

Item No. 07**SCHEDULE A**

APPLICATION NUMBER	SB/09/00163/OUT
LOCATION	Land between Stoke Road and Bossington Lane and north of Rothschild Road, Stoke Road, Linslade
PROPOSAL	Residential development comprising of up to 199 dwellings, strategic open space, children's recreation area, ancillary car parking and landscaping. (Outline application with access to be determined at this stage)
PARISH	Leighton Buzzard
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllr David Bowater, Cllr Roy Johnstone, Cllr Kenneth Sharer and Cllr Brian Spurr
CASE OFFICER	Simon Barnett
DATE REGISTERED	19 March 2009
EXPIRY DATE	18 June 2009
APPLICANT	J S Bloor (Northampton) LTD
AGENT	Turley Associates
REASON FOR COMMITTEE TO DETERMINE	Advertised as a Members decision & high level of public interest
RECOMMENDED DECISION	Refuse Planning Permission

Site Location:

The application site comprises 12.9 hectares of land located to the north of Linslade on the eastern side of Stoke Road. The site is bounded to the north by an Anglian Water sewerage treatment works, to the east by properties in Bossington Lane and to the south by properties in Rothschild Road.

The topography of the site is such that there are levels changes across the site in excess of 20 metres with the highest part of the site being in the centre and slopes running down in a fairly even radial pattern. The centre of the site is host to several groups of protected trees.

The site is washed over by the Green Belt and located within a designated Area of Great Landscape Value (AGLV).

The Application:

The application is one seeking outline planning permission for a residential development comprising of up to 199 dwellings, strategic open space, children's recreation area, ancillary car parking and landscaping. Accordingly the application effectively splits the site into two parcels, 5.5 hectares located to the south proposed for residential development and 7.3 hectares to the north proposed as open space.

Access, which is to be determined, would be from Stoke Road, via a roundabout located approximately 50 metres south of the existing gated access from Stoke Road.

The submitted parameters plan shows a central spine road through the proposed residential development which would have a density of around 35 dwellings per hectare.

The application is accompanied by a comprehensive suite of documents including the following:

- Planning Supporting Statement;
- Sustainability Statement;
- Health Impact Assessment;
- Education Impact Assessment;
- Affordable Housing Statement;
- Open Space and Community Facilities Assessment;
- Design and Access Statement;
- Transport Assessment;
- Outline Residential Travel Plan;
- Archaeological Report (Desk Based and Trial Trenching Assessments);
- Flood Risk Assessment;
- Agricultural Land Impact Assessment;
- Odour Assessment;
- Noise Assessment;
- Ecological Assessment;
- Tree Assessment Report;
- Landscape and Visual Impact Assessment;
- Baseline Landscape and Visual Appraisal;
- Geo-environmental Appraisal;
- Geo-environmental Phase 1 Desk Study;
- Development Lighting Assessment;
- Waste Audit;
- Renewable Energy Statement;
- Swing Bridge Assessment;
- Service Supply Statement; and
- Statement of Community Involvement.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPS9 - Biodiversity and Geological Conservation

PPG13 - Transport

PPG16 - Archaeology & Planning

PPS23 - Planning and Pollution Control

PPS25 - Development and Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

SS3 - Key Centres for Development and Change

SS8 - The Urban Fringe
H1 - Regional Housing Provision 2001 to 2021
ENV1 - Green Infrastructure
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment

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

SP1: The Spatial Framework - Locations for Growth
SP3: Sustainable Communities
BLP 2(a): Luton/Dunstable/Houghton Regis & Leighton Linlade
BLP 2(b): Luton/Dunstable/Houghton Regis & Leighton Linlade

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value

South Bedfordshire Local Plan Review Policies

SD1 - Keynote Policy
NE3 - Control of Development in AGLV
BE8 - Design Considerations
T10 - Parking - New Development
H2 - Fall-In Sites
H3 - Local Housing Needs
H4 - Affordable Housing
R4 - Urban Open Space - Ouzel Valley Park
R10 - Play Area Standards
R11 - New Urban Open Space
R14 - Informal Recreational Facilities

PLANNING HISTORY:

LL/71/147 - Refusal for residential development.
SB/TP/74/1186 - Refusal for erection of 15 bungalows. Appeal dismissed.
SB/TP/78/0043 - Refusal for erection of one dwellinghouse. Appeal dismissed.
SB/TP/80/0714 - Refusal for residential development.
SB/TP/81/0375 - Refusal for construction of golf course and associated buildings.
SB/TP/91/0357 - Withdrawn application for use of agricultural land as golf driving range and erection of clubhouse, driving bays and car parking facilities.
SB/TP/92/0047 - Withdrawn application for construction of 9 hole golf course with clubhouse and stewards accommodation (outline).
SB/TP/96/0901 - Refusal for construction of 9 hole golf course and ancillary works (outline).

SB/SCO/08/0850 - Request for screening opinion of the local planning authority - Regulation 5 of the Environmental Impact Assessment Regulations in respect of a development comprising up to 199 dwellings with landscaping, open space and associated infrastructure. Decision: that an Environmental Impact Assessment not required.

Representations: (Parish & Neighbours)

Town Council

Strongly object on the following grounds:

Due to the attractive market town nature of and scale of Leighton/Linslade, this proposed development is an inappropriate urban extension. The form of urban extension

proposed is an inappropriate extension that would place unreasonable demands on an already overburdened infrastructure.

The development would have a serious detrimental effect on the residents of Bossington Lane and Rothschild Road.

Neighbours

Cotswold, Deepdene, Farthing Hill, The Herons, Kelvedon, Little Inch, Lone Pines, The Pines, Pinewood, Primrose Cottage, Rosedene, Sandy Rise, Tenaya, Tinkers, Turtles Meadow, Uplands, Windrush & Wroxleigh, Bossington Lane. 1, 5, 10, 12, 25, 26, 30, 39, 42, 43, 48, 56 & 57 The Paddocks. 1, 2, 7, 8, 9, 11, 12, 12a, 15, 16, 17, 18, 19, 21, 23 & 25 The Martins Drive. 3, 9, 10, 11, 12, 15, 19, 21, 23, 25, 27, 29, 31, 33, 34, 35, 36, 37, 39, 41, 42, 43, 45, 46, 49, 51, 53, 56 & 57 Rothschild Road. 25, 33, 37A, 45, 50, 51, 57, 59, 65, 67, 75, 77, 81, 83, 89, 103), 111, 115 & 133 Stoke Road. 15, 29, 36, 41, 55, 56, 63, 83 & 87 Golden Riddy. 2, 5, 7, 18, 19 & 22 Harcourt Close. Hillingdon, 3, 6, 10, 11, 12, 15, 16, 18, 32, 35 & 1 unaddressed resident Lime Grove. 5A, 20, 32, 49, 61 & 65 Rosebery Avenue. 25 Alwins Field, 97, 267, 437 & 482 Bideford Green, 12 Chamberlains Gardens, 4 & 12 Chestnut Rise, 13 Church Road, 11 Columba Drive, 383 Derwent Road, 3 Eden Court, 24, 25 & 29 Faulkners Way, 3 & 40 Grange Close, 34 & 43 Hydrus Drive, 1 Ledburn Grove, 9 Lincombe Slade, 7 Malvern Drive, 18 & 23 Milebush, 1 Redwood Glade, 91 Riverside, 12 Rockleigh Court, 2 Saxons Close, 15 Ship Road, 9 Southcourt Avenue, 27 Soulbury Road, 42 Summer Street, 3 St Mary's Way, 14 Windsor Avenue, 'Link House', Cuff Lane, Great Brickhill, 'Kennel Cottage', Wood Lane, Aspley Guise & 4 unaddressed objections.

Object on some or all of the following grounds:

- Site is located in the Green Belt, there are no 'very special circumstances';
- Loss of wildlife habitat, site frequented by deer, badgers, bats, foxes, newts and many species of bird;
- Unsafe access to Stoke Road, on brow of hill and designated HGV route;
- Loss of privacy and overlooking;
- Urbanising visual affect;
- Inadequate infrastructure, sewerage, water, transport (road and trains), education and health provision;
- Loss of property value;
- No market or demand for additional housing in Leighton-Linslade;
- Bossington Lane unadopted and unsuitable to additional foot/cycle traffic;
- Increased light pollution;
- Increased risk of flooding;
- Loss of historic and visually important trees and hedgerows;
- Additional traffic congestion;
- No additional employment;

- Proposed refurbishment of swing bridge would be a hazard to children and canal users, maintenance costs would fall to taxpayers;
- Proximity to sewerage works and odour problems;
- Site not part of LDF, core strategy or LB Big Plan;
- Loss of security to rear of existing dwellings;
- Loss of valuable agricultural land;
- Adverse affect on Area of Great Landscape Value;
- Loss of sunlight;
- Surrounding area is designated as Area of Special Character;
- No car parking provision for open space;
- Site contaminated by arsenic and landfilled gas canisters;
- Proposed means of drainage is a private sewer;
- Impact on Roman and Saxon archaeology;
- Previous applications to develop site refused;
- Development would have adverse impact on Linslade and Bluebell Woods;
- Concern as to reasons for issuing new residents with personal attack alarms.

A limited re-consultation was carried out with adjacent neighbours in respect of amended plans showing an additional cycle and pedestrian link to Bossington Lane from the south-east corner of the site. Any additional comments received from this re-consultation will be reported at the meeting.

Consultations/Publicity responses:

Planning Policy

Advises that the proposal is not a preferred location for development and therefore contrary to the emerging Core Strategy. Identifies that there is a sufficient supply of housing land to meet the housing requirements in the next five years in normal market conditions. Advises that a shortfall occurs when a conservative approach to the current economic climate is factored in which could reasonably be met by the preferred urban extensions following the adoption of the Core Strategy in 2011.

Highways

Recommends refusal on the grounds of inadequate parking provision, unacceptable site layout for public transport, emergency and service vehicles and proposed measures insufficient to address unsustainability of site in transport terms.

Additional comments related to amended Master and Parameters Plans

Sustainable Transport Officer

Submitted Travel Plan inadequate. Further contribution required towards public and sustainable transport measures

Archaeology

Recommends conditions

Community Involvement	Supports response of VCA
Countryside Access Service	<p>Acknowledges proposed development will have undoubtedly significant impact on Green Belt and AGLV. Increased use of site as public open space could be achieved without housing development. Submitted documents devalue qualities of area as AGLV. Development would lead to increased pressure on Linslade Wood. Adjacent public rights of way should be improved through S106 contributions. Some of open space and multi user link for Bossington Lane should be provided with first phase of development. New access should be designed to allow pedestrians and cyclists to cross Stoke Road safely and easily. Contribution towards swing bridge welcomed, but advises cost of multi user bridge would be around £275,000. Request contributions of £50,000 towards Linslade Wood, £50,000 towards rights of way improvements. Public art contribution could be made use of installing unique feature in open space and Linslade Wood.</p>
Education	Confirms offer of contribution of £175,000 acceptable.
Landscape Officer	<p>Site is part of Greensand Ouzel Landscape Character Areas that are distinctive and intimate in scale. The wooded greensand ridge crossing the site forms an important local skyline feature in the locality which could be affected by development projecting against it. Topography of site is such that built development could be highly visible both at locally and at greater distances, especially at night. Questions whether built development is appropriate in this location, particularly as some 2.5 storey buildings are proposed. The inclusion of green openspace and green infrastructure is positive, however impact of visitors travelling by car to open space requires further consideration.</p>
Leisure Services	Proposed children's play provision inadequate and contribution for formal sports facilities required.
Tree Officer	<p>Questions the classifications of some of the protected trees in submitted survey. Accepts that Poplar trees are infected with Bacterial Canker and that their demise is inevitable within next 10 years. Groups 2 and 3 are strategically sited atop the ridge overlooking the Grand Union Canal and River Ouzel floodplain. Any landscaping scheme should ensure this area is retained for landscaping to soften the visual impact of any development against the skyline.</p>
Environmental Health - Contaminated Land	Recommends conditions.

Environmental Health - Odour	Confirms no history of complaints regarding odours from sewage works. Unable to argue with finding of submitted odour report. Recommends condition be imposed to prevent residential development within 50m ² contour (small area to north of indicated residential development).
Environment Agency	No objection and recommends conditions.
Highways Agency	No comment.
Leighton Buzzard Society	Object to development of land designated as Green Belt and AGLV. Application contains no 'very special circumstances' to justify development in Green Belt.
Anglian Water	Object as proposal would result in dwellings within 400 metres of sewage treatment works. Submitted odour assessment inadequate. Sewerage works does not have capacity to treat foul drainage from site.
Natural England	No objection. Recommends that the additional survey work and working practices set out in submitted Ecological Assessment be secured through condition. Suggest commuted sums be secured to ensure long-term biodiversity management plan is sufficiently resourced. Welcomes extent of green infrastructure provision and encourages suggested biodiversity enhancements. Suggests conditions be imposed relating to lighting and SUDS.
Greensand Trust	Note that the proposed open space provision supports the Green Wheel objectives of LLTC. Support restoration of swing bridge and the improved connectivity between Linslade Wood and canal towpath and Ouzel Meadows. Endorse early provision of open space and stress appropriate mechanisms for funding and management be addressed through S106. Concerned about lack of parking provision for visitors to open space and suggest joint parking be provided with Linslade Wood.
Leighton-Linslade Cycling Forum	Request that swing bridge, if restored, be in closed to navigation position in normal circumstances. Suggest access to site from south-east of site be established to ensure cyclists and pedestrians can travel shortest distance to town centre. Bicycle vouchers specified in Travel Plan should have a wider remit. Supports installation of Toucan crossing at site entrance. Suggests speed limits to north of site be reduced and residential development having 20 mph speed limit. Questions criteria used in Educational Impact Assessment in respect of sustainable school run.
Sustrans	Object as development makes inadequate provision for

	walking and cycling and concur with Cycling England's recommendations.
Cycling England	Offers comments on application as submitted and makes recommendations about roundabout design, desire for canal/river crossing south of the lock, development of link to railway station, provision of more links to Bossington Lane, improved permeability within the site, provision of cycle friendly on road speed reduction measures, provision of on plot cycle storage and improved Travel Plan.
Ramblers Association	No objection provided existing bridleways remain unaffected.
Voluntary and Community Action	Application fails to adequately provide for social infrastructure. Welcomes developers offer of a community house and request that S106 agreement cover this issue. Strongly request that running costs of £90,000 per annum be provided for the duration of the development. Also recommends that contribution of £300 per dwelling be provided to support existing voluntary and community sector organisations.
Leighton Linlade Churches	Support provision of community house. Request S106 agreement includes provision for running costs of up to £50,000 over 5 year lifespan of development.
British Waterways	Supports provision of canal crossing. Restoration of swing bridge has many logistical and other complications that need significant further exploration. Multi-user bridge should be provided if restoration of swing bridge not possible.
Inland Waterways Association - MK Branch	Concerned about health and safety implications of swing bridge restoration. Recommend consideration be given to provision of multi-user bridge. Hope swing bridge could be preserved as a non-working heritage feature.
Andrew Selous MP	Strongly objects to application on following grounds: <ul style="list-style-type: none"> • already significant development has happened to south of town and more scheduled for eastern side. • town frequently gridlocked; • over half of existing residents commute to jobs outside of town; • Leighton/Linslade remains one of largest towns in the country not to have any form of Community Hospital; and • denial of a local democratic mandate to determine application.
Buckingham & River Ouzel IDB	Recommends conditions and informatives.

CPRE Bedfordshire	Object to development, as no very special circumstances have been advanced to justify inappropriate development in the Green Belt. Applicants comments in relation to AGLV status are without merit.
Beds Police ALO	Concerned with levels of permeability which is at odds with adopted Bedfordshire Community Safety SPG. Requests S106 contribution along the lines set out in draft obligations SPD.
NHS PCT	Welcomes opportunity to ensure a robust and sustainable health infrastructure is established.
David Lock Associates on behalf of promoters of North-West Dunstable urban extension	Object to the proposal as site is less suitable than own site, which is in greater compliance with the Core Strategy.
Hives Planning	Urge application be recommended for refusal as site is in Green Belt, in an area not identified for release, of an unsustainable size, in a designated AGLV and close to sewage works.

Determining Issues

The main considerations considered relevant to the determination of this application are:

1. Principle of Development
2. Impact on Landscape
3. Housing Land Supply
4. Deliverability of Development
5. Sustainability
6. Affect on Protected Trees
7. Access & Highway Matters
8. Proximity to Sewage Works
9. Relationship with Adjacent Properties
10. Planning Obligations and Contributions

Considerations

1. Principle of Development

The application site is washed over by the Green Belt and therefore the principle of residential development is by definition inappropriate. This is recognised by the applicant who has submitted a case for 'very special circumstances' which has two basic strands: firstly that the Council cannot demonstrate a five year supply of housing land and therefore the application should be viewed favourably; and secondly that the application will result in the provision of some seven hectares of 'strategic open space' linking Linslade Wood to the Grand Union Canal and public footpath network at Bossington Lane. A summary of the applicants case is set out in a briefing note attached as an appendix to this report.

Planning Policy Guidance Note 2: 'Green Belts' advises that the control of development within the Green Belt hinges on a two-part test: (i) whether the development proposed is appropriate development; and (ii) if inappropriate, whether there are 'very special circumstances' present which clearly outweigh both the harm by virtue of inappropriateness, and any other harm.

The Courts have held that even if there is no other harm, for example to openness, inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the harm in principle will remain even if there is no further harm to openness because the development is wholly inconspicuous. Indeed the Encyclopaedia of Planning Law has examined how the courts have treated PPG2 over the years and quotes the following extract from a judgement: '[very special circumstances' are] not merely special in the sense of unusual or exceptional but very special.'

The issue of the availability of housing land is discussed in the relevant section below. The Council's Countryside Access Service have questioned the applicants description of the proposed openspace/countryside park as 'strategic', having regard to the usual national and regional definitions. The site is close to existing areas of public open space, in particular the council owned Linslade Wood and Town Council owned water meadows. The details submitted with the application describe the proposed open space as a "unique opportunity to link together existing areas of open space" and add to the existing network of pedestrian and cycle linkages. Whilst this improvement to public access is welcomed, having regard to the location between the sewerage works and the proposed residential development we consider the environmental quality of the openspace would be limited when compared to the existing wider site. Accordingly it is considered that the weight the open space contribution makes towards establishing 'very special circumstances' is limited.

2. Impact on Landscape

The application site is located on an elevated spur of land projecting into the floodplain of the River Ouzel. The site sits above Leighton-Linslade and is visible from surrounding areas and in longer views, as part of the Greensand Ridge. The site is located within a designated Area of Great Landscape Value. The site is open and comprises agricultural land split into several fields by post and wire fences. The site is bounded by hedgerows with additional fencing where there are gaps in the boundary hedging. The proposed residential development would be sited on rising land from the rear of the Rothschild Road to just below the ridgeline running laterally across the site.

The skyline formed by the Greensand Ridge is distinctive, even when viewed from a distance, such that any residential development built against it would detract from it, reducing the quality and integrity of both the local and wider landscape character. The topography of the site is such that residential properties located on the higher part of the site just below the ridgeline would have the potential to be visually intrusive, especially at night.

The details submitted with the application play down the AGLV designation of the land, claiming it is divorced from the main Greensand Ridge and adversely affected by transport infrastructure, the sewage works and existing residential development. These features were in existence when the AGLV designation was imposed and arguably makes the safeguarding of those relatively unspoiled areas all the more important.

Much is made of the proposed landscaping. Existing trees and hedges are only leafed for half of the year and appropriate landscaping would be little different. It is therefore incorrect to claim that screening the development by planting adequately addresses its otherwise visual prominence. In any case, 10 years is suggested for full effect of screening and even then it is likely that key parts of the development would still be seen.

The proposed residential element of the development would form a significant visual intrusion into a prominent location in the landscape such that it would have a detrimental impact on its character and appearance in a way that could not be overcome by new landscaping.

The proposed access to the site would be via a roundabout on the Stoke Road, off which would run the main estate road. The creation of such a feature and consequential opening up of the site would exacerbate the visual impact of the proposal and increase the harmful impact on the AGLV. This adverse impact would be further intensified by the associated hardsurfacing (pavements and carriageway) and street lighting which would be required to ensure the access would meet highway standards.

3. Housing Land Supply

The Luton & South Beds Joint Technical Unit have recently (April 2009) produced a Strategic Housing Land Availability Assessment (SHLAA) which identifies the housing supply for the next five years. The SHLAA concludes that there is sufficient supply of housing sites to meet MKSMSRS requirements for 5 years in normal market conditions. Following discussions with developers, a conservative stance was taken to the current climate to establish the most realistic delivery of housing. In response to this, a delay of 18 months was assumed for large housing sites like southern Leighton Buzzard and a number of the critical regeneration sites in Luton were assumed to be delayed until beyond the immediate 5 year period. This has resulted in an expected shortfall of 127 dwellings. With the Core Strategy due for adoption in early 2011, it is considered that there is a reasonable prospect of early delivery on the allocated urban extensions to meet this shortfall.

The applicant considers that the Council cannot demonstrate a housing land supply beyond approximately 3.5 years and that in accordance with Paragraph 71 of PPS3 there should be a presumption in favour of granting planning permission. However Paragraph 71 continues that this presumption in favour of development should have regard to the consideration set out in Paragraph 69 which states that:

"In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues."

We consider that the proposal fails to meet the third, fourth and fifth criteria, namely the suitability of the site for development, the sites importance in the landscape and lack of compliance with the Preferred Option Core Strategy. The application site lies within the Green Belt and an Area of Great Landscape Value in an area of Leighton-Linslade not identified for future development. Having regard to the scale of housing needed over the next 20 years the Preferred Options for the Core Strategy makes it clear that sustainable urban extensions around the main conurbation offer the greatest potential for delivering sustainable communities, supported by urban extensions to the south and east of Leighton Linslade. This proposal would therefore not accord with the emerging Core Strategy.

Planning Policy Guidance Note 2: Green Belts advises that there are five main purposes for including land within the Green Belt:

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

It is considered that the proposal would undermine the first, third and fourth purposes, thus reinforcing the inappropriateness of the site for residential development.

4. Deliverability of Development

The site is one which has the potential to be delivered within the five year time frame indicated by the applicant. However the issue of the capability of the existing sewerage infrastructure to treat wastewater would need to be addressed. Anglian Water advise that the Leighton-Linslade STW would need to be upgraded in order that Anglian Water could carry out their obligations under the Water Industry Act to provide water and waste water infrastructure for new housing.

The lack of up front infrastructure requirements that the applicant contends makes this site eminently deliverable, can be applied to a number of greenfield and agricultural locations especially where there is the potential for significant uplift in land value.

5. Sustainability

The applicant advises that the proposed development would be built to meet Level 3 of the Code for Sustainable Homes which is scheduled to become mandatory from 2010. The Renewable Energy Statement submitted with the application confirms that in accordance with Regional Policy, 10% of the energy requirements of the proposed development would be generated on site. This would be done by fitting around one-third of the dwellings with roof mounted solar water heating systems.

The site as is, is inherently unsustainable in transport terms being located over a kilometre from the edge of the Town Centre, with an infrequent bus service passing the site frontage. In order to address this the applicant proposes the following contributions towards improving sustainable transport in and around the application site. These include financial contributions towards:

- the improvement of local cycle and pedestrian linkages;
- the provision of a new crossing over the Grand Union Canal; and

- an extension of an existing bus service to serve the site with associated works.

As discussed under Highway Matters below, the Council's Highways and Transport teams are satisfied that the proposed measures may be capable of addressing the unsustainable nature of the site in public transport terms.

The applicant has made an offer of £100,000 towards the refurbishment (£70,000) and maintenance (£30,000) of the existing disused swing bridge at the northern part of the site to the east of the sewage treatment works. Alternatively the same amount is offered as a contribution towards an alternate means of canal crossing, however it is understood that the provision of a multi-users bridge, similar to that recently constructed at Tiddenfoot, would cost in the order of £250,000.

6. Affect on Protected Trees

The site is home to a number of protected trees located in two main areas: groups of mainly Sycamore trees along the ridge running across the site; and a line of Black Poplars running southwards at right angles to the belt of Sycamores. The application is accompanied by an arboricultural assessment which has highlighted a number of trees suffering from various infections and shown to be removed. Whilst the Council's Tree officer questions the classification of some of some of the protected trees in submitted survey, he accepts that the Poplar trees are infected with Bacterial Canker and that their demise is inevitable within the next 10 years. The Tree officer raises no objection to the proposed development but highlights that Groups 2 and 3 (Sycamores) are strategically sited atop the ridge overlooking the Grand Union Canal and River Ouzel floodplain. Accordingly he advises that any landscaping scheme should ensure this area is retained for substantial replacement tree planting and other landscaping to soften the visual impact of any development against the skyline

7. Access & Highway Matters

The Council's Highway Engineer has raised no objection to the principle of the access sought, i.e. a roundabout on Stoke Road serving the main spine road of the development. The detailed design would need to be designed in accordance with the current standards with appropriate safety audits submitted at the detailed design stage.

Following an initial assessment of the application three potential highway issues were identified: the potential lack of parking provision; the layout of the site being unsuitable for public transport and service vehicles; and inadequacies in the sustainability of the site in transport terms.

The issue of parking provision has been overcome following a clarification of the certain points made in the Design and Access Statement. Parking would be provided at a ratio of 2.4 spaces per dwelling with additional visitor parking of one space per five dwellings. The Highway Officer has indicated that this is acceptable.

The applicant has agreed to make a "significant" financial contribution towards extending an existing bus route into the site and providing a bus stop with real time information display. The exact amount of the contribution has not been agreed as yet, with negotiations ongoing between the applicant and the Public Transport Development Officer. An update on this matter will be given at the meeting.

Revised Parameters and Master Plans have been submitted showing an amended internal layout that would allow for a bus service to enter the proposed development,

be routed through a loop within the road layout and exit back onto Stoke Road. The applicant has confirmed that a bus stop with real time information would be provided within the site and that provision would be made for a real time bus information be provided for each dwelling.

It is considered that the amendments made to the proposal and the additional contributions proposed fully address the objections initially made by the Highway Officer. Accordingly the proposal, in highway terms, is deemed to be satisfactory.

8. Proximity to Sewage Works

The application site is located adjacent to the Leighton-Linslade Sewage Treatment Works (STW) with the closest part of the proposed residential development being sited approximately 100 metres from the sewage works. The furthest part of the proposed residential development would be located within 400 metres of the STW. Anglian Water have objected to the application on the grounds that it would breach a 400 metre cordon sanitaire around the STW. The basis for the objection is two-fold: firstly to provide an acceptable standard of amenity for future occupiers; and secondly to ensure future operational requirements are not prejudiced.

The application is accompanied by an Odour Assessment prepared by Ove Arup which concludes that the residential development would not be located in an area that would be affected by odour emissions. The findings of the report are accepted by the Council's Environmental Health Officer who further confirms that the Council has no records of any complaints being received in respect of the STW. This is worthy of note as there are approximately 35 dwellings in Bossington Lane and The Martins Drive that are located within 400 metres of the sewage works, some of whom have raised proximity to the STW as an objection to this application.

Anglian Water consider that the submitted Odour Assessment is inadequate with odour measurements taken over 2 days in October not being representative or accounting for seasonal variations. In addition the cordon sanitaire relates not only to odour, but to noise and insects. Furthermore Anglian Water advise that STW is not capable of accommodating the wastewater from the development without an upgrade and that depending on future growth plans for Leighton-Linslade the STW may need to be expanded, possibly into land forming part of the application site.

PPS1 advises that in order to be sustainable, new communities, should be able to stand the test of time and involve places where people want to live, and that such places should be healthy and attractive. It is considered that the proposal would result in the introduction of both residential dwellings and a large area of public open space in close proximity to the STW which requires an upgrade to improve its capacity to take account of the future growth of Leighton-Linslade. We consider that the proposal would be likely to fail to provide an adequate standard of amenity for both the occupiers of the proposed dwellings and the users of the open space.

9. Relationship with Adjacent Properties

The application site sits on higher land than those properties in Rothschild Road and Bossington Lane that surround it. The submitted Parameters Plan shows the housing proposed along the Bossington Lane boundary would in the main be single storey and front a buffer of open space of up to 10 metres wide. The Parameters Plan shows the residential development backing onto Rothschild Road with a buffer of between 10 and 12 metres being provided that the indicative cross-sections in the Design and Access Statement show to be heavily landscaped. Having regard to the topography of

the site we have concerns about the relationship of the proposed development with adjacent properties and consider that the amount of landscaping required to screen the proposed development further demonstrates its unsuitability for the development proposed. It is therefore considered that the development as indicated on the Parameters Plan and referred to in the Design and Access Statement would be likely to result in an unacceptable impact on the visual amenities of the occupiers of nearby dwellings.

10. Planning Obligations and Contributions

The application was accompanied by a draft Heads of Terms offering the following contributions:

- an off site highway contribution of £29,500 towards the resurfacing of Bossington Lane;
- a financial contribution towards a bus shelter at the nearest bus stop to the site heading into town;
- a travel pack for each new dwelling;
- the provision of 7.3 hectares of open space with a commuted sum for management;
- the provision of children's play areas;
- an education contribution of £175,00 towards Lower School provision;
- the provision of a community house (130 square metres) made available at a peppercorn rent until 6 months after the final dwelling is occupied;
- affordable housing of 35% (69 dwellings) comprising 12 one-bed, 27 two-bed, 20 three-bed and 10 four-bed units with mixed tenure;
- a financial contribution of £100,000 towards the restoration and maintenance of the swing bridge, or the same amount towards an alternate canal crossing;
- the relocation of the existing gateway feature along the Stoke Road as a contribution towards public art; and
- the funding of information boards within the public open space.

Following discussions with the applicant during the life of the application the following additional contributions have been offered:

- a contribution to subsidising the extension of a bus service to serve the development, the provision of a bus stop within the development and the provision of real time information displays for each dwelling;
- a further contribution of £50,000 towards off site highway improvement works including access to improvements to Linslade Wood or further works to Bossington Lane;
- an increased children's play space provision of 2,300 square metres (an increase of 400 square metres);
- a contribution of £30,000 per annum towards the running costs of the community house, with the VCA acting as Travel Plan co-ordinator;
- a contribution of £10,000 towards public art.

The applicant does not agree with the Police ALO request for a financial contribution and is not offering a financial contribution in this regard.

We consider that when considered without the open space and swing bridge contribution (which are part of the applicants case for very special circumstances), the

offered Heads of Terms are in line with what the Council would expect for an allocated brownfield site.

Conclusion

- a) The site is designated as an Area of Great Landscape Value and the proposed development would decimate the landscape, create visual harm to the countryside and amenities of nearby occupiers.
- b) The additional contribution of the open space and swing bridge contribution are not considered to be so very special that they would offset the harm that would result to the openness of the Green Belt and the adverse impact that would be caused to the character and setting of the Area of Great Landscape Value.
- c) The site is located immediately adjacent to the Leighton-Linslade Sewage Treatment Works, whereby it is considered that the site is unsuitable for the nature of development proposed. This is reinforced by the need for the STW to be upgraded to cope with the expected future growth of Leighton-Linslade. We consider that the proposal would be likely to fail to provide an adequate standard of amenity for both the occupiers of the proposed dwellings and the users of the open space.
- d) Any deficit the Council may have in its five year housing land supply is attributable to the current economic climate and it is considered that there are reasonable prospects that increased delivery will follow from the adoption of the Core Strategy. Furthermore the site is considered inappropriate for residential development for the reasons discussed previously.
- e) Having regard to the harm caused to the character of the area and the openness of the Green Belt, it is considered that a case for very special circumstances has not been demonstrated by the applicant.

Recommendation

That Planning Permission be **REFUSED** for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt and the proposal would therefore conflict with Planning Policy Guidance Note 2: 'Green Belts' whereby, within the Green Belt, permission will not be granted except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. No very special circumstances have been established in this case.
- 2 The application site is located within a designated Area of Great Landscape Value where the proposed residential development would appear as an intrusion into the countryside, detrimental to its appearance and rural character. The proposal is therefore contrary to the provisions of Planning Policy Statement 1: 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing', Policy 7 of the Bedfordshire Structure Plan 2011 and Policy NE3 of the South Bedfordshire Local Plan Review.
- 3 The proposal would result in the siting of residential properties and a

substantial area of public open space in close proximity to the Leighton-Linslade Sewage Treatment Works. The current operating capacity of the STW is such that it will require upgrading which would intensify operations adjacent to the proposed development and be likely to fail to provide an adequate level of amenity for future residents and users of the open space. The proposal is therefore contrary to the advice given in Planning Policy Statement 1: 'Delivering Sustainable Development' and to the provisions of Policies BE8 and H2 of the South Bedfordshire Local Plan Review.

- 4 The proposal by virtue of the topography of the site and the proposed relationship of the residential development with adjacent properties in Rothschild Road would be likely to result in an unacceptable impact on the visual amenities of the occupiers of nearby dwellings. The proposal is therefore contrary to the principles of good design as set out in Planning Policy Statements 1 'Delivering Sustainable Development' and 3 'Housing' and to Policy BE8 of the South Bedfordshire Local Plan Review.

DECISION

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