

Item No. 7**SCHEDULE A**

| | |
|--|---|
| APPLICATION NUMBER | CB/09/06431/OUT |
| LOCATION | Land at Frenchs Avenue and Hillcroft/Weatherby Dunstable and Land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire |
| PROPOSAL | Erection of 650 dwellings, small scale neighbourhood facilities, public open space area, access and utilities infrastructure (outline). |
| PARISHES | Houghton Regis, Dunstable |
| WARDS | Houghton Hall and Dunstable - Northfields |
| WARD COUNCILLORS | Cllrs Mrs Goodchild, Jones, Mrs Green, Murray |
| CASE OFFICER | Mr J Spurgeon |
| DATE REGISTERED | 30 October 2009 |
| EXPIRY DATE | 29 January 2010 |
| APPLICANT | Trenport Investments Ltd & Cemex |
| AGENT | David Lock Associates Ltd |
| REASON FOR COMMITTEE TO DETERMINE | The Chairman and Assistant Director Planning consider it prudent to refer the application to DMC in the grounds of exceptional public interest. |
| RECOMMENDED DECISION | Outline Application - Refused |

Site Location and description:

The greater part of this site comprises 2 fields in the Green Belt to the west of Hillcroft Estate, Dunstable and south of Sewell Cutting (which is a County Wildlife Site - 'CWS'). It extends as far west as the south-eastern rim of Sewell Quarry. The fields are separated from each other by a hedge. Within the western field is the Scheduled Ancient Monument 'SAM', 'Maidenbower' (also known as 'Maiden Bower'), and the rim of the quarry (adjacent to the site but forcing a curve into its western edge) is another CWS (Totternhoe and Sewell Quarry CWS). Physically, Maidenbower is a 250mØ circular enclosure ringed by a bank 2 to 4m high clothed with trees and shrubs. Most of the site is arable land but some parts towards the west, especially within Maidenbower, are grassland and used informally by walkers. Apart from the largely unlandscaped Hillcroft Estate frontage, outer field boundaries are marked with hedgerows. Trees outside Maidenbower are generally sporadic and limited to the hedgerows, giving the site a rather open character away from Maidenbower.

Topographically, the Grade 2/3a agricultural land sits on the Lower Chalk, with a gentle fall to the north-east, but west of Maidenbower the land begins to fall more steeply either side of the quarry encroachment. The ancient Green Lane (by-way) bounds the site to the south and several direct footpaths cross the fields, radiating from the end of French's Avenue. A further path, now surfaced, forms part of the Chiltern Way and Icknield Way Long Distance Paths and Regional Cycle Route 32 linking Green Lane and Sewell Cutting/village. National Cycle Route 6 passes down

Sewell Cutting (known as the Sewell Greenway) from the end of French's Avenue.

To the east the site directly abuts back gardens of the fairly low density layout of 2 storey houses at Hillcroft, side gardens at Bryony Way and Cusworth Way, a playground, the playing fields of Brewers Hill Middle School and Dunstable Town Council's Peppercorn Park. These parts of Dunstable are connected by road to Brewers Hill Road and Drovers Way, a significant local route in the town. To the north-east, French's Avenue, which serves a large residential area, runs up to the site before turning west and serving commercial premises including the Household Recycling premises. The backs of some of these premises 'face' across the deep Sewell Cutting (a former railway) towards the site.

Two small additions to the site comprise the immediate vicinity of a proposed junction with French's Avenue and the point where Hillcroft and Weatherby meet. Apart from these additions, which are within Northfields Ward, the whole site is within Houghton Hall Ward. To the south it abuts Totternhoe Parish, in Eaton Bray Ward. The total site area is 44.1ha..

The Application:

It is proposed to develop part of the site for 650 dwellings (to Code Level 3), together with a neighbourhood centre, and to set out the remainder of the site as open space. The application is submitted in **outline** (with the usual indicative layout and parameter plans) **with all matters reserved** for subsequent determination.

The application is accompanied by the following documents:

- Environment Statement (Revised Non -Technical summary and 4 volumes)
- addendum to Environmental Statement
- parameters assessment plan
- indicative masterplan
- planning statement
- design and access statement
- transport assessment, travel plan framework and additional information (3 vols)
- sustainability appraisal
- statement of community involvement
- assessment of housing delivery (S.Beds & Luton Jt Housing trajectory) and revision document July 2010
- green infrastructure & heritage management strategy - a final draft Green Infrastructure Management Plan has also been submitted indicating how the open spaces would be presented and handled over time
- health impact assessment
- waste management statement
- water use and efficiency statement
- energy statement
- noise assessment of Maidenbower
- planning obligation: draft heads of terms (final revised version).

The indicative layout shows principal accesses from French's Avenue and Hillcroft/Weatherby (secondary) and potential pedestrian/cycle connections onto Green Lane and to Bryony Way and Cusworth Way. A proposed bus link is shown

between the 2 principal accesses, becoming the 'main street'. The developed area is east of an arc between 170 and 250m from the Maidenbower bank. Estate roads form on lines radiating from Maidenbower with linking roads parallel to the arc. Development would generally front highways and back onto the existing residential area and Sewell Cutting. Small scale neighbourhood facilities are included in a 0.4ha zone off the main radial from French's Avenue. Several small parks are indicated, which would cover large underground soakaways. The remainder of the existing eastern field is shown as an urban park (with interpretation boards). The inner edge would be planted with a 20m deep 'woodland' and the remainder would be planted with scattered shrubs. The western field and Maidenbower are shown as natural/semi-natural green space (restored grassland) and a new footpath would be created. Certain footpaths are shown to be diverted where they would cross development.

The neighbourhood facilities would potentially contain 1650m² floorspace with indicative limits of A1 (200m²), A2/A3/A5 (150m² total), B1 (500m²), C3, D1 (400m²) and D2(e) (400m²). These classes would include shops/catering, studio workspace, ancillary residential, and community facilities such as creche, surgery, education, public hall, place of worship, gymnasium or area for indoor recreation (not involving firearms), recycling and travel information.

Density parameters are shown on the separate Parameters Assessment Plan. Higher density housing (45dpha) would be restricted to the main street, the highest reaching 3 storeys near the local centre. Densities elsewhere would be reduced so that lower density (2 storeys, 33dpha) would abut the existing residential area and the urban park. A range of housing types would typically be provided from 2-bed to 5-bed houses with up to 35% affordable, pepperpotted. Overall there would be the following areas of land use (ES Table 1.1):

- residential - 15.5ha (includes amenity open space as per PPS3 calculation)
- neighbourhood centre - 0.4ha
- urban park (informal open space) - 7.0ha ('Icknield Park' - the remainder of the eastern field)
- natural/semi-natural green space - 19.6ha ('Bower Field' - the western field)
- amenity green space (mainly within residential zone but outside the 15.5ha above) - 0.5ha
- easements and junctions - 1.1ha.

Long term management of Maidenbower and the adjacent land is proposed in the draft final Green Infrastructure Management Plan involving restoration to natural grassland, interpretation and restricted access. The applicant envisages this by public bodies or by a newly created management entity.

The aim of this indicative layout is to show that it would be possible to achieve the 650 dwellings and neighbourhood centre in a satisfactory way. Apart from the scale of development and other parameters to which any permission may be tied, any 'reserved matter' application need not necessarily follow this pattern. The application also proposes the use of conditions to formulate Design Codes and includes intended phasing of development. This provides 5 phases, moving west from French's Avenue then south, having between 50 and 200 dwellings each. The final vehicle link with Weatherby would be made at phase 4.

The applicant states that the development would be readily deliverable, the joint

applicants owning the site¹ being development companies, having a sole agricultural tenant and legal rights of access to the site.

¹ Excluding those parts comprising highways adopted by the Council.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPG2 - Green Belts; PPS3 - Housing; PPS4 - Planning for sustainable economic growth; PPS5 - Planning for the Historic Environment; PPS9 - Biodiversity and Geological Conservation; PPS10 - Planning for Sustainable Waste Management; PPG13 - Transport; PPG17 - Planning for Open Space, Sport & Recreation; PPS22 - Renewable energy. Includes a companion guide; PPS23 - Planning and Pollution Control; PPS25 - Development and Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 Achieving sustainable development
SS2 Overall Spatial Strategy
SS3 Key centres for development and change
SS5 Priority areas for regeneration
SS7 Green Belt
SS8 The urban fringe
E1 Job growth
E2 Provision of land for employment
E3 Strategic employment locations
H1 Regional housing provision 2001 to 2021
H2 Affordable housing
C1 Cultural development
C2 Provision and location of strategic cultural facilities
T1 Regional transport strategy objectives and outcomes
T2 Changing travel behaviour
T3 Managing traffic demand
T4 Urban transport
T8 Local roads
T9 Walking, cycling and other non-motorised transport
T13 Public transport accessibility
T14 Parking
ENV1 Green infrastructure
ENV2 Landscape conservation
ENV3 Biodiversity and earth heritage
ENV6 The historic environment
ENV7 Quality in the built environment
ENG1 Carbon dioxide emissions and energy performance
WAT2 Water infrastructure
WAT3 Integrated water management
WAT4 Flood risk management
WM1 Waste management objectives
WM6 Waste management in development.

Milton Keynes and South Midlands Sub-Regional Strategy

Policy 2(a) Luton/Dunstable and Leighton Buzzard

Luton and southern Central Bedfordshire Joint Core Strategy (November 2010 as amended)

CS1 Development Strategy

CS3 Developer contributions for infrastructure

CS4 Extent of the Green Belt

CS5 Linking places

CS6 Housing for all needs

CS8 Increasing access to quality social and community infrastructure

CS9 Quality of design

CS10 Delivering economic prosperity

CS11 Green Infrastructure and environmental assets

CS12 Resource efficiency

CS13 Adapting to and mitigating flood risk

Bedfordshire Structure Plan 2011

25 Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

T1 Controlling to location and traffic impact of development

T10 Parking - New Development

T11 Contributions - Alt Parking

SD1 Keynote Policy

H4 Affordable Housing

R10 Play Area Standards

R11 New Urban Open Space

R14 Informal Recreational Facilities

R15 Rights of Way Network

Supplementary Planning Document

Design in Central Bedfordshire - Guide for development

Maiden Bower - Scheduled Ancient Monument

Sewell Disused Railway CWS, Totterhoe and Sewell Quarry CWS.

Various public rights of way cross the site.

Planning History

SB/88/00955/TP

Refusal - Residential development to provide 350 dwellings, public house and outdoor sporting facilities (Outline). (Reasons: Green Belt boundary and function, precedent, setting of Maidenbower, road junction to Weatherby, public transport servicing, sewerage.)

SB/89/01077/TP

Refusal - Residential development of approximately 350 dwellings with associated formal open space and provision for a public house (Outline). Appeal withdrawn. (Most of

above reasons applied).

SB/09/00147/SCN Screening and Scoping Opinions for development comprising approx 650 dwellings, a local centre, area of proposed woodland and open space, with footpath and cycle linkages, and vehicular access to French's Avenue and Weatherby.

Part of the eastern field (roughly approximating to the current proposed residential area) was proposed in the South Bedfordshire Local Plan Consultation Draft 1991 for residential development. However, this was not subsequently adopted and the land remained Green Belt in the South Bedfordshire Local Plan Deposit Draft 1993. The Landowners therefore objected to the inclusion of this land within the Green Belt and the EIP Inspector wrote "*The main issues are...whether topography of the site would contain development that is visually part of the adjacent urban area and...whether the proposed planting would be an appropriate Green Belt boundary.*" He concluded "*The dwellings and gardens of Hillcroft form a clear edge to the built-up area to the north-west of Dunstable. I take the view that to add further development to the existing edge of the town would clearly encroach into open countryside and defeat the purpose of [Structure Plan] Policy 18 to contain the outward growth of Dunstable. I come to this conclusion from the views of the site from Dunstable Downs to the south. I doubt that planting even in depth would disguise the extension to the town, contrary to the broad aim of Green Belt policy in this sector of Dunstable.*"

**Representations:
(Town, Parish & Neighbours)**

Houghton Regis Town
Council (15/12/09)

Object:

- The local plan, still relevant and operational, does not designate this site for housing development
- Site was thoroughly examined within the emerging Core Strategy and was not selected as one of the preferred options for housing development
- Previous application were refused for 6 reasons and the current application does not negate these reasons
- Inappropriate in terms of Green Belt policy and no vscs have been proven
- Would set a precedent for other similar encroachments in the GB outside the preferred areas in the CS, making a mockery of the process for a sustainable community of 26,000 new homes
- A primary concern of the CS is to bring sustainable development to the conurbation which would promote regeneration, and the proposal would not be sustainable or likely to assist in regeneration.
- Increased traffic flows on already congested roads, exacerbating a grave situation and not having a solution
- Concerns about Safer Routes to School with increased danger from increased traffic
- Adverse effect on Maidenbower with further anti-social

activity and loss of what remains of the feeling of historical atmosphere

- The vast development proposed for the north of the area will lose considerable agricultural land; further loss from developments outside recommended sites is unacceptable.

Dunstable Town
Council (9/12/09)

Object:

- The proposed development constitutes inappropriate erosion of the green belt and would have an adverse effect on the local transport infrastructure. It must be viewed in the context of an already approved 368 housing development that is currently being built at land on the former Trico site nearby alongside the A5
- The town's transport infrastructure simply cannot accommodate another housing development at the scale proposed
- Accepts that there are plans to improve the town's transport infrastructure but these improvements are long overdue and have been developed to accommodate existing housing and employment mass not any future proposals
- Has serious concerns regarding the proposed access and egress to the potential development and can only foresee that such a development would negatively impact upon traffic 'rat running' and congestion on the A5 that is already seriously undermining the social and economic fabric of the town
- Has further concerns that the development would have as adverse impact on other areas of social infrastructure in the town but believes the concerns regarding traffic and congestion alone make this development unacceptable.

Totternhoe Parish
Council (8/12/09)

Object:

- adverse effect on Maidenbower, an ancient monument,
- taking up existing Green Belt in an area of natural beauty,
- the proposed screening would take many years to be effective and in that period the buildings would appear intrusive within the landscape,
- noise and disturbance to wildlife and environment,
- infrastructure.

Cllr J Murray (8/12/09)

Objects on the following grounds:

- Contrary to Green Belt policy (GB1)
- Contrary to character and appearance of countryside policy (NE1)
- Contrary to Policy NE7 in respect of regionally important geological land or geomorphological sites
- Adversely affects setting of Maidenbower Fort (Policy

BE1)

- Not a preferred site for development and patently unsuitable on grounds of traffic impact, pollution, strain on local services and infrastructure
- The inclusion of a through route would ensure another rat-run through the residential parts of Dunstable. The addition of so much more traffic would have an adverse effect on local Safer Routes to School (5 schools in the immediate vicinity with children up to age 13) and would be an unacceptable danger to pedestrians and cause increased vehicle exhaust pollution. Were there not to be a through route the effect of application site traffic along French's Avenue and other traffic from new developments would bring traffic to a halt along the A5
- Despite the promise of facilities the application cannot demonstrate that it fits the criteria for creating a sustainable community
- The proposal is purely an add-on to the existing built environment and would have an extremely adverse effect on the community of north and north-west Dunstable.

Public response

Petition (received prior to application)

2699 signatures (of which 899 outside Northfields Ward and 99 online). Petition was considered on 24/9/09 by the Executive Committee in accordance with the Scheme of Public Participation set out in Annex 2 of Part A4 of the Constitution which RESOLVED that the petition be noted and referred to the appropriate meeting of the Development Management Committee as and when as application is received.

Petition:

Not to give planning permission for a housing development on green belt land [at the site].

- The amount of traffic generated by this development would be intolerable to both new and present residents.
- There is very little local employment in the area and at any given time we only have three to four police officers on duty to cover Dunstable and Houghton Regis.
- The council has met its required number of houses to be built for the government's growth agenda so as we understand it Dunstable does not need this development.

Individual full responses

Addresses (all dates are either as received or dated):
Aidans Close - 6 (4/12/09)
Barley Brow - 30 (29/12/09)

Barrie Ave - 2 (10/12/09)
Borrowdale Ave - 12 (26/11/09, 27/5/10)
Brewers Hill Road - 100 (3/12/09)
Bunhill Close - 1 (4/12/09), 3 (6/12/09), 33 (2/12/09), 30
(6/12/09), 36 (5/12/09)
Bryony Way - 1 (22/11/09), 2 (5/12/09), 4 (6/12/09), 6
(30/11/09)
Campion Close - 2 (18/12/09 (4), 20/12/09)
Cheyne Close - 2 (18/12/09)
Clifton Road - 17 (4/01/10)
Cusworth Walk - 1 (21/11/09, 25/11/09, 9/07/10); 5
(23/11/09)
Cusworth Way - 1 (3/12/09), 14 (7/12/09)
Englands Ave - 7 (18/12/09)
French's Ave - 10 (30/11/09), 2/12/09, 46 (4/12/09,
7/12/09)
French's Gate - 67 (24/11/09)
Gt Billington - Little Orchard (15/5/10)
Greenfield Close - 38 (30/11/09), 45 (8/12/09), 54
(26/11/09), 56 (3/12/09)
High Street North - RJ Hardware Store (4/01/10)
Hillcroft - 22 (6/9/09 sic), 48 (2/12/09), 52 (30/11/09), 54
(7/12/09 (2)), 55 (26/11/09), 57 (26/11/09), 62 (7/12/09),
67 (1/01/10) 68 (1/12/09 (2)), 70 (27/11/09), 73 (2/12/09,
3/12/09, 31/12/09, 24/5/10), 77 (25/11/09), 78 (29/11/09),
80 (5/12/09), 84 (31/12/09 (2)), 86 (25/11/09), 88
(30/11/09), 89 (7/12/09), 90 (29/11/09, 3/12/09)
Ivy Close - 6 (6/12/09)
Lancot Drive - 21 (29/11/09)
Lancot Place - 4 (30/11/09)
Norman Way - 3 (23/11/09); 6 (22/11/09), 18 (3/12/09 (2))
Oakwell Close - 4 (26/11/09)
Palma Close - 15 (13/12/09)
Peppercorn Way - 24 (9/12/09)
Pipers Croft - 25 (30/11/09)
Redfield Close - 3 (24/11/09), 13 (7/12/09), 21 (6/12/09)
Rotherwood Close - 1 (6/12/09), 3 (2/12/09), 4 (6/12/09), 5
(1/12/09)
Salters Way - 2 (26/11/09), 16 (25/11/09, 30/11/09)
Sewell - Lane Farm (8/12/09), Chews Farm (12/12/09)
Stavely Road - 38 (8/12/09)
Sunbower Ave - 2 (27/11/09)
Suncote Ave - 8 (25/11/09), 11 (6/12/09), 20 (7/12/09), 23
(16/12/09), 29 (1/12/09), 33 (2/12/09), 58 (14/12/09), 79
(27/11/09)
Suncote Close - 10 (21/12/09)
Weatherby - 36 (28/11/09), 41 (1/12/09), 43 (4/12/09), 46
(7/12/09), 49 (29/11/09), 55 (8/12/09), 61 (5/12/09), 70
(2/12/09), 74 (29/11/09), 78 (29/11/09), 80 (6/12/09)
Westfield Road - 108 (7/12/09)
No address given - 21/11/09, 6/12/09, 8/12/09, 11/12/09

Comments (all objections unless otherwise stated):

Publicity

- *insufficient time to reply and too many documents to cope with*

Principle

- *premature pending further advancement of development plan, not preferred in core strategy (previous refused schemes on site),*
- *loss of green belt land with no exceptional circumstances,*
- *loss of countryside/open space, closing up of Dunstable/Houghton Regis and Leighton Buzzard (and villages),*
- *agricultural land needed for a growing population*
- *convenient to use agricultural land instead of brownfield land,*
- *developer greed,*
- *cumulative impact with other local developments including prolonged construction,*
- *does not reflect views by residents,*
- *construction site noise, traffic and issues,*
- *does not overcome objections to previous proposals but makes matters worse,*
- *Totternhoe Lime Quarry was refused as a brownfield site, more so should this greenfield site*
- *land is used as emergency glider landing*

Housing

- *SOME: sufficient houses being built or planned in the Core Strategy together with other ways of providing new homes make this unjustifiable/population growth will slow; OTHERS: more housing is needed but adds disadvantages under other heads,*
- *use existing vacant or converted flats or office/factory blocks in town,*
- *would feed influx of people from outside area (as with about 80% of recent housing off French's Ave),*
- *flats would be occupied by transient people and frequently unoccupied*

Details of layout

- *presence of 'cheap', small affordable houses and flats,*
- *no evidence that houses would be sustainable,*
- *density out of keeping,*
- *loss of privacy, overbearing, loss of daylight and sunlight,*
- *focussed nuisance of new pedestrian accesses through closes with possible misuse,*
- *should be lower density and in small schemes to give individuality,*
- *learn from Swiss design,*

- residents' cars may park in adjacent residential streets if convenient,
- adequacy of emergency vehicle access,
- previous council requirement for 60' strip to existing urban edge,
- risk of flooding including from loss of fields; proposed drainage ponds are not evident but would be misused if dry; SUDS usually end up the problem of the council,
- danger to children at quarry edge

Highways

- should not go ahead before a workable transport strategy for Dunstable; locality is already a nightmare of queues and delays, A5 already cited in EEP as reaching capacity,
- submitted figures should be tested,
- prospect of bus way and northern bypass retreating,
- traffic model cannot be relied upon to reflect preferred school choice hence journey,
- additional traffic will cause congestion at existing junctions and surrounding roads (and Totternhoe) and harm safety of children; safe routes to school issues,
- Hillcroft estate roads already used as rat runs by lorries and cars which should be alleviated rather than intensified,
- on-street parking on Weatherby and Hillcroft would obstruct traffic,
- traffic calming will be needed off site,
- as Dunstable has a very limited public transport system and links and the proposed bus access will not lead to residents leaving their car at home - guided busway will make no difference,
- without a physical barrier drivers will still use the estate road as a rat run,
- bus roads do not work, bus information incorrect,
- ped/cycle safety issues on route to schools, playgrounds, and for elderly,
- generally, discontinuous cycle routes locally make this a limited alternative for most,
- comments on specific road junctions,
- no new crossing facilities for French's Avenue,
- who will police Green Lanes (cf increased m/cs since new path surfacing put down),
- new road alongside green lanes would undo benefit of recent designation as bridleway,
- air pollution and CO2 from traffic/high local incidence of asthma

Maidenbower

- *ambiance/commanding position would be lost/should be protected by larger buffer of land,*
- resident has found Roman artifacts in garden,
- would become hangout for kids, drug/alcohol parties

and subject to fly tipping

- *should be protected permanently, not just for 20 years*

Ecology

- *Maidenbower, Sewell cutting, lanes and fields support flora and fauna (including badgers) which could be lost through additional trampling,*
- *Impact on approach to Totternhoe Knolls SSSI*

Recreation

- *pedestrian/cycle routes through development to land beyond could lead to use by motorcycles and be a way out for criminals, already serious problem from m/cs,*
- *will not overcome obesity as sufficient walks already exist in area,*
- *open spaces elsewhere are not well looked after*

Dunstable/Houghton Regis general

- *priority to support and locate facilities elsewhere in Dunstable and provide a bypass rather than add residents and introduce new facilities at local centre,*
- *no jobs or prospects in area already/jobs only during construction; would be occupied by people on benefits,*
- *schools could not cope with additional pupils*
- *changes should not at the cost of those who live in area,*
- *increase of crime/impacts on policing, litter and anti-social behaviour,*
- *medical services and hospital under pressure,*
- *other infrastructure inadequate,*
- *previous local developments accompanied by increased problem with rats,*
- *local centre would take trade from Westfield Road shops,*
- *Dunstable residents should not pay for facilities when taxation goes to HRTC*

The following signed a reproduced letter of objection to development on green belt land, all received 4/01/10 (* denotes those who sent a full letter as well (above) and who cannot be considered additional objectors; numbers of responses from that address in brackets):

Aidans Close 2 (2), 4 (3), 12 (2); Aldbanks 15, 26, 30, 37 (2), 78 (2), 92; Ashcroft 35; Badgers Gate 17, 48; Barley Brow 11a, 19, 29 (2); Beecroft Way 25, 119; Brewers Hill Road 42; Bower Lane Eaton Bray 4; Bryony Way 1*, 1, 2*, 3 (2), 6*, 6 ; Bunhill Close 1, 6, 19, 20 (2), 29, 36; Champion Close 2*, 2 (3), 14; Capron Road 52; Cheyne Close 21; Cookfield Close 1 (2), 25, 33; Coombe Drive 41; Copt Hall Road Luton 74; Cusworth Walk 1*, 2, 3, 4 (2), 6; Cusworth Way 1*, 7 (2); Frenchs Avenue 10, 42; Greenfield Close 2, 4, 6, 20, 24, 39, 41, 55, 57, 61; Hambling Place 21; Hillcroft 17, 39, 42, 44, 48*, 49, 51 (2),

52*, 54*, 56, 58, 62*, 62, 67, 68*, 70*, 77*, 78*, 79, 80*, 81, 83, 86*, 88*, 88, 90*, 95 (2); Ivy Close 5; Kingscroft Avenue 22; Kirkstone Drive 22; Lancot Drive 21*; Loring Road 39, 56; Maidenbower Avenue 39; Marina Drive 17; Norman Way 3*, 4, 18*; Northview Road 20; Oakwell Close 21; Pipers Croft 63; Radburn Court 27; Redfield Close 13*, 13 (2), 23; Ridgeway Avenue 72, 74; Rotherwood Close 3*, 3 (3), 5*, 5; Saxon Close 4, 17, 23, 33; Salters Way 12, 16*, 23 (2), 31, 47, 58 (2); Scawsby Close 7; Spinney Crescent 4, 37; Sewell Springwell Cottage, Sundial Cottage; Suncote Avenue 9, 12, 17, 19, 23*, 33*, 33, 44, 55; Union Street 58; Weatherby 12, 18, 34, 35, 37, 41*, 41, 47 (2), 68 (2), 70*, 82, 86; West Street 4 Meadway Ct; Westfield Road 62, 90 (2), 126, 193, 207, 215; Winfield Street 15; Worthington Road 26, 60, 61; incomplete address 1.

Paul Newman New Homes (14/12/09)

Object:

- Fails to demonstrate vscs in the green belt and pre-empt MKSMSS Green Belt Review; cited appeals relate to different scenarios; would set a precedent for other land to the south and south-east; contrary to national policies,
- Harm to archaeological remains and SAM and its setting; may impinge on CWSs and SSSI through proximity,
- Proposed accesses inadequate to meet traffic demands; A5 highly congested and development would increase level of traffic and congestion at peak times; impact on A5 could be significant and this questions the case that the site can be delivered before the northern bypass,
- A number of constraints for this already identified in emerging CS.

Hives Planning (18/1/10)

Recommend application be refused:

- not one of the Preferred Option sites in the emerging Core Strategy, in fact being 'non-preferred'; unlikely to deliver critical mass to fund supporting infrastructure;
- not in an appropriate location for Green Belt release;
- poorly connected with no main transport routes into town centre, relying on local residential roads for connection;
- unacceptable impact on SAM, intrude unacceptably into open countryside and impact important views.

Planning Prospects (for Dransfield Properties Ltd) (12/2/10)

Clients about to submit a planning application for High Street Houghton Regis.

Would not object provided:

- what was initially described as 'local centre' is amended to 'small scale neighbourhood facilities';

- quantum of A1 development 200m² max;
 - quantum of A2/3/5 development is 50m² max per class;
 - class D2 use limited to D2(e), or preferably removed altogether;
 - a condition to prevent transfer between classes A2/3/5 to class A1.
- London Gliding Club
(30/7/10)
- 3 main concerns:
- about 35% of take-offs by tug planes overfly the vicinity of the site (dividing right and left of Maidenbower) in order to avoid built up areas; development of this land, and increased use by public, would increase the number of complaints against tug plane flying over the site and restrict activities which has significance in the local economy; alternative routes would cross other housing;
 - open countryside is essential for emergency landings;
 - local road infrastructure cannot take existing traffic levels and members already cannot conveniently shop in Dunstable.

Consultations/Publicity responses

- [EEDA (15/12/09)
- EEDA's role is to help further sustainable development and regeneration and to help deliver the Regional Economic Strategy, especially with regard to balancing homes and jobs.
Would support the development plan process and note that, the site not being allocated in the LDF for development and being within the green belt, there is a presumption against the development unless there are exceptional circumstances. Notes that work is underway to assess current land supply and supports the planning and development plan process. Any departures would need robust evidence and testing in order to depart from GB designation, without which EEDA would support the application being determined in accordance with the prevailing development plan.]
- EEDA no longer active
- [East of England Regional Assembly (26/1/10)
- Until Green Belt boundaries are reviewed (Sub-regional policy 2(a)) the greenbelt must be maintained (regional policy SS7). Whilst the site is within an area of search in 2(a) it is a peripheral location to the overall coalescence of towns of Luton, Dunstable and Houghton Regis. In addition, brownfield land must be given priority (SS2, sub-regional s(a)).
Concerns over the suitability of the access and whether the additional trips would add to congestion rather than help tackle it (policies T1, T4). Measures to change travel behaviour (T2), particularly walking and cycling (T9), must be capable of being implemented and linked to modal-shift targets.
Felt strongly that the advice from English Heritage must receive considerable weight given the proximity of the SAM. ENV6 seeks to protect, conserve and enhance the historic environment and highlights the significance of ancient monuments to the region. The Council, applicant and EH should work together to ascertain the extent of development that could occur.
The proposal does not accord with regional and sub-regional policies.]
- EERA no longer extant

Joint Technical Unit
(8/12/09, 9/8/10, CBC
12/9/11)

Updated response:

The Joint Core Strategy (CS) and all relevant documentation were submitted for Examination on the 8th March 2011 and an Exploratory Meeting was held on the 18th May 2011. Following the Exploratory Meeting and the agreement of the proposals to amend and take forward the CS by the Joint Committee (JC) on 24th June 2011, the appointed Inspector formally agreed to a 6 month deferral of the Examination process. However, following a decision by Luton Borough Council not to support part of the CS, the JC on 29th July 2011 resolved to seek its withdrawal. The withdrawal was confirmed by the Secretary of State in a letter dated 7th September 2011.

Nevertheless, Central Bedfordshire Council remains fully supportive of the proposals contained within the CS and on 23rd August 2011 the Council's Executive resolved to endorse as guidance for Development Management purposes the CS and its underlying evidence base and technical studies.

Despite the withdrawal of the CS, previous observations on the development proposals by the Joint Technical Unit (JTU) are still pertinent in the determination of this application.

- The submitted CS considered this not to be a sufficiently viable and sustainable site for an urban extension;
- Growth area sites and strategic growth locations have been identified within the CS with any remaining balance of the housing requirement to be identified through a review of the Strategic Housing Land Availability Assessment (SHLAA);
- Following the withdrawal of the RSS (now still part of the development plan following the Cala Judgement) the JTU has reviewed the housing trajectory and calculates that there will be only a very minor shortfall in the required 5 year housing land supply;
- The site would put at risk the deliverability of sustainable development within Central Bedfordshire and is unlikely to offer significant benefits to infrastructure, regeneration, revitalisation, employment, housing or quality of life;
- The development of the site could place a greater burden and responsibility on all other developments within Central Bedfordshire to meet the infrastructure deficit in the plan area that the North Western Dunstable proposals could add to and exacerbate, rather than help to alleviate;
- Harm to green belt would not be offset by vscs;
- Harm to landscape/heritage;

- Fails to contribute to local highway infrastructure needs even if by itself it does not depend on the A5-M1 link;
- Not needed to meet shorter-term needs of growth area.

Conclusion:

The proposals do not conform to the submitted Joint Core Strategy and no very special circumstances have been shown. They do not constitute a sustainable form of development and will not contribute in a positive manner to the provision of major infrastructure requirements, the need of which have been identified and confirmed through substantial evidence-base and background studies which inform the submitted CS which has been endorsed by Central Bedfordshire Council.

Highways Agency
(21/12/10, 25/1/11)

Has reached agreement on a Framework Travel Plan. Directs that any permission be subject to a condition that a Travel Plan substantially in accord with this Framework TP be submitted to and approved by the Council.

Traffic figures have been calculated for the development and a modal split forecast prepared having regard to the phasing of the development. Surveys would be undertaken at stages to inform and update the forecast. Various measures are proposed: those within the design such as cycle and foot routes and highway works; S106 measures such as funding for a travel plan co-ordinator and bus infrastructure; and other measures such as welcome packs and community initiatives.

CBC Highways Officer
(20/10/11)

- The Flow diagram is not appropriate for this proposal. Division of flows from site is not convincing and ignores other junctions.
- Particularly concerned that Church Street suffers from congestion which would be exacerbated by an 18% increase of peak hour vehicles.
- Notwithstanding improved 'practical reserve capacity' on the A5 the total delay would increase by 33% in the am peak and also affect other times. Six junctions suffer against all 4 of the measurements of performance. The proposed improvements would not sufficiently ameliorate the increase in overall delay.
- Not all of the Brewers Hill Road junctions have been assessed notwithstanding an increase in flow. Even the main junction serving the development fails to allow for pedestrian movements and hence capacity.
- Pedestrian facilities should be considered for the Drivers Way/West Street/Meadway junction in view of the increase in traffic flows. The submissions also incorporate errors which over estimate junction

capacity.

- A sensitivity test has not been carried out of several road corridors which will experience additional traffic, including rat running, and an increased potential for accidents. In view of reliance on a Travel Plan, appropriate pedestrian and cyclist counts were not made. The final growth factor should be revisited.
- Further traffic on Weatherby and Hillcroft, roads considered not suitable to take significant further traffic, requires additional work which has not been quantified.

Recommends refusal on grounds that the proposal fails to demonstrate that it would make adequate provision for the increase in traffic that would be generated by the urban extension and is likely to lead to an increase in traffic congestion at a number of junctions within the Dunstable urban area and cause an unreasonable degree of congestion and delay within the conurbation.

DEFRA (Go-East)
(18/3/10)

Notes that the proposal involves the permanent loss of 14ha of best and most versatile agricultural land, the rest to remain open space or extensive grassland. No other comment. It should also be noted that the protection of soil as a resource should be given recognition and that development which moves soil should minimise damage, re-use soil for 'soft' development, prevent unnecessary mixing of top and subsoil, engage a soil strategy.

Environment Agency
(9/12/09, 11/01/10,
19/02/10, 2/6/10)

No objection provided specified conditions attached, including 'Grampian' condition for completion of works between site and STW, and approval of surface water strategy.

Drainage Engineer
(18/6/10, 1/2/11)

Although the drainage strategy has been agreed with the EA, a full range of sustainable drainage options (including property soakaways, permeable paving, swales etc) could have been investigated. This would have reduced the size of the large blanket soakaways and reduced the speed which stormwater would have reached them. There would also be a large network of underground pipes to maintain as well as oversized pipes and hydrobrakes.

CBC would adopt SUDS with the payment of a commuted sum, being preferable to a Management Company. The water and sewerage undertaker may be best placed to adopt and maintain certain surface water features and this should not be precluded from any agreement at this time. Furthermore, new legislation may affect these arrangements.

Environmental Health

No objections in principle.

Officer (4/12/09, 9/12/09, 1/6/10, 7/6/10)

- Ground conditions - Further to the recommendation within the submissions for an intrusive site investigation to be undertaken (to allow geotechnical and geoenvironmental risks to be quantified), recommends a condition to this effect.
- Air quality - Accepts that a number of mitigation measures will need to form part of the Construction Environmental Management Plan. These may need to include solid barriers to the site boundary. Working hours should be 0800 - 1800 (M-F), 0800 - 1300 (Sat), no Sunday/BH/PH working. By condition the CEMP is to be submitted for approval.
- Site noise - The required standard would be 'best practicable means' which include such practices as timing of high level noise activities, temporary screening, insulation, fitting silencers to vehicles and pneumatic percussive tools, good maintenance, minimal use of generators, 'noise reduced' compressors with sealed acoustic covers, throttling back when not in use. Recommends conditions to control operational noise and to set internal standards for dwellings.
- Road noise - The predicted increase of up to 7dB to Weatherby houses would not be enough to trigger mandatory remedies. Because this would be the result of general increase in traffic flows grants would not be available for insulation or secondary glazing.
- Noise Assessment appears not to refer to appropriate guidelines.

Anglian Water (3/12/09, 16/12/09)

Three Valleys Water should be consulted separately on water resource zoning and supply network.

The foul sewerage system cannot accommodate proposed development and it is possible that environmental and amenity problems will occur downstream and (subject to confirmation by the Environment Agency) flooding and sewage pollution issues. Capacity will unlikely become available within standard planning permission timescales. Dunstable STW presently has capacity to receive likely flows. Is advising applicant in modelling local flow with a view to assessing the scale of required works and hence cost, which applicant will meet.

Insofar as surface water would not be taken to the public sewer, recommends that the Environment Agency be consulted.

Buckingham & R.Ouzel IDB (11/1/10, 16/6/10)

No objection, on the understanding that surface water runoff will be through infiltration. EA should be consulted. Permission should not be granted without conditions

requiring that the applicant's storm water design and construction proposals are adequate before development commences.

Veolia Water (21/1/10)

The company's strategy is based on the number of new dwellings in the RSS and does not distinguish between sites. Therefore, early on in this roll-out there are adequate resources. Infrastructure will be considered between developer and company.

Archaeological Officer
(6/01/10, 13/9/10,
21/9/10)

Object as the proposal would have a negative, irreversible and detrimental impact on the setting of Maiden Bower, a nationally important archaeological monument, which is a designated heritage asset of the highest significance as defined by PPS5 "*Planning for the Historic Environment*". Whilst it is acknowledged that a number of issues have been addressed by the applicant since submission there are still concerns about the impact of the setting of Maiden Bower. The Monument was designed to be seen from and to see out over a wide area and to be a dominant feature in an extensive and open landscape. Its visual relationship to other contemporary monuments such as Five Knolls on Dunstable Downs (also SAMs) as part of the open landscape is also important. The proposal would bring the urban edge to within 180m of the Maiden Bower. The proposed mitigation of a tree belt along the edge of the development closest to Maiden Bower would not counteract the harmful effect on the setting of the designated heritage asset. Rather it would increase the sense of enclosure from within the Monument and encroach on its open setting when viewed from the wider landscape, thus radically altering the setting and having a negative impact on the significance of Maiden Bower.

The submission of a GIMP is welcome and it is acknowledged that some progress has been made to address issues that have been raised in discussions. The commitment to produce a CMP for Maiden Bower is welcome in principle, but should inform the GIMP not be produced later; whilst the GIMP contains proposals for the enhancement and conservation of the Monument, the delivery of these enhancements to the heritage assets can be achieved without the development. Consequently the proposed benefits do not outweigh the substantial harm that the development will cause to the setting of Maiden Bower and to its significance.

The proposal is contrary to Policy HE9.1 of PPS5 in that it does not provide convincing arguments to justify the wholly exceptional harm that would be caused to the setting of a designated heritage asset of the highest

significance. Neither does it comply with Policy HE10.1 of PPS5 because the proposal would not preserve the elements of the setting that make a positive contribution to the significance of the asset nor do the proposed benefits outlined in the GIMP outweigh the harm to the heritage asset. Therefore this application should be refused.

English Heritage
(11/1/10, 9/8/10)

Has significant concerns regarding the impact of the proposed development on the historic environment, especially the setting of Maidenbower, an exceptionally rare and important scheduled ancient monument dating from c3600 cal BC. It comprises a Neolithic causewayed enclosure underlying an Iron Age hillfort, being one of only 7 comparable sites known in the British Isles. The proposal would damage the heritage values and significance of this nationally important historic place by causing unsustainable and irreversible change to the context and setting of Maiden Bower. It would also adversely affect the relationships and associations between Maidenbower and nearby important historic sites including the Five Knolls barrow cemetery on Dunstable Downs, Ivinghoe Beacon hillfort and the wider historic landscape in which Maidenbower is a prominent and important earthwork located in a marked topographical location.

The new PPS5 (Planning for the historic environment) strengthens the concept of setting and, with the potential substantial harm to an asset of this significance not being matched by substantial public benefits, there is a presumption in favour of refusal. Despite the applicants' attempts, mitigation by landscaping would be inadequate due to the proximity, nature and scale of the proposals to Maiden Bower and any positive management of the monument can be readily achieved by other means (eg Heritage Lottery Funding, Environmental Stewardship, EH grants) without the need for damaging development in this sensitive location.

Does not support the contents of the Green Infrastructure Management Plan (GIMP) which provides little in the way of a visionary plan for the enhancement of the countryside, but more an overly positive image of improvements.

Recommends REFUSAL. This approach is consistent with objection to previous proposals on this site.

Ecologist (7/01/10)

Endorses comments of Natural England and Wildlife Trust. Land offers scope for calcareous grassland as a buffer to nationally important wildlife sites. Further studies should be undertaken on protected species. Not convinced that landscape design optimises ecological approach that this sensitive sites requires. Prefers

sustainable drainage and a richer relationship with the habitats through the cutting. Increased pressure on sensitive sites and should support their management, especially as the Chilterns AONB Environment Forum has noted that Bedfordshire's downland sites are not in a favourable condition.

Wildlife Trust (14/12/09,
28/5/10, 27/8/10)

Notes the significance of the site and its locale and that the revised Heads of Terms provides for the long-term maintenance and management of Bower Field and Icknield Park either by a commuted sum or through a new Management Company supported by annual payments from residents. It is vital that the long-term management of the greenspaces is well provided for. Indeed, the GIMP should be flexible enough to incorporate new best practice in the interim. Long term funding is vital and pleased to see exploration of commuted sum or annual payments from residents. Also welcome proposed ranger base in neighbourhood centre with storage and interpretation facilities. These measures need to be ensured to protect and enhance the biodiversity of the wider area which includes SSSIs WTNRs and CWSs. The parks would need to be a focus for recreation yet be rich in wildlife themselves. Their design should blend in with the surrounding reserves and countryside without urbanising the rural area.

Interested in exploring possibilities of being long-term managers.

Natural England
(11/12/09, 1/6/10,
10/8/10)

Identifies the special local sites and potential impact from greater visitor pressure. Previously stated that it is crucial that Green Infrastructure is deliverable, long term management is based on a robust management plan and sufficiently resourced by the developers. Satisfied with the use of best practices in relation to the Houghton Quarry sites. Species and habitats:

- Further surveys should be carried out prior to works beginning on site to provide an updated assessment of badger activity and any additional mitigation to harm - especially with proposed closure of setts.
- All trees with bat roost potential should be retained, sensitive lighting schemes discussed and enhancements for bats proposed within buildings and other bat boxes.
- Standard restrictions regarding vegetation removal in relation to nesting birds, and provision of bird boxes.
- Restoration of land to species-rich grassland should be deliverable.
- Gives advice on sustainable soil practices.

In respect of draft final GIMP, supportive of Environmental Vision and strongly supports proposed

environmental/community Centre but some matters are incomplete:

- it is still unclear who would manage the GI and how this would be funded (accurate break-down of costs needed),
- if this would not be a management entity, a substantial endowment (through a charitable trust - NE could advise) would be needed,
- but a management entity resourced through residential charge would make access to land only permissive with risks and limitations for residents,
- additional funding details are out of date,
- developer should give stronger commitment to funding the Centre,
- strongly recommends a funded staff resource who would also head up community engagement,
- unclear if management committee would only be set up if management entity option taken,
- more information on SUDs would enable assessment of urban greening and ecological corridors.

Countryside Access
Service (23/12/09,
27/8/10, 24/10/11)

Significant reservations. The proposal will have negative impact on the provision of GI, especially countryside access due to the loss of vistas and experience (from rights of way) and the detrimental impact on the setting of Maiden Bower.

This locality has unique qualities and the countryside setting is as important as the GI features themselves. The applicants have failed to address the impact on rights of way network.

- Significant impact on setting of Maiden Bower and surrounding archaeological features, and the sensitivity of the site means that intensive use as publicly accessible open space will be impossible without further damaging the site.
- There will be a net loss of Rights of Way, and the new routes proposed do not serve the open space well.
- While the application purports to improve some elements of GI, we consider that there is no net gain of GI, as the proposal fails to deliver the opportunities for the area outlined in the Bedfordshire and Luton Green Infrastructure Plan;

Would be prepared to discuss degree of funding necessary and CBC is open to taking on the ownership and management of the open space, subject to management and maintenance funding being provided. In that case the Countryside and Access Service would expect to be involved in the design and specification. However, there are concerns with forming a management

company and whether this is in the interest of residents.

Landscape Officer
(29/12/09, 24/8/10,
17/11/10 - 2 responses,
31/1/11)

The Chilterns AONB is visually connected with the site and its surroundings despite abutting the urban edge. The visual connectivity between the local archaeological landmarks, including Maidenbower, is most distinctive as are the ancient tracks and lanes.

Landscape Character Area 10a forms part of the chalk landscape system which characterises south Bedfordshire, and is highly sensitive to change due to openness and visual connectivity. The South Bedfordshire LCA describes overall strategy for landscape enhancement and to ensure that Area 10a continues to provide a strong setting to adjacent scarps of Dunstable Downs (AONB) and Totternhoe. Although exposed to the urban edge, Maidenbower and the ridgeline are set back; the site quickly reverts to a rural landscape.

Proposal will have a highly detrimental impact on:

- local and wider landscape character - located on open elevated Maidenbower plateau with clear views to and from the site, highly sensitive to visual change; proposal would visually encroach onto the wider landscape; proposed woodland not in keeping with landscape and dissects plateau and would in any case fail to screen built form and lighting;
- landscape setting of Maidenbower and wide historic landscape - compromises historic open setting and landscape character context of SAM and other local historic landmarks; the capacity of the woodland belt to screen and mitigate is not assured and development would be visually exposed from higher viewpoints, exacerbated by urban lighting;
- local landscape tranquillity and landscape amenity - an unexpected and remote landscape would be interrupted by buildings, movement, noise and light, including from the parks; woodland belt would impact on landscape setting of the hill fort and reduce views.

Tree and Landscape
Officer (17/12/09)

In the southwest corner there would be an 18m deep landscape belt of recently planted native trees and shrubs behind an elder and holly hedge. This is well established and would offer good screening into the site from this direction. It is important that this strategically important belt is identified for retention and protection.

Waste/recycling
(4/12/09, 22/1/10,
27/4/10, 28/4/10, 7/6/10,
28/1/11)

Full Site Waste Management Plan required before commencement (proposed conditions acceptable). Accepts proposed contributions towards provision of bins.

| | |
|--|---|
| School places (4/12/19, 24/5/10, 1/2/11) | Object to the contributions proposed (which essentially excludes affordable housing from calculations). Information used is out of date and forecasts have changed. Further new housing schemes and others expected have made a comprehensive review necessary. Also requires contribution to be set at this stage and not at reserved matters stage. |
| Affordable housing (7/12/09, 12/3/10 to agent, 2/6/10, 28/1/11, 14/4/11) | <p>Meets policy requirement for 35% affordable housing but this should not deflect away from the other key areas of the application. Exceeds policy requirement for proportion of larger units. Would make significant contribution to meeting local housing need and meeting previous local shortfalls. Benefits were enhanced by the fact that other schemes in the planning process struggled to meet policy requirements due to viability pressures, especially in the Dunstable area. The current need is supplemented by house price increases and general undersupply. But current figure show that we are now well placed to move forward in terms of growth.</p> <p>Would require explicit tenure split in S106. Clusters and phasing are accepted as would be flexibility between phases.</p> |
| Community Involvement (11/01/10, 20/4/10, 5/7/10, 9/8/10, 21/1/11) | <p>Notes V&CA response (see below). Does not anticipate the need for a permanent or temporary venue on the site. Accepts applicants provision of</p> <ul style="list-style-type: none"> • contribution towards community facility on site or at Creasey park OR provision of community facilities on site. • contribution towards a community development worker along with an activity delivery budget to fund development activity (training of residents, start-up grants for groups, etc.). |
| Police ALO (11/01/10, 12/3/10, 2/12/10) | Requested a developer contribution towards policing the area in accordance with the Planning Obligations SPD. Does not now intend to make a formal request. |
| Play strategy/open space (25/1/10, 7/6/10, 13/10/10) | <p>Accepts applicants provision of</p> <ul style="list-style-type: none"> • developer contribution for community/leisure indoor facilities either to be used at Creasey Park or in a D1 premises on site, • Developer contribution for improvements to outdoor sports facilities at Creasey Park/Peppercorn Park, • Developer contribution to fund MUGA at Creasey Park. |
| Sport England (2/12/09, 26/5/10) | <ul style="list-style-type: none"> • Welcomes the principle of an audit. However, the submitted audit is not sufficiently robust: |

- Informal Open Space within the site - while this may be welcome, there is a deficiency in formal outdoor sport which is not being met;
- SB Playing Pitch and Sports Facility Strategies - the audit does not refer to these approved strategies because they were seen to be too general. Yet deficiencies were found in Dunstable and Houghton Regis;
- Study area - assessment needs to take account of the fact that some facilities will have wide catchments;
- Assessment of facilities - audit flawed in that it principally addresses the supply of facilities close to the site and not the demand;
- Discounting of sports facilities which do not have full public access - this has not been done and too much weight has been placed on school facilities, given their peculiar availability and security needs;
- Scale of additional needs generated by the development - the audit disregards smaller scales of need which should nevertheless be addressed;
- New facilities at Peppercorn Park - these were intended to address lost facilities and to address needs of the Trico development and would not be enough to address NWD needs as well. The audit incorrectly accounts for pre-existing provision;
- Consultation - no reference made to consultation on the specific needs;
- Use of Planning Obligations - the Circular 05/2005 advice is understood but it has not been shown that existing facilities can accommodate the extra population;
- Proposed On-site Indoor Sports Facility provision - whereas in principle the proposed D1 space could address part of this need, there are no details of certainty, level of access, responsiveness to local demand. A private fitness club would have limited benefit and is already well-represented locally.

Therefore, the original objections are maintained:

- **OUTDOOR.** The proposed large areas of informal open space would not be intended or suitable for outdoor sports. The SBDC Playing Pitch Strategy 2008 recommended that, to meet a significant local shortfall, additional mini and junior football pitches, senior cricket pitches and junior rugby pitches should be considered as part of developer negotiations for residential development and that contributions should be sought to improve the quality of existing provision. This provides robust evidence of a need which would be exacerbated without provision (SBLPR policy R11 applies). The proposed conditional financial contributions to Peppercorn Park (or possibly

elsewhere) is considered acceptable and would be more strategically useful than on site provision. While the applicant puts the onus on the Council unnecessarily to prove its case SE would OBJECT. This objection would be removed if an appropriate financial contribution is offered towards provision/enhancement and maintenance of off-site outdoor sports facilities.

- INDOOR. Through the SBDC Sports Facility Strategy 2008 there is clear and robust evidence for requiring indoor sports provision of new residential development. Work towards the LDF highlights conurbation-wide strategic needs. Accepts that on-site provision is unlikely but requires a financial contribution towards new or improved facilities in the Dunstable area. SE would OBJECT until appropriate financial contribution was secured. A possible health and fitness centre in the local centre could be considered under this head but having regard to a proper assessment of their provision locally.

Primary Care Trust
(11/2/10, 12/2/10,
26/2/10)

Using the CBC calculator require developer contribution towards primary, secondary and mental health care. No health facility will be required. Will monitor the situation during roll-out.

Sustainability Officer
(18/1/10, 2/6/10,
13/4/11)

Approves of the inclusion of Water use and efficiency, and Energy statements. Also approves Policy ENG1 standards but would seek aspiration to Code 4, even if in part with priority given to energy. In fact, energy requirements for Code 4 could be achieved with passive design and minimum renewables. A design layout could be improved by referring to the CBC Design Guide in matters of orientation and shading.

In view of the fact that Bedfordshire is in high water stress a level of water efficiency exceeding Code 3 should be considered.

Over reliance on solar thermal whereas others could be brought in. Needs more detailed reviews of other renewable technologies such as PVs, GSHPs, CHP. Feasibility could consider feed-in tariff and renewable heat incentives.

The local centre would be an ideal opportunity to reach the best standards (achieving BREEAM Excellent) and to incorporate renewable energy or low carbon technologies such as solar thermal heating, PV with perhaps a biomass boiler or biomass CHP.

A good grasp of design layout could be improved by

referring to the CB Design Guide in matters of orientation and shading. Local materials should be prioritised and not just considered.

Sustrans (3/6/10, 6/9/10) Encouraged by provision of green corridor adjacent to existing multi-use pathway, which will become NCR547 (Sewell La/NCR6 to Berkhamsted), and proposed toucan crossing at Frenchs Avenue. Here, there should be a gateway feature at a cost to the developer. The Masterplan should also show a more effective 'intra-site' walking and cycling network to encourage these modes. Would be pleased to contribute to reserved matter stages and could include the TravelSmart initiative which gives information and motivation for new residents. Also seeks interest in 3 other art features.

Voluntary & Community Action (18/12/09, 2/6/10) V&CA strengthens effectiveness of the voluntary and community sector and leads innovative work on social infrastructure in new communities. Initially objected in that the proposal failed to provide for the social infrastructure needs of new residents. However, this objection has now been withdrawn on the basis of agreement to fund community facilities and a part-time community worker.

Chilterns Conservation Board (18/11/09, 17/6/10) No comment.

Campaign to Protect Rural England (3/12/09) Object:
1. Contrary to green belt. Very special circumstances not shown;
2. Not a preferred option, despite earlier 2007 document;
3. Unsustainable development:
• scope of local centre not settled and higher education, employment, shopping and leisure will be sought at a distance; with the guided busway remote, the vast majority of these journeys will be by car;
• demonstrated by adding 8% to A5 traffic level by 2019 and need to put in roundabout;
4. Would not assist in regeneration of the conurbation but rather undermine it by being of the wrong nature in the wrong location;
5. Premature to suggest that East Luton is of doubtful delivery;
6. Green Infrastructure is already there in a natural state and the new 'offer' gives no additional benefit other than compensating for loss the natural landscape;
7. Harm to Maidenbower:
• additional 'people-pressure' to Maidenbower and its urban encroachment from the proposal is not a price worth paying for reducing its misuse though

isolation and converting arable to grassland; developer finance is not the only way to achieve the benefits;

- even the submissions assess year 15 landscape impact as 'slightly adverse';
 - monitoring for signs of erosion does not indicate what action would be taken with its inevitability;
8. Fails saved Policy BE8:
- longer distance views and skyline exposure - significantly intrusive from Five Knolls and Totternhoe Castle until year 15, and less so from Ivinghoe Beacon;
 - lighting - skyglow into night environment which would not be minimal on the dark escarpment.

Chiltern Society
(19/3/10)

Objections:

1. Within Green Belt outside built up area;
2. Overdevelopment, harming adjoining houses and neighbourhood;
3. Erodes area and ambiance of SAM;
4. Damage and limit recreational enjoyment of area round Maidenbower, especially by users of 2 long distance footpaths;
5. Clearly visible in landscape from places within the AONB, not least Dunstable Downs;
6. Extends urban sprawl and reduce green infrastructure.

Thames Water U
(23/11/09)

Outside Water and Waste Area.

Determining Issues

The main considerations of the application are:

1. Background
2. Green Belt
3. Deliverable housing
4. Housing needs
5. Growth Area location
6. Suitability of site
7. Green Infrastructure
8. Heritage Conservation Objectives
9. Further considerations
10. Landscape and visual amenity
11. Conclusions on Green Belt assessment
12. Transport and access
13. Other issues

Considerations

1. Background

Pre-application discussions took place with the Council and its predecessors, latterly including councillors. A public exhibition took place locally in Beecroft Estate in July 2009. The applicants made certain amendments following receipt of comments, such as reducing housing density and building height adjacent to the existing estate boundary, relocating play facilities from this boundary, increasing the scale of the neighbourhood centre, and replacing the bus gate by a combination of layout and traffic management measures. The applicant has explained why other comments have not led to amendments. The applicant proposed to continue dialogue with stakeholders and public should outline permission be granted.

This is an EIA application which is deemed to have significant environmental impact; accordingly the applicant has structured his Environmental Statement to cover the main impacts.

The application should be determined in accordance with the statutory Development Plan comprising the Regional Spatial Strategy and the saved policies in the Bedfordshire Structure Plan 2011 and South Bedfordshire Local Plan Review 2004 unless material considerations indicate otherwise, when the development plan will then be the starting point. The Joint Luton and southern Central Bedfordshire Core Strategy (CS) is also considered to be a material consideration in the determination of this application.

Since 2005, significant progress has been made by the Joint Planning Committee in producing the CS, which is the key strategy document within the Local Development Framework (LDF) for the area setting out the overall approach to development up to 2026. The CS is underpinned by an extensive evidence base produced over the past 6 years. Over 35 separate technical reports have been produced to inform and accompany preparation of the CS and these technical reports, covering a wide range of subject areas, underpin the content of the Strategy.

Core Strategy

The Joint Luton and southern Central Bedfordshire Core Strategy and relevant documentation were submitted to the Secretary of State on the 8th March 2011. The appointed Planning Inspector held an Exploratory Meeting in May 2011 to explore some concerns he had and a way forward was agreed with the Inspector and the Joint Committee. However, following a decision by Luton Borough Council not to support the CS, the Joint Committee on the 29th July 2011 resolved to seek its withdrawal. This withdrawal was confirmed by the Secretary of State in a letter dated the 7th September 2011.

Central Bedfordshire Council (CBC) remains fully supportive of the proposals contained within the CS and the approach taken to identify and allocate land for development. On the 23rd August 2011, prior to the withdrawal of the submitted CS, CBC's Executive resolved to endorse the CS and its underlying evidence base for Development Management purposes.

One of the key technical reports in the evidence base, which informed the CS, is the Site Assessment Matrix. This report details the assessment process undertaken in order to identify the most appropriate sites for development within the plan area. Whilst in some instances, it was identified that mitigation methods could be implemented to off-set the impact of development in this location, it was concluded that the overall impact of the development was too significant and that the detrimental impacts could not be mitigated sufficiently. It is considered that the Site Assessment analysis was a robust process and as such the evidence underpinning the CS does not support the need for such an allocation.

Prior to its withdrawal, the CS was subject to extensive consultation. The formal consultation periods included the Issues and Options consultation, which ran between June and October 2007; the Preferred Options consultation from April to June 2009; and the Pre- Submission Publication period between November 2010 and January 2011. Additional informal stakeholder participation also occurred to help develop and refine the strategy.

The endorsed CS therefore provides useful guidance in terms of the approach to development within Central Bedfordshire that the Council supports. The level of progress made on the CS and the fact that the concerns of Luton BC were focussed on the singular ground that it wished to see an allocation of new development to the west of the town, demonstrates that considerable weight should now be given to the document and the policies it contains.

The status of the government's draft National Planning Policy Framework (NPPF) was recently (September 2011) made clear by an inspector in an appeal in Dunstable where he wrote: *"I have had regard to the Draft National Planning Policy Framework document which was issued for consultation on 25th July. However, as this document is in draft form and subject to change I have accorded its policies little weight"*. It is nevertheless important to refer to the document as an indicator of whether the proposal would be in line with current government aspirations and is a material consideration. This will be referred to in the final section of this report.

2. Green Belt

According to the Development Plan the whole site, apart from the 2 indicative points of general access to French's Avenue and Hillcroft/Weatherby, is within the Green Belt. The CS [CS4 and North Houghton Regis SSSA: Proposals Map amendment] concurs. National guidance at PPG2 is still the primary source of guidance on Green Belts.

The Purposes of including land in Green Belts are (with comment):

- a) to check the unrestricted sprawl of large built-up areas;
 - The proposal would comprise an arbitrary extension of Dunstable and would not round-off the built up area. The claimed 'containment' of the development by hedges, lanes and Sewell Cutting would not mitigate this impact;
- b) to prevent neighbouring towns from merging into one another;
 - The proposal would reduce the undeveloped area between Dunstable

- and Sewell/Totternhoe, contributing incrementally to reducing the gap to Leighton Buzzard and its urban extensions;
- c) to assist in safeguarding the countryside from encroachment;
 - The proposal would encroach upon open countryside. The inclusion within the proposal of open space would not reduce conflict with this ‘purpose’, notwithstanding fulfilling an objective of green belts, because PPG2 states that purposes should take precedence over objectives, which are not a material factor in continued protection. Neither would the proposed tree belt overcome encroachment because of its own impact in the landscape (this is examined further below);
 - d) to preserve the setting and special character of historic towns;
 - The proposal would not have a material impact on this purpose;
 - e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land;
 - The proposal would offer an attractive tract of land for development and potentially detract from the need to deliver 'brownfield' sites.

The site and the proposal has much in common with the appeal site at Stoke Road, Linslade where, on the 10th June 2010, the Secretary of State dismissed an appeal for up to 199 dwellings. The Inspector wrote:

[132] As the proposed housing development would be built on open land and it would not fall within the description of appropriate development inside the Green Belt as set out in PPG2 [Green Belts] it would therefore be inappropriate development which would be harmful to the Green Belt.

133. Keeping land open in order to prevent urban sprawl and help to protect encroachment into the countryside are important purposes of national Green Belt policy. Regardless of its location at the urban fringe and the location of surrounding infrastructure, the appeal site is open pasture which forms part of the countryside outside the town limits of Leighton Linslade. The proposed housing development would extend the built up area, beyond a clearly defined Green Belt boundary encroaching into the built up area and forming urban sprawl. The replacement of open land with buildings would inevitably reduce the openness of the appeal site. The harm to the Green Belt carries significant weight against the proposal.

In the current application the same conclusions may be drawn and the proposal would result in urban sprawl into the countryside.

PPG2 states that the presumption against inappropriate development is in addition to general policies controlling development in the countryside, which will be examined below. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriate development, and any other harm, is clearly outweighed by other considerations.

In his Planning Statement the applicant lists ‘other considerations’ which he maintains amount to the existence of ‘very special circumstances’. These are now reviewed following the applicant's summary, in italics. Then follow the ‘further considerations’.

3. Deliverable housing

"Lack of 5-year housing supply, contribution towards meeting particular housing needs including affordable housing, Growth Area situation makes under-delivery of housing more significant"

The Statutory Development Plan currently includes the Regional Strategy (RS) for the East of England. However, the RS was written during a time of economic prosperity and prior to the recent global recession. The growth proposals detailed within the RS at the time of writing were pertinent to the then affluent economic climate, which unfortunately is not representative of today's economic climate. Furthermore, the new Coalition Government has made it clear in the working versions of the Localism Bill of the intention to abolish the RS in favour of planning at the local level. It is anticipated that the RS could be revoked before the end of 2011.

Furthermore, the Cala Homes (3) judgement in May 2011 now enables Planning Authorities, as the decision maker, and Planning Inspectors to have regard to the intention to abolish Regional Strategies as a 'material consideration' in deciding planning applications and appeals. The judgement also enables the 'decision maker' to determine the weight that is to be given to the material consideration to abolish Regional Strategies.

A 5-year housing requirement for the Luton and southern Central Bedfordshire area based on the Regional Strategy using a 15-year plan period equates to 8,752 dwellings for the period 2012/13 to 2016/17. Against this requirement there is currently a 4.39 year supply. However, given the concerns about the Regional Strategy expressed above and the likelihood of it being revoked by the end of the year it is considered more appropriate to base a 5-year requirement on the endorsed CS.

The Joint Committee produced a joint CS for Luton and southern Central Bedfordshire with a 15 year timeframe and housing requirements that reflected the identified local housing need across Luton and southern Central Bedfordshire.

Based upon the housing requirements set out within the CS, there is currently a 4.83 year housing supply for the Luton and southern Central Bedfordshire area. This takes into consideration existing completions and commitments. Whilst it is recognised that this represents a very minor shortfall by 0.17 years of the required 5 year housing land supply, it is considered that this shortfall is not sufficient to warrant the permission of an unacceptable development. Even if the 5 year requirement were to be based on the soon to be abolished Regional Strategy, a shortfall of 0.61 year supply is still not considered sufficient to warrant approval of the current scheme.

Furthermore, the CS housing numbers are based primarily upon a Luton-based need and much of the development within Central Bedfordshire will contribute to meeting the needs arising from Luton. However, should the housing needs of Central Bedfordshire be considered on its own merits and compared with the Central Bedfordshire supply of sites, there would in fact be in excess of a 5 year deliverable housing land supply. From this it is possible to conclude that Central

Bedfordshire is capable of meeting the needs of the communities of Dunstable and is not reliant on the Luton housing market to meet local needs.

PPS3 states at paragraph 71, that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 identifies criteria LPA's should have regard to when deciding planning applications. The criteria include

- 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

It is considered that the proposed development does not meet these criteria, in that not only is the site unsuitable for development (see also sections below) and an ineffective use of the land, but significantly, the proposals are not in line with the local planning for housing objectives and it does not reflect the spatial vision for the area. Furthermore, it is considered that the proposals would undermine the wider policy objectives for the area, which seek to deliver high quality, sustainable developments that bring benefits to the local communities as well as to the sub-region as a whole.

In relation to the wider policy objectives, it is considered unlikely that the proposed development will contribute to the growth aspirations of the plan area in terms of providing new strategic infrastructure, such as the A5-M1 link road, that is required across Central Bedfordshire and Luton in order to realise the full potential of the sub-region. This lack of contribution could result in a detrimental impact upon the sustainability and viability of developments across Central Bedfordshire as a whole.

In summary, given that there is a current 4.83 year housing land supply within the plan area, that Central Bedfordshire can meet local needs without assistance from Luton, and as the proposals do not meet the criteria set out at paragraph 69 of PPS3, it is considered that permission should not be permitted based upon a 5 year housing land supply.

The applicant nevertheless maintains that the existing development plan is out of date: - the CS had suffered severe slippage and the review of Green Belt land would be unacceptably delayed -the CS could no longer be relied upon to deliver initial growth, which should come from other sites through the development management process - therefore this site should be supported unless there are clear reasons otherwise.

The Council considers that the integrity of the growth strategy depends on a systematic release of appropriately located Green Belt land linked to infrastructure, through the LDF process, and not on ad hoc sites which have also been found to have disadvantages in the 2009 Site Assessment Matrix. The accompanying report made it clear that a core element of the Strategy - the

A5 to M1 link - relies on the Houghton Regis (North) allocation being adopted and the instant proposal could prejudice the delivery of the North Houghton Regis development and therefore this early essential infrastructure. The emphasis by the applicant on this site having been considered in the past (such as the Growth Area Study 2003) for development is not reason to set aside a more up-to-date assessment and 'short-list'.

4. Housing needs

"Substantial contribution to meeting particular housing needs in the area".

The application proposes up to 35% affordable housing, pepperpotted in clusters of 25 units, comprising social rent and intermediate sale/rented.

Whereas the applicant claims that there has been a significant under-delivery of affordable housing in southern Bedfordshire in the period to March 2009, the position is very different in the CBC Southern 2009/10 Annual Monitoring Report and 44% of the 322 dwellings completed in that period were affordable housing. This is well above the policy target of 35%. Furthermore, a significant proportion of the 322 dwellings were 3-bed, representing a move away from smaller dwellings towards family housing. Since then, new housing continues to roll out on sites such as Trico, Houghton Regis and Leighton Buzzard, each with affordable provision. Affordable housing has continued to generate a proportion of larger, family homes in order to address the previous imbalance.

It has to be recognised that provision of affordable housing at the policy rate is not a 'very special circumstance' as it is required of all developments, whether or not in the Green Belt. With the general turn of the market away from small units, after a period of high provision, housebuilders are themselves recognising the appropriateness of including family dwellings in their schemes, and the proposal is not exceptional for this reason.

In the Stoke Road appeal the Inspector's report (accepted by the Secretary of State) found a deliverable housing shortfall of between 4.1 and 4.5 years and noted that this, together with the prospect of affordable housing, should be an important material consideration. When she weighed up the case for finding 'very special circumstances' she reflected on the Milton Keynes and SMSRS which held that providing housing and meeting targets is an exceptional circumstance requiring a strategic review of the Green Belt. She also observed that the appeal proposal did not constitute a strategic review and would be unplanned. Furthermore, she noted that the emerging CS proposed to deal with what was less than a years' deficit and, importantly, concluded that meeting the shortfall was not *'so urgent as to require unplanned parcels of land in the Green Belt to be built upon'*. In this she was assisted by PPS3 par.71 which expected environmental sustainability (including landscape impact) to be taken into account in such deliberations. This decision is of immediate relevance to the current proposal as both sites are outside the planned growth strategy and hence 'unplanned'. Indeed, using the scenario in section 3 above, the housing shortfall is less and the environmental impacts more significant. We are not persuaded that affordable housing need justifies the development or another 400 market dwellings on this site.

5. Growth Area location

"Site's location within a Government designated Growth Area (MKSM) and within a region where adopted housing requirements are stipulated as minima"

The applicant distinguishes between alleged failure to meet local housing targets and such a failure within a growth area (which is 'particularly unacceptable'), where the emphasis on providing larger numbers of dwellings is a matter of priority. To support his case he refers to appeal decisions. Six of these appeal cases were considered at the Stoke Road appeal:

- Cheltenham and Gloucester (5 cases) - in our opinion there were very different circumstances regarding the 5-year housing supply. Firstly, the local authorities were supporting the appeals at inquiry and acknowledged a lack of housing land supply. Secondly, the supply shortfall was approximately half of the plan period. The absolute maximum shortfall (in the worst case scenario) in Central Bedfordshire is considerably less than 1 year's supply in the current exceptional circumstances.
- Bromley (1 case) - the Secretary of State made it clear that there had been a 30% shortfall in housing supply for the first 10 years of the UDP, far in excess of any deficit at Central Bedfordshire. Critically, and of greater relevance to this case, he did not find the deficit to justify inappropriate development in the Green Belt.

Therefore, the Council's performance measured against housing targets addresses both this and the previous 'other consideration'. The significance of the slight shortfall is therefore considered to be greatly exaggerated by the applicant.

6. Suitability of site

"Site's suitability for development"

The site is within Site E of the Core Strategy Site Assessment Matrix (introduced in section 1 above), although Site E comprised a larger area of land extending north-east behind Barley Brow to Chalkhill. This document reached its final update in November 2010 and took into account information which came forward since the 2009 Preferred Options Consultation. Put simply, the matrix assessed the site against 27 criteria and thus provides a ready method of assessing the suitability of the site now before us.

Impact of development was considered first. The site is of higher landscape sensitivity ('highly sensitive') than the rest of Site E ('medium sensitivity') and is tranquil. The conclusion was that limited development may be appropriate with mitigation on land adjoining French's Avenue, but with the important caveat that further assessment would be needed of the impact on the SAM. The site extends well beyond 'land adjoining French's Avenue' and thus includes land which the matrix considers is not suitable for development. Additional comment on this is made in section 10 below. Furthermore, the whole of Site E is highly sensitive to skyline development and subsequent SAM assessment indicates a greater degree of sensitivity (section 7 below). Infrastructure, accessibility to shops etc. and schools were good. However, the overall impact of the proposal is unacceptable.

Contribution of development was next considered. Site E was identified to have no significant opportunities to improve local traffic congestion except through potential financial contribution to local traffic management measures and junction improvement. There would be no real likelihood of contributing to major road schemes. The proposal however offers a temporary support to local bus services to serve the site. Overall, there would be little on offer beyond the strict needs of the development itself, whereas other potential sites would have more general benefits such as the bypass. Opportunities exist, in varying degrees, to contribute to maintenance of Maidenbower, social, community, open space, employment, affordable housing and town centre regeneration.

Finally, the matrix considered delivery and found Site E well placed in this set of criteria.

In the 'Further Considerations' section of his Planning Statement the applicant singles out certain of the criteria appearing in the matrix for separate consideration. These will appear and be appraised in section 8 below.

In conclusion, the site has some inherent major unsuitabilities, such as visual and landscape impact, and other concerns have, according to representations appearing elsewhere on this agenda, subsequently taken a far higher profile (eg archaeology). Against some criteria the site would be suitable for development but there would be little surplus benefit, especially to traffic measures and Green Infrastructure (GI), if one takes the view that full public access to Maidenbower is potentially a disadvantage rather than an opportunity. But above all, despite a high score on deliverability, which only places it on equal footing with a good number of other sites in southern Bedfordshire, the site does not stand out as being preferable to other option sites and certainly its limited suitability is not a 'very special circumstance'.

7. Green Infrastructure

"Significant contribution to Green Infrastructure provision".

After ongoing consultations during the currency of this application the applicant has prepared a draft final Green Infrastructure Plan (GIMP). He intends the open spaces within the eastern field to be transitional between urban and the western field, which would be a natural/semi-natural green space, including Maidenbower. Some houses would have bat bricks/tiles and boxes would be installed on trees. The low maintenance sward in the west and shrubs in the east would offer foraging for wildlife and it is intended to monitor dust and particulates, especially during construction. An Ecological Management Plan would maintain and enhance retained and newly created habitats and a Construction and Environmental Management Plan would include the above monitoring. A Conservation Management Plan would be prepared if and after permission is granted which would address archaeological issues (such as threats to the physical resource of Maidenbower) and present management policies for the future owner.

The Council's Countryside Access Service underlines the concerns with the integrity and setting of the archaeological assets where preservation should take

priority over access for the public. Furthermore, despite laudable efforts to maximise GI, there nevertheless is no net gain in provision, and we consider that existing green infrastructure assets would be harmed. As well as damage to the setting and significance of the heritage assets in the area, other aspects of this experience would also be impaired, such as vistas, experience of using rights of way on-site and potential degradation of rights of way and local countryside sites through overuse, which has not been addressed. In this regard the proposal has a net negative effect on the green infrastructure in the area. The priorities for the area identified in the green infrastructure plans for Bedfordshire and Luton and the more local plan for Luton and southern Bedfordshire identify a series of priorities and opportunities. Those relevant to this area are; landscape conservation; historic environment enhancement; linkages between the urban centres and the wider countryside and Rights of Way Network; creation and enhancement of calcareous grassland (identified in the Bedfordshire and Luton Green Infrastructure plan); enhanced site linkage and improved accessibility to the landscape; promotion and interpretation of its working landscape; interpreting, safe-guarding and enhancing Maiden Bower. (Luton and southern Bedfordshire Green Infrastructure Plan). We consider that the proposal fails to deliver (and indeed negatively affects) the priorities of historic environment enhancement, landscape conservation, improvements to the rights of way network and linkages between urban areas and the countryside. The proposals harm the setting and significance of, rather than enhance, Maiden Bower. Overall, we consider that these negative effects on the green infrastructure provision outweigh the potential positive effects on ecology of the area proposed in the GI Management Plan, and therefore consider that the proposals have a net negative effect on green infrastructure.

Natural England (NE) considers that a GIMP should deliver the green infrastructure and must be adequately financed by the developer to support the full programme for 10 years. The document still leaves uncertainty in the opinion of NE and as things presently stand a clearer way forward is needed before it can rely on adequate delivery and management of the GI. Indeed, the archaeological stakeholders still have much dispute with the GIMP. The Wildlife Trust (WT) would, in its opinion, be an ideal partner and the WT is equally positive about this possibility. The Ecologist raises concerns about the ecological richness of the underground reservoirs.

Overall, subject to further discussion the proposal could deliver open space commensurate with its own requirements but there are considerable doubts as to whether it is desirable or necessary to provide the 'western field' Green Space, especially having regard to the archaeological context (see above). Much detail remains to be agreed to finalise a delivery vehicle for the GI acceptable to all parties and there has to be a question mark over the full likelihood of the 'benefit'. However, the proposal cannot be seen as making an overall positive contribution to GI because of the effects of the harm.

8. Heritage Conservation Objectives

"Delivery of Heritage Conservation objectives".

Maidenbower is a Scheduled Ancient Monument and a heritage asset of the highest significance (as defined by PPS5) occupying much of the western field.

According to English Heritage (EH) and the Archaeology Officer it is an extremely rare complex multi-period monument (there are only 7 other examples of its kind in England and it is the only one in the East of England) and part of an extensive archaeological landscape. It originated as a Neolithic causewayed enclosure (c3600 cal BC) but continued in use for about 4500 years. Its prominent situation on elevated and open land demonstrates the significance of the relationship with immediate and wider landscapes. The monument is within an area rich in surface and sub-surface archaeological remains, including the Five Knolls and Totternhoe Knolls/Castle (also SAMs). In addition to Maidenbower the site contains other locally and regionally important archaeological features, including at least 2 probable Neolithic/Early Bronze Age barrows. The survival of the whole landscape is exceptional.

The Archaeologist and EH advise that, notwithstanding certain problems with previous damage to the monument, the proposal would:

1. harm the setting and significance of a nationally important designated monument that was designed to be seen from a great distance and to see out over a broad landscape through the encroachment of the urban edge, related land uses and the tree belt (particularly important in PPS5, for which Policy HE10 deals with proposals that affect the setting of designated heritage assets),
2. interrupt the visual relationships and associations between the monument and nearby historic sites,
3. through increased public access, potentially increase damage to the monument,
4. damage the relationship between the Bower and other local archaeology through deeper excavation, housing foundations, tree roots and hard surfaces,
5. have a negative impact on the historic environment through light, movement and noise pollution which betray the closeness of the new urban area behind.

We note the extent of expertise and recent survey work which led to the objections from the Archaeologist and EH and note their references to PPS5; specifically Policy HE9.1 which asserts that where the greater the negative impact on the significance of a designated heritage asset, the greater the benefits that will be needed to justify approval and the greater the presumption in favour of conservation.

The applicant addressed the above numbered concerns 3 and 4 with possible remedies: the delivery of a long-term Conservation Management Plan and 'a large contingency to mitigate the potential discovery of nationally important remains' respectively. He also put forward certain additional benefits: cessation of ploughing, increased access, interpretation facilities, and restoration of grassland. The applicant has continued throughout the application stage to work with key stakeholders on a Green Infrastructure Management Plan (GIMP). However, this document has not averted the archaeological objection and the archaeological stakeholders (CBC and EH) consider that the result is less a vision for the asset and countryside and more of an attempt at mitigation, which in their views is unsuccessful and unacceptable.

It is clear that there is a substantial objection and unresolved concern in respect of the setting of the monument and the draft GIMP proposes these concerns be addressed in a Conservation Management Plan after planning permission is granted. We agree with the archaeological stakeholders that the concerns should be addressed before a decision is made on the application so that we can be sure they can properly be addressed.

We also note that the archaeologists do not accept any management scheme which overcomes any of their concerns as comprising very special circumstances, since less damaging initiatives (such as grants) could achieve this.

The depth of concern from English Heritage, who are charged with accounting for heritage assets such as these, should not be put aside lightly. Although the applicant is critical of the way in which PPS5 is being applied in that he considers the scheme's merits are underplayed, we conclude that there is a real prospect of demonstrable harm to these assets. The proposal would clearly encroach upon - and have a negative, irreversible and detrimental impact on - the setting of a particularly important SAM. This would prejudice its unique characteristics and relationship with other important historic sites; would physically affect archaeology in the eastern field beyond the SAM, and would likely give rise to physical pressure on the SAM through general access. The mitigation measures partly add to the harm and in any case do not justify the proposal. The public benefits claimed through the development are not considered to offset this harm.

9. Further considerations

"Support for the planned renaissance of Dunstable town centre" - New population in the areas preferred for consideration would similarly contribute to Dunstable's regeneration. The Matrix concluded that the limited scale of development on this site would in turn make a limited contribution to the improvement and vitality of the town centre.

"Local facilities to cater for the currently under-served wider area" - This works both ways, with new as well as existing population using 'local facilities' rather than existing facilities in the urban area. It would also be unsuitable in traffic terms for the neighbourhood facilities to act as a substantial draw. It needs to be added that, although the proposal plans a neighbourhood centre, the applicant has not undertaken to deliver any or all of it with the housing. The Heads of Terms make provision for community and recreation facilities here or at Creasey Park but they are delivered in ratio to the new population. This is based on the fact that planning infrastructure contributions (planning obligations) have to be justified on the basis that they directly and proportionately relate to the new development. This would tend to mean that deficiencies outside the site in the local area would not be addressed by the proposal. The only exception to this appears to be the high amount of 'green infrastructure', although there are no 'deficiencies' as such which could be quantified.

"Integration of currently poorly-connected communities (through the provision of a link road)" - The same road could also likely become a route for traffic trips both originating from and leading to destinations outside the site, to the detriment of

the new residents (rat runs). See below under transport and access.

"Maximisation of the use of recently provided high quality cycle infrastructure" - This is welcome but by itself makes no real contribution to the suitability of the site for development.

"Utilisation of projected spare capacity in nearby schools" - The School Places Officer has set an education requirement. The applicant has accepted the portion relating to the general housing element of the scheme but rejects the portion relating to the affordable housing element. This is on the ground that such residents would already be resident in the Council area and therefore there would be no net increase in cost to the service. He provides an appeal decision in Hounslow to support his case and states that the government's (as at 2009) proposed CIL would exempt affordable housing. The Inspector observed "*[The appellants'] argument is that [affordable] housing is intended to assist families already resident in the locality, the cost of whose educational provision should reasonably be provided for by the Council.*" Without setting out his reasoning and justifying his conclusion he then wrote "*this seems to me to be a reasonable approach in this particular case*". The surprising brevity of this treatment must in our opinion cast some doubt on the value of the conclusion as precedent and perhaps some important distinguishing evidence raised at the Inquiry was not set out in the decision letter.

The Officer disagrees with this approach and it is clear that in this Council area, with its wide divergence of school characteristics and spatial scattering (if apparently not the case in Hounslow), local surpluses or deficits of resources mean that a child moving to this site could well have different impacts on the education system locally to that at the sending school. In Central Bedfordshire there is a choice based approach to housing allocation and new affordable housing could be allocated to families from anywhere in the Council's area (and in some instances from Luton and Bedford). The distance from Dunstable to Potton (the furthest town from Dunstable in Central Bedfordshire) is over 30km and it is clear that children in a family choosing to move from within the Council's area to new affordable housing in the proposed development could well need to move school. Furthermore, statistics tend to show that affordable housing tends to produce more pupils than market housing. The likelihood of a child moving Lower School is greatest as their catchment areas are smaller. A clear impact of such a transfer would be a child moving from a school to one nearer to the site which is at capacity and where additional pupils would precipitate new investment in premises and/or teachers which would be new expenditure. The complexity of assessing this makes it a pointless exercise of separating affordable housing and applying different calculations. Consequently, the failure of the applicant to accept a reasonable requirement would incur a burden on the Council which he should properly, and in accordance with policy 25 of the Structure Plan and par.4.10/Policy CS8 of the CS, be taking upon himself. This is an unacceptable situation and therefore we object to the proposal on the basis that it fails to provide for adequate education infrastructure. Finally, CIL has not been adopted by this Council to date and it is appropriate to apply the current CBC policy which is adopted Supplementary Planning Guidance.

It is therefore difficult to understand how the Hounslow inspector may have reached his opinion when the very purpose of seeking developer's infrastructure

contributions is not to 'subsidise a Council's duty to provide education' (our emphasis) but rather to provide for additional costs which the development would force the Council to incur.

"Assured early delivery (because of land control and low infrastructure costs)" - If infrastructure costs are lower than the preferred areas further north it would be substantially due to making a lower contribution towards general growth area costs and consequently increase the relative costs for the remainder of the growth area. Since the application was submitted a new planning obligations calculator has been approved which updates the calculation method and would deliver more through this scale of proposal.

10. Landscape and visual amenity

"Would not injure visual amenities".

The site falls within the South Bedfordshire Landscape Character Assessment (2009) Type 10A (Totternhoe-Dunstable Downs rolling chalk farmland). This is described as a gently rolling landscape forming an arable shelf between the 2 chalk escarpments of Totternhoe and Dunstable Downs. The landscape area is generally devoid of buildings with minimal woodland cover, clear views outwards to clay vale and chalk scarps links conspicuous local archaeological features including Maidenbower SAM. The suburban edge of Dunstable is conspicuous on the skyline in parts. It is further described as having a strong rural character which is vulnerable to further development and the setting to Maidenbower should be safeguarded. However, its recreational potential could be explored.

The Landscape Officer considers that the proposal would result in the encroachment of the urban area into open countryside and harm its wider appreciation. This impact and the planting belt would not accord with the open local landscape character which is particularly sensitive to change. Furthermore, the proposal would compromise the setting of Maidenbower and its visual place in a network of historic sites, including at night. This openness provides much of the site and the vicinity with an unexpected tranquillity within such close reach of a town. The proposed GI would itself add to the loss of tranquillity. As well as losing a large block of open countryside the proposal would be plainly seen from well beyond its boundaries, which adds to the sense of encroachment. This will now be examined.

The applicant has provided a landscape assessment and photo-montages of the site from several viewpoints. Where there are views into the site from the countryside, much reliance is placed by the applicant on screening the proposed housing area by existing trees and hedgerows (some off-site) and by the new planting belt generally to the west of the housing area. The submission assumes the new belt is in place in year 1 and the photomontages are set at intervals of 1, 10 and 15 years. Completion date for the development is year 5. The photomontages therefore do not indicate how effective the screening may be between years 2 and 10, covering the most critical period. Furthermore, maximum projection of the built development into the countryside would occur by year 2/3 with only 2/3 years growth of screening. With this reliance on screening there are further problems such as loss of deciduous foliage, reduced impact of immature branch structure, establishment of semi-mature plantings, thinning,

dependence on off-site trees and hedges, and disease/climate change. We assess the tree belt as being ineffective at mitigation until at least year 10. Consequently the photomontages appear to be very optimistic. This would make the development much more visible from the rights of way, Maidenbower, and more distant viewpoints such as roads near Totternhoe Church End where it would appear on the skyline (the houses of Weatherby already show through the mature beech belt). It should also be borne in mind that the impact of the development would extend into darkness with artificial lighting (streetlights, house lights, security lights, headlights etc.).

Other viewpoints would also reveal unscreened development such as the elevated Five Knolls (AONB) and the A5 near Tilsworth. In the Report of the Public Inquiry into Objections to the South Bedfordshire Local Plan (January 1995), where residential designation was proposed on this site, the Inspector stated *"The dwellings and gardens of Hillcroft form a clear edge to the built-up area to the north-west of Dunstable. I take the view that to add further development to the existing edge of the town would clearly encroach into open countryside...I come to this conclusion from the views of the site from Dunstable Downs to the south. I doubt that planting even in depth would disguise the extension to the town, contrary to the broad aim of Green Belt policy in this sector of Dunstable."* Although the applicant fairly states that, from more than a couple of miles, housing on the site would have much reduced impact, housing would be distinguishable on the horizon (until fully screened) even from Ivinghoe Beacon.

The applicant considers that the urban edge would be softened, if extended, and this should be the main consideration. We disagree in view of the fact that many hectares of open countryside would nevertheless be lost, and the impact of the edge is only felt when travelling towards it. In addition, even the historically uninformed public would likely regret the encroachment on the previously isolated Maidenbower.

The applicant also makes much of a case that the Council has long supported development in this area (for example the 1991 Local Plan proposal through to the 2009 JTU Housing Matrix). In our opinion he exaggerates the significance of the site history, which is put into context with the criticism of visual impact made by the 1993 EIP Inspector, recorded under 'History' above. Furthermore, to draw from the Matrix the conclusion that 'land adjacent to Hillcroft... has potential for limited development' is to misinterpret the text *"most of this area is highly sensitive landscape, a small area is considered to be of medium (landscape) sensitivity (the area north of French's Avenue)"*: most of the site is in fact southwest and not north of French's Avenue.

PPS7 seeks to protect and enhance the countryside and in particular local distinctiveness, for which Landscape Character Assessments are advocated. A robust LCA has been made of this area with which the proposal conflicts. The proposals are consequently in direct conflict with the key objectives and principles set out in this national guidance.

11. Conclusions on Green Belt assessment

The site is within the Green Belt and the proposal constitutes inappropriate development, being harmful to openness and in conflict with the purposes of

green belts. The provision of open space does not reduce the conflict. The applicant has set out matters which he considers individually or collectively ('a concatenation') amount to the existence of 'very special circumstances'.

In this way the applicant proposed a number of benefits which should be weighed against the harm. Addressing these [par. numbers refer to Planning Statement] we find:

- [7.5] This is not a preferred growth site and no case has been made for the development on housing supply grounds; we agree with the applicant that the shortfall in deliverable housing sites is not in itself a 'vsc' but we consider his figures significantly underestimate the actual provision, further undermining the materiality of his case,
- The affordable housing and dwelling size provision is only what would be expected on a new housing site and affordable housing provision has now greatly increased,
- Submitted appeal decisions do not support the contention that the Council's slight housing target shortfall is significant in growth area and regional terms.
- Whereas there are some criteria in the Site Assessment Matrix by which the site would appear suitable for development, these are outweighed by the risk of significant harm under other criteria,
- Whereas open space could be delivered in ratio to the needs of the new housing the larger 'western field' does not meet an identified need to compensate for loss of countryside,
- Rather than enhance Maidenbower, the heritage asset and its setting is at risk of encroachment, compromise and damage,
- [7.9] Would make limited contribution to the renaissance of the town centre,
- New facilities would not result in a net benefit to the wider community,
- Road links to link communities could become a rat-run,
- Cycle infrastructure is not exceptional,
- Fails to provide sufficient education infrastructure for new residents in affordable housing,
- Ready for early delivery at lower costs but at the cost of not contributing to assets and infrastructure in the main growth area resulting in a detrimental impact upon the sustainability and viability of development across Central Bedfordshire as a whole.
- [7.7] Furthermore, we consider that there is other harm in the conflict with the Landscape Character Type both in the urban extension itself and the attempts through planting to screen it, which would harm the landscape and views into the site; the tree screen would unlikely be effective until well after 10 years from planting.

These matters taken individually do not in the opinion of the Planning Authority constitute the existence of 'very special circumstances'. Several of the above matters do no more than would be expected in a new housing scheme (such as affordable housing, cycle infrastructure); others can be given very little weight because the case presented is disputed (such as housing supply, suitability of site); still others have a neutral overall contribution (such as open space, new facilities, town centre renaissance). Furthermore, the process has identified issues which themselves give rise to harm to interests of acknowledged importance (such as archaeology, rat running, education infrastructure, landscape, highways - see below). Taken together we conclude that the

'concatenation' of issues does not amount to the existence of 'very special circumstances' sufficient to set aside the Green Belt objection.

12. Transport and access

Highways Agency A5

Travel Plans are a widely recognised way of promoting choices of alternative modes of travel to the car thereby reducing the scale of its use. The Highways Agency has accepted a Framework Travel Plan (FTP) to guide the production of a Travel Plan as being sufficient to mitigate the effects of the proposed development. It determines that the upgrading of the A5 is neither appropriate for this application nor in the interests of managing traffic through the town. The TP would promote wider and more sustainable travel choices, accessibility by walking/cycles/buses and car sharing, reduce the need to travel, reduce impact on local roads and communities, improve community health, and reduce pollution. Objectives would be reviewed periodically and respond to changes in transport and environment.

There are a number of measures that could meet the travel requirements of new residents. A suite of measures have been outlined, including (a) those designed into the layout (eg. non-car routes, cycle parking, home zones, parking rate), (b) S106 matters (eg funding for a travel plan and a co-ordinator from first occupation to 1 year after last occupation, provision of a bus route and bus shelters along High Street North to the town centre with real time information) and (c) other matters (eg information pack and board). The Travel Plan Co-ordinator's role would include making provision for ongoing momentum after final completion, hopefully through the setting up of a residents association or management group. An accessibility assessment (reaching education, employment, health and retail premises without a car) concludes that the government's core accessibility indicators are met.

Local Highway Authority

While the Local Highway Authority has agreed with the parameters of the Framework Travel Plan it has not agreed that this is the only mitigation required. Further, it has not agreed that the TP can achieve the improvements to completely mitigate against the effect that the proposed development will generate. With this in mind the following need to be considered, based on the Officer's response:

- The Flow diagram is not appropriate for this proposal. The division of flows from site is not convincing and ignores other junctions.
- Particular concern that Church Street suffers from congestion which would be exacerbated by an 18% increase of peak hour vehicles.
- Notwithstanding improved 'practical reserve capacity' on the A5 the total delay would increase by 33% in the am peak and also be marked at other times. Six junctions would suffer against all 4 of the measurements of performance. The proposed improvements would not sufficiently mitigate the increase in overall delay.
- Not all of the Brewers Hill Road junctions have been assessed notwithstanding an increase in flow. Even the main junction serving the

- development fails to allow for pedestrian movements and hence capacity.
- Pedestrian facilities should be considered for the Drovers Way/West Street/Meadway junction in view of the increase in traffic flows. The submissions also incorporate errors which over estimate junction capacity.
 - A sensitivity test has not been carried out of several road corridors which will experience additional traffic, including rat running, and an increased potential for accidents. In view of reliance on a Travel Plan, appropriate pedestrian and cyclist counts were not made. The final growth factor should be revisited.
 - Further traffic would use Weatherby and Hillcroft, roads considered not suitable to take significant further traffic, and which would require additional work which has not been quantified.

These matters clearly go beyond the scope of the Highways Agency's response and raise matters which have not been addressed in the submission. Nevertheless they are of considerable local importance and, whereas a Travel Plan would offer some mitigation against overall impact of the development, it is apparent that the mitigation would still leave critical areas of unresolved conflict. We would agree that an objection should be made on this ground.

The CBC '*Design in Central Bedfordshire*' SPD has been consulted as guidance on car parking provision in this application. The indicative layout and traffic modelling is based on this provision which offers between 1.5 and 3.25 spaces per dwelling. No objection is made on this provision.

13. Other issues

Design

The Design and Access Statement proposes 2 character areas: a central core (more movement, tighter pattern of development, formal landscaping, contemporary, some 3-storey) surrounded by a margin of lower density (informal, 2-storey, traditional) except where opposite the factories and school playing fields. This produces a 'main street' running through the centre of the layout, past the neighbourhood centre, flanked by buildings up to 3 stories. Housing numbers are therefore concentrated in the most accessible location where a potential bus route would go. A revision increased the back-to-back distances to existing housing on Hillcroft estate. The Housing Assessment proposes densities varying between 45dpha and 33dpha.. There would be 'gateways' to the main road and other landmark buildings at key nodes. Security would be improved through passive surveillance including to paths, perimeter block development, streetlighting, and security gates where necessary. Design codes would be prepared after outline approval. The applicant conducted a Building for Life Assessment without proposing scores.

A number of implications of this design approach have already been treated under previous sections (such as impact on Maidenbower and on landscape character). The site abuts the Hillcroft estate where long gardens at Aldbanks and the older part of Hillcroft have lowered the average density to 25dpha. But recent developments have produced (applicant's figures) densities averaging 61 at Peppercorn, 43 at Frenchs Gate and 55 at Trico. These locations are more urban but suggest that the site's average figure of 41 is not unreasonable, especially, should the proposal be acceptable in all other respects, given the

need to use land efficiently.

We have no adverse comment on the design approach within the residential zone. Indicative drawings have also been provided of the neighbourhood centre which, subject to detailed consideration in due course, does not signal particular problems. Car parking has been considered above and a variety of forms of provision are envisaged including private garages, on plot parking and on street parking. We therefore have no present reason to question the ability of the residential zone to accommodate the proposed density and therefore the proposed dwelling numbers.

The site and the water environment.

The site is categorised as among the best and most versatile agricultural land, albeit not rare in Bedfordshire. However, no objection has been made by DEFRA. Structurally the land is stable chalk with minimal contamination. Surface water drains freely and the water table is low. The Environment Agency (EA) and IDB do not object to the proposal to provide 4 large blanket soakaways with silt traps provided conditions are imposed. These would be in open spaces adjacent to the housing areas. The Council's Drainage Engineer considers that much careful consideration will be needed when determining who would maintain these soakaways - this has not yet been settled.

Foul water drainage would be via the public sewer to Chalk Hill STW. Although no definitive model has been prepared Anglian Water has identified a likely capacity problem with the intervening sewer, however the Treatment Plant is not itself a constraint. Consequently, the EA have proposed an additional 'Grampian' condition to the effect that no dwelling shall be occupied until an approved scheme for the improvement/extension of the existing sewerage system is completed. In view of the current legal understanding of such conditions, that it is enough for the upgraded system to be capable of being in place, we would accept this arrangement. We would also accept that, in view of the proposed measures to reduce water demand and the lack of an objection by Veolia Water, the Luton and South Bedfordshire Water Cycle Strategy takes into account the planned growth and that an objection on this ground would not be justified.

Recycling and sustainable energy

Use of reclaimed materials and prefabrication together with consideration of waste streams would be handled through the CEMP. After occupation collections would be divided to dry recyclables, green waste, residual waste with space for home composters. Commercial occupiers would be given the choice of service provider. Landscape green waste would be composted in secure receptors. Phased Detailed Waste Management Strategies (DWMS) would be prepared for residential and commercial areas by condition. This could be handled through a condition for a Site Waste Management Plan before commencement to include the above CEMP and DWMS; the applicant has offered a satisfactory developer contribution for household bin provision.

The applicant addresses policy ENG1 of the RSS (which requires 10% of predicted energy demand to be met on-site from renewable sources) and Local

Plan saved Policy BE8 (ix), although it is difficult to accurately predict energy assessment at outline stage when the buildings have not been designed. Housing would be provided to Code 3 and incorporate water saving facilities. It would be necessary, in line with CS12, to condition any permission to allow for elevation of this level as development progresses. Neighbourhood Centre buildings would be constructed to BREEAM (no level specified). Code 3 dwellings require 25% reduction of emissions over current regulatory standards. This target usually requires some form of generation as well. Whereas solar thermal systems for hot water and photovoltaics (especially if there are government financial incentives for the latter) may be the most viable and meet policy, the Sustainability Officer considers that the overall assessment between renewables and energy efficiency needs refining and some non-solar options re-examined. However, this would not justify a reason for refusal.

Noise

No special measures need to be incorporated against noise. Mitigation during construction for the benefit of existing buildings would be included in a Construction and Environmental Management Plan (CEMP). The Environment Health Officer advises that road noise levels in Weatherby would unlikely trigger mandatory remedies.

The London Gliding Club has arranged for the northerly take-off paths for the tow planes to avoid direct overflying of built-up areas. It would appear that the western option would not take aircraft closer to the proposed residential area than the eastern option does presently to Hillcroft. The eastern option would overfly the proposed residential area. Planes could keep to the west of this corridor, reducing to a minimum the overflying. However, given that the usual weather conditions for this route would be such as would make planes 'seem noisier', there could be an increase in affected properties. Whilst this would be a consideration to be taken into account it would be difficult to find sufficient weight to constitute an objection in its own right. Considering the emergency landing issue (although not noise-related), we understand that the availability of an emergency landing place is a matter for the airfield to determine. The proposal would occupy a convenient escape route but other open (farmed) land is available albeit with somewhat more difficult conditions.

Community services

Neighbourhood Centre - The applicant has accepted that the originally proposed quantity and floorspace split at the centre should be modified to produce a balance in keeping with the quantity of dwellings and that it should be described as small scale neighbourhood facilities to avoid confusion with more 'official' definitions. Taking account of the V&CA response the Community Involvement Officer accepts the applicant's offer of a developer contribution towards provision of a community worker with budget. A further contribution would be made towards a community facility either in the neighbourhood centre or at Creasey Park. Notwithstanding the offer of a financial contribution towards Creasey park indoor facilities the applicant continues to include a D2 element in the neighbourhood centre, which was sought by residents at the consultation stage. PPS4 *Planning for sustainable economic growth* does not apply generally to housing but is relevant for the neighbourhood facilities. It sets out the government's overarching objective of sustainable economic growth. Although

this was written by the previous administration, the coalition NPPF (see below) maintains this stance. Planning should "*promote the vitality and viability of [town centres and] other centres as important places for communities.*" The proposal includes such a centre but we do not consider that this has a material impact outside the development which it is intended to serve and does not justify the development.

Police - The Police have not pursued a request for financial contribution. There has been no request for contributions to other emergency services.

Health - The applicant offers a developer contribution towards justified medical provision at local and hospital level. There would be a theoretical opportunity for a chemist on site which could help integrate local communities. The PCT has sought contribution towards primary, secondary and mental care locally.

Sport/Leisure - Apart from the wider provision of informal open space to the west of the site the applicant has agreed with Council officers that a developer financial contribution towards facilities at Creasey Park/Peppercorn Park would satisfy formal and informal play requirements.

Summary of Other Issues

No objection is made to the proposal from the point of view of design, water environment, recycling and sustainable energy, noise, community services, health and sport/leisure. In most of these areas a sufficient developer contribution would be forthcoming. The submission provides for a Framework Travel Plan although we consider that this is insufficient to mitigate the effects of the proposed development on the highway network as a whole.

The Draft National Planning Policy Framework

The draft NPPF is largely based on sustainability and economic prosperity. It expects the planning system to deliver homes, business opportunities and infrastructure while protecting and enhancing the natural and historic environment. It expects the system to do all it can to support sustainable economic growth while guiding development to sustainable locations. This policy approach is not inconsistent with the present policy basis to the application where it has been held that development of this site would be unsustainable in the long term. The RSS is clear that a local review of the Green Belt boundary is necessary and the CS has addressed this and concluded that the application site has disadvantages which exclude it from the preferred list of urban extensions. It is considered that the policies within the CS are based on very advanced studies and that 'relevant policies' are not out of date [14], nor the plan indeterminate or out of date.

Recommendation

That Planning Permission be REFUSED for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt, where, having regard to Planning Policy Guidance 2: Green Belts, 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. The proposal would comprise inappropriate development which is by definition harmful to the Green Belt. Harm by reason of inappropriateness and other harm caused to the openness and purposes of the Green Belt is not outweighed by any benefit so as to amount to very special circumstances justifying an exception to Green Belt policy. The proposal thus conflicts with national policy as set out in PPG2, Policy SS7 of the East of England Plan and planning guidance contained in Policies CS1, CS4 of the Luton and southern Central Bedfordshire Joint Core Strategy.

- 2 The proposed development would clearly encroach upon, and have a negative, irreversible and detrimental impact on, the setting of 'Maiden Bower', a particularly rare and nationally important Scheduled Ancient Monument, so as to prejudice the relevant characteristic of apparent isolation and relationship with other important historic sites; would physically affect archaeology in the eastern field beyond the SAM, and would likely give rise to physical pressure on the SAM through general access. The mitigation measures proposed partly add to the harm and in any case do not justify the proposal. The public benefits claimed through the development are not considered to offset this harm. The proposal would therefore be contrary to national guidance as set out in PPS5, Policies ENV6 and ENV7 of the East of England Plan, Policy BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in Policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 3 The proposed development would extend the Dunstable urban area into the open countryside on land which is generally elevated above the surrounding area, would be conspicuous from significant parts of this area and would appear as an unacceptable visual intrusion into the landscape. The proposed planting areas would not be an effective screen to the built development for a considerable period of time, if at all, and, together with the proposed development generally, would not accord with the open local landscape character as identified in the South Bedfordshire Landscape Character Assessment (2009) and which is sensitive to change. Furthermore the proposal would encroach upon Maidenbower Scheduled Ancient Monument. The proposal would therefore conflict with national guidance as set out in PPS7, Policies ENV2 and ENV7 of the East of England Plan, BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 4 The proposal would fail to deliver infrastructure, in the form of a reasonable and proportional developer contribution towards the costs of education in relation to the new affordable dwellings to be provided, thus being contrary to Policy 25 of the Bedfordshire Structure Plan 2011.
- 5 The proposal fails to demonstrate that it would make adequate provision for the increase in traffic that it would generate and is likely to lead to an increase in traffic congestion at a number of junctions within the Dunstable urban area and thereby cause an unreasonable degree of congestion and

delay within the conurbation. The proposal would therefore be contrary to Policy T1 of the South Bedfordshire Local Plan Review.

DECISION

.....
.....