locate suitable premises. It continues " I would note that the recent A5-M1 link has the potential to transform accessibility to the site from a commercial perspective."* It continues that *"Certainly with the Councils plans to facilitate 27,000 new jobs by 2031 there is very much a need to provide a range and choice of business premises to facilitate this."* (The officer in this instance mentions the possibility of wider employment generation, but there is not an evidence base supplied to support this departure from the development plan and the evidence of lack need for industrial land in the area)

14. Cllr Spurr, executive member for Community Services for CBC (until 10/3/17) spoke at the Development Management meeting on 1/3/17 to say that there was a need for employment land in the area.

15. CBC turned down in February 2013, a similar (slightly larger)retail development (Barwoods) in Grovebury road in 2013 due to loss of employment land. Below are the minutes with the reasons for refusal.
<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%202013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road “*That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority’s primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.*

The decision on the Planning balance: Whether there is a reasonable prospect of the site being used for allocated employment land.

16. The officers argue in their report that there is little chance of employment uses except at a much lower rate than other employment

areas and the retail park para 2.3” *The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. para 2.4 The proposed non-B Class development is considered acceptable given the current low level of employment use on the site when compared to the proposed uses.”*

- 17. The CBC Development Plan appears not to support this.** The Development Plan consists of the following; the saved policy E1 from the South Bedfordshire Local Plan saved policy E1 from the South Bedfordshire Local Plan, the NPPF and the CBC technical evidence for the previous core strategy submission. The saved policy E1 gives no option for this departure from allocated employment land. The NPPF. Para 21 states *“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.”* **Moreover the CBC technical evidence (which the officers report says is a material consideration) which includes the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 . The GVA technical report supports a policy in the draft core strategy for a strict criteria for scoring the prospect of future employment which does not support open A1 policy retail .** The following extract is from the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 *“Policy 7: Employment Sites and Uses Across the portfolio of employment land within Central Bedfordshire, planning permission will be granted for appropriate B1, B2 and B8 uses. In order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites will also be considered on a site-by-site basis in relation to the following criteria. • the supply pipeline available for B1, B2 and B8 uses within the locality; • the suitability and impact of the proposal in relation to the location and neighbouring land uses; • an increase in the number of jobs that can be delivered; • traffic generation and suitable accessibility; and • the potential to strengthen existing clusters through the delivery of complementary employment generating uses. To support the role and function of the town centres, retail uses will not normally be considered appropriate on employment sites. Exceptions will be considered on a site by site basis for bulky goods and other forms of specialist retailing less suited to a town centre location. GVA Critique 4.50 Broadly this is a strong policy which clearly defines the locations of employment sites across Central Bedfordshire. This is necessary and brings clarity to future development locations. This policy is also designed to enable the Council to respond to market pressures, and to be able to consider additional sites that have not been allocated provided certain critical criteria are met 4.51 It is advised that, in line with recommendation R5, Central Bedfordshire Council consider implementing criteria whereby those sites which have strong transport links are considered for strategic warehousing uses. The scoring criteria established in this report could be used as a basis for this assessment. Central Bedfordshire Council Employment & Economic Study Stage 2 Report - Draft August 2012*

18. This scoring above in the technical report does not seem to be applied at all by CBC to the EDS application as there is significant demand for employment land, indeed a shortage of employment land in the immediate area. This criteria also highlights that retail will not normally be considered although there will be consideration for bulky goods sites. However this application was passed as open A1 and the bulky goods category has been removed from the NPPF since then; as is shown in Annex 2 of the NPPF Town centre uses. Therefore it appears that CBC have shown little understanding of their development plan in deciding on employment uses of the site
19. **The argument for change of use is based on the officers statement without back up information**. The officers states in para 2.3 *“The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses.”* -**that the client has made best endeavours to market the site.**
20. **However the evidence on marketing initiatives for the site are based on documents not in the public domain and it appears that these documents have not been shown to the Cllrs in the Development Management Committee.** The officers base their conclusion on the fact that EDS argue in their report that there is no reasonable prospect of employment in Appendix A, page A4 of the “Supporting documents” which can be accessed through <http://www.centralbedfordshire.gov.uk/publicportalviewer/publicViewer.html?caseID=CB/16/00814/OUT> and then clicking on “supporting documents 659717”, In para 2.1 *“despite consistent and continuing efforts over the years, the agencies instructed by our clients have been unable to identify any situation or any potential developer/ occupier whereby the overall redevelopment of the Camden site for continued employment use was a realistic and realisable prospect.* Para 2.14 based on para 2.1-2.7 states that reports that support this conclusion have been shown to the council for an preapplication enquiry process in 2014. Para 2.4; refers to the pre-application CB/14/00655/PAPC and CB/14/001499 .It is not possible as a member of the public to access these. (I have not had time for an FOI on this) These documents are not part of the supporting evidence for this application so it is impossible to know if active marketing measures have taken place or reasons why this site is not attractive for redevelopment for industrial use when there is a reported shortage of industrial land locally. **It appears that these supporting documents showing the marketing initiatives have not been shown to the Councillors on the Development Management Committee.**
21. **An Appeal decisions by an Inspector shows that more than the word of the applicant is needed to show that “there is not reasonable prospect of the site being used for allocated employment issues.”**The Inspector in the appeal decision 2013 on Land off Pershore Road/Fordhouse Lane, Stirchley,

Birmingham, West Midlands B30 3BW

http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision_Stirchley.pdf says in para 21. *“However, it is far from clear that a sustained and committed period of marketing of the site for industrial use, in the form now proposed for the alternative use, was realistically undertaken. On this basis, I am not persuaded that the loss of industrial land has been shown to be justified. The proposal conflicts with the development plan policies to which reference has been made. Although it is not explicit as to how the reasonable prospect of a site being used for the allocated employment use should be assessed, I also find that the loss cannot be justified under the NPPF.”*

22. One Cllr on the Development Management Committee pointed out that if EDS wanted the area for retail it is then not surprising that they did not build industrial units to attract investment.

23. I also believe that this is relevant from Planning resource 30 July 2015 ,

24. Plans to erect a 1,500m2 food store within a designated strategic industrial location in west London were rejected despite the appellant claiming that the character of the immediate area had a more varied and retail nature.

25. *The site lay within one of the largest concentrations of industrial land in west London but it was notable that adjacent retail uses included Topps Tile and Screwfix, a complex known as Vue Cinema, and a leisure park. Nonetheless, these uses existed when the area was designated as a primary industrial location, the inspector noted, and no objections were raised at the time to the appeal site being included within it. Both the London Plan and the council’s core strategy were clear that the loss of such land should only be contemplated through the plan-making process and not via ad hoc releases. Such areas were intended to provide a reservoir of industrial land which deserved the strongest protection, the inspector held. The fact that the immediate area had a different character from other parts of the designated area was a dangerous argument to accept which would lead to progressive erosion of the industrial land supply.*

Town centre policies

CBC ignored the latest technical evidence which I argue forms part of the Development plans for Central Bedfordshire Council and hence showed a lack of understanding of the Development plan. Tesco Stores Ltd V Dundee City Council 2012 quotes in para 17 “His decision will be open to challenge if he fails

to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”

26. The assessment as regards the Impact test ignored the most recent retail report called “Land South of the High Street” by GVA November 2016 published Feb 2017 commissioned by CBC. It was dismissed by Cllr Young and the Development Management committee and was not referred to in the officers report. This report warned of a very negative impact that the retail park could have on the vitality and viability of the town centre. This GVA report on “Land South of the High Street is the latest evidence on retail for the town centre in Leighton Buzzard.

27. The GVA report should be referred to as a material consideration and not be dismissed and ignored. The NPPF states as a core planning principle para 17 *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area,”* The same paragraph also says *“Plans should be kept up-to-date,”* In light of this the GVA report “Land South of the High Street” as the latest technical evidence counts as a material planning consideration and should not be dismissed, Further more on page 69 of the Officer’s report it says that the body of technical evidence may be a material consideration *“Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.”* In this context it is likely that the latest report will add to this evidence base for the next core strategy submission. In light of this it seems likely that this latest addition to the technical evidence should also be seen by CBC as a material consideration

28. Planning history to show the importance of the latest GVA retail report.

There is not a saved policy for the town centre listed in the officers report In 2012 CBC formally adopted a development brief for a town centre retail development called “Land South of the High Street”. This is then referred to in the previous core strategy submission <http://centralbeds.moderngov.co.uk/documents/s49829/Development%20Strategy%20-%20Appendix%20A.pdf> . Policy 13: Town Centre Development Development proposals should be in accordance with the principles and objectives of: • The two endorsed development briefs for Leighton Buzzard • The Houghton Regis Masterplan SPD • The Biggleswade Town Centre Masterplan SPD • The Flitwick Framework Plan and Indicative Masterplan Development proposals elsewhere in these towns should complement and not prejudice development proposed, and should make a financial contribution towards their development where possible. Policy 11 in the same document refers to the retail hierarchy table 7.1 which allocates new retail to Leighton Buzzard town centre. This is supported by the CBC Retail Report (Tym) 2013 which describes the need for more town centre development in Leighton Buzzard. CBC indicated in December 2016 that they will revise the development brief with a new draft brief and a public consultation on it for

the Land South of the High Street and have published a new retail study by GVA to support this revision in February 2017. Therefore this latest technical report by GVA, "Land South of the High Street" commissioned by CBC on Leighton Buzzard town centre development site where CBC is planning to attract investment and has committed considerable resources to doing so is an important material consideration. It would be most unlikely if this new technical report will not be referred to by the new development briefs and hence by the new Core strategy. Therefore it should be a significant material consideration .. However it is not referred to in the planning officers report , and was dismissed by Cllr Young.

29. **The report by GVA on Land South of the High Street commissioned by CBC raises serious concerns as regards the threat of out of town retail parks to the vitality and vitality of the town centre.**
http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report_tcm3-21441.pdf This report states in the conclusion Para 6.5 ***There are threats to the retail success of Leighton Buzzard in the shape of the out of town schemes, the two developments mentioned above need to be carefully considered. If open A1 consent is granted at the scheme to the south of the town this will sweep up any major multiple retail fashion brands who would prefer a rectangle box with surface car parking rather than a constrained town centre site. It is apparent from our market testing that a number of the well-known multiples are awaiting the outcomes of planning in this regard***".
30. **The report shows that the retail park is likely to divert retail which would otherwise go into the town centre on "land south of the high street" and create a diverse retail offer..** The CBC retail study supports new retail in the town centre and policy 23 in the NPPF states "promote competitive town centres that provide customer choice and a diverse retail offer" Leighton Buzzard at present lacks clothes shops as shown in CBC surveys and the retail report so the shops listed in para 4.51 in GVA report are badly needed in the town centre in order to provide a diverse retail offer. Para 4.51 of the GVA report says "*This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town's high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road and thus this is why Next have refused to occupy space in the town centre as we will come onto later.*"
31. **The report in its final and concluding paragraph stress the fragility of the vitality and viability of the town centre para 6.17 it will only take the departure of two or three key retailers to have a very negative effect on the town" This has not been taken account of in the summary of the Impact Assessment**
32. **The vitality of the town centre was underestimated as there was no reference to the most recent report on the health of the town centre by The Retail Group commissioned by Leighton Linslade Town Council in early**

February 2017 which showed that majority of retailers and market traders were trading down or level to last year or down. This was presented to LLTC markets sub committee on Feb 16th agenda item 7. Pages 20-22 have graphs with trade figures, The report surveyed 27 market traders and 79 Retailers;

Down in sales : Market traders 56%; Retailers 20%

Level in sales; Market 28%; Retailers 44%

Up in sales : Market 16%; Retailers 36%

In summary Market 84% level or down on last year. Retailers 64% level or down on last year. This report showed the fragility of Leighton Buzzard Town centre.

- 33. The report also shows that the “out of town retail park” decision is in contradiction to Para 26 of the NPPF as regards the Impact Assessment as regards the impact on planned investment. According to the GVA report the retail park will attract stores which otherwise might go into the Land South of the High Street and so harm committed investment in the town centre..** NPPF para 26 states *“This should include assessment of: • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;”* According to the GVA report the out of town retail park could attract stores which would otherwise go into the town centre and so harm the development of the Land South of the High Street to which CBC is committed .GVA report para 4.51 *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road”*
- 34. The retail park decision is contrary to the development brief land South of the High Street. The officer report is misleading about this development brief.** The Officer report says para 3.12 *“Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations.”* And carries on to say in para 3.19 *“It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment”*
- 35. However as can be shown from the extensive quotes below from the Brief Land South is nothing to justify this statement;**The Development brief for Land South of the High Street http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief_tcm3-7317.pdf states, In section 4 Vision and Objectives *The South of High Street site will be redeveloped to provide a new retail led mixed use quarter which acts as a sustainable extension to the town centre’s Primary Shopping Area and creates a destination for residents and visitors. 1. Create a retail destination that will attract high profile retailers and visitors and retain local expenditure in the town. 2. Attract complementary uses and operators to those*

found on the High Street to help foster a vibrant and more competitive town centre offer”

1.4 The site offers the opportunity to create a sustainable extension to the town centre shopping area which enhances the retail offer and the centre’s competitiveness, while preserving the town centre’s existing high quality character, reinforcing its distinctiveness and enhancing the town’s historic character and environment.

2.13 According to GOAD Experian data from February 2011, Leighton Buzzard’s retail vacancy rate is below the UK average. Despite the low vacancy rate, the retail offer in the town is very much geared towards the economy end of the market. This contradicts the relative affluence of the local area, yet reflects the dominant role of competing centres (such as Milton Keynes). Retailers cite a lack of quality available stock of sufficient size as being major reasons for their absence from Leighton Buzzard.

2.15 The high quality built environment is a valuable asset to the town which can be a major attraction for retailers and shoppers, but paradoxically has also contributed to preventing key retailers locating there as a result of the corresponding lack of larger, high quality space which meets the needs of modern retailers.”

The GVA report Land South of the High Street is a good evidence base, but a draft brief based on it has not been published or gone through public consultation, or been adopted by a committee vote of CBC so CBC cannot say *para 3.12* “It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.”

- 36. These concerns relevant to para 26 of the NPPF as regards impact on planned investment in the town centre and the effect on vitality and viability were upheld by CBC when CBC refused planning permission in February 2013 for a similar (slightly larger) retail development (Barwoods) in Grovebury road in 2013 due to the impact on the town centre as well employment. Below are the minutes with the reasons for refusal.**

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11>

item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road; That Planning Permission be **REFUSED** for the following reasons.....(2) **By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre’s capacity to attract new investment and may also prejudice the Council’s ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its**

commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework"

Lack of understanding of the development plan in connection with Tesco v Dundee as regards main town centre uses and bulky goods. Para 17
"Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean". And para 20 "If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."

37. The development plan in this situation is the NPPF and the technical evidence as described in the section entitled "Relevant policies" of the officers report and the development brief for Land south of the high street. None of these documents/ describe a definition of bulky goods that is different to main town centre uses yet the officer report relies on the distinction between bulky goods as opposed to main town centre uses in assessing both the sequential and the impact test. The law is clear that officers must understand the development plan as set out in Para 17. Tesco v Dundee It has long been established that a planning authority must proceed upon a proper understanding of the development plan:"

38. The NPPF does not make a distinction between bulky goods and town centres Annex 2 of the NPPF states <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#maintown> **"Main town centre uses ;Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."** This is a significant change from DCLG; "Planning for Town centres; Practice guidance on need impact and the sequential test." Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

39. This is explained and firmly emphasised in the CBC Retail study 2013 para5.22 *Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including*

*warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. This is continued on the conclusions para 8.8 **We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2)***

- 40. The evidence base of the household surveys which from an important part of the evidence that underpins the CBC Retail Report 2013 in its questions in the survey makes no distinction between bulky goods and non bulky goods as Lord Sales says in Central Bedfordshire Council v Harvey para 14.” It may be noted that that question is general and vague and is not specifically focused on bulky goods,”**
- 41. Despite clear guidance from the Development plan in this case NPPF and the technical CBC retail study 2013 not to use the separate category of Bulky goods the officer report relies on the bulky goods distinction in the sequential test and impact test directly contradicting the development plan. para 3.4 However this site is regarded as **unsuitable and unviable for bulky goods** retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.” And also the in Impact test para 3.10 “It is suggested that the **health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade**. These conclusions are in line with the Council’s own retail studies and the advice of the Council’s retail consultant.” And para 3.14 “It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. **The trade counter use would not compete with town centre uses**. The proposed retail floor space (which could impact on the town centre) would be limited to 6,221m² (GEA) – 4984m² GIA of the total 7,350m² (GEA) – 5880m² GIA proposed”. And finally para 3.18 The current leakage of comparison goods trade from Leighton Buzzard and opportunities for ‘clawback’ trade within Leighton Buzzard are identified within the application. In light of the Council’s 2012 Retail Study, **there is little ‘bulky goods’ trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks.****
- All these bulky goods categories mentioned come within the description of main town centre uses. Trade counters as there is no other legal or planning definition is in my opinion covered by factory outlets.** (The inspector agreed that no definition of a trade counter is provided in legislation, circulars or guidance notes. <http://www.planningresource.co.uk/article/787357/dc-casebook-depth---trade-counter-meaning-clarified-inspector-finds-use-change>)**The officers report shows a lack of understanding of the development plan and so is open**

to legal challenge as explained Tesco v Dundee para 17 *“His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

42. CBC is applying two different meanings to the words “Bulky goods” which creates an error of law. Tesco v Dundee para 20.” *If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”* **The meaning of” bulky goods as described in the Planning Portal**

https://www.planningportal.co.uk/directory_record/141/bulky_goods is **“Goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display.”** This supported definition of bulky goods before the NPPF put all retail into main town centre uses was laid out in the previous planning policy guidance DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

Therefore it could be seen by some as common sense that very large bulky goods are not suitable to a town centre and indeed it would appear that this is the understanding of the term that Lord Sales used in the case C1/2014/1325 Harvey v Central Bedfordshire Council and “for the purposes of the Council's consideration of the application for planning permission, it was the impracticability of using a site in the city centre for sale of bulky goods which could be more conveniently and appropriately carried on at an out of centre site which was the important consideration”

However the definition of Bulky goods that was used previously by CBC for the White Lion Retail Park and was used for the conditions for Claymore retail park whose reserve matters were given permission in the same planning included many much smaller items that could easily be practically sold in a town centre if we were following the above line. *(a) DIY goods including tools, building supplies and ancillary items; (b) plants and garden products; (c) furniture, carpets, floor coverings and home furnishings; (d) office equipment and stationary; (e) motor vehicle parts and accessories; (f) cycles and ancillary goods; (g) home technology, electrical goods; (h) pets and pet supplies; (i) Christmas decorations and seasonal goods; and (j) all goods ancillary to the items listed in (a) to (i) .*

These definition of goods can include small items such as cushions, digital alarm clocks, MP3 players. Pens, paper, Christmas baubles etc. This is not the same definition of bulky goods as used in the Planning Portal, and the Planning guidance on town centres that predated NPPF.

Wednesbury case of Unreasonableness

42. Not only does Central Bedfordshire Council completely ignore the NPPF and its own (CBC) retail report which say that there is no distinction between bulky goods and main town centre uses, it makes the following the statements para 3.19 “It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment.” And para 3.10 . It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade. This goes against the obvious practical fact if you walk through the town centre in Leighton Buzzard you can see for yourself that there are many bulky goods sold in the town centre or just on the centre of the town. There are two furniture shops one over 800sqm and one domestic appliance shop again 800sqm, a cycle shop. Not to mention DIY and other bulky goods vehicles . Therefore to say that the town is not overly reliant on bulky goods and DIY or that bulky goods are complimentary to the town centre is unreasonable and irrational and so would fit the Criteria for Wednesbury Unreasonableness

Here is a list of shops that fit the description of bulky goods in the Planning Portal, and the description of DIY that presently trade within the town centre boundary as drawn in the South Bedfordshire Adopted plan 2004.

Dillamores furniture shop in the high street (selling sofas, beds etc)

TK furniture Hockliffe about 800 msq (selling sofas, beds, tables, bookcases etc)

Ceejays, Hockliffe Street about 800 msq (selling washing machines, domestic appliances etc

Amalfi tiles selling boxes of tiles; Bridge Street

Argos selling a wide range of DIY, Watrbourne walk

Selections Hardware High street, selling DIY, Tools etc

Selections High Street seling garden tools, plants, tubs etc

Kingfisher Carpets Friday Street. Selling carpter

Buzzard Blinds selling household blinds Market Square

John Wilcox Friday Street kitche studio

Doorvics selling bicycles (not flatpacked)

Within 100 metres of the official town centre boundary;

Halfords which is definitely a bulky goods shop is only about 60 metres from the official town centre boundary of 2004 but is in the middle of a line of shops

New City Heating selling very bulky plumbing equipment is about 100 m form the town centre

Jewsons, which is a builders merchant is about 100 metres from the town centre boundary

Homebase is 400 m from the town centre boundary

Screwfix and travis Perkins are also on Grovebury Road are significantly closer to the town centre by car than the EDS retail Park,

The town also has as edge of centre shops such New Linslade Plumbing and Buttles, which are both serious DIY stores.

The Impact Assessment for the Claymore retail park which was granted planning permission in Feb 2013 said that there would be an overlap between the retail park and 22 shops that exist in the town centre and the “bulky goods” restricted retail park.

The other factor of Wednesbury unreasonableness is the previous decision of CBC in 2013 to turn down the Barwoods retail park due to impact on the town centre.

CBC turned down in February 2013 a similar (slightly larger) retail development (Barwoods) in Grovebury road in 2013 due to the impact on the town centre and loss of employment land. Below are the minutes with the reasons for refusal.

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road

That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority's primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been Minute Item 332 Page 21 adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework. (2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed

retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

Previous Judgement in relation to Bulky goods and Leighton Buzzard

Lord Sales in the judgement Harvey v Central Bedfordshire Council C1/2014/1325 ruled that there was not an error of fact over the issues of bulky goods. However, the only evidence presented by Mr Stookes on behalf of myself on bulky goods was the household surveys in the CBC retail study 2012 and lord Sales stated "There is nothing in the material in the questionnaire returns in the annex to that report which shows that the Council made an error of fact in its assessment of the need for the development on a particular site. And The nature of the answers to the questionnaire, as set out in the appendix to the council's retail consultant's report, did not show that there was any error of fact made by the Council in relation to this matter." With hindsight, we fully accord with Lord Sales judgement on this issue in relation to the evidence produced.

However, Lord Sales was not presented with argument of Wednesbury reasonableness based on the evidence of the large number of bulky goods retail outlets trading at that time in the heart of the historic town centre and the large number within 100 metres and within 400m.

Moreover, since the judgement by Lord Sales in December 2014 the development plan has changed. The emerging Core Strategy of Central Bedfordshire Council in early 2013 had a retail policy which allowed for out of town retail sites for bulky goods, but on the advice of the Inspector this Core Strategy has been withdrawn. A new development plan is being prepared. Therefore the Development Plan consists of the NPPF which describes bulky goods as main town centre uses and the technical reports (as stated in the officers report for this application) The updated 2013 CBC Retail Report, (the publication of which postdates the planning decision of the case that Lord Sales later adjudicated on) has been altered from the version used as supporting evidence for the planning decision and the emerging core strategy at that time. The latest version which was not presented to Lord Sales stresses strongly that bulky goods are sold in town centres according to RTP1 surveys. This latest version has removed

paragraph 26 of the older version of the Retail Study which suggests that the council can set a policy for certain uses that cannot be accommodated in a main town centre; see appendix

Appendix; different versions of the retail study.

CBC final report 2012 no longer available on the web

Bulky goods and car showrooms

5.22 Bulky goods retailing (eg retail warehouses selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2).

5.23 We agree with this view – it is likely that many purchases from retail warehouses do

not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.

5.24 This is evidenced by the occupiers of the District’s two retail parks. The White Lion

Park in Dunstable consists of 11 units including Laura Ashley and First Choice Holidays, both of which would often be found in town centres. The London Road Park in Biggleswade also consists of 11 units and includes Argos, often found on the high street. An application has been submitted to extend the park with a traditional town centre anchor store; Marks and Spencer.

5.25 In our view, applications for retail warehouses (defined by their format, ie big sheds,

rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

5.26 The NPPF does, however, allow local authorities to “set policies for the consideration

of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres” (para. 23, bullet point 8). Therefore if, in the Council’s view,

certain uses cannot be accommodated in or adjacent to town centres, there is scope to set a specific policy to deal with such proposals. The Practice Guide at para. 6.31 discusses retailers selling goods such as DIY, furniture, carpets and domestic appliances and states that “in many cases, these forms of development are regarded

as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations”.

5.27 The results of the household survey show that the most popular study area locations

to shop for DIY goods, furniture and domestic appliances are in and around Luton and Milton Keynes, which may indicate scope for more of these outlets in Central Bedfordshire

recommendations

para 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky

goods” retailing. Bulky goods is no longer considered a separate category of retailing; the

NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24). 8.9 The NPPF (para. 23, bullet point 8) does however provide scope for local authorities to set specific policies to deal with proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. The Council therefore have the option to do this if in their view, certain uses cannot be accommodated in or adjacent to town centres.

The latest version of the retail report published post the planing decision which was submitted as technical evidence for the core strategy http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices_tcm3-6889.pdf

Excludes the paragraphs 8.9 and para 5.26 “ which refer to authorities setting policies for main town centre uses which cannot be accommodated .”Bulky goods and car showrooms 5.22 Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 5.25 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits. 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 8.9 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits.

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LEIGHTON LINSLADE PARTNERSHIP COMMITTEE

1 December 2016

CENTRAL BEDFORDSHIRE COUNCIL UPDATE

Purpose of report: - for information

1 COMMUNITY SAFETY

1.1 Anti-social behaviour and Statutory Nuisance

The ASB & Stat. Nuisance Team have carried out the following work in the Leighton-Linslade area from the 1st April – 30th Sept 2016:

1 Injunction was awarded for an individual for prolific shop lifting in the town centre.

1 successful prosecution for a breach of Community Protection Notice (CPN) for street drinking.

1 breach of CPN file for street drinking was sent to Legal (awaiting court date).

1 CPN warning was issued for street drinking.

1 CPN issued for street drinking

Cases opened:

Littering – 1

Graffiti - 1

Dog barking - 1

Fly tipping – 14

Nuisance neighbours – 15

Light – 1

Noise – 32

Odour - 5

Rowdy / inconsiderate behaviour – 9

Vehicle nuisance - 3

82 cases in total.

An Environmental Protection Officer has also been working in conjunction with a local farmer to combat the fly-tipping of fridges on the A505 Leighton Buzzard bypass.

**1.2 Summary of recorded CCTV Incidents in Leighton Buzzard
1st July to 30st Sept 2016**

This report contains data gathered by the Council's CCTV Control Room located at Watling House, Dunstable. It includes details of CCTV monitored incidents and

arrests by the police in the towns of Dunstable, Houghton Regis and Leighton Buzzard. It does not include details of the police response to any particular incident where an arrest is not made, nor does it include incidents not captured by CCTV; for this reason the data will not reflect the overall picture of crime and disorder in any area. Personal data is excluded to comply with the Data Protection Act 1998.

Date and Time	Location	Brief Summary	No of Arrests
01/07/2016 23:20	Waterborne Walk	Assault	0
03/07/2016 17:33	North Street	Street drinker sitting outside shops drinking vodka	0
03/07/2016 16:03	Parsons Park	Drug activity	0
04/07/2016 12:02	Parsons Park	2 females restraining a child	0
07/07/2016 13:49	Leighton Buzzard High Street	Shoplifter running from Wilkos	0
07/07/2016 12:57	Leighton Buzzard High Street	Group of shoplifters walking out of Poundland with pockets full of sweets.	0
08/07/2016 16:08	Parsons Park	Drug activity	0
08/08/2016 14:27	Parsons Park	Drug activity	0
11/07/2016 20:34	North Street	Breach of Community Protection Notice	0
13/07/2016 14:37	Waterborne Walk	Wanted persons observed and later arrested in the High Street	3
16/07/2016 02:12	Leighton Buzzard High Street	Breach of the peace	1
19/07/2016 23:22	Leighton Buzzard High Street	Theft 2 bikes stolen from a bicycle rack	0
29/07/2016 19:16	Parsons Park	Robbery 4 males rob a male on a bike	0
07/08/2016 01:55	Lake Street	Affray	2
07/08/2016 03:24	Lake Street	Affray	2
07/08/2016 03:22	Lake Street	Assault	

09/08/2016 15:19	Bridge Street	Theft of mobile phone	0
18/08/2016 14:30	Parsons Park	Grievous Bodily Harm	0
03/09/2016 12:40	Parsons Park	Robbery	0
11/09/2016 23:38	Wing Road	Assault	0
23/09/2016 19:45	Various locations in Leighton Buzzard	Drug deals/use on Various dates and locations	0
25/09/2016 20:51	Leighton Buzzard High Street	Mopeds with no helmets or Registration Numbers	0
25/09/2016 02:35	Lake Street	Offensive Weapon- Male with a knife	0

8 arrests were recorded as a result of CCTV monitoring of incidents in this quarter. The CCTV control room continues to monitor problems with street drinkers in the Market Place in Leighton Buzzard in close liaison with the police. CBC has taken delivery of two re-deployable CCTV cameras on behalf of the Town Council which have now been deployed. We are closely monitoring Astral Park for incidents of Anti Social Behaviour.

1.3 Street drinkers in Leighton Linslade

The Anti Social Behaviour team have carried out the following work with street drinking issues in Leighton Buzzard during the period December 2015 to current.

- CPN warnings – 6
- CPN – 3
- Breach of CPN – 2
- Injunction – 2
- PSG – 3
- Fixed Penalty Notice - 1
- Deployment of CCTV camera near North Street - 1

Many of the street drinkers are associated with the Black Horse. As the drinkers have nothing to do or anywhere to go throughout the day, they congregate in town. CBC continues to take Legal action but this is not the entire solution as they are either moving to somewhere else or continuing to breach. Nevertheless we have had fewer complaints about the street drinkers that have had some form of action against them.

The ASB team will continue to work in conjunction with the Police and take enforcement action as necessary if we have the appropriate evidence against them. Assistance has been sought from the alcohol services but resources limit what outreach they can do. To bring about any significant change would require intensive use of personnel/resources that are just not available at the present time. Legal are looking into an overarching Injunction to target this problem.

1.4 Update from Trading Standards/Licensing

CBC are putting together a prosecution case for persistent underage selling following an interview (under caution) with a Leighton Buzzard premises licence holder.

2. BUSINESS AND INVESTMENT UPDATE

2.1 Business support

Leighton Buzzard Business Networking Event - 2017

This is the fifth time we are looking to hold this event and working with the Town Council, Membership organisations and Network groups to plan for the next event in April 2017.

Leighton Buzzard Business Collective Group

Businesses met on 3 November and Jason Longhurst, Director of Regeneration & Business, Central Bedfordshire Council gave an update on the plans and developments for the area, which included:

- latest on a 'full service' hotel that will incorporate conference facilities
- update on the Central Bedfordshire College new Engineering and Construction Skills Centre on Chartmoor Road
- update on longer term plans for the area

There have been many business enquiries relating to start-ups, looking for commercial property, funding support, taking on apprenticeships and potential growth plans.

There have been 2 Business TimeBank sessions held in the last few months on Intellectual property and product compliance

Strategic Accounts

- Peli Biothermal – Business Support team met with the Finance Director and Operations Manager to discuss how Central Bedfordshire Council can support their business. Peli Biothermal are going from strength to strength. The business has expressed an interest in Apprenticeships, following a discussion regarding the Apprenticeship Levy and will be looking to work with the Business Support team further as and when they require assistance.

2.2 Inward Investment

The Business Investment team have managed 137 enquiries since April 2016, this is 91% of the annual target. There has been a significant increase in enquires received through the online BeCentralBedfordshire.co.uk investment portal.

Following Maritime Transports moved into Leighton Buzzard (reported last quarter) Soken Engineering has relocated to the town. Soken is a family firm expanding from

just outside the area. They have further expansion plans and received a CBC Business Growth Fund grant of just under £4k to offset their initial business rates. Our total number of Inward Investment enquiries since April is 137 which is 91% of our target.

Be Central Bedfordshire website (www.becentralbedfordshire.co.uk) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1st April 2016, with Leighton Linlade featuring prominently. The team have launched Twitter and Linked In accounts to further attract website traffic @BeCentralBeds, <https://www.linkedin.com/company/becentralbeds>

The Business Investment team attended MIPIM UK in October – a significant annual property event, attended by the most influential players from all sectors of the international property industry. Over 3,000 delegates from 45 countries gathered in London's Olympia with no fewer than five government ministers in attendance, including Gavin Barwell, Minister for Housing, Planning and London.

Be Central Bedfordshire took a stand at the three-day event promoting key developments across Central Bedfordshire, including Dunstable Town Centre regeneration and development opportunities being enabled by the M1- A5 link and land coming forward at Clipstone Park. This year, the team focused on quality enquiries and, as a result, generated 53 leads, all of which are being followed up.

2.3 Business 2 Business Magazine

We have sponsored a page in the October edition of the magazine with a round up of inward investment and business news <http://www.becentralbedfordshire.co.uk/News/2/Be-Central-Bedfordshire-page-features-in-Business-2-Business-magazine>

New Businesses – According to figures supplied by EGi, there have been 4 commercial deals completed in the Leighton-Linslade area since July 2016.

The business types are as follows:

- 1 x Retail
- 2 x Industrial
- 1 x Office

2.4 Employment and Skills

Since the last update, the Council's Bedfordshire Employment & Skills Service (BESS) has awarded a number of new contracts for two academic years and this supplements the training provided by the Council's own Direct Delivery team. The providers deliver a range of employability related training courses which are primarily aimed at unemployed residents, together with number of employed residents who want to improve their skills. There are six providers who deliver a wide variety of courses. These range from short two day 'Step Into' courses for residents who are interested in a new area of work (i.e. warehousing, business administration etc) through to longer accredited courses such as GCSE Maths & English, IT Skills etc.

While the last academic year finished well with BESS fully utilising the available funding, the new academic year has got off to a slow start. This is mostly due to the declining number of unemployed residents across Bedfordshire as a whole.

Amongst the new providers are NOAH Enterprises and Impact Peer Support. These both offer specialist courses which are designed to support residents who maybe homeless, recovering from addictions or have mild to moderate mental health needs. We are hoping to see this provision grow during the year.

For the Leighton Buzzard and Linslade area, our records show we have worked with 58 residents since August 2016. Of these 21 were recorded as being unemployed and looking for work. There were 15 who said they were unemployed and not looking for work and 22 who were already employed and wanting to improve their skills further. To date eight residents have progressed into further training or voluntary work.

The Council currently funds Work Clubs (which are organised by Voluntary Community Action, South Beds) to provide a first point of contact to unemployed residents who are seeking employment. Advisors from the National Careers Service are also involved to give individual and tailored advice about specific careers and general information.

2.5 High Street Vacancy Levels

Town centre vacancies % in Central Bedfordshire, August 2015 – August 2016

Town	Aug 15	Nov 15	Feb 16	May 16	Aug 16
Ampt Hill	0	2.2	2.2	0	1.1
Arlesey	6.7	6.7	6.7	6.7	6.7
Biggleswade	2.8	3.5	6.9	7.6	6.9
Dunstable	18.8	17.7	17.7	18.8	15.4
Flitwick	2.6	2.6	2.6	0	0
Houghton Regis	7.1	3.6	3.4	3.4	3.4
Leighton Buzzard	2	3.4	5.4	6.9	6.4
Sandy	6.1	4.5	4.5	6	4.5
Shefford	0	2.5	2.5	2.5	2.5
Stotfold	0	5.6	5.6	5.6	5.6
Average vacancy rate	4.6%	5.23%	5.75%	5.75%	5.25%

Source: Central Bedfordshire Council

2.6 Update on Leighton-Linslade Regeneration

Market Intelligence

Central Bedfordshire commissioned GVA to conduct a Market Intelligence Study toward the end of this summer. The commission included a town centre health check, market research on town centre retail/leisure demand/supply and recommendations for Land South of High Street opportunity.

In addition to the Market Intelligence Report we have also been undertaking our own research to help inform the approach to securing suitable investment and development in Leighton-Linslade Town Centre.

We will issue the Partnership Committee a summary report in advance of the meeting on 1 December 2016.

Market Town Regeneration Fund and High Street Improvement Scheme (HSIS)

Central Bedfordshire continues to support Leighton-Linslade Town Council with implementing measures to increase the vitality and viability of the town centre. Applications from prominent shop owners have been received for HSIS. An architect and retail consultant is working with the applicants to work up designs that will help both the businesses and the image of the high street.

Regeneration Delivery Plan

Our ambitions for the regeneration of Leighton-Linslade remains the same, to create an aspirational destination, aimed at building on the town's strong and vibrant market town heritage. Central Bedfordshire is producing a Regeneration Delivery Plan, which includes a number of measures to help support sustainable growth in Leighton-Linslade and ensure the longevity of the town centre's success. Such measures will include the development opportunity at Land South of High Street, town centre parking and high street enhancements. There will be a period of consultation and engagement in order for people to provide feedback. We anticipate that the Delivery Plan will be available from early 2017.

3 LEISURE, LIBRARIES & COUNTRYSIDE

3.1 LEIGHTON BUZZARD LIBRARY AND THEATRE

Library Service Opening Hours review

The opening hours consultation closed on Monday 5 September. There was an excellent response; over 1,000 residents took part. Comments and suggestions from the public are now being reviewed. Any changes to opening hours will be implemented in the new financial year, following a staff consultation.

Looking back

Building works are finally complete and the building now benefits from the installation of energy saving lighting, air handling units and a new ceiling grid. This has been hugely beneficial to the overall appearance of the internal space of the building, offering a light and airy welcome to our visitors.

Throughout the works the building remained open to all customers and staff were able to continue to provide the level of service our customers expect.

Over the summer the library delivered the annual Summer Reading Challenge with the valuable help of 17 young volunteers recruited from the local community. All the staff were impressed with the level of commitment our volunteers showed this year and it has given us an opportunity to develop activities that are of interest to young people who access the library and theatre.

The Library Stitchers group took part in Anglia in Bloom and produced a lovely display to celebrate Beatrix Potter's birthday.

We have recently had an upgrade of our public network machines and customers are noticing the difference with the speed of downloads and efficiency of the system. Clients of the job club that runs on a weekly basis are benefiting from our improved service.

Looking forward

With winter approaching we have a full programme in the Theatre with Panto Snow White headlining our post Christmas events. We continue our very popular National Theatre screenings, film programme, comedy nights and live music.

One of the local upper schools has been able to benefit from a group visit to the library to learn about, and use, our Access to Research on-line facility available in all CBC libraries. Staff will be visiting the school to provide further information on all our on-line resources available to support study and research.

We are increasing our many activities and have recently started a stamp club and an adult colouring club. Over the coming weeks we hope to start Scrabble and board game afternoons.

The Library and Theatre will be attending the Arts Forum event at Astral Park this month to promote the services and events provided by the Library and Theatre.

3.2 ACTIVE LIFESTYLES

This is a busy time for the Friends of Tiddenfoot Waterside Park (TWP) and Linslade Wood, as they continue with their winter work events, that include hedge laying, tree thinning, ongoing works regarding the 'Acid' grassland restoration.

Both sites have retained the 'Community' green flag awards, and currently working on submitting for next years applications for 'Full' site judging.

We are working on doing some 'Tree Planting' in TWP this winter – starting by replacing the reduced poplars along the canal corridor, we are currently working a phased reduction / removal of trees to establish new open areas for future tree planting – the existing trees have started to reach their end of life time and we have experienced a few trees that have fallen across the canal, that have actually closed the canal for a couple of weeks in the past.

We are working with UK Power network regarding fitting of new conductors on the two overhead pylons within TWP, we may have to close some parts of the circular path around the site, although we continue to negotiate to minimise any potential disruption to the park users.

We have been working with Greensands Trust, LLTC and the Environment Agency (EA) in developing the River Regeneration project along the River Ouzel around the town centre – installing deflectors in to the river to divert water flow – to remove build up of silt, creating fish habitat holding areas, increase light levels to the water area

with the hope to create further biodiversity of the river and develop its appearance as a feature of the town for residents and visitors.

3.3 Rushmere Country Park

Looking Back

The official launch of the Kings Wood and Rushmere National Nature Reserve on 12 July celebrated the extension of the NNR onto a large area of the Park, including the SSSI (Site of Special Scientific Interest) areas of Bakers Wood, Rammamere Meadow and Shire Oak Heath, as well as the Stockgrove Parkland, Lords Hill and the southern half of Oak Wood. The NNR designation does not provide any additional protection to the Park, but is recognition of the management that has been carried out to conserve and enhance the habitats and wildlife of the park. The NNR extension includes all the heathland restoration areas, and the heather regeneration on Lords Hill has been exceptional this year with large swathes in flower in late summer. Plans are also being finalised for the conifer removal in Oak Wood this winter to encourage further heathland and mixed woodland restoration.

Sky TV's Wild Things were back in the summer to film another series. The game show features four teams of two people (relatives or couples) completing challenges on a woodland obstacle course and is filmed in the park.

The period, from July to September 2016, has seen the education team engage with 135 young people in the park (this period includes the school summer holidays). Work included leading outdoor evening sessions with local groups of Rainbows, Brownies, schools and young people's activities including sensory games, trail exploration, nature walks, bug hunting and den building. The groups have travelled to the park from Bletchley, Leighton Linlade and Toddington. The last of our regular ongoing sessions with year 1 pupils from Milton Keynes this year, covered one half term topic learning about the animals of Rushmere through associated stories in nature.

All three days of the "Big Summer Weekend" of fund-raising events at Rushmere 12-14 August were successful and very well attended with figures up on last year, justifying the small promotional spend used. Figures suggest 2,833 people came to the Sunday Summer Fayre with 5,574 visitors over the whole weekend.

The Bug Lab 2016 summer events also saw a rise in visitor numbers across all sites with the Rushmere event particularly busy with over 200 participants.

Other events that took place over the summer and were all fully booked included Wild Night Out, The Camera and Nature Tree Top Talk, Evening of jazz, soul and blues.

In addition to the above the park supported a number of other events including a summer ball; birthday parties; hosted a number of external events such as Xplorer (family based orienteering), Rambler & horse-riding events

A weekly Park Run continues to be successful and celebrated its first anniversary on 5 November. Average number of runners per event in the previous quarter was 148, supported with an average of 16 volunteers per week.

Looking Forward

Upcoming events include.

- Knit & Natter - Every first Tuesday of the month.
- Feed the Birds - 23rd October, 11am – 3pm.

- Vintage Lounge Jazz and Blues with Alison Carter @ Tree Tops Cafe - Friday 18th November. 19:00 to 22:30
- 1940s music from Fiona Harrison - Friday 25th November. Doors open 7pm
- Fairy Fun Event 26th November. SOLD OUT
- Christmas Fayre, Sunday 4th December, 11am – 3pm. Entrance to the event is free!

Christmas Trees for Sale

1st December till 20th December. 10.00am - 16:00

Come along to Herons View Visitor Centre and pick your Christmas tree from a large selection of fresh Fir's and Spruce trees, many of which are grown at Rushmere. All proceeds go to support the Park.



Pick Your Own Christmas tree - Saturday 10th December. 10.00am - 16:00 - Visit Rushmere's Christmas Tree plantation to pick your own special Christmas tree.

3.4 TIDDENFOOT LEISURE CENTRE

Claire Byles has joined the CBC team as Leisure Contracts Manager.

We are working with the leisure operator to improve the main wet changing area through a capital investment programme which will look to upgrade some areas to improve the appearance, functionality and flooring. We are currently looking at a number of options, but Central Bedfordshire Council is committed to this investment to improve and enhance the leisure centre.

Preparations are in hand for the 50+ group Christmas party where we are expecting over 100 guests.

In the New Year we will be offering customers the opportunity to join regular Health Walks setting out from the leisure centre. This will be a great opportunity to meet new people, get some exercise and enjoy the local area. Afterwards there will be the opportunity to socialise over a cup of tea or coffee.

The crèche at Tiddenfoot is very well attended and we have opened up the whole of the lower studio to offer more space for activities for the children, the site are looking to invest in more equipment and also how it can expand on the number of crèche places it offers.

The operators are working with Badminton England to improve the Badminton offer. 'No strings' badminton works very well at Tiddenfoot, with an average of 250 participants per month. We are hoping to expand this by offering an additional session together with sessions for children/ families.

4 HIGHWAYS AND TRANSPORTATION

4.1 Salting and gritting - winter road gritting

Between October and March each year Central Bedfordshire Council are on full alert and working hard to keep you on the move.

We spread grit, or more accurately, salt, on roads when freezing is forecast and when roads are damp to melt and prevent ice. We try to do salting before the

morning and after the evening traffic peaks, but we work around the clock in bad weather.

We salt just under half of the roads in Central Bedfordshire. Roads carrying the highest volumes, with the greatest risk of accidents or providing key access are given priority.

Priority 0 gritting routes

Roads we will treat in the rare event that resources are not available for treating priority 1 networks. It includes A and B class carriageways, roads serving Upper and Middle schools and the emergency services.

Priority 1 gritting routes

Priority 1 includes all A and B class roads, most C class roads, some UC class roads, busy peak commuter routes, main peak hour bus routes, routes to fire stations, ambulance stations, hospitals, most school bus routes, roads past all Middle and Upper schools.

4.2 Free Salt Bag Scheme

The free salt bag scheme we have run for the last few years will be repeated again this winter. Either one 1 tonne or a ½ tonne bag of road de-icing salt, is available free of charge, to any town or parish council that requests one in one, two or all of the months of December, January and February if your council wishes.

Deliveries for each month will be on Wednesday 14th December, Wednesday 18th January and Wednesday 23rd February. Once the salt has been delivered we will have no further responsibility for it, or its use. Each bag will need to be kept on private land and each town or parish council will take responsibility for the salt which can be spread by local volunteers on minor roads and pavements that are not covered by our gritting routes.

This scheme gives town and parish councillors the opportunity to take responsibility for bags and identify local community volunteers to help spread the salt. If parishes are worried about the implications of doing this, you can find out more on clearing snow and ice safely and effectively by visiting the snow code page on the gov.uk website: <https://www.gov.uk/clear-snow-road-path-cycleway>.

If parishes would like to receive a ½ or 1 tonne bag of salt on each or any of the aforementioned dates they must email Martin Freeman by;
Friday 2nd December (for the 14th December delivery)
Friday 7th January (for the 18th January delivery)
Friday 11th February (for the 23rd February delivery)

Martin can be contacted by email at martin.freeman@centralbedfordshire.gov.uk. Unfortunately, if you contact him after these dates for the particular delivery month, then we will not be able to process this.

4.3 Parking and enforcement

Following the presentation by Jeanette Keyte, Head of Community Safety, Parking and Programme, at the last meeting of the committee, issues were raised about incorrect signage and markings making it difficult to enforce parking restrictions. The following list of works have been commissioned.

<u>Leighton Buzzard/Linslade and surrounding areas</u>
Birds Hill Heath & Reach outside Co-Op and hse no 27. All L/W bays and Zig Zag markings need repainting
Bassett Rd L/Buzzard opp hse no 19 l.post no's 4&2 SYL signs need replacing
North St L/Buzzard Outside Ocean Fish bar. DYL needs repainting
Church Rd Linslade. Opp hse no 2 SYL has been blacked out, needs repainting
Church Rd Linslade. Opp The Hunt Lodge/near l post no 3. SYL has a large gap/ been blacked out, needs repainting
Church Rd Linslade. L/W bay signs missing Opp Hse 3a, opp Hse 4 and opp Rochester mews
New Rd Linslade. No L/W bay signs outside hse 27-29 and outside the White Horse Pub
Waterlow Rd Linslade. Outside hse 48-50. needs sign for SYL
High St L/Buzzard. Outside Wilkinson's. needs signage for D/B bays and Loading only bays
High St L/Buzzard. Outside dry cleaners, needs signage for D/B bays
Rock Lane Linslade. SYL sign missing o/s hse 41/l.post 6 and SYL needs repainting from o/s hse 35 to hse 43 and from hse 2 to St sign
Bunkers Lane Linslade time plate missing from l/post no 8
Grange Close Linslade SYL time plate needed near hse no 48

L/W: Limited Waiting Bay
 SYL: Single Yellow Line
 DYL: Double Yellow Line
 D/B: Disabled Bay

Over the last three months:

- 766 PCNs issued in Leighton Buzzard and 205 PCN's in Leighton Linslade.
- 1196 Visits from officers in Leighton Buzzard and 594 in Leighton Linslade.
- Brand new parking system refit for multi storey including the latest automatic number plate recognition (ANPR) technology procured and to be implemented in January.
- Hockliffe being refitted and converted in to a pay on foot car park including the latest automatic number plate recognition (ANPR) technology to be implemented in January.

Key highlights:

- Procurement of new technology.

Key issues:

- Sign and line issues that have been prioritised and are being resolved (order has been placed and agreed see table above).
- We are looking to recruit further CEO's which will lead to increased patrols in both Leighton Buzzard and Leighton Linlade.

Key Priorities over the next 3 months:

- West street Multi Storey refit with the latest automatic number plate recognition (ANPR) technology to be implemented in January.
- Hockliffe St Car Park conversion in to a pay on foot car park including ANPR technology to be implemented in January.
- Replace or reline the priority lines and signs across Leighton Linlade and Leighton Buzzard as part of a replacement program.
- Development of an improved schools enforcement program.

Key messages:

- There may be slight disruption to services when the new technology is installed at Hockliffe Street car park and West Street MSCP however this will be managed through forward planning.

5. YOUTH SUPPORT SERVICES

5.1 Changes in DfE statutory guidance for local authorities (Sept 2016)

The law requires all young people in England to continue in education or training until at least their 18th birthday, although in practice the vast majority of young people continue until the end of the academic year in which they turn 18. Local authorities have a duty to track the destinations of all 16 and 17 year olds in their area with a view to ensuring that they engage in some form of education or training. From September there is no longer a requirement to track young people aged 18 (school year 14) or older. This will have a direct affect on what is tracked and reported by the service. The number of NEET young people will decrease as 18 year olds (school year 14) will no longer be counted. Therefore, care should be taken when comparing values on previous reports.

5.2 Update on NEET – Central Bedfordshire

The levels of young people Not in Education, Employment or Training (NEET) still remain low within the Central Bedfordshire area. Out of the total Central Bedfordshire cohort of 5758 young people aged 16 and 17 reported at the end of October 2016, there were 124 (2.2%) reported to have a NEET status and 4627 (80.4%) reported as being in Education, Employment or Training (EET).

The total proportion of young people (school years 12-13) 'In Learning' for year 12 and 13 reported at the end of October was 79.3%.

A total of 1006 (17.9%) young people whose current situation is 'Not Known' exist. This is to be expected at this time of year, as we are currently conducting the Annual Activity Survey where the destinations of all year 12s and year 13s are being confirmed.

Current NEET Overview for Leighton Buzzard

The start of the school/college year normally creates an increase in the NEET and 'Unknown' numbers due to young people moving between destinations. The current overall percentage of the Leighton Buzzard population aged 16 and 17 (school years 12 and 13) reported as having a NEET destination is 2.6%. A NEET status is linked to 22 young people within the area's cohort.

Characteristics of the current NEET Group in Leighton Buzzard:

The following information provides an overview of the characteristics of the current NEET group in relation to:

- **Area:** The ward with the highest recorded NEET number of 11 (50% of the area's NEET group) is Leighton Buzzard North. The Leighton Buzzard South ward has the lowest number and as of Mid-November has only 3 young people with a NEET status (14% of the area's NEET group).
- **Gender:** The gender breakdown shows that there is currently a 2:1 split between the genders (68% Male : 32% Female). The number of females who are NEET has decreased from previous months partly because a large proportion of the female NEETs last year were in the upper age group.
- **Age:** The values reflect the transition of young people leaving compulsory schooling at the end of year 11 and those not continuing with their studies after year 12.
- **NEET Status:** The number of young people within the Leighton Buzzard NEET cohort currently available to the labour market and actively seeking Employment, Education or Training (EET) is 18 (81.9%) compared to 4 (18.2%) who are currently not available for EET due to their personal circumstances (e.g. Illness, pregnancy, etc.). This figure may alter in the coming months as the destinations of those young people who are currently 'Unknown' are confirmed.
- **Time:** 11 young people within the NEET group have been recorded as being NEET for less than 3 months which reflects the number still in transition from year 11 who have no fixed destination in a school, college or training provision.
- **Unknown Destinations:** 123 (14.2% of the area cohort) young people have a recorded destination of 'Unknown'. Included within these were 109 that were transitioning from year 11 and as yet have no confirmed destination. 31 young people could not be contacted using the information held by the service.

The following table gives a break down of the NEETs recorded as living within the area as of Mid November followed by a comparison with the two other areas of Dunstable and Houghton Regis.

Ward	Year Cohort	12-14 NEET	%
Leighton Buzzard North	301	11	(3.7%)
Leighton Buzzard South	249	3	(1.3%)
Linslade	234	4	(1.8%)
Heath and Reach	87	4	(4.6%)

Headline Figures	
Total YPs in area	871
EET	695 (79.8%)
NEET	22 (2.6%)
Unknown	154 (17.7%)

The next group of tables enables a comparison to be made of the NEET characteristics for the Dunstable, Houghton Regis and Leighton Buzzard areas. The percentages allow comparisons to be made against each area's total NEET population.

Total number of NEETs within each area	Dunstable	Houghton Regis	Leighton Buzzard
	22 (2.7%)	10 (2.3%)	22 (2.6%)

Gender	Dunstable	Houghton Regis	Leighton Buzzard
Male	10 (45.5%)	6 (60%)	15 (68.2%)
Female	12 (54.6%)	4 (40%)	7 (31.9%)

Actual Age (Year 12 & 13)	Dunstable	Houghton Regis	Leighton Buzzard
16	9 (41%)	2 (20%)	7 (31.9%)
17	10 (45.5%)	6 (60%)	13 (59.1%)
18	3 (13.7%)	2 (20%)	2 (9.1%)

Length of Time NEET	Dunstable	Houghton Regis	Leighton Buzzard
Less than 3 months	15 (68.2%)	5 (50%)	11 (50%)
3 - 6 months	4 (18.2%)	2 (20%)	6 (27.3%)
6+ months	3 (13.7%)	3 (30%)	5 (22.8%)

NEETs Available to Work	Dunstable	Houghton Regis	Leighton Buzzard
Seeking Employment or Training	14 (63.7%)	8 (80%)	18 (81.9%)

NEETs Unavailable to Work	Dunstable	Houghton Regis	Leighton Buzzard
Due to Personal Circumstances	8 (36.4%)	2 (20%)	4 (18.2%)

The following table shows the number of young people who have had their destination recorded as 'Unknown'.

Unknown Destinations	Dunstable	Houghton Regis	Leighton Buzzard
Refused Information	0 (0%)	1 (0.3%)	0 (0%)
Cannot be Contacted	18 (2.2%)	17 (3.8%)	31 (3.6%)
Unknown / Left Area	46 (5.5%)	32 (7.1%)	123 (14.2%)

5.3 Next Steps

The Annual Activity Survey takes place between September and January to confirm the current destination of young people in years 12 and 13. This will help to identify any new young people who are NEET.

A new 'Leavers' process has been put in place with schools to ensure the Youth Support Service is notified of sixth form pupils who leave school before completing their course.

6 SCHOOLS

6.1 New School Places for Leighton Buzzard & Linslade

Leighton Middle School is currently being expanded from a 4 form of entry, 480 place middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school.

Temporary accommodation is on site to provide the extra children who joined Leighton Middle School in September with the classrooms required due to a delay on site. Some new facilities were however completed on time and are now in daily use including the new art room and the main part of the new dining room.

Council officers and the school's leadership team continue to work with the contractor to ensure a successful, swift and satisfactory conclusion to the project and a revised completion date of the beginning of April 2017 has been agreed. This revised date will give the school time to ready the new classrooms and ensure that furniture and other facilities are in place ahead of the start of the summer term so that classes can begin to move into the new block at that point.

We continue to monitor housing development in the area and the timing of new school places required as a result.

6.2 School Admissions

Across Central Bedfordshire 97% of parents of children transferring to upper school in September 2017 made their application on time and these are currently being processed by the School Admissions Team. Parents will be notified of which school their child is offered a place at on 1 March 2017 (national secondary offer day).

Parents of children starting school (Reception Year) or transferring to middle school for September 2017 have until 15 January 2017 to make their application to the School Admissions Team. Applications will then be processed and parents will be notified of which school they will be attending on the national primary offer day (18 April 2017).

7. PARTNERSHIPS AND COMMUNITY ENGAGEMENT

7.1 Town and Parish Council Conference

The latest Town and Parish Council Conference was held on Tuesday 22 November, at Priory House, Chicksands.

The theme for the event was 'Creating Stronger Communities' and included a presentation from Cllr Tony Morris, Vice Chairman of the Partnership committee. The post conference report will be available on our website shortly.

7.2 My Central Bedfordshire

The council has recently launched My Central Bedfordshire – an online tool that allows customers to access tailored information about their area quickly and easily.

By simply entering their postcode people can search for a range of services and information that includes who their local councillors are, nearest planning applications, schools, recycling, health and emergency services. The new system builds on our current Geographic Information Systems (GIS) and online mapping tool and 'Find My Nearest' applications.

Over time it will expand to include more and more council services and customer focused information.

You can find My Central Bedfordshire here: <http://my.centralbedfordshire.gov.uk/>

7.3 Cheering Volunteering 2017

Nominations for Cheering Volunteering 2017 will open in January 2017. The annual awards and celebration event will be held at the Grove theatre on Tuesday 6 June.

8. WASTE

8.1 Looking back

We have exchanged several litter bins for the Town Council, replacing rusty bins with the new "recycle on the go" bins. We have also installed several new litter and dog waste bins in locations requested by members of the public, eg Appenine Way.

Key highlights:

We helped the Town Council clear the route of litter, weeds, etc, for the Anglian in Bloom competition and are working with the Town Council to tackle graffiti in and around the town.

Key issues:

Dog warden patrols for dog fouling have been carried out in: Appenine Way, Bassett Road, Billington Road, Billington Road Recreation Ground, Brookland Walk, Henry Smith Playing Field Brook End, King Street, Oakley Green, Queen Street, Redhouse Court, Stanbridge Road and Vandyke Road.

8.2 Looking forward

Bin collection arrangements over the Christmas period have been finalised and there will be minimal disruption with only one week of collections being affected. Residents will also be able to recycle their real Christmas trees at the kerbside during the week of 9 January 2017 or they can take it to their Household Waste Recycling Centre. Full details of Christmas and New Year collections and HWRC opening times will be on a bin tag received by residents in mid-November, and this will also be widely publicised via the Council website and social media.

The kerbside garden waste collection service will be suspended during December, January and February. This will be publicised widely, including via the Christmas bin tag. Full details of both collections and garden waste suspension are given below.

However, the temporary garden waste site at Vandyke School will operate for a further two Sundays only, on Sunday 4 and Sunday 11 December. As before the site will operate between 9am and 5pm. Permits relating to vehicles and trailers will still be in operation. Prior to both these dates the kerbside garden waste collection will still be in operation.

Refuse and Recycling Collections over 2016/17 Christmas and New Year:

Scheduled collection

Monday 26 December
Tuesday 27 December
Wednesday 28 December
Thursday 29 December
Friday 30 December

Revised collection

Tuesday 27 December
Wednesday 28 December
Thursday 29 December
Friday 30 December
Saturday 31 December

Recycling and domestic waste collections will resume as normal from Monday 2 January 2017.

Residents may recycle their real Christmas trees by leaving the tree **next** to their bin on their normal collection day during the week commencing Monday 9 January 2017. Please ensure it is placed separately, not in any bin or bag. No other garden waste will be accepted. Trees should be no taller than 5ft with trunks no greater than 3 inches in diameter. Alternatively it can be recycled at a local Household Waste Recycling Centre.

All kerbside garden waste collections will be suspended between Monday 5 December 2016 and Friday 24 February 2017.

Central Bedfordshire Household Waste Recycling Centres* are open:

Monday to Sunday 9am-5pm, except Christmas Eve: 9am-1pm and New Year's Eve: 9am-1pm.

Closed: Christmas Day, Boxing Day and New Year's Day.

*The Leighton Buzzard HWRC site remains closed for redevelopment throughout this period.

LEIGHTON LINSLADE PARTNERSHIP COMMITTEE

June 2016

CENTRAL BEDFORDSHIRE COUNCIL UPDATE

Purpose of report: - for information

1 COMMUNITY SAFETY

The ASB & Statutory Nuisance Team have achieved the following for LB & Linslade during 1st January – 31st March 2016

- 1 Community Protection Notice (CPN) warning issued for street drinking and 1 for vehicle nuisance
- 2 CPNs issued for street drinking

- Accumulation of waste – 1
- Dog barking - 1
- Fly-tipping – 7
- Graffiti - 1
- Nuisance Neighbours – 1
- Noise – 5
- Rowdy/inconsiderate – 6

22 cases in total

1.2 Summary of recorded CCTV Incidents Leighton Buzzard 1st January to 31st March 2016

This report contains data gathered by the Council's CCTV Control Room located at Watling House, Dunstable. It includes details of CCTV monitored incidents and arrests by the police in the towns of Dunstable, Houghton Regis and Leighton Buzzard. It does not include details of the police response to any particular incident where an arrest is not made, nor does it include incidents not captured by CCTV; for this reason the data will not reflect the overall picture of crime and disorder in any area. Personal data is excluded to comply with the Data Protection Act 1998.

Date and Time	Location	Brief Summary	No of Arrests
26/1/16 10:19	Bridge Street	Breach of Community Protection Order	
3/2/16 13:30	Waterbourne Walk	Male robs Salvation Army shop	
11/2/16 12:43	High Street	Affray	2
15/2/16 00:33	High Street	Request from police for additional footage relating to Santander ram raid	

5/3/16 17:00	Aldi Store	Serious Assault	7
25/3/16 21:30	Astral Park	Motor cycles causing damage and ASB	
28/3/16 00:38	Lake Street	Affray outside the Lancer	2

Notes

There were 7 incidents recorded by CCTV during the period leading to a total of 11 arrests. CCTV continues to monitor the area round Astral park Pavilion for problems caused by motorcycles and monitoring of the town centre for problems caused by street drinkers is ongoing.

A re-deployable CCTV camera has been placed in Talbot Court due to recent criminal damage to vehicles and to re-assure elderly residents in the flats and to help police to identify offenders.

2 **BUSINESS AND INVESTMENT UPDATE**

2.1 **Business support**

Central Bedfordshire College project – The College had been working in partnership with the Vinci Technology Centre in Stanbridge Road to develop an Engineering and Construction Skills Centre. However, due to contractual issues between the two parties, the Stanbridge Road site will not be progressed. The Council's Regeneration & Business Directorate are continuing to work and support the college in finding an alternative site within Leighton Buzzard.

Business TimeBank – this programme is still operational and we are still receiving enquiries but not as frequently as we used to.

There are different ways that we engage with the business community in order to let them know about the business support offer. We promote this across Central Bedfordshire, including the Leighton-Linslade area in the following ways:

- Businesses can sign up for regular business email news bulletins through 'Let's Talk Business';
- Our new website prompts people to sign up for news bulletins;
- Our social media channels now include Facebook, Twitter, Instagram, Snapchat and YouTube,
- Detailed information can be found on the 'Be Central Bedfordshire' website;
- 'Business to Business' Magazine in which the Council has a regular featured page;
- The Business Support team attend the annual 'Business Network Event';
- Work with 'Velocity Growth Hub' and the business advisers to promote the offer to businesses;
- Promote the business support offer on the Councils website

2.2 Employment and Skills

The Bedfordshire Employment Support Service (BESS) continues to support the residents of Linslade and Leighton Buzzard through the provision of a wide range of courses. All of the courses are linked to improving employability and are aimed mostly at those who are unemployed with modest prior attainment. The courses include, amongst others, Maths & English, Interview Skills, Warehousing, IT Skills and Independent Living (which is aimed at residents with mental health needs). A number of these courses are accredited, which means a certificate is awarded on successful completion of a course.

The courses are delivered by either the Council's own Direct Delivery team or through a network of external providers. BESS also funds the Work Clubs which are well used and this is successfully organised by Voluntary Community Action based in Leighton Buzzard.

Referrals for courses come from a variety of sources and include Job CentrePlus, Work Clubs and through responding to direct publicity. Each Provider will promote their own courses in a variety of ways. The Direct Delivery team promotes the Maths & English courses through flyers and word-of-mouth in the Library, Job CentrePlus and publicising via social media with occasional advertisements placed in a local newspaper.

Since September 2015, BESS has worked with 164 individual residents across Linslade and Leighton Buzzard. While the majority were unemployed, 37 did have a job and 15 of these progressed onto further education.

There were 99 individual learners who were unemployed. Of these 27 progressed onto further education, 6 have gained employment and 7 have commenced voluntary work. During this period BESS has recorded a total of 28 learners who are 'economically inactive' which means they are not seeking employment.

Also during the period since September 2015, BESS has provided funding for two apprentices. One is an Intermediate Apprentice Level 2 Certificate in Early Years Education, the other is an advanced apprenticeship as a Level 3 Diploma in Early Years Education.

At the time of writing, BESS is recommissioning the external providers with a view to letting two year contracts from August 2016. This will continue making employability type training courses available for local residents. Overwhelmingly positive feedback has been received from local residents undertaking the training courses and this is fed back to the Providers and their staff.

New Businesses –

Data from Banksearch indicates that since March 2016 there have been 37 new business start ups (measured through new bank accounts being registered)

2.3 Inward Investment

Be Central Bedfordshire – The website continues to attract interest to the area, and has been nominated for a national Planning and Placemaking Award for Promoting Economic Growth.

The highly acclaimed **Be Central Bedfordshire** website, which was launched in March 2015, has been shortlisted for a second national award this year. The website has been shortlisted in the Website of the Year category within the Public Sector Communication Awards.

The website is a public-private partnership facilitated by the council, which has been designed to provide information for businesses looking to locate in Central Bedfordshire and to provide existing businesses details of the support available to help them grow.

The website has a free property search facility, which has played a major part in generating a record number of inward investment enquiries and promoting Central Bedfordshire as a great place to live and work. The winners will be announced at the prestigious ceremony at Arsenal's Emirates Stadium on Thursday, 14 July.

Be Central Bedfordshire is also shortlisted in the Promoting Economic Growth category in the UK Planning and Placemaking Awards, with the winners being announced on Thursday, 23 June.

The shortlisting of this new investment approach reflects the innovative and proactive steps officers have made in securing investment and sustainable growth offer into the area.

According to figures supplied by EGi (Estates Gazette interactive) there have been 3 commercial deals completed in the Leighton-Linslade area since March 2016 and there have been 257 online property searches in the last 3 months.

The commercial deals are as follows:

- 1 x Retail
- 1 x Industrial
- 1 x Transport and Logistics

The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity to the M1.

The employment land on the East of Leighton site is generating interest, both via the Council and directly with the promoters.

A recent success for the Council's Business Investment team is Maritime Transport, the UK's largest independent Transport businesses recently moved into Spinney Park, creating potentially up to 100 new jobs for the area.

Bedfordshire Food and Drink Awards – CBC is headline sponsor of the awards where the public nominate their favourite business for 14 category awards. 15 businesses from Leighton Linslade have been shortlisted for the awards ceremony on 13th June.

2.4 High Street Vacancy Levels

Town	May 2015	August 2015	November 2015	February 2016	May 2016	% of all A class premises
Amphill	1	0	2	2	0	0
Arlesey	1	1	1	1	1	6.7
Biggleswade	7	4	5	10	11	7.6
Dunstable	47	50	47	47	50	18.8
Flitwick	1	1	1	1	0	0

Houghton Regis	2	2	1	1	1	3.4
Leighton Buzzard	7	4	7	11	14	6.9
Sandy	4	4	3	3	4	6
Shefford	0	0	1	1	1	2.5
Stotfold	0	0	1	1	1	5.6
Total	70	66	69	78	83	9.1

Despite the increase in vacant premises in Leighton, the over rate remains below Central Bedfordshire average. Furthermore, two of the vacant premises did have sold / let boards up, indicating they would shortly be occupied.

3 LEISURE, LIBRARIES & COUNTRYSIDE

3.1 Community Physical Activity Team

Our Parks – Group Exercise Classes

All enquiries should go through www.ourparks.org.uk

CBC Contact: Vicky Buckland 0300 300 4248

Funded through Sport England Community Sports Activation Fund



Get Fit for Free. Boxfit classes - a fun way to get fit through a high intensity full body work-out. The class incorporates solid boxing pad work with body conditioning. Currently running twice a week at Appenine Way – Leighton Buzzard.

All classes are led by experienced, fully qualified and insured instructors to cater for all levels of experience, from beginner to expert.

Other programmes:

Health Walks – 22 participants registered with 12-14 attending each week

Walking Football – Cedars Academy –continues to run on a Wednesday evening from 7-8pm with sessions having a weekly attendance of 10/11 participants. £1.50 per session

Seated Exercise Classes – Tudor Court – 20 participants registered with approximate 9/10 attending each week.

Activity 4 Health Scheme continues to run at Tiddenfoot Leisure Centre – with a regular daily register of 8/10 participants on the rolling programme.

3.2 Countryside Access

Friends of Linslade Wood and Friends of Tiddenfoot are about to be judged for the Green Flag Community Award scheme in the next two weeks.

The Chair of Friends of Tiddenfoot has been entered for the annual CBC 'Cheering Volunteering' awards.

Friends of Tiddenfoot have been busy with their 'Foragers Way' hedge laying project and CBC are working with them on restoring and managing areas of rare acid grassland for biodiversity.

Preparations are underway for the Canal Festival on 30th July 2016. The Sites team continue to work closely with the Friends of Linslade Wood with regard to woodland management and developing a programme of walks over the coming year.

Heath and Reach P3 who work alongside LLTC and other P3/Friends groups in the Leighton-Linslade area have reformed/restructured and are working on a series of projects over the year including a survey of all their rights of way, running their annual 'Toad Patrol' helping toads cross busy roads in the village, management of the Heath and Reach community woodland and a 'Clean for the Queen' clean-up around the parish.

3.3 Leighton Buzzard Library and Theatre

After many years service the Centre Manager, Hazel Kerr, has retired. A new Centre Manger, Colette Seale, was appointed in January 2016.

The Centre is currently undergoing building works due for completion in July. New air handling units, acoustic ceiling tiles and energy saving lighting are being installed in both the Theatre and Library.

Looking Back

There have been many events in both the Library and the Theatre. Maddy Prior was a great audience puller and there was positive feedback from those lucky enough to get to see her. Library as a Laboratory held one of the final events in this very mixed and exciting programme. Geraldine Pilgrim did a site specific performance of her successful installation 'Handbags'. Local residents were invited to take part in a choreographed event in the Theatre auditorium.

The Library hosted 'Librarian Theatre' whose 'potted' version of Hamlet was received well and attracted a new audience to the Library.

A regular weekly session 'crafty tots' has been set up and is proving very popular alongside the Story Time, Rhyme Time, Lego club and Babies Meet and Chat sessions already provided on a weekly basis.

New bench tables have been installed ready for our new Public Network machines.

Looking Forward

The Theatre has an exciting and varied programme over the coming months. Live performances for children including 'My Pet Monster and Me' and 'A Boy and A Bear in A Boat'

There continues to be a variety of films and Cinema events. We have a Royal Opera House Live Screening of Frankenstein, and local theatre groups will be performing Blackadder and Bugsy Malone.

The final event for Library as a Laboratory will take place next month. This will be the launch of the Music CD that has been produced as a result of the Dump it on Parliament event held last year. The artists Dash'n'Dem alongside all the other participants will be on site for the launch.

The Library is preparing for the annual Summer Reading Challenge, always a busy, exciting and challenging time, and assembly visits' have been arranged for all our local schools. Craft events will be running throughout the summer holidays. Animal Edutainment will also be paying a repeat visit.

We will be having a series of talks by Bedfordshire Archives and Records office. We have an active family history group running weekly sessions and previous sessions provided by BLARS proved very successful

The council is asking for your views about proposals to change opening hours at your libraries.

The Library Service is required to meet an efficiencies target, identified in the council's Medium Term Financial Plan, of £85,000 from 1 April 2017. Overall, the Library Service will be reducing opening hours by 30 hours a week.

As part of the proposed changes the Library Service is also trying to find ways of opening libraries to communities outside normal opening hours so as to make the best use of the buildings. This includes evenings and weekends. Buildings could be used for activities such as health advice sessions, local meetings, or adult education. This is part of the council's objectives in the Five Year Plan to foster self sustaining communities and support people to help themselves and others.

These proposals mean that no library in Central Bedfordshire will be closed. All libraries will retain professionally paid staff.

4 HIGHWAYS AND TRANSPORTATION

Highways numbers for December 2015 are below , numbers for April 2016 will be reported at the meeting

Highways performance - December 2015	
Potholes repaired	288
Carriageway resurfaced	446m
Street lights repaired	395
Street lights upgraded to LED	307
Emergency street light repairs	22
Rural grass cut	150km
Gullies cleaned	1,012
Gritting runs	2

(Please note that these figures are Central Bedfordshire wide)

Mild weather meant an incredibly low number of gritting runs. Current resurfacing programmes were completed in December; the new programmes start in March 2016. Rural grass cutting was also completed in December and resumes in April.

5 SOCIAL CARE, HEALTH AND HOUSING

5.1 Central Bedfordshire Council wants to improve the day services available to older people and adults with disabilities.

It is understood that people can get concerned that services they rely on may be changed or withdrawn so to be clear our intentions are to improve the day offer available.

The first thing is to meet with current and future customers, their families and carers through the summer of 2016 to understand what is important and what they value, help shape the future offer for day services. There will then be a formal consultation on the plans in late 2016.

Key Priorities over the next 3 months:

Our priorities include:

- Ensuring all key stakeholders are fully informed and involved in what we are doing, maintaining a co-production approach to improving the Day Offer.
- Engagement with staff and customers via meetings and other forums to establish their thoughts of 'what good looks like'.
- Promotion of and commencement of the formal consultation process to gain formal feedback from stakeholders regarding any proposed changes.

Key messages:

- We want customers and family carers to help us develop new services that meet their needs.
- Nothing will change until everyone has had their say and the new approach is agreed, then we will discuss individual needs and the options with everyone who is affected.

We are not changing the eligibility for day services, but the way some of these are delivered may change. If you receive day services now you will continue to do so but we want customers and carers to have choices that are more suited to their needs.

6 YOUTH SERVICES

Update on NEET – Central Bedfordshire

The levels of young people Not in Education, Employment or Training (NEET) remains low for young people aged 16 to 19 within the Central Bedfordshire area. Out of the total Central Bedfordshire cohort of 8757 young people, at the end of March 2016 there were only 280 (3.4%) reported to have a NEET status and the number of young people in Education, Employment or Training (EET) was 8073 (91.9%). The proportion of young people (School years 12-14) still 'In Learning' has risen to 83.5%.

NEET Overview for Leighton Buzzard

Since December 2015, there has been a very small decrease in the number of NEET young people living in the Leighton Buzzard area of 1. In December 2015, 51 were recorded as being NEET and at the end of March 2016, this had decreased to 50.

The overall % proportion of the Leighton Buzzard population aged 16-19 who are NEET is 3.9%.

Characteristics of the NEET Group in Leighton Buzzard:

The following information provides an overview of the characteristics of the current NEET group in relation to:

- **Area:** The ward with the highest number of recorded NEET, 31 (62% of the NEET group in the area), remains as Leighton Buzzard North. The Heath and Reach ward consistently has the lowest number with only 3 (6% of the NEET group in the area). The general trend for the Leighton Buzzard area is downward apart from Leighton

Buzzard North which has had a small increase of 5 young persons being recorded as NEET since December 2015.

- **Gender:** The gender breakdown shows that the number of females who are NEET is 27 (54%), which is higher than the male number of 23 (46%). Since December 2015 the trend for males is decreasing whilst the female group is increasing.
- **Age:** The age breakdown indicates that the number of NEET young people increases with age. As in previous months it is the older young people who tend to be part of the NEET group. The 18 year old group is currently the largest with 30% of the areas NEETs.
- **NEET Status:** The number of young people within the NEET group currently available to the labour market and actively seeking EET is 31 (62%) compared to the 19 (38%) who are currently not available for EET due to their personal circumstances (e.g. illness, pregnancy, etc.).
- **Time:** The majority of young people within the NEET group have been recorded as NEET for between 3-6 months.
- **Unknown Destinations:** At the end of March there were 50 (3.9%) young people living in the area whose destinations were 'Unknown'. Included within these were 4 that were contacted but were unwilling to provide any information concerning their current destination and the remaining 46 young people who could not be contacted using the information held.

The following table gives a break down of the NEETs recorded as living within the area followed by a comparison with the two other areas.

Ward	Cohort	NEET	%
Leighton Buzzard North	435	31	(7.2%)
Leighton Buzzard South	354	7	(2%)
Linslade	375	9	(2.4%)
Heath & Reach	127	3	(2.4%)

Headline Figures		
Total YPs in area	1291	
EET	1191	(92.3%)
NEET	50	(3.9%)
Unknown	50	(3.9%)

The next group of tables enables a comparison to be made of the NEET characteristics for the Dunstable, Houghton Regis and Leighton Buzzard areas. The percentages allow comparisons to be made against each area's total NEET population.

Total number of NEETs within each area	Dunstable	Houghton Regis	Leighton Buzzard
	63 (4.9%)	33 (5.1%)	50 (3.9%)

Gender	Dunstable	Houghton Regis	Leighton Buzzard
Male	26 (41.3%)	18 (54.6%)	23 (46%)
Female	37 (58.8%)	15 (45.5%)	27 (54%)

Age	Dunstable	Houghton Regis	Leighton Buzzard
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16	6	(9.6%)	5	(15.2%)	7	(14%)
17	16	(25.4%)	12	(36.4%)	14	(28%)
18	25	(39.7%)	10	(30.4%)	15	(30%)
19	16	(25.4%)	6	(18.2%)	14	(28%)

Length of Time NEET	Dunstable	Houghton Regis	Leighton Buzzard	
Less than 3 months	26	(41.3%)	12	(24%)
3 - 6 months	24	(38.1%)	22	(44%)
6+ months	13	(20.7%)	16	(32%)

Unknown Destinations	Dunstable	Houghton Regis	Leighton Buzzard	
Refused Information	6	(9.6%)	4	(8%)
Cannot be Contacted	32	(50.8%)	46	(92%)
Unknown	2	(3.2%)	0	(0%)

NEETs Available to Work	Dunstable	Houghton Regis	Leighton Buzzard	
Seeking Employment or Training	40	(63.5%)	31	(62%)

NEETs Unavailable to Work	Dunstable	Houghton Regis	Leighton Buzzard	
Due to Personal Circumstances	23	(36.6%)	19	(38%)

Next Steps:

The Youth Support Service (YSS) will be taking the following action to ensure NEET numbers remain low in Leighton Buzzard:

- The YSS will continue to use new approaches to tracking young people so they can be identified and supported into education. This will include the use of social media and text services
- The YSS will continue to make available high quality Information, Advice and Guidance to young people who are NEET or at risk of becoming NEET in Leighton Buzzard
- The YSS will undertake further analysis of the NEET group – particularly in Leighton Buzzard North to establish whether further work could take place to support young people at risk of becoming NEET

A joint presentation to the Partnership Committee is planned for December 2016 together with TACTIC

7 SCHOOLS

SCHOOLS

7.1 School Admissions in Leighton Buzzard & Linslade

Across Central Bedfordshire 94 per cent of the 3,392 pupils were allocated their first preference school in the on time Starting School 2016 allocation. Of those that didn't, four per cent got their second preference, one per cent achieved their third preference and the remaining one per cent will be allocated an alternative school which has places available.

In the Transfer to Middle 2016 allocation 96 per cent were allocated their first preference school; with three per cent offered their second preference and one per cent their third preference.

For Transfer to Upper 2016 all parents requesting Cedars Upper and Vandyke Upper were offered places at their preferred schools.

7.2. New School Places for Leighton Buzzard & Linslade

Official opening ceremonies were held before half term at 2 Leighton Buzzard schools – Leeton Lower and Clipstone Brook Lower. Both schools have been expanded by an additional 150 places under the Council's New School Places Programme in response to the increasing demand for school places within the town.

Leighton Middle School is currently being expanded from a 4 form of entry, 480 place middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school. The additional places will be available from 1 September 2016.

We continue to monitor housing development in the area and the timing of new school places required as a result.

8 PARTNERSHIPS AND COMMUNITY ENGAGEMENT

Joint Committees Review

Following consultation with the 4 Joint Committees across Central Bedfordshire discussions are on going with Members and senior management to determine how we can strengthen relationships with T&PCs.

These discussions are built on the consensus amongst Central Bedfordshire Council and Town Council members as to the value of the joint committee concept and improvements needed including more weight and influence and be on the radar of officers CBC and TC especially for locality working

Cllr Tracey Stock has been given responsibility as a Deputy Exec Member for Resources to look after relationships with TPC's.

Cheering Volunteering 2016

99 nominations for the Cheering Volunteering 2016 Awards were received and 529 guests booked seats to enjoy the celebration and awards evening at the Grove theatre on 7 June . This was an increase on 400 guests in 2015.

The Grove hosted the 2016 awards which took place on Tuesday, 7 June – at the end of National Volunteers' Week –compered by Tom Jones impersonator Billy Lee, who was a huge hit with the crowd.

The event was organised by the council's Partnerships and Community Engagement Team, along with Central Bedfordshire's Volunteer Centres, to say thank you to those who give their time to help others. Seven awards were presented:

- Young Volunteer of the Year
- Volunteer of the Year
- Volunteer Group of the Year
- Outstanding Contribution
- Lifetime Achievement
- Fundraiser of the Year
- Panel's Choice

We have received excellent feedback from guests and sponsors and are looking to make this an annual event. Leighton- Linslade was well represented by the Children's Theatre and Graham Mountford for his excellent contribution to responding to local emergencies.

9 WASTE

9.1 Looking back

We achieved:

Waste Services helped clear up waste after the recent May Day Fayre.

Grounds maintenance has begun with grass cutting underway and 3 weed sprays due over the growing season.

Key issues:

Following the application of information stickers on recycling bins before Christmas, waste collection staff have been affixing tags to recycling bins that contain items that cannot be recycled. This has generally been well-received.

Grounds maintenance has commenced, with regular grass cutting every 3 weeks during the growing season. Grass cutting in Redwood Glade is to be carried out prior to their street party in June. Similarly, there are various other street parties taking place which necessitate road closures.

The number of abandoned vehicles has increased over recent months due to the low value of scrap metal.

Dog warden patrols for dog fouling have been carried out in: Appenine Way, Bassett Road, Billington Road, Billington Road Recreation Ground, King Street, Queen Street, Vandyke Road.

Looking forward

We are planning:

Street cleansing will be carried out along the route for Anglia Bloom to ensure it is clean for the judging day on 7th July. In addition permission has been given by Highways to LLTC for Leighton in Bloom to undertake some landscaping works to the Hockliffe roundabout and adjacent beds in advance of judging day.

Dear Andrew

I am writing with deep concern for the town centre following the decision by CBC to grant planning permission to the EDS" out of town" retail park. I know how supportive you are of local business, the community, and local enterprise. Indeed, you are our champion and I so beg you to lobby the Minister on our behalf for a call in

I hope that I am not too late for this letter to be relevant; alas this type of focused concentration on legal argument is so slow due to the fog like mental state that goes with ME/CFS. SO many apologies for taking so long to write to you on this.

I have put a lot of work into this as I wanted to make sure that I genuinely had a different argument to the Judicial review that I took against the Claymore "out of town" retail park as I very firmly believe that the time of the legal system should not be wasted

. After three weeks of working really hard on this I am convinced that if this decision is not called in there is a different and much much stronger case for Judicial Review than on the Claymore based the Wednesbury Test of Unreasonableness and the ruling of Tesco Stores Ltd v Dundee City Council re the duty of Planning authorities to follow their Development plan.

The planning decision on the EDS site is not in accordance with the policies of the development plan which consists of some saved polices from the 2004 South Bedfordshire Local Plan, the NPPF and the technical evidence base of CBC. Therefore, it goes against the ruling in the Tesco Stores Ltd v Dundee City Council para 17 that "The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: ... His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it. "Although the ruling continues with acknowledgement that that judgement must be exercised by the planning authority's ties, it does also say "Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean". The decision also goes against the Wednesbury Test of Unreasonableness as the statement that the town centre is not suitable for bulky goods and not reliant on DIY is contradicted clearly and obviously by the evidence of your eyes if you walk through the town centre as there is a long list of DIY and bulky goods shops in the town centre.

I am also concerned that the Development Management Committee were misled by the councillors from Leighton Buzzard regards the state of the town centre and the possibility of linked trips and this influenced incorrectly their decision; Cllr Dodwell speaking as the ward councillor to the committee, many of whom lived the other side of the local authority area to Leighton Buzzard stated that the town depended on specialist shops and coffee shops but if you wanted a sofa or DIY you had to go to Milton Keynes . Leighton Buzzard has two large furniture stores in the town centre; one of which is over 800sqm and a similar sized domestic appliance shop, hardware and DIY shops in the town centre with Jewsons 100m from the town centre and Homebase about 400 metres, with Screwfix and Travis Perkins closer to town on Grovebury road than the EDS retail park. This contradicts the CBC retail Study (Tym) 2013. Cllr Dodwell also

stated that people would be likely to travel into the town centre after the visiting the retail park. This misled the councillors as she did not mention the high level of congestion along Grovebury Road which makes travel into the town centre by car extremely difficult and walking unpleasant.

There are serious concerns as there is a high demand for employment land in the area as articulated by Cllr Spur in the planning meeting, supported by updates from CBC to the Partnership Committee, as well as the saved policy E1 from the South Bedfordshire Local Plan as well as the CBC technical evidence base which is a material consideration so the loss of this site for employment land is concerning. The arguments that there is little reasonable prospect of employment uses on this site in the middle of an employment area that is in high demand, are based on documents not in the public domain and that do not appear to have been shown to Cllrs on the planning committee.

A "Call In" is needed as this decision could really negatively affect economic growth of the town and the wellbeing of the town centre especially independent local traders and the 100-year-old market. This could really impact on the fact that the area is an area of housing growth beside the new strategic A5-M1 link. The resulting congestion of the two retail parks could cause serious problems for the industrial area and the link onto the new strategic A5-M1 link.

This decision also undermines the evidence base on employment and retail for the core strategy which could harm the progress of the core strategy which the area so needs.

A public inquiry is the best vehicle to examine the strength of the arguments on both sides and come to a fair decision is because of the detail and complexity of retail and employment arguments.

Please don't let the legacy of a Conservative Council with a Conservative MP be the demise of Leighton Buzzard's high street, local businesses and the 1000-year-old market. Towns without "out of town" retail parks have low town centre vacancy rates such as Thame -3%, Reigate 1.8%, Rickmansworth 2%, Henley Upon Thames 4%, Epping 1% and Leighton Buzzard until up to now, whereas town centres with "out of town retail parks" have higher vacancy rates. Dunstable has town centre vacancy rate of 17%. It is very concerning that Cllr Young is so keen to use the example of Dunstable as a reason to support the out of town retail park the town centre success of Dunstable.

I am begging you to also consider the social and community costs of the retail parks. Leighton Buzzard has an unusually high number of independent local retailers with two large furniture shops, DIY, pet's shops, as well as some specialist shops. These along with the market traders play a huge role in the local community. For those on a state pension, who can't afford to go out in the evening or to pay for activities and hobbies, coming into town and talking to market traders and local shop keepers often is major part of their social life and support structure. This in turn supports the living longer living independently agenda and reduces costs to social care and the NHS.

The town has a 1000-year market and an active farmers market supporting local British farmers. Loss of footfall could really damage the market trader who are already suffering a down turn in

trade. With rising town centre car parking charges, rising business rates, the change to national insurance, the pressures on small business are huge at present. And it is very likely that we could lose three of the largest retailers in the town which could really harm the town centre according to the latest report from CBC on retail in Leighton Buzzard. I know that TK furniture, Dillamores and Cee jays are coming to see you on 7th April as they are all concerned as to whether they can continue

Below are the detailed reasons for a Call In.

I do hope that you can persuade the minister to “Call in” the application

Detailed reasons

Employment grounds.

Summary ; There has to be a clear and consistent understanding of the development plan as well as a clear understanding of the reason why it has been departed from. I argue that both the officers report and the Development Management Committee showed a lack of understanding of the development plan/ NPPF. In addition the evidence for the departure from the development plan is based on documents that are not in the public domain and appear not to have been shown to councillors. There is a large body of evidence from CBC showing a shortage of employment land in the area.

1. **There has to be a clear and consistent understanding of the development plan and this has been clarified in case law;** *Tesco Stores Ltd v Dundee City Council* states . para 17. *It has long been established that a planning authority must proceed upon a proper understanding of the development plan: see, for example, Gransden & Co Ltd v Secretary of State for the Environment (1985) 54 P & CR 86, 94 per Woolf J, affd (1986) 54 P & CR 361; Horsham DC v Secretary of State for the Environment (1991) 63 P & CR 219, 225-226 per Nolan LJ. The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: it cannot have regard to the provisions of the plan if it fails to understand them.”*
2. It is understood that an exercise of judgement by the planning authority is needed but it needs to be reasonable; Para 19 *“As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759, 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.*

3. **The judgement continues to clarify this by further explaining that the planning authority has to follow the meaning of the words in the development plan in para 20**
“If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”

4. **Therefore the decision has to be based on an understanding of the development plan. The Development Plan in this case as regards employment is the saved policy E1 from the South Bedfordshire Local Plan and the NPPF and the technical evidence base from the previously submitted Core strategy which CBC describes in the officers report page 69** *“At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decision”* I would argue that in the absence of a core strategy the latest technical updates commissioned by CBC also are a material consideration.

5. **CBC was criticised for its plan making abilities and understanding of the local employment situation by the Inspector in the examination of CBC’s previous draft core strategy.** The CBC core Strategy was withdrawn in 2015 on the Inspector’s advice due to the failure of the Duty to Cooperate on housing but also on employment.. The report was very critical of both the policies and the lack of evidence base on employment land allocation. The report stated <http://www.colchester.gov.uk/CHttpHandler.ashx?id=17782&p=0> para 58.” *The Plan identifies land to support the delivery of an additional 27,000 jobs over the Plan period. This is stated to be an aspirational figure and, as far as I can tell from the limited discussion held during the Examination to date, is only tenuously linked to any assessment of future employment growth.*
59. There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I”

6. **The Inspector highlighted the lack of cooperation with Luton over accommodating the need for employment land from Luton.** *Para 62.Cllr Young defends the Plan’s approach to employment provision suggesting that LBC’s emerging homes: jobs provision is not balanced and that a more flexible approach to employment land could boost housing supply in Luton where it is most needed. This reinforces my observation about the lack of acceptance of LBC’s urban capacity estimate.”*

7. **The Inspector then gives a conclusion that is very critical of Central Bedfordshire Councils approach to planning for housing and employment land in the context of the Duty to Cooperate; para67.”** *In summary, there is almost no evidence of any active, constructive and ongoing engagement on this important cross-boundary issue. The differences between the Council and LBC seem to be part of their wider failure to reach an accommodation on housing provision. The uncertainty of other neighbouring authorities over*

the nature and effects of the employment approach pursued in the Plan simply could not have arisen in my judgement had the Duty been complied with on this matter.”

8. **Furthermore CBC’s own technical evidence base for the core strategy (withdrawn in 2015)shows a shortage of employment land and as I explained in paragraph 4 this technical evidence base is considered a material consideration.** The Local Economic assessment by GVA for CBC 2012 and used as supporting evidence for the submitted draft core strategy(withdrawn 2015) shows a shortage of employment land supply in Central Bedfordshire Council http://www.centralbedfordshire.gov.uk/Images/economic-assessment-2014_tcm3-7430.pdf 1.22 *Providing suitable employment land and premises for existing businesses to grow and new businesses to locate in Central Bedfordshire and create jobs is a priority for the Council, however in the last year, the loss of employment land to other uses has outweighed the gains. Some of the main losses have been in office space in areas like the Dukeminster Estate in Dunstable, however some of this land has been replaced with residential and extra care, which will provide additional employment opportunities. Central Bedfordshire Council has worked closely with partners to improve provision of premises that meet business needs, and this is evident in the opening of the Incuba Centre in Dunstable to provide office space for small and start up businesses. Nevertheless, the loss of land may need to be considered in relation to longer term jobs growth.”*

9. **The statements in the Officer report then surely shows a lack of understanding by officers and Cllrs of CBC of the development plan in light of the Inspectors report on the previous core strategy submission which suggesting that the employment needs of Luton had not been accommodated , and the Local Economic Assessment 2012 for the core strategy , the policy E1 in South Bedfordshire Local Plan, and with the overwhelming evidence from CBC of shortage of employment land in the area provided further on in this document. The officer’s report gives the impression of widespread availability of land para 2.3 “Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.”** This surely fits into the Humpty Dumpty description of plan making in Tesco V Dundee **“they cannot make the development plan mean whatever they would like it to mean.”** Para 19 **TescoStoresLtd v Dundee**

10. **The Officer report’s comments on employment land availability contradict the saved policy from South Bedfordshire Local Plan adopted 2004; policy E1** “Within main employment areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or b8 of the use classes order 1987.The point of this policy is explained .para 1 *“ The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, relationship to public and private transport infrastructure and facilities, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and*

commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects" **Therefore this area on Grovebury road has been allocated as a main employment in policy E1 as it is most suitable for employment due to a host of reasons including closeness to transport infrastructure. In addition to this argument of 2004 the new A5-M1 strategic link road is about to be opened this year and so this will, strengthen the accessibility to transport infrastructure hence supporting the allocation of the area for industrial use. This is in direct contradiction to the line in the officers report "Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway."**

- 11. The development plan still allocates this area as employment land to meet the anticipated needs of business.** The CBC Development Plan in the absence of up to date policies/ core strategy consists of saved polices from South Bedfordshire Local Plan adopted 2004 and the NPPF. The NPPF para 21 and 22 are relevant to employment land. **The NPPF states in para 21 "local planning authorities should:• set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;"** Saved Policy E1 of the South Bedfordshire Local Plan explains that this area has been allocated for employment due to its audit and evaluation of future industrial needs. ***" The Employment Land Audit has enabled the District Council to identify those parts of the employment land resource which by virtue of their location, accessibility, proximity to main residential areas, relationship to public and private transport infrastructure and facilities, adjoining uses, size and site configuration, can be considered to be suitable for a wide range of B1-B8 use and appropriate for modern industrial and commercial business. These 'Main Employment Areas' represent the principal source of land to meet the needs of the local population for jobs and the requirements of industry and commerce. They comprise the sites and premises which the District Council considers have greatest value in these respects***

There is no evidence base from CBC to support the removal of the allocation of this land for employment. Indeed the Inspector in 2015 on CBC's core strategy stated ***There is no evidence that the Council has undertaken the identification of the functional economic market area(s) (FEMA) affecting Central Bedfordshire as advocated in the PPG. I"*** The evidence base that I am about to go through in detail in the paragraphs below increases the support of this allocation.

- 12. Recent evidence from CBC shows that there is a high demand for employment land in Leighton Buzzard. CBC updates to the Partnership Committee of Central Bedfordshire Council and Leighton Linlade Town Council show a demand for more employment land.** The Partnership Committee had an update from CBC in June 2016; item 10 on the agenda which states in para 2.3 page 4 of the agenda item; ***"The feedback from the commercial agents is that there continues to be a shortage of freehold land or industrial units but they are receiving positive feedback about Leighton's proximity to the new A5 – M1 link, which should create further interest in the area as a result of the improved connectivity***

to the M1.” (this item is attached). The Partnership Committee was also updated in December 2016 by CBC in item 8 on the agenda in section 2.2 “*Be Central Bedfordshire website www.becentralbedfordshire.co.uk) continues to attract interest from potential investors with 7000 visits to the site and 750 property searches since 1st April 2016, with Leighton Linslade featuring prominently.*” (this item is attached)

- 13. In 2014 November , CBC (Abel Banu) advised the applicant of the need for industrial land in the area and so did not support a change to residential.** This is in the supporting document (Appendix B A7) also attached. The applicant considered residential development and had contacted CBC .This is in the supporting document (Appendix B A7) also attached. CBC stated that “ *the report also notes a number of business in and around the area unable to locate suitable premises. It continues “ I would note that the recent A5-M1 link has the potential to transform accessiblity to the site from a commercial perspective.”* It continues that “*Certainly with the Councils plans to facilitate 27,000 new jobs by 2031 there is very much a need to provide a range and choice of business premises to facilitate this.*” (The officer in this instance mentions the possibility of wider employment generation, but there is not an evidence base supplied to support this departure from the development plan and the evidence of lack need for industrial land in the area)
- 14. Cllr Spurr, executive member for Community Services for CBC (until 10/3/17) spoke at the Development Management meeting on 1/3/17 to say that there was a need for employment land in the area.**
- 15. CBC turned down in February 2013, a similar (slightly larger)retail development (Barwoods) in Grovebury road in 2013 due to loss of employment land.** Below are the minutes with the reasons for refusal.
<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%202013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road “*That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority’s primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based*

firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

The decision on the Planning balance: Whether there is a reasonable prospect of the site being used for allocated employment land.

- 16. The officers argue in their report that there is little chance of employment uses except at a much lower rate than other employment areas and the retail park para 2.3**” *The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. para 2.4 The proposed non-B Class development is considered acceptable given the current low level of employment use on the site when compared to the proposed uses.”*
- 17. The CBC Development Plan appears not to support this.** The Development Plan consists of the following; the saved policy E1 from the South Bedfordshire Local Plan saved policy E1 from the South Bedfordshire Local Plan, the NPPF and the CBC technical evidence for the previous core strategy submission. The saved policy E1 gives no option for this departure from allocated employment land. The NPPF. Para 21 states *“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.”** Moreover the CBC technical evidence (which the officers report says is a material consideration) which includes the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 . The GVA technical report supports a policy in the draft core strategy for a strict criteria for scoring the prospect of future employment which does not support open A1 policy retail . The following extract is from the GVA report Central Bedfordshire Council Employment & Economic Study – Stage 2 Final Report August 2012 *“Policy 7: Employment Sites and Uses Across the portfolio of employment land within Central Bedfordshire, planning permission will be granted for appropriate B1, B2 and B8 uses. In order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites will also be considered on a site-by-site basis in relation to the following criteria. • the supply pipeline available for B1, B2 and B8 uses within the locality; • the suitability and impact of the proposal in relation to the location and neighbouring land uses; • an increase in the number of jobs that can be delivered; • traffic generation and suitable accessibility; and • the potential to strengthen existing clusters through the delivery of**

*complementary employment generating uses. To support the role and function of the town centres, retail uses will not normally be considered appropriate on employment sites. Exceptions will be considered on a site by site basis for bulky goods and other forms of specialist retailing less suited to a town centre location. GVA Critique 4.50 **Broadly this is a strong policy which clearly defines the locations of employment sites across Central Bedfordshire. This is necessary and brings clarity to future development locations.** This policy is also designed to enable the Council to respond to market pressures, and to be able to consider additional sites that have not been allocated provided certain critical criteria are met 4.51 It is advised that, in line with recommendation R5, Central Bedfordshire Council consider implementing criteria whereby those sites which have strong transport links are considered for strategic warehousing uses. The scoring criteria established in this report could be used as a basis for this assessment. Central Bedfordshire Council Employment & Economic Study Stage 2 Report - Draft August 2012*

18. This scoring above in the technical report does not seem to be applied at all by CBC to the EDS application as there is significant demand for employment land, indeed a shortage of employment land in the immediate area. This criteria also highlights that retail will not normally be considered although there will be consideration for bulky goods sites. However this application was passed as open A1 and the bulky goods category has been removed from the NPPF since then; as is shown in Annex 2 of the NPPF Town centre uses. Therefore it appears that CBC have shown little understanding of their development plan in deciding on employment uses of the site
19. **The argument for change of use is based on the officers statement without back up information.** The officers states in para 2.3 *“The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses.”* -that the client has made best endeavours to market the site.
20. **However the evidence on marketing initiatives for the site are based on documents not in the public domain and it appears that these documents have not been shown to the Cllrs in the Development Management Committee.** The officers base their conclusion on the fact that EDS argue in their report that there is no reasonable prospect of employment in Appendix A, page A4 of the “Supporting documents” which can be accessed through <http://www.centralbedfordshire.gov.uk/publicportalviewer/publicViewer.html?caseID=CB/16/00814/OUT> and then clicking on “supporting documents 659717”, In para 2.1 *“despite consistent and continuing efforts over the years, the agencies instructed by our clients have been unable to identify any situation or any potential developer/ occupier whereby the overall redevelopment of the Camden site for continued employment use was a realistic and realisable prospect.* Para 2.14 based on para 2.1-2.7 states that reports that support this conclusion have been shown to the council for an preapplication enquiry process in 2014. Para 2.4; refers to the pre-application CB/14/00655/PAPC and CB/14/001499 .It is not possible as a member of the public to access these. (I have not had time for an FOI on this) These documents are not part of the supporting evidence for this application so it is impossible to know if active marketing measures have taken place or reasons why this site is not attractive for redevelopment for industrial use when there is a reported shortage of industrial land locally. **It appears that these supporting documents showing the**

marketing initiatives have not been shown to the Councillors on the Development Management Committee.

21. **An Appeal decisions by an Inspector shows that more than the word of the applicant is needed to show that “there is not reasonable prospect of the site being used for allocated employment issues.”**The Inspector in the appeal decision 2013 on Land off Pershore Road/Fordhouse Lane, Stirchley, Birmingham, West Midlands B30 3BW http://www.landmarkchambers.co.uk/userfiles/documents/resources/Decision_Stirchley.pdf says in para 21. *“However, it is far from clear that a sustained and committed period of marketing of the site for industrial use, in the form now proposed for the alternative use, was realistically undertaken. On this basis, I am not persuaded that the loss of industrial land has been shown to be justified. The proposal conflicts with the development plan policies to which reference has been made. Although it is not explicit as to how the reasonable prospect of a site being used for the allocated employment use should be assessed, I also find that the loss cannot be justified under the NPPF.”*

22. One Cllr on the Development Management Committee pointed out that if EDS wanted the area for retail it is then not surprising that they did not build industrial units to attract investment.

23. I also believe that this is relevant from Planning resource 30 July 2015 ,

24. Plans to erect a 1,500m2 food store within a designated strategic industrial location in west London were rejected despite the appellant claiming that the character of the immediate area had a more varied and retail nature.

25. *The site lay within one of the largest concentrations of industrial land in west London but it was notable that adjacent retail uses included Topps Tile and Screwfix, a complex known as Vue Cinema, and a leisure park. Nonetheless, these uses existed when the area was designated as a primary industrial location, the inspector noted, and no objections were raised at the time to the appeal site being included within it. Both the London Plan and the council’s core strategy were clear that the loss of such land should only be contemplated through the plan-making process and not via ad hoc releases. Such areas were intended to provide a reservoir of industrial land which deserved the strongest protection, the inspector held. The fact that the immediate area had a different character from other parts of the designated area was a dangerous argument to accept which would lead to progressive erosion of the industrial land supply.*

Town centre policies

CBC ignored the latest technical evidence which I argue forms part of the Development plans for Central Bedfordshire Council and hence showed a lack of understanding of the Development plan. Tesco Stores Ltd V Dundee City Council 2012 quotes in para 17 *“His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

26. The assessment as regards the Impact test ignored the most recent retail report called *“Land South of the High Street”* by GVA November 2016 published Feb 2017 commissioned by CBC. It was dismissed by Cllr Young and the Development Management committee and was not referred to in the officers report. This report warned of a very negative impact that the retail park could have on the vitality and viability of the town centre. This GVA report on *“Land South of the High Street is the latest evidence on retail for the town centre in Leighton Buzzard.*
27. The GVA report should be referred to as a material consideration and not be dismissed and ignored. The NPPF states as a core planning principle para 17 *“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area,”* The same paragraph also says *“Plans should be kept up-to-date,”* In light of this the GVA report *“Land South of the High Street”* as the latest technical evidence counts as a material planning consideration and should not be dismissed, Further more on page 69 of the Officer’s report it says that the body of technical evidence may be a material consideration *“Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.”* In this context it is likely that the latest report will add to this evidence base for the next core strategy submission. In light of this it seems likely that this latest addition to the technical evidence should also be seen by CBC as a material consideration
28. **Planning history to show the importance of the latest GVA retail report.**
There is not a saved policy for the town centre listed in the officers report In 2012 CBC formally adopted a development brief for a town centre retail development called *“Land South of the High Street”*. This is then referred to in the previous core strategy submission <http://centralbeds.moderngov.co.uk/documents/s49829/Development%20Strategy%20-%20Appendix%20A.pdf>. Policy 13: *Town Centre Development Development proposals should be in accordance with the principles and objectives of:* • *The two endorsed development briefs for Leighton Buzzard* • *The Houghton Regis Masterplan SPD* • *The Biggleswade Town Centre Masterplan SPD* • *The Flitwick Framework Plan and Indicative Masterplan Development proposals elsewhere in these towns should complement and not prejudice development proposed, and should make a financial contribution towards their development where possible.* Policy 11 in the same document refers to the retail hierarchy table 7.1 which allocates new retail to Leighton Buzzard town centre. This is supported by the CBC Retail Report (Tym) 2013 which describes the need for more town centre development in Leighton Buzzard. CBC indicated in December 2016 that they will revise the development brief with a new draft brief and a public consultation on it for the Land South of the High Street and have published a new retail study by GVA to support this

revision in February 2017. Therefore this latest technical report by GVA, “Land South of the High Street” commissioned by CBC on Leighton Buzzard town centre development site where CBC is planning to attract investment and has committed considerable resources to doing so is an important material consideration. It would be most unlikely if this new technical report will not be referred to by the new development briefs and hence by the new Core strategy. Therefore it should be a significant material consideration .. However it is not referred to in the planning officers report , and was dismissed by Cllr Young.

29. **The report by GVA on Land South of the High Street commissioned by CBC raises serious concerns as regards the threat of out of town retail parks to the vitality and vitality of the town centre.** http://www.centralbedfordshire.gov.uk/Images/leighton-intelligence-report_tcm3-21441.pdf This report states in the conclusion Para 6.5 ***There are threats to the retail success of Leighton Buzzard in the shape of the out of town schemes, the two developments mentioned above need to be carefully considered. If open A1 consent is granted at the scheme to the south of the town this will sweep up any major multiple retail fashion brands who would prefer a rectangle box with surface car parking rather than a constrained town centre site. It is apparent from our market testing that a number of the well-known multiples are awaiting the outcomes of planning in this regard***”.
30. **The report shows that the retail park is likely to divert retail which would otherwise go into the town centre on “land south of the high street”** and create a diverse retail offer.. The CBC retail study supports new retail in the town centre and policy 23 in the NPPF states “promote competitive town centres that provide customer choice and a diverse retail offer” Leighton Buzzard at present lacks clothes shops as shown in CBC surveys and the retail report so the shops listed in para 4.51 in GVA report are badly needed in the town centre in order to provide a diverse retail offer. Para 4.51 of the GVA report says *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road and thus this is why Next have refused to occupy space in the town centre as we will come onto later.”*
31. **The report in its final and concluding paragraph stress the fragility of the vitality and viability of the town centre para 6.17 it will only take the departure of two or three key retailers to have a very negative effect on the town” This has not been be taken account of in the summary of the Impact Assessment**
32. **The vitality of the town centre was underestimated as there was no reference to the most recent report on the health of the town centre** by The Retail Group commissioned by Leighton Linslade Town Council in early February 2017 which showed that majority of retailers and market traders were trading down or level to last year or down. This was presented to LLTC markets sub committee on Feb 16th agenda item 7. Pages 20-22 have graphs with trade figures, The report surveyed 27 market traders and 79 Retailers;
- Down in sales : Market traders 56%; Retailers 20%
Level in sales; Market 28%; Retailers 44%
Up in sales : Market 16%: Retailers 36%

In summary Market 84% level or down on last year. Retailers 64% level or down on last year. This report showed the fragility of Leighton Buzzard Town centre.

- 33. The report also shows that the “out of town retail park” decision is in contradiction to Para 26 of the NPPF as regards the Impact Assessment as regards the impact on planned investment. According to the GVA report the retail park will attract stores which otherwise might go into the Land South of the High Street and so harm committed investment in the town centre..** NPPF para 26 states *“This should include assessment of: • the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;”* According to the GVA report the out of town retail park could attract stores which would otherwise go into the town centre and so harm the development of the Land South of the High Street to which CBC is committed .GVA report para 4.51 *“This retail park when it proceeds will sweep up most of the large space users such as Next H&M, TK Maxx and Sports Direct, all of those large space retail users who might, if there was no other option go into the town’s high street will much rather prefer a uniform rectangle box with free adjacent parking on the ring road”*
- 34. The retail park decision is contrary to the development brief land South of the High Street. The officer report is misleading about this development brief.** The Officer report says para 3.12 *“Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations.”* And carries on to say in para 3.19 *“It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment”*
- 35. However as can be shown from the extensive quotes below from the Brief Land South is nothing to justify this statement;**The Development brief for Land South of the High Street http://www.centralbedfordshire.gov.uk/Images/south-high-street-brief_tcm3-7317.pdf states, In section 4 Vision and Objectives *The South of High Street site will be redeveloped to provide a new retail led mixed use quarter which acts as a sustainable extension to the town centre’s Primary Shopping Area and creates a destination for residents and visitors. 1. Create a retail destination that will attract high profile retailers and visitors and retain local expenditure in the town. 2. Attract complementary uses and operators to those found on the High Street to help foster a vibrant and more competitive town centre offer”*
- 1.4 The site offers the opportunity to create a sustainable extension to the town centre shopping area which enhances the retail offer and the centre’s competitiveness, while preserving the town centre’s existing high quality character, reinforcing its distinctiveness and enhancing the town’s historic character and environment.*
- 2.13 According to GOAD Experian data from February 2011, Leighton Buzzard’s retail vacancy rate is below the UK average. Despite the low vacancy rate, the retail offer in the town is very much geared towards the economy end of the market. This contradicts the relative affluence of the local area, yet reflects the dominant role of competing centres (such as Milton Keynes). Retailers cite a lack of quality available stock of sufficient size as being major reasons for their absence from Leighton Buzzard.*
- 2.15 The high quality built environment is a valuable asset to the town which can be a major attraction for retailers and shoppers, but paradoxically has also contributed to preventing key retailers locating there as a result of the corresponding lack of larger, high quality space which meets the needs of modern retailers.”*
- The GVA report Land South of the High Street is a good evidence base, but a draft brief based on it has not been published or gone through public consultation, or been adopted by a committee vote of CBC so CBC cannot say para 3.12 *“It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.”*

36. These concerns relevant to para 26 of the NPPF as regards impact on planned investment in the town centre and the effect on vitality and viability were upheld by CBC when CBC refused planning permission in February 2013 for a similar (slightly larger) retail development (Barwoods) in Grovebury road in 2013 due to the impact on the town centre as well employment. Below are the minutes with the reasons for refusal.

[http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%202013-Feb-](http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%202013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11)

[2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11](http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%202013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11) item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road; That *Planning Permission be REFUSED for the following reasons.....(2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework"*

Lack of understanding of the development plan in connection with Tesco v Dundee as regards main town centre uses and bulky goods. Para 17 *"Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean"*. And para 20 *"If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy."*

37. The development plan in this situation is the NPPF and the technical evidence as described in the section entitled "Relevant policies" of the officers report and the development brief for Land south of the high street. None of these documents/ describe a definition of bulky goods that is different to main town centre uses yet the officer report relies on the distinction between bulky goods as opposed to main town centre uses in assessing both the sequential and the impact test. The law is clear that officers must understand the development plan as set out in Para 17. Tesco v Dundee *It has long been established that a planning authority must proceed upon a proper understanding of the development plan:"*

38. The NPPF does not make a distinction between bulky goods and town centres

Annex 2 of the NPPF states <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#maintown> **“Main town centre uses ;Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”** This is a significant change from DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

39. This is explained and firmly emphasised in the CBC Retail study 2013 para 5.22 *Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. This is continued in the conclusions para 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2)*

40. The evidence base of the household surveys which form an important part of the evidence that underpins the CBC Retail Report 2013 in its questions in the survey makes no distinction between bulky goods and non bulky goods as Lord Sales says in *Central Bedfordshire Council v Harvey para 14.*” It may be noted that that question is general and vague and is not specifically focused on bulky goods,”

41. Despite clear guidance from the Development plan in this case NPPF and the technical CBC retail study 2013 not to use the separate category of Bulky goods the officer report relies on the bulky goods distinction in the sequential test and impact test directly contradicting the development plan. para 3.4 *However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.*” And also the in Impact test para 3.10 *“It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade. These conclusions are in line with the Council’s own retail studies and the advice of the Council’s retail consultant.”* And para 3.14 *“It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The*

proposed retail floor space (which could impact on the town centre) would be limited to 6,221m² (GEA) – 4984m² GIA of the total 7,350m² (GEA) – 5880m² GIA proposed”. And finally para 3.18 *The current leakage of comparison goods trade from Leighton Buzzard and opportunities for ‘clawback’ trade within Leighton Buzzard are identified within the application. In light of the Council’s 2012 Retail Study, there is little ‘bulky goods’ trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks.*

All these bulky goods categories mentioned come within the description of main town centre uses. Trade counters as there is no other legal or planning definition is in my opinion covered by factory outlets. (The inspector agreed that no definition of a trade counter is provided in legislation, circulars or guidance notes.

<http://www.planningresource.co.uk/article/787357/dc-casebook-depth---trade-counter-meaning-clarified-inspector-finds-use-change>) **The officers report shows a lack of understanding of the development plan and so is open to legal challenge as explained Tesco v Dundee para 17** *“His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”*

42. CBC is applying two different meanings to the words “Bulky goods” which creates an error of law. Tesco v Dundee para 20.” *If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”* **The meaning of” bulky goods as described in the Planning Portal**

https://www.planningportal.co.uk/directory_record/141/bulky_goods is **“Goods of a large physical nature (for example DIY, furniture, carpets) that sometimes require large areas for storage or display.”** This supported definition of bulky goods before the NPPF put all retail into main town centre uses was laid out in the previous planning policy guidance DCLG; “Planning for Town centres; Practice guidance on need impact and the sequential test.” Para 6.31 *The size and bulk of goods sold will also influence the size and type of store required. This applies particularly to retailers selling bulky durable goods such as DIY, furniture, carpets and domestic appliances. In many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations.*

Therefore it could be seen by some as common sense that very large bulky goods are not suitable to a town centre and indeed it would appear that this is the understanding of the term that Lord Sales used in the case C1/2014/1325 Harvey v Central Bedfordshire Council and “for the purposes of the Council’s consideration of the application for planning permission, it was the impracticability of using a site in the city centre for sale of bulky goods which could be more conveniently and appropriately carried on at an out of centre site which was the important consideration”

However the definition of Bulky goods that was used previously by CBC for the White Lion Retail Park and was used for the conditions for Claymore retail park whose reserve matters were given permission in the same planning included many much smaller items that could easily be practically sold in a town centre if we were following the above line. (a) *DIY goods including tools, building supplies and ancillary items;* (b) *plants and garden products;* (c) *furniture, carpets, floor coverings and home furnishings;* (d) *office equipment and stationary;* (e) *motor vehicle parts and accessories;* (f)

cycles and ancillary goods; (g) home technology, electrical goods; (h) pets and pet supplies; (i) Christmas decorations and seasonal goods; and (j) all goods ancillary to the items listed in (a) to (i) . These definition of goods can include small items such as cushions, digital alarm clocks, MP3 players. Pens, paper, Christmas baubles etc. This is not the same definition of bulky goods as used in the Planning Portal, and the Planing guidance on town centres that predated NPPF.

Wednesbury case of Unreasonableness

42. Not only does Central Bedfordshire Council completely ignore the NPPF and its own (CBC) retail report which say that there is no distinction between bulky goods and main town centre uses, it makes the following the statements para 3.19 *“It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment.”* And para 3.10 . *It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and ‘bulky goods’ trade.* **This goes against the obvious practical fact if you walk through the town centre in Leighton Buzzard you can see for yourself that there are many bulky goods sold in the town centre or just on the centre of the town. There are two furniture shops one over 800sqm and one domestic appliance shop again 800sqm, a cycle shop. Not to mention DIY and other bulky goods vehicles . Therefore to say that the town is not overly reliant on bulky goods and DIY or that bulky goods are complimentary to the town centre is unreasonable and irrational and so would fit the Criteria for Wednesbury Unreasonableness**

Here is a list of shops that fit the description of bulky goods in the Planning Portal, and the description of DIY that presently trade within the town centre boundary as drawn in the South Bedfordshire Adopted plan 2004.

Dillamores furniture shop in the high street (selling sofas, beds etc)
TK furniture Hockliffe about 800 msq (selling sofas, beds, tables, bookcases etc)
Ceejays, Hockliffe Street about 800 msq (selling washing machines, domestic appliances etc
Amalfi tiles selling boxes of tiles; Bridge Street
Argos selling a wide range of DIY, Watrbourne walk
Selections Hardware High street, selling DIY, Tools etc
Selections High Street seling garden tools, plants, tubs etc
Kingfisher Carpets Friday Street. Selling carpter
Buzzard Blinds selling household blinds Market Square
John Wilcox Friday Street kitche studio
Doorvics selling bicycles (not flatpacked)

Within 100 metres of the official town centre boundary;

Halfords which is definitely a bulky goods shop is only about 60 metres from the official town centre boundary of 2004 but is in the middle of a line of shops
New City Heating selling very bulky plumbing equipment is about 100 m form the town centre

Jewsons, which is a builders merchant is about 100 metres from the town centre boundary

Homebase is 400 m from the town centre boundary
Screwfix and travis Perkins are also on Grovebury Road are significantly closer to the town centre by car than the EDS retail Park,

The town also has an edge of centre shops such as New Linslade Plumbing and Butties, which are both serious DIY stores.

The Impact Assessment for the Claymore retail park which was granted planning permission in Feb 2013 said that there would be an overlap between the retail park and 22 shops that exist in the town centre and the “bulky goods” restricted retail park.

The other factor of Wednesbury unreasonableness is the previous decision of CBC in 2013 to turn down the Barwoods retail park due to impact on the town centre.

CBC turned down in February 2013 a similar (slightly larger) retail development (Barwoods) in Grovebury road in 2013 due to the impact on the town centre and loss of employment land. Below are the minutes with the reasons for refusal.

<http://centralbeds.moderngov.co.uk/documents/g4108/Public%20minutes%20Wednesday%2013-Feb-2013%2010.00%20DEVELOPMENT%20MANAGEMENT%20COMMITTEE.pdf?T=11> item 10 page 21 CB/12/03290/OUT LOCATION Unit 7, Grovebury road

That Planning Permission be REFUSED for the following reasons; (1) In line with South Bedfordshire Local Plan Review Policy E1, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. The application site forms part of a designated Main Employment Area as defined on the proposals map of the South Bedfordshire Local Plan Review 2004 and the policy map of the emerging Development Strategy for Central Bedfordshire wherein the Local Planning Authority's primary objective is to encourage Business, General Industrial or Storage and Distribution development. The application site falls within an area identified as being in adequate condition for B Class employment with some potential for redevelopment taking account of factors including the quality of stock, access to amenities, the adequacy of site servicing, strategic road access and public transport provision (CBC 2012 Employment Land Review). The main source of demand for B Class premises in Leighton Buzzard is generated as a result of expansion by locally based firms, and some relocation from nearby areas (Luton and South Beds Employment Land and Market Assessment Study, NLP 2010). In this case, there is an expressed need for low cost warehousing to support the expansion of locally based firms as demonstrated by the present/recent occupation of the premises and by third party representations received from a major local employer in response to the application. In light of this demonstrated demand, it has not been Minute Item 332 Page 21 adequately shown that there is no viable prospect of the site delivering a B Class use, including through the redevelopment of the site to provide modern units for the local market. Taking account of the supply of B Class land within Leighton Buzzard itself and the scale, quality and location of the site, the proposed development would detrimentally impact upon the supply of B Class land within the locality. The proposal is therefore contrary to Policy E1 of the South Bedfordshire Local Plan Review 2004, Policies 6, 7 and 8 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework. (2) By reason of the combination of the total commercial floor area of the development, the size of the individual units proposed, the range of goods to be sold from the site, and the number of retail units proposed, the proposed retail development would result in an unacceptable diversion of trade from Leighton Buzzard Town Centre to the detriment of the vitality and viability of the Main Shopping Area. Further, and given the propensity for

competition among retailers seeking to come to Leighton Buzzard, the proposal would also negatively impact upon the town centre's capacity to attract new investment and may also prejudice the Council's ability to bring forward development in accordance with the Land South of the High Street Development Brief 2012, in line with its commitment to regenerate this site as a key objective within the Council's adopted Medium Term Plan, "Delivering Your Priorities 2012-16". The development would therefore have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard contrary to Policies 11, 12 and 15 of the emerging Development Strategy for Central Bedfordshire and national guidance contained within the National Planning Policy Framework.

Previous Judgement in relation to Bulky goods and Leighton Buzzard

Lord Sales in the judgement Harvey v Central Bedfordshire Council C1/2014/1325 ruled that there was not an error of fact over the issues of bulky goods. However, the only evidence presented by Mr Stookes on behalf of myself on bulky goods was the household surveys in the CBC retail study 2012 and lord Sales stated "There is nothing in the material in the questionnaire returns in the annex to that report which shows that the Council made an error of fact in its assessment of the need for the development on a particular site. And The nature of the answers to the questionnaire, as set out in the appendix to the council's retail consultant's report, did not show that there was any error of fact made by the Council in relation to this matter." With hindsight, we fully accord with Lord Sales judgement on this issue in relation to the evidence produced.

However, Lord Sales was not presented with argument of Wednesbury reasonableness based on the evidence of the large number of bulky goods retail outlets trading at that time in the heart of the historic town centre and the large number within 100 metres and within 400m.

Moreover, since the judgement by Lord Sales in December 2014 the development plan has changed. The emerging Core Strategy of Central Bedfordshire Council in early 2013 had a retail policy which allowed for out of town retail sites for bulky goods, but on the advice of the Inspector this Core Strategy has been withdrawn. A new development plan is being prepared. Therefore the Development Plan consists of the NPPF which describes bulky goods as main town centre uses and the technical reports (as stated in the officers report for this application) The updated 2013 CBC Retail Report, (the publication of which postdates the planning decision of the case that Lord Sales later adjudicated on) has been altered from the version used as supporting evidence for the planning decision and the emerging core strategy at that time. The latest version which was not presented to Lord Sales stresses strongly that bulky goods are sold in town centres according to RTP1 surveys. This latest version has removed paragraph 26 of the older version of the Retail Study which suggests that the council can set a policy for certain uses that cannot be accommodated in a main town centre; see appendix

Appendix; different versions of the retail study.

CBC final report 2012 no longer available on the web

Bulky goods and car showrooms

5.22 Bulky goods retailing (eg retail warehouses selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2).

5.23 We agree with this view – it is likely that many purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street.

5.24 This is evidenced by the occupiers of the District’s two retail parks. The White Lion Park in Dunstable consists of 11 units including Laura Ashley and First Choice Holidays, both of which would often be found in town centres. The London Road Park in Biggleswade also consists of 11 units and includes Argos, often found on the high street. An application has been submitted to extend the park with a traditional town centre anchor store; Marks and Spencer.

5.25 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

5.26 The NPPF does, however, allow local authorities to “set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres” (para. 23, bullet point 8). Therefore if, in the Council’s view, certain uses cannot be accommodated in or adjacent to town centres, there is scope to set a specific policy to deal with such proposals. The Practice Guide at para. 6.31 discusses retailers selling goods such as DIY, furniture, carpets and domestic appliances and states that “in many cases, these forms of development are regarded as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations”.

5.27 The results of the household survey show that the most popular study area locations to shop for DIY goods, furniture and domestic appliances are in and around Luton and Milton Keynes, which may indicate scope for more of these outlets in Central Bedfordshire

recommendations

para 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. Applications for retail warehouses on edge or out-of-centre sites should be subject to the sequential test and applicants should be required to demonstrate flexibility on format and scale, as stated in the NPPF (para. 24).

8.9 The NPPF (para. 23, bullet point 8) does however provide scope for local authorities to set specific policies to deal with proposals for main town centre uses which cannot be accommodated in or adjacent to town centres. The Council therefore have the option to do this if in their view, certain uses cannot be accommodated in or adjacent to town centres.

The latest version of the retail report published post the planing decision which was submitted as technical evidence for the core strategy

http://www.centralbedfordshire.gov.uk/Images/retail-study-appendices_tcm3-6889.pdf

Excludes the paragraphs 8.9 and para 5.26 “ which refer to authorities setting policies for main town centre uses which cannot be accommodated .”Bulky goods and car showrooms 5.22 Bulky goods retailing (eg stores selling DIY, carpets or domestic appliances) is no longer considered a separate category for which a floorspace need should be identified. The NPPF defines all retail development (including warehouse clubs and factory outlet centres) as “main town centre uses” (Annex 2). 5.23 We agree with this view - surveys carried out by RTP, together with simple observations, have shown that many, probably most, purchases from retail warehouses do not involve bulky goods and few people frequent retail warehouses in order to take goods away in their cars. At the same time many of the items traditionally defined as bulky goods are widely available on the high street. 5.24 In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 5.25 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits. 8.8 We do not recommend that the Council plan for a separate floorspace need for “bulky goods” retailing. Bulky goods is no longer considered a separate category of retailing; the NPPF defines all retail development as “main town centre uses” (Annex 2). In our view, applications for retail warehouses (defined by their format, ie big sheds, rather than what is sold there) should be considered on their merits. 8.9 Car showrooms are not included in the definition of a “main town centre use” and there is no requirement to identify a need for them. Applications for car showrooms should be considered on their merits.

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Item 10 (Pages 117-134) – CB/17/00492/FULL – Land at Chase Farm, East of High Street, Arlesey

Additional Comments

A further letter has been received from the agent, providing amended plans and highlighting certain issues:

Amendments have been made to drawing nos. 16254-ARLE-5-130C and 16254-ARLE-5-132C. These plans show the highway on the northern arm of the central roundabout amended to 5.5m as requested by the Highways Officer.

These plans also clearly show the roundabouts transposed on top of the already consented road, showing the slight realignment required to allow the roundabouts to be constructed.

In paragraph 2.3 of the report, an incorrect planning application has been referenced. It should read CB 17/01158/OUT.

The applicant has met with both Arriva and Stagecoach to discuss the proposals and the chosen bus stop locations were a direct result of those discussions. Both bus operators expressed a reluctance to further divert existing services as the additional journey time may dissuade existing and future residents from using the service.

In addition, the Highways Officer is now content with the location of the pedestrian crossings.

Additional/Amended Conditions/Reasons

Condition 10 needs to be amended to refer to the amended plan numbers.

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***Item 11 (Pages 135-146) – CB/16/04384/REG3 – Lancotbury
Close Amenity Land, Totternhoe***

Additional Consultation/Publicity Responses
None

Additional Comments
None

Additional/Amended Conditions/Reasons
None

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Item 12 (supplement to draft index) – CB/17/01844/FULL – 1 Station Road, Blunham, Bedford, MK44 3NZ

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Conditions/Reasons

None

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