

## **Item No. 4**

<b>APPLICATION NUMBER</b>	<b>CB/11/02827/OUT</b>
<b>LOCATION</b>	<b>Clipstone Park, Land South of Vandyke Road &amp; North of Stanbridge Road, Leighton Linlade</b>
<b>PROPOSAL</b>	<b>Outline: Mixed use urban extension including 1210 dwellings, 70 units of Assisted Living for the Elderly, Class B1, B2, B8 Employment, Renewable Energy Plant and Recycling Facility, a Neighbourhood Centre comprising Retail Uses (Class A1-A3), a Public House (Class A4), a Multi Purpose Hall (Class D1), a GP Surgery (Class D1), Offices (Class B1), a Childrens Nursery (Class D1) and Associated Car Parking, Community Hall (Class D1), Retail Units (Class A1-A3), an Elderly Person Care Home of up to 70 Beds (Class C2), a New Eastern Link Road between Vandyke Road and Stanbridge Road together with associated residential and employment access roads with associated car parking, the laying out of an area to the north and south of Clipstone Brook as a Park forming part of an Area of Green Infrastructure, the laying out of structural landscaping and green corridors for recreational use, the laying of 7.45 hectares of land as formal pitch provision together with the erection of appropriate changing facilities, the construction of footways and cycleways, the construction of structures to accommodate Sustainable Urban Drainage Systems, the laying out of 0.75 hectares as Allotments, the construction of 2 neighbourhood equipped areas for play and four locally equipped areas of play, a Lower School and Middle School including a Multi Use Games Area, Land for expansion of Vandyke Upper School including a Multi Use Games Area.</b>
<b>PARISH</b>	<b>Eggington, Leighton Linlade and Stanbridge</b>
<b>WARD</b>	<b>Heath &amp; Reach, Leighton Buzzard North &amp; Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Versallion, Johnstone, Shadbolt, Spurr, Berry, Bowater and Mrs Dodwell</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>28 July 2011</b>
<b>EXPIRY DATE</b>	<b>17 November 2011</b>
<b>APPLICANT</b>	<b>Willis Dawson Holdings Ltd</b>
<b>AGENT</b>	<b>Pegasus Planning Group Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure, Major application recommended for approval and with objections from Eggington Parish Council, Heath and Reach Parish Council and Hockliffe Parish Council</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approval</b>

## **Executive Summary**

- (i) The application seeks planning permission for the provision of up to 1210 dwellings, employment floorspace, and supporting retail, leisure and community facilities, as part of an extension to the east of Leighton Linlade. It was determined that the development should be subject to an Environmental Impact Assessment**
- (ii) The representations from the statutory and non-statutory consultees received reflect the complexity of a planning proposal on this scale. There are a number of technical issues raised that the consultees expect to be dealt with by alterations to the proposals, use of planning conditions and the controlled implementation of the development at the detailed planning submission stages. The number of representations from local residents have been commensurate with the scale of the development, with concerns raised about traffic, loss of Green Belt, impact during the construction period, inadequate levels of employment, flooding, fears for the quality of the development and the need for the development in principle.**
- (iii) In assessing the proposals, it is considered that limited weight should be given to many of the current adopted Development Plan policies, due to its age, however some policies are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and can therefore be afforded more weight. There will be harm to the Green Belt caused by the development but there are very special circumstances that can be taken into account. However, the Committee will also wish to take note of the lengthy history of examining the appropriateness of promoting development in the Green Belt in this specific location and that this should be an important material consideration that it should include in its decision making. The site's current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.**
- (iv) An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way. The mitigation package includes; controls over development during construction, provision of necessary infrastructure, the production of strategies for environmental protection and the provision of community facilities.**
- (v) There are a number of issues arising from the proposals that are key to a commercially viable development as proposed but are also of significant concern to the statutory consultees or Council advisors. These issues are:**
  - The amount of affordable housing that can be afforded by the development.**

- The impact of the development on the local highway network.
- The potential for impact on recreational and protected sites accessible to the public near the site.
- The car parking standard used in the construction of the design principles proposed by the applicant which differ from the current Council standard.

Each of these issues is considered in detail and the Committee is presented with a detailed analysis of each item to assist its decision. It is not considered that the conclusion of the analysis of any of these issues requires planning permission to be refused taking into account the National Planning Policy Framework (NPPF).

- (vi) There are a number of key benefits that can be attributed to the scheme and that are material considerations that the Committee should take into account. In particular, the provision of the largest section of the eastern link road, a locally important infrastructure project designed to relieve traffic congestion in Leighton Linlade Town Centre. The application will also deliver a substantial proportion of the housing proposed by the Development Strategy and for which there is underlying evidence of considerable need.
- (vii) The NPPF requires the Council to consider carefully the commercial viability of proposals as part of their decision making. It is clear from the substantial Viability Appraisal work undertaken by the applicant and checked by the Council's specialist consultants that the scheme is not sufficiently financially viable in current economic conditions to afford the full requirements for affordable housing and mitigation requirements this Council would normally expect as part of a major new development.

However, the applicants propose that as the economy improves and the development can afford to pay for more contributions, a review/uplift mechanism enabling the community to ultimately require and receive the full package sought be included in the Section 106 Planning Agreement. It is considered this represents an appropriate and fair approach, and is the commonly adopted approach to similar types of developments in the current climate.

- (viii) The recommendation therefore is that this Council be minded to approve the planning application subject to the completion of a satisfactory Section 106 Agreement and that the application be referred to the Secretary of State. The Section 106 Agreement, and subsequent s106 agreements in connection with the other planning applications, will need to ensure that the whole of the urban extension comes forward in a comprehensive manner despite it being presented in a number of different planning applications.

## **Site Location:**

The application site is located on the eastern side of Leighton-Linslade and is approximately 2km from the town centre of Leighton Buzzard. Eggington, Stanbridge and Tilsforth are located to the east of the application site with the A5 beyond. The northern boundary of the site is formed by Vandyke Road and the southern boundary by Stanbridge Road. The A4012 bisects the site and connects Leighton-Linslade to Hockliffe where it meets the A5. South of the site is the A505 which forms the southern bypass to Leighton Linslade.

The site covers 113.77ha and is mainly farmland. The site is gently undulating with a contour line of 100 metres AOD along Vandyke Road to the north and one of similar height along the southern boundary. In between there is a shallow valley, along the Clipstone Brook and a shallow ridgeline along the A4012. Clipstone Rise is the high point in the northern part of the site, measuring 95m AOD. Charity Farm Hill located on the eastern side outside of the site forms a feature in the landscape rising to 120m AOD.

## **The Application:**

The planning application is an outline application, will all matters reserved, which was submitted in July 2011, for a mixed use urban extension including:

- 1210 dwellings;
- 70 units of Assisted Living for the Elderly;
- Class B1, B2, B8 Employment;
- Renewable Energy Plant and Recycling Facility;
- a Neighbourhood Centre comprising:
  - Retail Uses (Class A1-A3),
  - a Public House (Class A4),
  - a Multi Purpose Hall (Class D1),
  - a GP Surgery (Class D1),
  - Offices (Class B1),
  - a Childrens Nursery (Class D1)
  - Community Hall (Class D1),
  - and Associated Car Parking:
- an Elderly Person Care Home of up to 70 Beds (Class C2);
- a New Eastern Link Road between Vandyke Road and Stanbridge Road together with associated residential and employment access roads with associated car parking;
- laying out of an area to the north and south of Clipstone Brook as a Park forming part of an Area of Green Infrastructure;
- laying out of structural landscaping and green corridors for recreational use;
- laying out of 7.45 hectares of land as formal pitch provision together with the erection of appropriate changing facilities;
- construction of footways and cycleways;
- construction of structures to accommodate Sustainable Urban Drainage Systems;
- laying out of 0.75 hectares as Allotments;
- construction of 2 neighbourhood equipped areas for play and four locally equipped areas of play;
- a Lower School and Middle School including a Multi Use Games Area;

- Land for expansion of Vandyke Upper School including a Multi Use Games Area.

The application was accompanied by:

- an Environmental Statement consisting of volume 1 – main text; volume 2 – technical appendices and a non-technical summary
- application drawings (for approval)
- scale parameter plans (for approval)
- illustrative layout plan
- design and access statement
- topographic survey
- tree survey
- planning statement
- planning obligations heads of terms
- statement of community involvement
- sustainability statement
- transport assessment
- health impact assessment
- flood risk assessment
- community and leisure facilities assessment
- waste management statement
- contaminated land assessment
- green infrastructure strategy
- energy statement
- affordable housing statement
- economic statement

### **National Planning Policy Framework (March 2012)**

- 1 – Building a strong, competitive economy
- 2 – Ensuring the vitality of town centres
- 4 – Promoting sustainable transport
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring Good Design
- 8 – Promoting healthy communities
- 9 – Protecting Green Belt land
- 10 – Meeting the challenge of climate change, flooding and coastal change
- 11 – Conserving and enhancing the natural environment
- 12 – Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review 2004 Policies**

- SD1 – Sustainability Keynote Policy
- BE8 – Design Considerations
- T10 – Controlling Parking in New Developments
- H3 – Meeting Local Housing Needs
- H4 – Providing Affordable Housing
- E1 – Providing for B1-B8 Development within Main Employment Areas
- R10 – Children’s Play Area Standard
- R11 – Provision of New Urban Open Space in New Residential Developments
- R14 – Protection and Improvement of Informal Recreational Facilities in the Countryside
- R15 – Retention of the Public Rights of Way Network

## R16 – Control of Sport and Formal Recreational Facilities in the Countryside

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, it is considered that some of the above policies should still be given significant weight, however others are inconsistent with the NPPF and should be given less weight. This matter is discussed in detail in section 1).*

## **Minerals and Waste Local Plan: Strategic Sites and Policies (adopted January 2014)**

WSP5 – Including waste management in new built developments

## **The endorsed Luton and South Central Bedfordshire Joint Core Strategy (August 2011)**

### **The Development Strategy for Central Bedfordshire (pre-Submission version)**

Proposed Policies:

- 1 – Presumption in Favour of Sustainable Development
- 2 – Growth Strategy
- 3 – Green Belt
- 4 – Settlement Hierarchy
- 6 – Employment Land
- 11 – Town Centre Uses
- 12 – Retail Strategy
- 15 – Leighton Buzzard Town Centre
- 19 – Planning Obligations and the Community Infrastructure Levy
- 20 – Next Generation Broadband
- 21 – Provision for Social and Community Infrastructure
- 22 – Leisure and Open Space Provision
- 23 – Public Rights of Way
- 24 – Accessibility and Connectivity
- 25 – Capacity of the Network
- 26 – Travel Plans
- 27 – Car Parking
- 28 – Transport Assessments and Travel Plans
- 29 – Housing Provision
- 30 – Housing Mix
- 31 – Supporting an Ageing Population
- 32 – Lifetime Homes
- 33 – Gypsy and Traveller and Travelling Showpeople Provision
- 34 – Affordable Housing
- 36 – Development in the Green Belt
- 43 – High Quality Development
- 44 – Protection from Environmental Pollution
- 45 – The Historic Environment
- 47 – Resource Efficiency
- 48 - Adaptation
- 49 – Mitigating Flood Risk
- 56 – Green Infrastructure
- 57 – Biodiversity and Geodiversity
- 58 – Landscape
- 59 – Woodlands, Trees and Hedgerows

*(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014. The weight to be given to these policies is considered further in section 4).*

### **Supplementary Planning Documents**

East of Leighton Linslade Framework Plan (Endorsed for the purposes of Development Management, May 2013).

Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements).

The Planning Obligations (South) SPD 2009.

Managing Waste in New Developments SPD 2006.

Land South of the High Street, Leighton Buzzard – Development Brief. Adopted March 2012

Bridge Meadows – Development Brief. Adopted March 2012

“Your Journey” Appendix F Local Transport Plan, Parking Standards for CBC 2012.

### **General Introduction**

This proposal is for a development of significant size within the Green Belt. The site lies on the edge of the Leighton Linslade urban area, with the majority of the site falling within Eggington Parish, with the neighbourhood centre area falling within Leighton Linslade Town Council and a small area of the employment land to the southern edge which falls within Stanbridge Parish.

The proposal will change the physical, social and economic environment for the residents of the area and beyond by providing or being associated with major new road infrastructure, significant amounts of new housing, new employment floorspace, open spaces, community facilities, shopping floorspace and public transportation.

For that reason, it is important that Members consider carefully the process by which it reaches a decision. This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must, specifically the information contained within the Environment Statement which accompanies the planning application.

The National Planning Policy Framework usefully sets out the first principle that must be applied:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” NPPF 2012*

This is caveated by the following: (author emphasis in bold)

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that*

*accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.” (NPPF 2012)*

Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, the history (particularly that relating to the Green Belt) of planning policy development that has supported the principle of an urban extension at Leighton Linlade and the material considerations that apply specifically to this planning application.

## **Planning Context**

The application site has been identified as a site with the potential to accommodate sustainable mixed use development for a number of years. Although the Bedfordshire County Structure Plan (adopted 1997) identified that new housing would be located in and adjoining major towns, including Leighton Linlade this area was shown as Green Belt. Co-operative work and studies led to the Milton Keynes and South Midlands Sub-Regional Strategy (2005) which proposed the area as a location for growth where it stated:

*“Leighton Linlade has much merit as an additional location for growth. The urban area of Leighton Linlade lies roughly midway between Luton and Milton Keynes and comprises the two towns of Leighton Buzzard and Linlade on opposite sides of the West Coast Main Line. The towns have developed steadily to a population of approximately 34,000 and would benefit from a continuing and appropriate level of growth to improve their economy, functioning and infrastructure. This growth would contribute towards the overall SRS provision for Luton and South Bedfordshire.” (MKSM 2005)*

Referring to the important need for new housing and development for the region, the document stated:

*“To achieve these objectives, the Green Belt will be reviewed around Leighton Linlade to provide the town with scope to increase its sustainability and make an appropriate contribution to the Growth Area. The required level of development will depend on the scale of growth to be accommodated within urban extensions to Luton/Dunstable/Houghton Regis.” (MKSM 2005)*

In 2008 the new East of England Plan, the Regional Spatial Strategy (“RSS”) was adopted. The Milton Keynes South Midlands Sub Regional Strategy, insofar as its policies affected this site was enshrined within it. The RSS was considered at the Examination in Public of the review of the RSS, following which the Panel recommended two urban extensions within the MKSM Strategy Area for southern Bedfordshire, Leighton Linlade and Luton/Dunstable/Houghton Regis.

The effect of the new RSS and the Milton Keynes South Midlands Sub Regional Strategy was to allocate the East of Leighton Linlade Strategic Urban Extension (within which the application is located) for residential, employment and supporting community uses, in an area where the Green Belt was to be rolled back, albeit with the Local Development Strategy being asked to set the exact boundaries.

Towards that end, a Joint Planning Committee from Luton Borough Council, the former South Bedfordshire District Council and the former Bedfordshire County Council was formally created to deliver 'The Luton and South Bedfordshire Joint Core Strategy'. This document reached Examination Stage in 2011 and included land to the east of Leighton Linlade as an urban extension for 2500 dwellings. In light of this a draft masterplan for the extension was prepared in conjunction with the landowners. Following the withdrawal of that document and the dissolving of the Joint Committee for unrelated reasons, the proposal is now included within the emerging Development Strategy for Central Bedfordshire which will be submitted to the Secretary of State later this year. That Development Strategy includes a specific policy (policy 62) for the allocation of the East of Leighton Linlade urban extension and for the removal of Green Belt to accommodate it.

Further background information on the justification for the proposed removal of land east of Leighton Linlade (along with other land proposed for removal to facilitate other development needed in the area) is contained in the Council's published document, 'Central Bedfordshire Development Strategy Green Belt Technical Note January 2013'.

### **Planning History**

A larger area of land than this application covers was previously subject to the following planning application in 2008 which was not determined and was therefore disposed of in November 2013.

#### **Application No: SB/08/00329/OUT**

Location: Eastern Leighton Buzzard Incorporating Land at A505, Stanbridge Road, Hockliffe Road, Vandyke Road and Shenley Hill Road.

Proposal: Provision of an urban extension comprising of residential development of 4,400 dwellings (including affordable housing), Eastern distributor road and access; sites for lower, middle and upper schools; neighbourhood/local centres (3.7ha in total) comprising of class A1, A2, A3, A4, A5 units and community uses; 20.29 hectares of land for employment uses (comprising of class B1, B2 and B8 uses and reserve sites for energy centre and visitor information centre); formal open space extending to 17.97 ha; informal open space and parks extending to 87.59 ha, incorporating sites for children's play areas and NEAPs, LEAPs and a site set aside for an adventure playground; sites for cemetery (3.47ha) and allotments (2.7ha); biomass plant; 7.07 hectares of reserve sites for community hospital, nursing home, FE college, skills and enterprise centre, youth activities centre, park and change facility and leisure centre.

An agricultural determination application was also made at Model Farm for an agricultural barn which is within the red line of this application.

#### **Application No: CB/10/01116/AG**

Location: Model Farm, Leighton Road, Hockliffe, Leighton Buzzard

Proposal: Agricultural Determination: Erection of Agricultural Building for general purpose/storage.

Approved 27/4/10

The next section deals specifically with the representations made by others on the planning application. Given the extent of the comments made, these have been summarised rather than reproduced in full. For clarity, the Case Officer has included a response where this would aid in the understanding of the comment made or where the report, when considered in its entirety, affords a straightforward response to be made.

**Representations:** *(comments by CBC Case Officer in italics)*

Eggington Parish Council

The Parish Council object to the application on a number of grounds.

The Parish Council is against any form of development as it would encroach on the village of Eggington.

*[The background of the site allocation and its inclusion in policy documents has been set out in the planning context section above. This objection is to the principle of the development which has been accepted.]*

The Parish Council comment that the Green Belt between Eggington and Leighton Buzzard must be maintained to prevent the settlements merging.

*[This application would not lead to the coalescence of Eggington and Leighton Buzzard as there would still be at least 400m between Eggington and a clearly defined edge to the urban extension.]*

They consider that the application should be refused as the policy situation is in a state of flux.

*[The policy situation has been addressed in the planning context section above and explains why it is necessary to determine the application.]*

The Parish Council consider that a significantly greater flow of traffic along A4012 will result with many vehicles using Eggington as a cut through even though the road is unsuitable for any increase in traffic.

*[The Highways Development Control Officer is satisfied that there would not be any significant*

*increase in traffic through Eggington.]*

The traffic light junction on the A4012 will restrict the flow of traffic and hamper access from Eggington to Leighton Buzzard.

*[The Highways Development Control Officer has advised that traffic light sequences are limited to a short amount of time in order that traffic flow is not impeded. There should therefore be no significant delay experienced.]*

The Parish Council consider that there is no benefit to the village if the development is allowed and unless additional bus services are to be provided, access would not be improved.

*[The village of Eggington would not be directly impacted by the development proposal however it is considered that the residents would benefit from the improved community facilities and highway improvements. Additional bus services for Eggington would not be justified and cannot be provided by this proposal however the residents may be able to access the services provided within the development site.]*

The Parish Council believe that the development could take people out of the town centre, possibly threatening the long-term viability of many businesses there.

*[The development is designed to provide all of the necessary facilities for the community on a day-to-day basis, whilst leaving certain amenities to be accessed in the existing town centre. The application is accompanied by a retail impact assessment which addresses this issue and is considered in section 7].*

The Parish Council state that storm water run-off from hard surfaces would increase the risk of flooding.

*[The Environment Agency are satisfied that the proposals are acceptable subject to conditions and would not lead to an increase in flooding.]*

The Parish Council also comment that the landscaped perimeter must remain in perpetuity if planning permission is granted.

*[Advanced planting will be required to be undertaken along the perimeter of the site and the landscaping completed and maintained. The phasing of the development and Section 106 contributions (including those which may be used for the maintenance of landscaping) will be secured at outline stage, details of the landscaping will be dealt with at reserved matters stage.]*

Heath and Reach Parish Council

The Parish Council object on a number of grounds.

The Parish Council consider that the applications are premature without a decision being made on the Core Strategy.

*[This matter is addressed in the planning context section above.]*

The Parish Council object due to the adverse impact additional traffic through the village would have.

*[The Highways Development Control Officer is satisfied that the proposal would not lead to any significant increase in traffic through Heath and Reach.]*

The Parish Council are concerned about the highway safety issues as the junction between Eastern Way and A5 is dangerous.

*[The Highways Agency, who are responsible for the A5, have no objection to the proposal. This matter is however considered in detail in section 7]*

They also raise the poor condition of the road surface on Eastern Way.

*[The current state of the road surface is not a matter for consideration through this planning application.]*

The Parish Council object as the development is not sustainable.

*[The Parish Council does not explain why it considers that the proposals are not sustainable, however this issue is addressed*

*throughout the report.]*

Leighton Linlade Town Council

The Town Council make no objection to the application but request that consideration is given to all the elements listed below and that assurance is given that S106 agreement requirements would be met and timely delivery of infrastructure would take place.

The areas to be considered are:

- traffic volume in particular through town towards the railway station
- parking provision on the development
- road width and associated safety aspects
- safeguarding of green areas within the development
- sustainability of the development and its impact on the town
- a timescale for the provision of the necessary infrastructure
- impact on utilities, in particular the sewage works
- 35% affordable housing is provided.

*[All of these matters are addressed within the report and as far as possible would be secured through the legal agreement where necessary.]*

Hockliffe Parish Council

The Parish Council objects on a number of grounds.

The Parish Council consider that additional traffic travelling through the centre of the village along the A4012 from Leighton Buzzard to Woburn would make the road even more dangerous than at present.

*[The Council's Highways Development Control Officer acknowledges that additional traffic could have an adverse impact on this road, however to mitigate any impact appropriate measures will be taken, these may include signage to encourage the use of the link road, amendments to junctions etc.]*

The Parish Council object on the basis that additional traffic travelling along the A5 would have a significant impact on the junction and the delays which would be experienced.

*[The Highways Agency who are responsible for the A5 has raised no objection to the proposal*

*and therefore it must be assumed has no concerns that the problems raised will have a significant impact on the free-flow of traffic on the A5. Again measure such as signage could be used to direct traffic along the link road rather than through Hockliffe.]*

The Parish Council raise concern over highway safety issues as the junction between Eastern Way and A5 is dangerous.

*[The Highways Agency, who are responsible for the A5, have no objection to the proposal. This matter is however considered in detail in section 7]*

Local Residents and Organisations

26 letters setting out objections were received; the reasons for objecting are set out in the following sections.

Objectors

**Eggington**

4 Church Walk

Manor Cottage

**Leighton Linlade**

2 Briggington Cottages, Hockliffe Road

3 Cetus Crescent

18, 59 Jupiter Drive

31, 34, 38, 42, 43 Hydrus Drive

9 Saturn Close

36, 39 Cotefield Drive

10, 18, 26 Mercury Way

12 Beaudesert

3 South Street

2 Plummer Haven

12 Chestnut Drive

**Principle of Development/Green Belt**

- the land is Green Belt and should remain so.
- there is no point in designating land as Green Belt if you are going to move the boundaries at will.
- withdrawal of Core Strategy.
- the urban sprawl would not be of benefit to anyone.
- housing development should go somewhere else.
- the town is already too big.
- there are already more houses than needed.
- loss of farms and agricultural land.
- there is no need for more houses, the ones being built at the moment can't be sold.
- Localism Bill.

*[The principle of the development, the site allocation history and Green Belt matters are dealt with in section 5.]*

- building should not be allowed on land which has not been quarried as this would sterilise an important resource.

*[This application site is not identified as being a mineral resource.]*

- existing unused properties should be used instead of building new ones.

*[The information the Council has regarding the*

1 Willow Bank Walk

59 Plantation Road

7, 12 Chamberlains Gardens

25 Blenheim Road

**Other**

207 Glebe Road, Deanshanger

*need for housing demonstrates that the need for accommodation cannot be met through the use of existing properties alone and that significant new numbers of houses need to be built.]*

**Infrastructure & Facilities**

- amenities will not be delivered like on other recent developments.

*[The delivery of appropriate facilities and infrastructure would be secured through the legal agreement as far as viability permits.]*

- amenities, roads and infrastructure cannot cope with any more houses.

*[The proposal would provide sufficient amenities, roads and infrastructure to cope with the proposed number of houses as well as addressing some deficiencies in existing provision.]*

- Insufficient employment provision for the number of new residents.

- insufficient job opportunities.

*[The application shows that the development would deliver at least 2400 jobs required by policy which would equate to approx. 2 per household. This is addressed in more detail in section 5]*

- there are not many doctors, only 2 post offices and no community hospital.

*[The application would provide a site for a 4 GP surgery as well as retail and other community uses. The applicants have provided land to the health authority which is in the control of the health authority not the applicants.]*

- existing supermarkets would not have sufficient parking provision.

*[The development would provide a small supermarket to serve the development.]*

- there is no need for additional offices, the existing ones are to let.

*[The policy requires the development to deliver jobs, the employment premises provided will be designed to meet the requirements of business.]*

- a temporary community facility should be provided until the community halls are provided.

*[The community facilities within the local centre proposed on the northern side of Hockliffe Road would be provided prior to the occupation of the 200th dwelling, which is early in the development.]*

### **Flooding & watercourses**

- flooding.

*[The Environment Agency and Internal Drainage Board, the expert bodies on flooding, have no objection to the proposal subject to appropriate conditions.]*

- no more trees should be planted near the waterway to prevent the waterway being blocked.

*[The location of landscaping and the type of planting will be dealt with at reserved matters stage and will be subject to consultation with the Environment Agency with regard to the impact on the watercourse.]*

- concern over maintenance of watercourse which existing residents are responsible for half of.

*[The residents responsibilities would not change.]*

- fencing must be erected along the waterway to prevent a major health and safety risk.

*[Consideration will need to be given to matters such as this at reserved matters stage.]*

### **Traffic and Transport**

- traffic gridlock would stop people using the town centre.

*[The Eastern link road is designed to relieve traffic within the town centre, this is explained*

*in detail in section 7.]*

- adverse impact on the Narrow Gauge Railway.

*[This application site lies fully outside the line of the railway and would therefore not have any impact on the narrow gauge railway.]*

- link road should not link with the A505 but only serve as a small service road linking existing roads.

*[The link road only joins the A505 via the existing Stanbridge Road and would not perform its function in relieving town centre congestion unless it is constructed as proposed.]*

- the spine road is not wide enough.

*[The detailed design of the road is not being determined within this application, however the link road would in general be 7.3m wide and is acceptable to the Highway Authority.]*

- people would park on the spine road causing traffic congestion.

*[The road would be designed to adequately control on street parking.]*

- the link road between Vandyke and Hockliffe Road should be in place before development commences.

*[The phasing of the proposal will mean that the link road between Vandyke Road and Stanbridge Road would be complete prior to the occupation of the 645th dwelling. Delivering the road earlier than this would have an impact on the viability of the scheme and this phasing is acceptable to the Highway Authority.]*

- all new footpaths should be located on the northern side of Clipstone Brook, existing ones on the south are already problematic.

*[The objector is not clear on why the paths are problematic however the proposed network of footpaths and cycleways would provide access*

*on both sides of Clipstone Brook.]*

- increased traffic would be dangerous to children crossing existing roads.

*[A number of existing roads would have a decrease in traffic and appropriate road safety measures will be installed where evidence shows they will be needed.]*

- additional traffic would impact on the town's cycle friendly approach.

*[There would be additional linkages to the existing cycle network along Clipstone Brook and the provision of a new cycle way along the road of the eastern link road.]*

- construction vehicles would use roads subject to HGV bans.

*[This matter can be controlled through the use of traffic routing agreements which can be secured in the Section 106 agreement.]*

### **Ecology**

- detrimental impact on wildlife and habitats.
- specific adverse impact on Badgers.
- green corridor would be insufficient for wildlife.

*[Appropriate surveys have been undertaken and conditions will deal with mitigation measures required. The site would provide 34.7ha of informal open space including country park, green space etc. ]*

### **Residential Amenity**

- adverse impact on privacy.
- overlooking.
- existing houses would not be secure.
- noise pollution.
- the major road is too close to existing houses and would cause unacceptable noise and disturbance.
- noise and disturbance from delivery vehicles to the new supermarket would be detrimental to existing residents.
- the disturbance from the building would be for many years and unacceptable.
- HGVs accessing the retail premises would result in unacceptable traffic noise and

disturbance.

- noise from drunks and vandalism.

*[Impacts on existing and future residents will be addressed at the detailed design stage when reserved matters applications are submitted.]*

#### **Impact on Leighton Linlade town centre**

- adverse impact on tourist attractions.
- the proposals would have an adverse impact on the character and attractiveness of the town centre.
- the building site would be an eyesore for many years putting off visitors to the town.

*[The detailed design and appearance of the development would be dealt with at reserved matters stage. It is not considered that the principle of the development would have an unacceptable adverse impact on the town centre.]*

#### **Crime and Anti-Social Behaviour**

- anti social behaviour.
- increase in crime.
- increased rubbish.

*[It is not clear why the objector considers that there would be an increase in litter.]*

- it would create an area for kids to hang around in.

*[The detailed design of the development will limit opportunities for crime and anti-social behaviour.]*

The following issues have been raised but are not material planning considerations which should influence the decision making process.

- most of the development would be within the parish of Eggington which cannot administer the needs of the new estate.
- the Council cannot maintain the roads it has at the moment how can it cope with more?
- de-valuation of property.

#### **Support**

Charity Farm, Eggington

1 letter making comments was received setting out:

- there would be a welcome increase in the number of allotments but they must be

provided in line with an agreed standard.

*[The details of the allotments would be submitted for consideration and approval.]*

1 letter of support was received stating that the proposal should be supported because:

- there is a significant need for housing.
- young people cannot afford housing due to the lack of available, affordable houses.
- the land is a natural expansion to Leighton Buzzard.
- the proposed road would lessen congestion in the town.
- the proposal offers much needed facilities to eastern Leighton Buzzard.
- good mix of housing proposed.
- good recreational spaces.
- high level of sustainability.
- it would use lower grade agricultural land.
- good landscaping provision.
- far enough from Eggington not to have an adverse impact.
- good cycle and pedestrian links.

Monier Redland Ltd

Own two sites one operational and one vacant on Vandyke Road. No objection but highlight that there are no restrictions on working times or practices on the operational site which could give rise to complaints from residents of new houses near the site.

*[The impact of the operational site on future residents would be considered at reserved matters stage, however given the distance between the site and proposed new dwellings it is not considered that there is a problem in principle.]*

Also raise concern that the traffic movements along Vandyke Road are not disrupted to the detriment of the business.

*[There would be some level of traffic disruption during construction due to traffic controls however this should not be to the detriment of the business.]*

Highlight that the vacant site is within the masterplan area but has been left as a field, Monier may be interested in bringing their site forward as part of the comprehensive scheme.

*[Some discussions have taken place with Monier, however they have not resulted in any changes to the Framework Plan or the application proposals.]*

Leighton-Linslade Opposes  
Unsustainable Development (LOUD)

Strongly object - research undertaken shows that the majority of residents find mass housing plans unacceptable and therefore to approve such an application would be undemocratic.

The forthcoming Localism Bill would give more power to local people who are opposed to the proposal.

The development would be on Green Belt land.

*[This is an in-principle objection. The background and policy situation is dealt with in section 5.]*

Residents of Eggington have not been consulted.

*[Residents of Eggington have been given the opportunity to comment on the application and the Parish Council have been engaged with the process.]*

There would be an increased risk of flooding, an increase in traffic levels and public transport is not a practical solution.

*[There would not be any increased risk of flooding and the Environment Agency and IDB have no objection to the proposal. The traffic implications have been carefully considered and the link road would help relieve town centre congestion. Public transport and good foot and cycle links are a practical solution.]*

Infrastructure has not been delivered on other sites in the town and there is no guarantee it will be delivered on this site.

*[Appropriate infrastructure delivery in line with the viability of the project will be secured through a legal agreement.]*

There would be an adverse impact on tourist attractions.

*[The objection is not specific about which tourist attractions but there is no reason why increasing the local population would have an adverse impact on the number of people visiting.]*

There is no guarantee of increased local employment.

*[The legal agreement will contain requirements for appropriate marketing and promotion of the employment land however it is not possible to require the businesses to only employ local people. Nevertheless it is highly likely that local employment levels will increase.]*

## **Consultations**

This application has been the subject of a considerable number of consultations and the consultees and responses are set out below.

Leighton Buzzcycles

Neither supports or opposes the principle of the proposal.

Comments that:

- none of the junctions of the link road make provision for cyclists
- the proposed signalling of the junction between Stanbridge Road and the bypass makes no provision for cyclists
- the journeys modelled do not include Saturday mornings when traffic is heaviest
- it is unrealistic to state that almost all children will use the schools within the development
- insufficient consideration has been given to the need to create sustainable transport corridors, which Vandyke Road would be a prime example for
- the information on cycling seems to focus on leisure cycling rather than utility cycling
- the width of a two way shared use path varies in different documents
- cycleways only appear to be on one-side of the road increasing the need to cross the road
- cycle routes appear to have to give way to all side roads

In conclusion the cycle facilities are so sub-standard and unlikely to achieve significant utility cycling Buzzcycles therefore requests the application is refused.

*[The detailed design of the roads, some junctions and cycleways are still to be determined, therefore the comments above can be taken into account when the reserved matters applications are made. The*

*development is an opportunity to build on Leighton Buzzard's success as a cycle town.]*

Leighton Linslade Churches

Neither opposes or supports the proposals but make the following comments:

- concerned that the delivery of the community halls will be delivered too late in the process which would mean groups would have to meet elsewhere until the halls were provided adding to private car journeys.

*[The application sets out that the community hall within the local centre will be delivered prior to the occupation of the 200<sup>th</sup> dwelling south of Vandyke Road, with the larger hall in the neighbourhood centre delivered by the occupation of the 900<sup>th</sup> dwelling.]*

Greensand Trust

- Welcome the level of attention paid to GI but have some concerns about the type and location of provision and the impact on the wider landscape.

- There is no green link in the very south of the proposed development linking to existing green spaces.

- The opportunities for leisure walking is somewhat restricted and all the sites listed are on the opposite side of the urban area.

- The outer rim of the "Green Wheel" is narrow and should be broader to help ameliorate the impact of the development on the wider landscape.

- Greensand Trust advocate the use of the Natural England "ANGSt" standard to ensure that adequate greenspace provision is provided.

*[The application would provide 34.7ha of informal recreational open space incorporating the park, woodland leisure route, open space and structural planting. The SBLP requirement of 0.93ha of informal open space per 1000 population as set out in policy R11 would result in 2.7ha being needed. The proposals therefore represent a significant increase on this requirement.]*

English Heritage

Offer general observations.

- whilst the development may have a direct impact on undesignated buried archaeology within the site, the impact on designated heritage assets would be restricted to the setting of nearby assets. The nearest listed buildings to the site are group of 3 Grade II buildings in the hamlet of Clipstone.

- it would appear that the proposed urban extension would be almost entirely screened from the Conservation Area and listed buildings at Eggington by the topography of the area.

- the hamlet of Clipstone is buffered from built form by recreational areas including the Clipstone Brook park and

sports provision.

- to maintain the rural character of the lane leading to Clipstone it will be important to ensure any sports provision near the lane is kept low key and that lighting, parking and changing facilities are located away from the lane.

*[The general location of the sports provision will be approved by this application however the detail of lighting, exact location of parking and changing facilities will be dealt with at reserved matters stage.]*

- it is not sufficient for archaeological investigations to be secured by condition and carried out once permission is granted as the findings of the investigations needs to inform the layout of the site and if relevant allow for the preservation in situ of significant remains.

*[Archaeological investigations have been undertaken and the results considered by the Council's archaeologist who has recommended conditions.]*

Anglian Water

Anglian Water has assets which may be affected by the development and request an informative advising of this.

There is capacity at the Stanbridgeford Sewage Treatment Works for wastewater treatment.

Development will lead to an unacceptable risk of flooding downstream and mitigation in the form of a pumped strategic solution to convey flows to Stanbridgeford STW will be required. The drainage strategy for the site should cover the procurement of the improvement works.

The preferred method of surface water disposal would be to SUDS with connection to the sewer as a last resort.

To discharge trade effluent from trade premises to a public sewer requires the consent of Anglian Water and an informative to highlight this issue is requested

Request conditions to deal with foul and surface water strategies.

Voluntary and Community Action

Object to the application on the grounds that it does not comply with national, regional and local planning policy in respect of social and community infrastructure. The application makes provision for permanent community facilities however the trigger points are too late to make the impact required. A community centre or hall should be provided before the occupation of the first dwelling, interim provision would be acceptable however it must be in place

prior to the first occupation. Community workers would need to be provided to enable residents to play an active part in their community. Provides information on the level of contribution which they consider will be required to run a community hall and to employ community workers.

*[The application would deliver significant community facilities. The application sets out that two community halls would be delivered the first prior to the occupation of the 200<sup>th</sup> dwelling which could be less than 2 years from the beginning of the development. It is however considered that the Council is likely to seek financial contributions towards such provision rather than requiring the developer to build the hall in order that the best use can be made of the money in meeting existing and future needs.]*

Bedfordshire Police

In May 2005 the Bedfordshire Community Safety SPG was produced and highlights that through routes in new housing areas should be kept to a minimum. The illustrative layout of permeable streets is in conflict with the guidance in the SPG.

Two main concerns are that the developments would be needlessly criminogenic and that the design and access statements are likely to mis-lead the public into believing that community safety has accurately influenced the intended scheme when in reality the layouts are highly detrimental in this respect.

The absence of suitable revisions to the design and access statements will preclude any productive police input at detailed design stage, which is a serious concern.

Whilst there is no objection in principle to the developments Bedfordshire Police object to the proposals on account of the avoidably high levels of victimisation which can reasonably be anticipated.

*[The Design and Access statement includes a section on crime prevention which makes reference to “Safer Places: the Planning System”, “Manual for Streets” and the ACPO “New Homes” guidance. The detailed design is yet to be determined and the applicants state that a key aspect of creating a safe and secure development will be to work up detailed designs on a phased basis with the Local Authority’s Crime Prevention Design Advisor.]*

NATS

No objections.

Archaeology

In my original comments on this application (21st September 2011) I identified the need for an

archaeological field evaluation to provide sufficient information on the heritage assets with archaeological interest within the proposed development area. This was in line with the requirements of Policy HE6 of Planning Policy Statement 5 *Planning for the Historic Environment*. PPS 5 was superseded by the *National Planning Policy Framework* in March 2012, however, the information requirements for applications affecting heritage assets with archaeological interest in paragraph 128 of the *NPPF* are the same as those in PPS 5.

The applicants have now submitted a report on an archaeological field evaluation comprising a programme of trial trenching on selected parts of the site. It was not possible to undertake the evaluation of the whole site because of land access issues. The evaluation report supplements the desk-based assessment and geophysical survey submitted as part of the application and although the evaluation only covers part of the site, in this case the suite of documents together provide sufficient information on archaeology to allow the application to be determined. The application now conforms to the requirements of paragraph 128 of the *NPPF*.

The evaluation identified a small number of features that may be prehistoric date based on finds of pottery, if this pottery is residual in later features it would suggest that there is prehistoric activity in the vicinity. The evaluation also identified more extensive remains of medieval and post-medieval date, mainly remains of agricultural activity including field systems. The evaluation report suggests that all these features are of local significance (Table 1). However, any remains of prehistoric activity is likely to be of regional importance as identified by the published Regional Archaeological Research Frameworks. Paragraphs 3.5.2 and 3.5.3 of the evaluation report, covering the medieval and post-medieval remains, suggest that for both periods there is substantial potential for understanding the development of the landscape on the basis of the remains identified. This seems a reasonable conclusion and would also be regional rather than local significance.

The trial trench evaluation only covered part of the site. It tested some of the anomalies identified by the geophysical survey but also discovered other features not found by geophysics. This suggests that the geophysical survey was only partially successful in identifying archaeological remains (Section 5). This reinforces the acknowledgement in the *Environmental Statement* that the site is likely to contain archaeological remains that have yet to be detected.

On the basis of the information submitted with the application the proposed development site does contain archaeological remains of prehistoric, medieval and post-medieval date. Some of the medieval and post-medieval remains survive as earthworks but they mostly survive as sub-surface features. Less than half the site has been subject to trial trench evaluation and so there is considerable potential for the site to contain undetected archaeological remains. The proposed development will have a negative and irreversible affect on any archaeological remains the site contains resulting in a loss of significance of the heritage assets with archaeological interest. However, there is no evidence that the site is likely to contain any archaeological remains (heritage assets with archaeological interest) of sufficient significance to merit preservation *in situ*. A programme of archaeological investigation to record and advance understanding of the significance of the heritage assets with archaeological interest will provide adequate mitigation for the impact of the proposed development on heritage assets with archaeological interest. This is in line with Policy 45 of the emerging Development Strategy for Central Bedfordshire.

In order to secure this please attach an appropriate condition.

Sport England

Non-statutory response.

Outdoor sports facilities - quantity

Broadly supported in terms of the quantity and range of facilities proposed for meeting the additional needs generated by the development. Any planning permission should make provision for all of the on-site and off-site outdoor sports facilities and full details to be submitted at reserved matters stage and financial contributions secured as necessary.

Outdoor sports facilities - location, siting and layout

Acknowledge that the layout of the sports park is indicative but object as the sports park is severed by a footpath and a line of proposed trees which impacts on the flexible layout of the area and possible views from changing facilities. The provision of hedges and trees around sports pitches means this land cannot be used for pitches or run off areas and cannot be included in the calculation for the required amount of land.

*[Noted – the footpaths are needed to provide good access to the facilities without needing to rely on the private car and the landscaping belts are required to minimise the*

*visual impact of the development and to protect the historic environment of Clipstone as noted by English Heritage.]*

#### Outdoor sports facilities - quality

No objection in principle subject to conditions relating to playing field ground conditions, assessments/specifications and pavilion siting and design being imposed.

#### Indoor Sports Facilities

No objection to making sports hall provision to meet the needs of the development however alternative forms of provision could be considered. If a sports hall is proposed as part of the community hall then it is requested that the design and layout are secured by condition.

Object as no provision is made for improvements to the existing indoor sports provision particularly with regard to wet provision. This objection could be overcome by securing a financial contribution towards indoor wet sports provision.

*[The Council's Leisure Strategy is under preparation and the draft highlights that financial contributions would be sought towards refurbishing the existing swimming pool as well as all other sports and leisure buildings, it is therefore considered that contributions should be sought subject to the viability of the scheme.]*

#### Schools

Additional sports provision would be made on the school sites however this needs to be secured by a community use agreement.

*[Noted – a community use agreement will be sought however Vandyke Upper School's status as an academy makes such agreements more difficult to administer.]*

#### Management and Maintenance of Sports Facilities

It is recommended that financial contributions towards the management and maintenance of sports facilities be secured for a period of 10 years. It is also important that the management of the facilities is addressed.

#### Phasing of sports facilities

The phasing is broadly supported and should be secured in order that the existing sports provision within Leighton Linlade is not put under additional pressure.

*[The delivery of the MUGAs and school pitch provision would be within the remit of the Local Authority, with access to all the sites being provided prior to the*

*occupation of the 300<sup>th</sup> dwelling. The formal playing fields and changing rooms would be provided prior to the occupation of the 500<sup>th</sup> dwelling.]*

Environment Agency

Planning permission should only be granted subject to conditions to address the implementation of the measures in the FRA, the submission of a surface water drainage scheme, a scheme for dealing with contamination, a verification report regarding contaminated land, a scheme for the improvement or extension of the sewage system and a scheme for foul and surface water disposal during the construction phase.

Buckingham and River Ouzel Internal Drainage Board

No objection in principle to the proposed discharge of storm water run off to an IDB controlled watercourse providing any discharge is limited to the appropriate greenfield rate, all outfalls to an IDB controlled watercourse will require the issues of a statutory consent and no development should take place within 9m of a bank top.

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

Public Protection

No objections in principle. A phase 1 desk study has been completed and recommends a phase 2 study which can be secured by condition. Conditions are also recommended to deal with dust minimisation, working hours, noise levels within new dwellings and noise levels from fixed plant.

Waste Services

All private dwellings will need to have access to the rear of the house to place their bins after collection, access cannot be taken through the house. Bin collection points would need to be identified for private dwellings and communal buildings.

*[This is an issue to be addressed in the reserved matter applications.]*

A Site Waste Management Plan will need to be prepared and submitted. Land for bring sites will need to be provided and financial contributions made to the fitting out of the sites.

A site is shown for a HWRC, this is not required however contributions towards the upgrading of the existing HWRC on Shenley Hill Road are required.

A financial contribution towards the provision of 3 wheeled bins per dwelling and bring sites is requested.

Natural England

No objection to the proposal but disagree with the conclusions of the ES in particular comments relating to visitor recreational pressures to Kings and Bakers Wood and Heaths SSSI and NNR. Consider that the proposal benefits from a detailed GI strategy to address on-site opportunities and that the Planning Obligations SPD can secure financial contributions to improve GI provision in the Ouzel Valley and Leighton Linlade area. Both these measures serve to mitigate the likely adverse effects caused indirectly by the substantial increase in the residential population in the area.

*[Due to the level of onsite Green Infrastructure provisions which is being provided and the appropriate level of financial contribution for the maintenance and management of the areas for a period of 15 years it is not considered appropriate to require additional contributions to existing GI provision.]*

Urban Design

The design and access statement is comprehensive and should promote a development that is integrated to and builds on the existing context and reflect best practice in urban design.

Concern is raised that there does not appear to be a rationale for the proposed interface between the existing built development and the proposed housing.

*[The design and access statement shows the new housing being set away from the boundary with landscaping between to minimise overlooking. The detailed design will however be dealt with at reserved matters stage.]*

It is also not clear how the proposed alignment of the Eastern Link Road was arrived at.

*[The link road has been designed to be a 30mph road and therefore incorporates speed reducing measures such as curves and frontage development.]*

There is concern with the general encouragement of local vernacular and that pastiche house types could result.

*[The development would be subject to design codes for each of the character areas which will guide the development and avoid pastiche house types.]*

Sustainable Transport

In order for the development to be sustainable in transport terms it is important that travel plans are secured and

effective measures put in place to make the travel plans sustainable. The development needs to be designed with sustainable transport at its core, this means high quality walking, cycling and public transport provision as well as maximising permeability to key locations in particular the town centre, railway station and employment sites. There are currently problems with the infrastructure proposed with regard to links to the town and the nature of the link road. The s106 will need to secure travel plans, public transport contributions, contribution to station forecourt improvements and contributions to walking, cycling and public transport enhancements linking to the town.

*[The detailed layout of footways and cycleways is to be determined at reserved matters stage. The s106 will secure appropriate financial contributions and travel plan measures.]*

NHS Bedfordshire

Health infrastructure should be in place in a timely manner to reduce stress on current health services. In light of the provision of a elderly person care home and assisted living units it will be more important than ever to ensure that the GP surgery should be put in place and functional prior to the development to ensure health support for the often clinically complex cohort of patients. Although a surgery would be provided contributions towards health services should also be secured.

*[The land for the GP surgery would be provided prior to the 350<sup>th</sup> occupation and would be secured through the s106 agreement. The Health Authority has undergone significant changes in responsibility recently and have been unable to provide information regarding what any financial contribution would be used for.]*

It should be noted that NHS Bedfordshire owns a plot of land on Van Dyke Road which could form part of the development.

*[Should this land not be required by the Health Authority the applicants (who gave it to the HA) would allow it to be used for an appropriate community use which could include affordable housing, assisted living accommodation etc.]*

Countryside Access Service

Given that this is a Green Belt development – the access, open space and informal recreation elements of the application should be exemplary in order to fully justify the exceptional circumstances.

The western edge of the Stanbridge Road development should have a wide green corridor running through it.

There is a public right of way running through/close to the development and a multi-user route with a wide green corridor should be provided though this area with a multi-user crossing of the Stanbridge Road.

The design and delivery of access routes and informal open space should be given a high priority and conditioned in such a way that full details as to the layout and design of the access routes and open space areas (including Clipstone Park) have to be approved along with all other reserved matters. This approval will have to be considered fully by the Countryside Access Service.

All access routes and open space should be provided at the earliest opportunity in the phasing of the development.

S106. The applicants should provide all access routes to adoptable standards and dedicated as public rights of way. All access paths should be surfaced and the surfacing should be to CBC specifications and design details should be submitted to CBC for approval.

The open space land and access routes should be handed over to the council for ownership and management (following a 5 year aftercare period) with the appropriate commuted sums.

The applicants should be required to make a contribution towards the continuation of the Clipstone Brook corridor to enable the remainder of the route into town to have a similar feel and design as the element within the site.

The applicants should be required to make a full strategic GI contribution. This contribution is to reflect the pressure that developments such as this will place on the wider (offsite) GI network (Rushmere/Stockgrove).

The countryside access service would expect to be involved in the detailed discussions on the S106.

*[The detailed design and layout of the country park and other formal and informal open space will be dealt with at reserved matters stage. The applicants have proposed a significant contribution towards the maintenance of the open space. It is not however considered appropriate to require a contribution towards off-site provision as although it is accepted that the development may place additional pressure on existing sites, the new open space and country park provided will off-set this.]*

## Landscape

**Landscape framework:** Whilst the masterplan is described as linking in and maintaining the local landscape framework of existing hedgerows and hedgerow trees this could be taken much further in the masterplan by including a stronger / more substantial GI framework which could host retained hedgerows and

structural planting - which in turn would assist in mitigating development / filtering views to taller buildings and rooftops.

A framework of green corridors would reinforce biodiversity networks and become more multifunctional green space by including pedestrian access / cycling routes. The opportunity to include a central green infrastructure 'spine' running north south through the application site, linking hedgerows and planting structures, could be considered further. Similarly a green corridor along the site interface with the existing urban edge of east Leighton Buzzard could also be considered particularly through proposed employment areas.

**Clipstone Country Park:** The creation of a country park associated with Clipstone Brook is a real positive but I am concerned that the proposed link road crosses the eastern portion of the country park - raising concerns about the design and layout of the road at this location in relation to the park and wider rural landscape to the east. In addition the design and quality of environment in relation to the footpaths at this location and accommodating crossing points enabling footpath access to the wider countryside needs to be considered and details provided.

The masterplan includes 'formal open space / sports provision' to the east of Clipstone Park and rural landscape beyond; I am concerned that the character of formal open space / sports pitches is very different to that of a country park and rural arable landscape and could spoil the flow of landscape from park to countryside.

**Eggington Brook:** The design of the link road at the crossing of Eggington Brook is also a concern; particularly how the road will physically cross the brook and associated wetland, and how footpaths will be accommodated.

**Neighbourhood Centre:** The orientation and layout of the neighbourhood centre off Vandyke Road needs further consideration particularly in relationship to views out of the neighbour centre to Shenley Hill (potential country park). The indicative design and uses of the proposed Vandyke Square is disappointing and opportunities to consider this as a key focal point in the development, a social hub / meeting point needs to include imaginative landscape and urban design.

**Water / Sustainable Drainage Systems:** The application site is located in a landscape which includes brooks, drainage channels and ditches but the masterplan does not appear to utilise this local landscape characteristic. Whilst a series of surface water attenuation areas are described in the land use allocation plan it is disappointing that water and especially drainage is not used more both

as a feature in the masterplan covering landscape and linked more to GI and sustainable design.

The application describes the inclusion of SUDs in the development proposals but there appears to be no SUDs masterplan included in the application supporting information - a SUDs masterplan would inform the landscape masterplan and final masterplan plan and I suggest this should be provided or considered further. The inclusion of green / brown roofs, particularly to large buildings, as part of a SUDs management train / masterplan needs to be included.

*[It is considered that a SUDs masterplan can be secured by condition and would be prepared alongside the landscape plans.]*

### **Link Road:**

I have general concerns about the design of the link road: Whilst the indicative cross sections and model views of the road included in the application documents are informative I am concerned that the link road will be of a similar character throughout the development. The road also appears dominant - at least on plan - and appears to override the characteristic / historic radial roads from the town centre.

Design and layout of the link road could include offsetting junctions with radial roads to create nodes / focal points to highlight changes in direction and increase legibility; changes in the character of the link road through portions of the development could vary in terms of layout and design, materials and soft landscaping.

Variations in lighting design associated to the link road could also be introduced to vary character of the road and neighbourhood areas; (although this level of detail is likely to be agreed at a later date).

The link road is shown close to the rural edge at the junction with Hockliffe Road which raises concerns of visual intrusion particularly of street lighting at nighttime - whilst street lighting cannot be totally screened reducing impact may be achieved through the design of street lighting and possibly additional planting to the south east of the junction.

*[The majority of these concerns will be able to be addressed at reserved matters stage.]*

## Economic Growth

It would be useful to have further details of the “Energy / Renewables Centre” as it appears that this will take some of the land area identified for employment. It would be useful to understand how much of this land it would be likely to take up, how many jobs it might deliver and when it might be developed.

In the plan provided as part of the Clipstone Park application, it appears that the delivery of the employment area in the southern part of the site is likely to be in two phases, partly in the first phase and partly in the fourth phase. That part of the employment element is within the first phase is welcome. However, the delivery of the employment element will be market driven so there would seem to be no reason why some would need to be within the fourth phase, if demand allowed it to be delivered sooner. It would be helpful for the phasing plan to reflect this.

There is a need for further information on the employment development proposed as part of the local centre. Whilst additional office space in the town will be welcome, I do have a concern that this is not an existing employment site, so there may be a degree of “market making” required.

As the employment element is an important part of the overall development, I would suggest that the Section 106 agreement includes a requirement to market this part of the site for a period of time.

The Council is currently engaged in work to provide a planning framework for the regeneration of two sites in the town. These have the potential to provide significant improvements to the town and to deliver improved facilities for current and future residents. The proposed development to the east of town has the potential to link to these town centre sites both as a possible site for decanting of existing occupiers but also for Section 106 contributions.

The planning and development briefs for these two sites have recently completed public consultation, and were endorsed for the purposes of development management in March 2012. The Council will be working to deliver comprehensive development of these two sites and it is expected that this will be phased and will take place over a number of years. For this reason, it would be helpful for some mechanism within the Section 106 agreement to be able to provide funding to assist with their delivery.

*[The legal agreement will include requirements for marketing and promotion of the employment land. The s106 offer as set out in section 8 does not include any contributions towards the town centre development sites.]*

Ecology

Concern over area of pasture to the north bordered by hedgerows and standard tree lines. This is the main area

of Badger activity and has lots of Bat activity also. There is a veteran Aspen tree and identified Bat roost amongst the trees in the hedgerow. It is adjacent to the Clipstone Brook CWS and I do not feel it is appropriate for it to be used for sports pitches. A cycleway is proposed to follow hedge lines H33 and 31 as this would likely require a surface to be put down this would not be beneficial to the hedgerow corridor from a biodiversity perspective. There are ample opportunities elsewhere to provide the same level of connectivity to sports pitches. Important to retain green corridors of Clipstone Brook and Eggington Brook, concern over increased use by people and 'dogs' that will impact on the ecology of the site, strong management plans needed. Lighting of publically accessible sites could be an issue around these corridors, especially Clipstone due to ecological interest for nocturnal species.

*[All of these issues will be taken into account and dealt with at reserved matters application stage. However discussions have taken place with regard to the playing pitch provision and retention of green corridors, the outcome of which was that all of the playing fields are required and that the proposed layout conforms with the endorsed Framework Plan.]*

Climate Change Officer

I welcome the applicant's commitment to achieve certification of Code for Sustainable Homes standard for residential development and BREEAM standard for non-residential buildings. The applicant states that houses built before 2016 will be built to Code Level 4 and after 2016 to revised Code Level 6. The non-residential buildings will seek to achieve the BREEAM rating Excellent and Excellent plus after 2016.

- I understand that measures to achieve the prescribed sustainability rating will be considered in more detail at the stage of full plans approval / reserved matters. However, I would like to point out here that energy efficiency measures are a cheaper way to reduce carbon emissions than renewable energy and should be considered first. Applying passive house principles could considerably help to reduce need for heating and cooling in the house and increase air tightness of the building. All efforts should be made to orientate as many buildings as possible 30 degrees from south. Westerly orientation increases solar gain and need for cooling in the summer. If unavoidable mitigating measures should be implemented, e.g. shading through planting of deciduous trees or installation of external sun shades. Passive design is applicable both to residential and non-residential buildings.
- The advantage of achieving carbon savings through

improved energy efficiency of a building compared to the use of renewable or low carbon technologies, is that it is not dependant on the correct use by the end user and is not affected by the lifetime of the technology used. Overall it gives more assurance that the carbon reductions will be maintained through the lifetime of the building. In addition residents will benefit from lower energy bills, which will have a positive impact on fuel poverty issue.

- The applicants state in the Design and Access Statement section 5: Design Proposal, that the proposed Neighbourhood Centre located to the south of Vandyke Road will accommodate a 'potential site for an energy centre' and in addition there will be a potential for a utilities/renewable energy centre on land adjacent to Stanbridge Road. The statement is not explicit whether the developer will be responsible for delivering these energy centres or only if land would be put aside for these.

*[The application sets out that the development will be constructed to the appropriate Building Regulations standards and the viability analysis undertaken is based on this approach.]*

#### Highways Development Control

With the absence of the link road; connecting Stanbridge Road, Hockliffe Road, and Vandyke Road then a development of this size would cause an unacceptable degree of harm (congestion and journey time) to the existing town centre. Even without the proposed development the issue of congestion within the town centre would get increasingly worse over the next 10 years. However, the introduction of the link road connecting the three main principal routes into the eastern side of Leighton Buzzard acts as an effective internal relief road and carries out that very function. While it cannot be denied that traffic from the development will contribute to flows within the town it should be emphasised that the link road offers an alternative route to a number of existing journeys that compensates for this increase. Proposals have also been made to mitigate traffic congestion within the town. Public transport and enhancement to routes will need to be considered further.

There needs to be further consideration to the junction of Vandyke Road and Hockliffe Road but this can be dealt with by way of condition or the section 106 agreement.

Mindful of the comments above; considering the development and the highway network (in highway terms) I will be recommending that the application be approved subject to conditions and appropriate requirements within

the Section 106 agreement.

*[Detailed comments of the Highways Development Control Officer are included in the following sections in the appropriate context.]*

Highways Agency

No objection but directs that a condition be added to any planning permission granted requiring the review and implementation of the umbrella travel plan.

Housing Strategy

Comments at 22 November 2011.

This application meets the threshold to provide affordable housing. I would expect to see 35% affordable housing or 448 affordable units. This should be split 69% for social rent and 31% for shared ownership in the South. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application.

*[The level of affordable housing secured will be influenced by the financial viability of the scheme, the applicants have undertaken a full viability appraisal which demonstrates that 10% affordable housing would be provided. The breakdown of the affordable units would be 80:20 shared ownership and affordable rent. This matter is addressed in more detail in sections 7 & 8]*

Additional comments received 6 February 2014 following viability appraisal:

Having gone through the reports by BPS on the East of Leighton Linlade Willis Dawson applications, I can confirm that I am happy with the proposed minimum 10% affordable housing through each phase of the development. The 10% is somewhat lower than our policy requirement of 30% affordable. However, the report illustrates the viability issues with the site and the assumptions used within the viability report appear to reflect the prevailing market conditions standard industry assumptions.

The tenure split of 80% shared ownership and 20% affordable rent whilst again is somewhat different to the tenure split outlined in the Strategic Housing Market Assessment (71% Rent and 29% intermediate tenures) is ok as this tenure split helps to enable a higher percentage of affordable housing.

With a low minimum affordable percentage, it is important to include some form of review mechanism within the S106 in order to secure further delivery of affordable housing as the development progresses. In terms of additional delivery of affordable housing, the onsite provision of affordable housing would be more favourable rather than off site provision. With the increasing need for Central Bedfordshire Council to take some of the housing need from Luton the provision of any additional onsite affordable housing from the ELL scheme will be beneficial.

Local Plans and Housing  
Team

These comments are written on the basis of the consistency of the application with the emerging Development Strategy for Central Bedfordshire. If you have specific queries in relation to the existing South Bedfordshire Local Plan then please let me know. However, I thought it would be helpful if I try to clarify the position in relation to the Development Plan for this part of Central Bedfordshire.

From my understanding, the Development Plan consists solely of the saved policies in the South Bedfordshire Local Plan Review (adopted January 2004). The previously saved policies from the Structure Plan were revoked with the East of England Plan.

The Joint Core Strategy for Luton and southern Central Bedfordshire that was endorsed for Development Management purposes by Central Bedfordshire Council's Executive in August 2011 still remains a consideration. However, given the time that has elapsed since this endorsement and the progress now made on the Development Strategy, I would be inclined to give more weight to the Development Strategy than to the endorse Joint Core Strategy.

Work on the Development Strategy for Central Bedfordshire started in October 2011, following the withdrawal of the Joint Core Strategy. Informal consultation took place during February and March 2012, with consultation on a draft Strategy following in June 2012. The pre-submission version of the Strategy was published for 6 weeks in January 2013 and submission to the Secretary of State was expected in mid-June 2013.

However, the recent publication of information from the Office for National Statistics (ONS) has prompted a review of the population and household projections that underpin the Development Strategy. This review work is currently underway and we will need to consider the implications for the Strategy. We will endeavour to keep to a minimum the delay to the adoption of the Development Strategy,

originally scheduled for February 2014.

In general there has been a strong link between the plan-making process and the development of this planning application, with each informing the other. This relationship goes back a number of years to early work on the Joint Core Strategy for Luton and South Beds. The basic principles of this application – the location for growth, the broad housing and employment numbers, the infrastructure required – are therefore consistent with the emerging Development Strategy.

In a plan-led planning system, the importance of the plan-making process should not be underestimated. Ideally the examination process for the Development Strategy would have run its course prior to consideration of a major planning application. I understand the circumstances that have led to this planning application being drawn up in advance of the plan-making process. I also accept that the plan-making process has done itself no favours in taking so long to reach this stage (due to factors largely beyond Central Bedfordshire Council's control). However, determining a planning application of this scale in advance of the plan-making process should not be done lightly, if the integrity of the plan-led system is to remain. There would need to be significant benefits to the public interest to justify such a decision.

The following are the key issues raised by respondents with respect to the East of Leighton Linlade Urban Extension. These have been drawn from the Preferred Options (June 2012), and Pre-Submission (January 2013) consultations. In total 183 representations were received - of these 129 objected to the proposal and 37 supported it.

Concerns were raised about the potential adverse impact on traffic generation pointing out that the roads in the town are already congested and the new allocation would make this worse. On this point, several respondents expressed concern that the new distributor road does not do the job it should do, and there are requests for it to be extended and increased in capacity or turned into a by-pass.

With respect to other infrastructure, several respondents considered that there is already an existing infrastructure deficit and that development at East Leighton Linlade will make matters worse.

With regard Green Belt, the point was made that roll-back of the Green Belt in this location could lead to increased coalescence with nearby villages, including Eggington village. Linked to this some respondents felt that the

proposed new Green Belt boundary was unclear, and questioned whether there will be further expansion in the future.

In terms of viability, some respondents were concerned that viability of the proposal has not been adequately proven, and that the proposed CIL charges could impact on the delivery of infrastructure, and queries regarding whether the S106 mechanisms will be able to meet the likely shortfall in infrastructure provision.

There are doubts about the employment allocation; will it create the jobs needed so people do not have to commute and the developers consider it is too large.

Finally, with respect to environmental considerations, flooding was raised as an issue across the whole site.

While the delay to submission of the Development Strategy may have increased uncertainty to some extent, the initial indications from the revised population and household projections is that the requirement is increasing rather than decreasing. It is more likely that we will need to find additional sites, rather than seek to remove existing allocations.

Furthermore, the particular circumstances of this site mean it appears highly suitable for development, as set out in the Sustainability Appraisal report, whose findings are consistent with previous positive assessments of this site. Of particular note are the size of the site, its location adjacent to an area of high housing demand, its ability to deliver key road infrastructure to the benefits of the wider area and the relative lack of constraints. In my view, it is very difficult to envisage a strategy to meet housing needs that does not include, in some form, development of this site. This should be considered in relation to the question of prematurity.

The site remains in the Green Belt until adoption of the Development Strategy. Given the delay to Development Strategy however, an earlier decision on the above planning applications would be in the interests of the Council given the pressing need to deliver housing in the area and the importance of the 5 year housing land supply in determining applications. However, this needs to be done in the context of demonstrating very special circumstances to justify development in the Green Belt.

In terms of the supply of housing land, the Council's published Housing Trajectory shows 9,176 dwellings being likely to be completed during the 5-year period from 1 April 2014 to 31 March 2019. Of these, around 850 are

predicted to come forward from East Leighton, with 100 dwellings in 2015/6. This is a challenging timescale and if early delivery is to be achieved, progress on an outline planning permission is needed at the earliest opportunity. This is a significant consideration.

A critical issue is the provision of affordable housing. With the site representing a significant element of the overall housing delivery in the Development Strategy, it necessarily represents a significant opportunity for the delivery of the overall affordable housing requirement. The 2012 Strategic Housing Market Assessment (SHMA) indicated a requirement for around 31.8% affordable housing over the plan period, over 9,000 affordable dwellings. In addition, Luton Borough Council has made it clear that they are unable to provide for the full extent of housing need arising in their area. This unmet need will include an element of affordable housing. This is an area where, through minor textual changes, we are seeking to introduce greater clarity to the Development Strategy in that the planned provision will be meeting an element of need arising from within Luton

The Development Strategy policy requirement for this site would suggest around 363 affordable homes – a significant proportion of the total requirement for the area. Development viability will be an important consideration here and Development Strategy policy 34 places emphasis on the provision of a “viable degree of affordable housing”. This flexibility reflects recent Government pronouncements and statements in the NPPF. Nevertheless, there remains an acute need for affordable housing and we must do all we can to ensure maximum provision.

The scale of employment provision is also broadly in line with the Development Strategy. In line with Government guidance, the Development Strategy is not prescriptive about the type of employment uses expected. However, the emphasis in the planning application on B1 uses, above B8 and B2 uses, is to be welcomed as this will provide more jobs for the Town.

## **Determining Issues**

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

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

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

1. Compliance with the Adopted Development Plan for the Area.
2. Compliance with the National Planning Policy Framework.
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy.
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire.
5. Compliance with the East of Leighton Linlade Framework Plan.
6. The Green Belt and assessment of the potential “very special circumstances” that may arise.
7. Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.
8. Issues
  - a. Affordable Housing
  - b. Transport Impact
  - c. The Retail proposals and their impact
  - d. Green Infrastructure and Open Space
  - e. Off-site Impacts: SSSI's and recreational sites accessible to the public
  - f. Car Parking Standard
  - g. Design and Implementation.
9. The Viability Appraisal and consequences for a Section 106 Planning Agreement
10. The Requirement for Planning Conditions.
11. Conclusion

## **Considerations for determining the Planning Application**

### **1. Compliance with the Adopted Development Plan for the Area**

- 1.1 The formal Development Plan for this area comprises The Minerals and Waste Local Plan (M&WLP) 2014 and the South Bedfordshire Local Plan Review (SBLPR) 2004.
- 1.2 The Minerals and Waste Local Plan 2014 includes policy WSP5 which requires that all developments should include sufficient and appropriate waste storage and recovery facilities in their design and layout.
- 1.3 The relevant policies of the SBLPR 2004 are listed at the start of this report. This list reflects the fact that only some of the policies have been “saved” for use. Of these policies, the following are directly relevant to the proposal and should therefore be taken into account. Each policy in turn is followed by a

recommendation on the weight that should be applied to it when making a decision on the planning application.

- 1.4 In respect of the Green Belt, the Local Plan proposals map confirms that the site lies within the Green Belt where no exception for major development is made. Therefore the Committee will need to consider whether there are any very special circumstances for development of the site.

*[The key issue of principle when considering the planning application is that as the proposed East of Leighton Linlade urban extension allocation has not yet been formally confirmed in an adopted Development Plan, the application site has not yet been removed from the Green Belt. Therefore a key consideration in determining this application is whether the application is premature in advance of the formal adoption of the replacement Development Plan. Then having considered that, whether there are very special circumstances that would support planning permission in advance of the adoption of the Development Strategy. It is a fact that the site lies in the Green Belt and so the planning application represents inappropriate development in the Green Belt. Therefore it should only be permitted if very special circumstances (VSCs) apply. This argument is presented in detail within section 6 below. ]*

- 1.5 Policy BE8 lists a number of design considerations that development should generally take into account.

*[The proposed design treatment is included in the submitted Design and Access Statement (DAS) submitted with the planning application.*

*In respect of this application, a commentary in respect of each criteria of the policy is provided below by the Case Officer:*

- The proposal covers a wide area of rural fringe and agricultural land within which runs Clipstone Brook and Eggington Brook. The brooks and the area around them are identified as important landscape features as well as having an ecological benefit. These areas are therefore retained and incorporated into the proposed country parks. In addition there are trees, small areas of woodland and other natural features that can be kept and enhanced to add to the attractiveness of the setting of any new development.*
- There is little character that is distinctive of the area, though there are landscaping opportunities within the site to assist in enhancing the appearance of the area.*
- Whilst the policy seeks to “complement and harmonise with the local surroundings” the area is on such a scale that a more sophisticated approach is required. The DAS includes an illustrative Master Plan which, though not part of the Planning Application, does include ideas that identify where the size, scale, density, massing, orientation, materials and overall appearance can raise the standard of design in the area. Crystallising the benefits of the development in this way will require planning conditions to ensure that design quality is maintained throughout the development period.*
- The setting of the development in the landscape is also a key component of the DAS and undoubtedly the development will have some impact both on views from Eggington towards the north, albeit sections of the site would not*

*be visible due to the topography, from limited viewpoints in Heath and Reach towards the south and other viewpoints within Leighton Buzzard itself as well as the wider countryside. The policy asks for such views not to be harmed, to enhance them or to provide new ones. It is the latter part of the policy that is most relevant given the scale of the development.*

- Providing suitable facilities for access by the disabled, elderly persons and young families is a matter that will mostly be considered at later design stages. However, the scale of the proposed development offers many opportunities for effective design for those groups to be employed.*
- Similarly, providing a layout and design to limit opportunities for crime to be committed is a matter that will mostly be considered at later design stages.*
- The policy asks that there is no unacceptable adverse effect upon residential amenity and privacy. This is particularly important given that the development shares a boundary with the majority of the rural edge to the east of Leighton Linlade, with many existing dwellings along that boundary. The masterplan does however show that there is only limited area to the north of Hockliffe Road where new housing would abut existing housing. In such locations it would be reasonable to expect that specific attention is paid to that relationship using planning conditions. Within the development itself, this would be a matter for later design stages with guidance from the Local Planning Authority in the form of the document: "Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements)".*
- The development includes new commercial uses which may generate noise or other pollution emissions. These are generally identified within the planning application and considered as part of the Environmental Statement. There will be a need to ensure that any required mitigation is identified specifically and dealt with at the relevant detailed design stage and also include all necessary planning conditions.*
- The policy seeks an efficient use of scarce resources and land. Once more the scale of the development offers a variety of opportunities. Planning conditions that require the provision of Design Codes can identify specific ways of doing so.*
- Lighting arrangements for the development are likely to be an important consideration at later design stages. The most significant lighting proposals will be associated with the link road, neighbourhood centre, schools and the commercial areas within the new development. Care will be required to ensure that lighting does not harm highway safety and general public amenity. Particular attention will need to be paid to the lighting of the playing pitches located on the eastern edge of the development to minimise the impact as highlighted by English Heritage. Appropriate conditions will be required.*
- Approximately 38% (43 hectares) of the total site area will be open space (formal open space; sports provision; informal open space; landscaped areas; woodland; allotments; country parks etc) and subject to some form of landscaping; not including private gardens and landscaped areas within commercial areas. A considerable amount of attention is paid to this aspect of the proposal within the DAS.*

Finally, in accordance with this policy, the Environmental Statement contains an assessment of the landscape character of the application site and surrounding area.

- 1.6 Policy T10 sets out the considerations that will apply when looking at the provision of car parking in new developments.

*[However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date and is essentially superseded by the more recent National Planning Policy Framework statements. Therefore Policy T10 is no longer in day to day use by the Council. A new parking policy for Central Bedfordshire was approved by the Council in October 2012 and revised standards are contained in the emerging Design in Central Bedfordshire. For these reasons, it is considered that very little weight should be given to Policy T10 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.]*

- 1.7 Policy H3 seeks the provision of housing to meet the needs of the elderly, single and other small households, with a third of all proposed housing to be of 1 and 2 bedroom types. Exceptions are allowed to the latter requirement if a rigid application of this would be inappropriate.

*[The application is of a scale that can accommodate a wide variety of housing types over a 20 year period, therefore over a long period of housing market and population change. The mix of housing types and sizes will be dealt with through area plans which will be secured by condition.]*

- 1.8 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.

*[However, this policy is out-of-date for the following reasons. The policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. In particular it is recognised that the proposed strategic urban extensions were promoted to assist in meeting the needs for housing across the whole of the conurbation and not just within South Bedfordshire: which is itself of course no longer in existence as a local authority area. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes.*

*Therefore it is recommended that limited weight is afforded to this policy in respect of occupancy and indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of this development is of greater relevance. Other aspects of the policy remain relevant and the application is generally compliant with them.]*

- 1.9 Policy E1 requires employment development to be accommodated without

unacceptable harm to the amenity of the surrounding area.

*[The development is of a scale that offers opportunities to design these areas in an acceptable manner and without harm to the amenity of the surrounding area.]*

- 1.10 Policy R10 sets out the requirements for play areas.

*[The application submissions refer to such provision, though the scale of the development is considerably higher than the scale likely to have been envisaged by this policy. Since this policy was established, new guidance was published in 2009 in the form of a Supplementary Planning Document for Planning Obligations in the old South Bedfordshire area and endorsed by the Council subsequently for use in that area. Nevertheless, the policy should be given substantial weight. There will be a need for appropriate conditions and clauses within a Planning Agreement to incorporate any specific or negotiated requirement at later design stages.]*

- 1.11 Policy R11 seeks a similar arrangement for formal and informal open spaces.

*[The same weight as above should be applied.]*

- 1.12 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces; including access and particularly close to urban areas.

*[The application has identified the existing rights of way and new facilities including a walking/cycling leisure route, links to existing rights of way and country parks that it would facilitate to improve such facilities. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision.]*

- 1.13 Policy R15 seeks the retention of the existing public rights of way.

*[The planning application has a small number of footpaths and bridleways in and around the site and all will require incorporation into the development in a manner appropriate to their function. In addition, there will be a significant additional provision of footpaths and cycleways to link into the existing urban network.]*

- 1.14 Policy R16 offers support to the provision of land for outdoor sport though referring also to the general Green Belt policy that buildings would not be appropriate. This policy is a material consideration and should be considered alongside the section in this report on the Green Belt.

## **2. Compliance with the National Planning Policy Framework (NPPF)**

- 2.1 For the reasons set out in the previous section, it is necessary to consider the planning application against the NPPF as a significant material consideration. The relevant part of the NPPF states that local planning authorities should apply the presumption in favour of sustainable development, which means that:-

*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*— specific policies in this Framework indicate development should be restricted.”*

2.2 The fact that this is a large and complex planning application with significant impact on a wide range of subjects ensures that there is very little in the NPPF that isn't directly relevant to the decision of whether or not to grant planning permission. Therefore, in the following paragraphs, each relevant statement of NPPF policy is examined, compared with the content of the planning application and a conclusion is drawn as to whether a decision to grant planning permission is signalled.

2.3 **Do the proposals deliver sustainable development by its prospects for building a strong, competitive economy?** For the reasons set out in section 1, the basis upon which to make a judgement about whether these proposals deliver sustainable development is not fully contained in the adopted Development Plan. However, since the adopted Development Plan became operational, a considerable amount of work has been undertaken to provide context for planning for the economic growth of the general area. The planning application itself seeks to meet the needs of business and job creation as well as taking advantage of the natural opportunities for economic growth of the national economy that the area offers. Though not a definitive list, examples of the research that set out what those natural opportunities are can be found in:

- The economic development research that underpinned the old Regional Plans for the East of England
- The economic development research undertaken by Luton Gateway: including the Luton and South Bedfordshire Infrastructure Study.
- The substantial research that underpinned the Luton and South Bedfordshire Joint Core Strategy and which remains an important body of work, suitably updated, for the emerging Development Strategy for Central Bedfordshire.
- The work undertaken by the Council's Economic Development staff and their initiatives towards improving the economy and job prospects for the area.

2.4 *The applicant has highlighted the economic advantages of the proposal within their Planning Statement submitted with the application. They point to the proposal providing 11 hectares of employment land B1, B2 and B8 uses, a neighbourhood centre of 2.9 hectares including retail, leisure, office space and other employment generating uses. Plus additional jobs from schools, leisure and recreation facilities and services. They expect in the region of 2,500 – 2,650 permanent jobs plus further temporary construction jobs.*

2.5 Central Bedfordshire Council is proactively planning for the development needs for business by ensuring that sufficient land is allocated in the forthcoming Development Strategy for new employment use. This is being allocated on

several new employment sites, but includes the express requirement that significant new employment provision is included within the East of Leighton Linlade proposed Urban Extension. This is balanced by the allocation of sufficient housing to not only reflect the anticipated growth in the area but also to offer new business and employment opportunities. In addition the town is well connected both by road and railway.

**2.6 How will the vitality of Leighton Buzzard town centre be ensured?** The planning application proposes a small range of retail and other uses, including GP surgery, public house and offices, community facilities, that, at a total of approximately 6100sqm gross floorspace, would be uses that would have been expected to be found within or, if necessary, on the edge of a town centre.

*2.7 The applicant has highlighted the advantages of the proposal in respect of the retail provision within their Planning Statement submitted with the application. They consider that the scheme will provide local retail floorspace, including a small foodstore, provide improved choice and competition to the existing provision and add to the range of new retailers not currently present in the locality. The applicants also suggest that the new retail provision being planned will encourage local people to shop within the area and keep their expenditure local and that the additional spending power of new residents will benefit existing local centres.*

*2.8 In addition the increase in population would lead to more people using the town centre supporting existing businesses. The development would provide good linkages, by road, foot and cycle, to the town centre and could contribute financially to the delivery of the proposed development on land south of the High Street in line with the development brief.*

*2.9 In conclusion, it is considered that the retail proposals are limited and appropriate to serve the urban extension and are therefore not in conflict with NPPF policy as it is calculated that there is not a significant adverse impact. The above forms the NPPF background to the retail part of the considerations in section 8 of this report, below.*

**2.10 Is the proposal supported by a Transport Assessment which promotes sustainable development and transport modes?** The application was submitted with a comprehensive Transport Assessment. This confirms the positive impact that the new eastern link road will have on traffic patterns in the area, specifically with regard to alleviating congestion in Leighton Linlade town centre. The application also includes proposals for a range of sustainable transport measures covering the full ambit of transport matters including roads, junctions, bus services, improvements to the railway station forecourt, cycling, walking and the relationship of land uses to the transportation network.

*[The current s106 offer set out in section 9 includes financial contributions and works in kind to deliver the sustainable transport measures.]*

**2.11 Does the proposal provide a wide choice of quality homes?** The scale of the proposal and the likelihood that the development will take about 20 years to complete will, by definition, ensure that a wide variety of housing will be provided. The evidence underlying the proposed Development Strategy

suggests that there is a particular need for housing that is suitable for the elderly as well as a mixture of family homes, self-build homes and homes for small households. It is appropriate to ensure that variety in general market housing is provided for and should permission be granted, it is appropriate that the detailed applications that come forward do reflect the latest available information on such requirements.

2.12 The proposed Development Strategy includes a policy which seeks 30% of the housing to be classed as Affordable Housing subject to the need to ensure that proposals remain commercially viable. This matter is dealt with in more detail later in section 4 below.

2.13 **Does the proposal ensure good design?** The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level including: overall scale, density, massing, height, landscape, layout, materials and access of new development. The application includes a comprehensive Design and Access Statement that sets out the aspirations for the quality of the development, by character area. The application also includes commitments to produce Design Codes for each phase or part of the proposals and Design Briefs for individual buildings or areas where particular design attention is required such as public buildings. This is a reasonable approach as it allows the Council to consider and approve designs which conform to the latest standards of good design as it may evolve over the 20 year period of the development.

2.14 **Does the proposal promote healthy communities?** The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The proposal is of a scale that all of these activities will feature and all are covered within the description and content of the planning application.

2.15 **What appropriate weight is to be given to protecting the Green Belt?** This is fundamental policy within the NPPF which clearly states that inappropriate development (i.e. most new buildings) is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The policy states:

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

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately in section 6 below.

2.16 **How does the application handle the challenge of planning for climate change and the risk of flooding?** The NPPF seeks to move towards a low carbon future through choosing locations that encourage forward thinking on

how to minimise the developments' carbon footprint, supporting energy efficiency improvements and adopting national standards.

- 2.17 *The application includes a substantial amount of information within the Environmental Statement on this subject and this is dealt with in section 7 below. The Design and Access Statement submitted with the planning application states that all built development will be located in the areas of lowest flood risk (zone 1), with the exception of the link road where it crosses Clipstone Brook, and that there will be no increased flood risk as a result of the development. It also commits to providing a sustainable urban drainage scheme which would ensure that surface water run-off rate will replicate the existing rate for the site and retains and respects the existing Internal Drainage board detention basins on Eggington Brook.*
- 2.18 **How do the planning proposals help to conserve and enhance the natural environment?** The application was submitted with a comprehensive set of documents covering this issue. Various proposals for enhancements have been included in the ecological survey and mitigation work, the Design and Access Statement and in the work undertaken to assess open space requirements. This explores the need to enhance a relatively poor quality site in biodiversity terms but also emphasises the need to protect existing natural assets such as the brooks, the hedgerows, and the significant trees. Proposals and suggested conditions to do so are included.

### **3. The endorsed Luton and South Central Bedfordshire Joint Core Strategy**

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The L&SCB JCS was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. The Joint Core Strategy, the Joint Committee itself and the East of England Regional Plan have fallen by the wayside, but the evidence that supported those policy documents remains supportive of a growth agenda for Leighton Linlade.
- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base for development management purposes on the 23<sup>rd</sup> August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. Thus the substantial work to provide a policy basis for growth and regeneration forms part of the context for this planning application.
- 3.3 It is for this Committee to consider the weight that it wishes to attach to this document. The following represents the view of the Officers on this point, taking into account the view expressed by the Local Plans and Housing Team Leader as set out in the representations above.

- 3.4 The Committee could reasonably give some limited weight to the fact that the current proposal complies with the policies contained in the L&SCB JCS document in that it proposed the allocation of land at East of Leighton Linlade for an Urban Extension and is based upon a history of policy development to that end. It is within that area that this planning application lies.
- 3.5 The details of the endorsed policies are not dealt with in this section as they appear again in the next section dealing with the Central Bedfordshire Development Strategy.

#### **4. The Development Strategy for Central Bedfordshire; Pre-Submission version 2013**

4.1 The Central Bedfordshire Development Strategy document is at a stage of production where following amendments and further public consultation it is due to be submitted for Examination later this year.

4.2 The relevant policies of the Development Strategy for Central Bedfordshire pre-Submission version 2013 are listed at the start of this report and again here:

Proposed Policies: 1, 2, 3, 4, 6, 11, 12, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 43, 44, 45, 47, 48, 49, 56, 57, 58, 59 & 62.

The following policies are specifically relevant to the proposal and should therefore be taken into account.

- 4.3 Policy 1 reaffirms the document's intention to be in accord with the NPPF presumption in favour of sustainable development. See paragraph 2.1 for details of what this means. Given that the current Development Plan is out-of-date in this regards, the presumption in favour of development applies, provided it accords with other policies.
- 4.4 Policy 2 sets out the growth strategy to meet the need for new homes in the period 2011 and 2031. East of Leighton Linlade is listed as a growth location.
- 4.5 Policy 3 seeks to confirm that the Green Belt designation is to be removed from the land proposed for urban extensions: including East of Leighton Linlade.
- 4.6 Policy 4 lists Leighton Linlade as a major service centre where employment, shopping and community facilities are to be focussed.
- 4.7 Policy 6 proposes the provision of an additional 139 hectares of strategic employment sites, of which 11 hectares would be sought from the application site and 16 hectares from the allocation site as a whole (Policy 62).
- 4.8 This suggests that the application is generally favoured by the emerging policies set out above.
- 4.9 Policy 11 largely re-affirms the intention to be in accord with the NPPF requirements on ensuring that new retail development is properly assessed in

respect of the impact on existing town centres. Paragraph 2.7 in the NPPF section 2 above explains further and the retail issue is also examined in detail within section 8 of this report, below.

- 4.10 Policy 12 sets out the amount of retail floorspace that is believed to be required for the area up to 2031. This policy has been re-assessed in the light of new evidence made available after the document was written and is under consideration for amendment at present. It is likely that the amount of convenience floorspace will increase substantially due to the need to correct a factual error. This is an important potential factual change to the currently published Development Strategy. This is referred to by the applicant in their planning submissions and is discussed in section 8 of this report, below.
- 4.11 Policy 15 sets out the aspiration to provide new community, leisure and cultural facilities alongside retail floorspace and new housing within Leighton Buzzard town centre. Two endorsed development briefs, one on Land South of High Street and the other at Bridge Meadows will deliver this aspiration. In addition access from the train station to the town centre will be improved and connectivity between different parts of the town enhanced.
- 4.12 Policy 19 is a key proposal which has a direct application to the planning application and merits a more detailed consideration. It relates to the need to ensure that the necessary infrastructure is in place. The policy requires that all new development must be supported by the required infrastructure and that developers will be required to contribute, after viability testing, to offset the cost of new infrastructure.

Where, as in this case, the planning submissions make it clear that in the current economic conditions, not all of the required infrastructure can be provided then it follows, under this policy, that the Council will examine its requirements and will need to decide whether or not:

- the shortfall falls below an acceptable minimum such that planning permission ought to be refused;
- there is a mechanism whereby the infrastructure requirement can be provided when economic conditions improve; or
- there is a reasonable case for reducing the requirement.

This issue is dealt with further in section 9.

- 4.13 Policy 20 seeks to encourage large developments to include provision for high speed broadband infrastructure.
- 4.14 Policy 21 seeks to provide appropriate community infrastructure, subject to viability, in the form of integrated community hubs, community facilities, faith spaces, social and community infrastructure. The planning application is of a scale that it is justified for the development to accommodate, either within the site or nearby, the full range of supporting community infrastructure. The key document supporting this policy is the adopted Supplementary Planning Document for the southern part of Central Bedfordshire on Planning Obligations (2009). This issue is dealt with in section 9 below.
- 4.15 Policy 22 seeks to ensure that the development is provided with the required leisure facilities and open spaces either on, or where provision on-site is not

possible, off-site. It also requires a contribution towards maintenance and running costs. As for policy 21, this is dealt with in section 9 below.

- 4.16 Policy 23 seeks to protect, enhance and promote rights of way. In this case, the site area has a small number of routes that will require appropriate treatment.
- 4.17 Policy 24 seeks to ensure that new developments are made accessible and are connected to public transport. Policy 26 requires the submission of a Travel Plan. The planning application is of a scale that significant new routes and possibilities are available and featured heavily in the Travel Plan that was submitted with the application. This has been discussed in detail with the Council's transport officers. This issue is dealt with further in section 8.
- 4.18 Policy 25 seeks to facilitate the delivery of strategic transport schemes including the East of Leighton Linslade Distributor road. Provision is expected in parallel with the new development.
- 4.19 Policy 26 requires travel plans to accompany a transport assessment. The travel plan should demonstrate how new development will be accessible by a range of travel modes and should detail a long term strategy to mitigate any adverse impacts and maximise the potential for achieving sustainable transport behaviour. The application was accompanied by an umbrella travel plan which sets out an overarching summary of the aims, measures, approach to management and implementation and targets for the development proposal. Appended to the document are 3 travel plans, one for the residential part of the development, one to deal with workplaces and one for schools. The Highways Agency is satisfied with the submitted information but request a condition to secure the review and implementation of the measure within the umbrella plan.
- 4.20 Policy 27 requires the provision of adequate car parking and unlike the Development Plan policy (section 1, paragraph 1.6 above) refers to the standards as set out in the Council document, "Design in Central Bedfordshire: A Guide for Development". However, a new parking policy for Central Bedfordshire was approved by the Council in October 2012 and it is understood that this policy may also be amended. For these reasons, it is considered that limited weight should be given to Policy 27 except insofar as it points to the importance of ensuring that sufficient car parking provision is made in new developments.
- 4.21 Policy 28 requires the provision of a Transport Assessment. This has been complied with in the planning application submissions and the subject of discussion with the Council's transport officers and the Highways Agency. See section 8 below for further discussion on this point.
- 4.22 Policy 29 seeks the provision of 28,700 new homes in the period 2011 to 2031 and signals the provision of 11,500 within new strategic sites. Through Policy 62, one of these is East of Leighton Linslade, part of which is covered by this planning application which seeks permission for 1210 dwellings. The planning application therefore represents some 4.2% of 28,700 homes proposed by the Development Strategy, with the whole allocation representing some 8.7%.

- 4.23 Policies 30, 31, 32 and 33 all relate to the requirement to consider providing a variety of new homes to an appropriate mix, type for older persons, lifetime homes and for the Gypsy, Traveller and Travelling Showpeople communities. The planning application allows for the provision of all bar the latter type of accommodation. There will be a need for planning conditions to be applied to secure the types of accommodation that have been deemed suitable for this site. This is dealt with in section 10 below.
- 4.24 Policy 34 seeks a provision of 30% of the proposed dwellings to be of the affordable housing type. It is this policy which falls in line with the NPPF whereby if less than the requirement is to be proposed, then a financial viability analysis must make it clear why the required level cannot be provided. Much of the discussions with the applicant since the planning application was submitted have focussed on this matter and on the related matter of contributions to community infrastructure. This issue is dealt with further in section 9.
- 4.25 Policy 36 re-affirms the NPPF policy position on the Green Belt, the matter dealt with in detail in section 6 below.
- 4.26 Policy 43 seeks the provision of a high quality of design, locally distinctive, efficient, respectful of neighbours and the historic environment, complementary to the landscape and adequately provisioned for the car forms of development. This is a similar policy to policy BE8 of the South Bedfordshire Local Plan Review (2004). The planning application responds to these requirements in the same way. The policy is related to policy 48 which seeks to reduce the impact of the development on climate change by means of design, though design is a matter for later stages of the planning application process.
- 4.27 Policy 44 expects developments to comply with National and Council standards for protection against pollution. The planning applications submissions on this matter have been the subject of considerable discussion with the relevant Council officers and these matters will be covered by means of planning conditions as set out in section 10 below.
- 4.28 Policy 45 seeks to conserve, enhance, protect and promote the enjoyment of the historic environment. The application site is an area designated for its archaeological sensitivity, therefore trial trenching of agreed areas has been undertaken to explore the importance of the site. In addition there are some listed buildings close to the site however subject to the detail of reserved matters applications it is not considered that the impacts on the setting of the listed buildings are adverse. The matter of heritage assets is explored in detail in section 7 below.
- 4.29 Policy 47 seeks to provide a higher standard than the current statutory regulations requires for water and energy conservation. However, the techniques for raising the standard can incur considerable additional cost to a development and therefore the matter has been considered in the context of the viability work set out in section 9 below.
- 4.30 Policy 48 requires all development, where relevant, to be resilient and adaptable to the impacts arising from climate change. Measures such as maximising solar gain; retention of existing trees and landscaping; use of

SUDS and use of water efficient fixtures and fittings. The Sustainability Statement submitted with the application highlights that homes will incorporate low energy lighting, full implementation of passive solar orientation and design, renewable energy provision on 10-15% of homes, reduction in internal water consumption and non residential buildings seeking BREEAM excellent rating.

- 4.31 Policy 49 is a detailed policy on protection against flooding which encourages a strategic approach to the issue and sets out the sequential approach to ensuring that flood risk to properties is minimised. None of the built form of the development, save for the link road where it crosses Clipstone Brook, is within Flood Risk Zones 2 or 3. Notwithstanding this allowance has been made for the extent to which the road could reduce flood storage and it has been designed to prevent flood water being held up. The proposals also include Sustainable Urban Drainage Systems (SUDS) within the areas proposed for development as well as within the open space. These measures will reduce flows from the site to a level which is equivalent to or below greenfield run-off and will also provide some improvement for downstream properties.

The site is of a scale that a variety of methods, as set out in the Environmental Statement can be employed to minimise flood risk and to regulate in an appropriate manner the considerable run-off from the new built up area proposed. A selection of drainage strategies have been proposed and there will be a requirement for further detailed proposals to be submitted both as a firm strategy for the site as a whole and for each development area in the future. These are matters that are dealt with by means of the planning conditions as set out in the planning conditions section at the end of this report.

- 4.32 Policy 56 seeks to increase the amount of Green Infrastructure (GI), which is defined by and set out as a series of proposals within the Council's Green Infrastructure Plans. The related Policy 57 is a similar proposal for gaining new areas of high biodiversity. The GI policy requires contributions from new development to help deliver this objective. The planning application site is of a scale that it can make a considerable contribution to creating new biodiversity and increasing local Green Infrastructure. The planning submissions refer to this within the Design and Access Statement and discussion has taken place with relevant Council officers.

Similarly, there are a number of opportunities for enhancing areas within the site to increase biodiversity and the application submissions included an ecological survey which identified new opportunities to improve the area above its existing level in addition to the mitigation measures required. This issue is dealt with further in sections 8 of this report, below.

- 4.33 The relevant part of Policy 58 to this site refers to the requirement to submit a Landscape Character Assessment, to protect such landscapes where proposals will have an adverse impact on important features and to include proposals for enhancement where opportunities are available. A similar requirement to analyse and protect important woodlands, trees and hedgerows is included in Policy 59. The Environmental Statement contains an assessment of the landscape character of the application site and its surroundings and the main findings are included in section 7 below. There will be a need for further detailed assessments of trees and hedgerows when detailed proposals are

submitted as well as detailed strategic landscaping proposals. These are matters that can be dealt with by conditions and through the design process using the required Design Codes.

4.34 Policy 59 requires developers to retain and protect woodlands, orchards and hedgerows; replace any trees which are unavoidably lost and increase tree cover where it would not threaten other valuable habitats and heritage assets. The application sets out that the proposals have been prepared to protect, as far as possible, all existing hedgerows (and trees within them). The retention of trees and hedgerows would be a matter dealt with through an arboricultural method statement and tree protection plan which would be secured by condition.

4.35 Policy 62 sets out the requirements for the East of Leighton Linlade Strategic Allocation. The policy expects the following to be delivered.

- **Up to 2500 homes** (this application covers the largest part of the site and proposes a maximum of 1210 homes.)
- **Approximately 16ha of employment land creating up to 2,400 jobs** (this application proposes 11ha of employment land and suggests that this would deliver 2,000 – 2,150 jobs)
- **A neighbourhood centre and two local centres; including a community hall, health services and retail facilities commensurate with the size of the development** (this application would provide a neighbourhood centre including retail floorspace, community facilities, GP surgery, creche/nursery, public house/restaurant & office space and one local centre including community hall and retail floorspace. A further circa 500 jobs would be created by the neighbourhood and local centre on this part of the allocation.)
- **Provision for education facilities** (this application would provide a new 2-form entry lower school and a new 2-form entry middle school on 5.95ha of land and an extension to Vandyke Upper School on 3.21ha of land)
- **A Country Park** (this application would provide the Clipstone Brook Country Park which would extend to approximately 15ha and be located on both sides of the Brook)
- **Parks and children's play facilities** (this application would provide 2 NEAPs (neighbourhood equipped areas of play) and 4 LEAPs (local equipped areas of play)).
- **Formal and informal open spaces and sports provision** (this application would provide a strategically planned network of multifunctional greenspace including informal open space of 34.7ha consisting of the country park, woodland leisure route, open space and structural planting. Formal open space in the form of 7.45ha of sports pitches would be provided. Allotments would also be provided to address the current deficit and to serve the new population).

The Policy also sets out that the development will provide:

- An Eastern Link Road through the development, delivered on a phased basis concurrently with development (this application would deliver the road between Stanbridge Road in the south and Vandyke Road in the north. The application proposes the link road would be complete between Stanbridge Road and Vandyke Road prior to the occupation of 645

dwelling.)

- Land for assisted living for the elderly (this application proposes 70 assisted living units and a 70 bed-care home)
- Layout and design to respond positively to the Narrow Gauge Railway (this application would not have any impact on the Narrow Gauge Railway).
- Travel Plans which set out the long term strategy for managing multimodal access (this application is accompanied by an umbrella travel plan which includes specific travel plans for the residential development, workplaces and schools.)
- Contributions to the rail station interchange and walking/cycling and public transport linking the development to the town (contributions will be secured through the section 106 agreement however the level of contributions will need to be considered in the light of the viability of the scheme).
- Land for a new town cemetery ( this requirement is met by planning application CB/11/04444/OUT).

The planning application has been designed to align closely to the details of this policy and much of the discussion during the course of its consideration has been seeking to respond to as many of the policy requirements as feasible. However, in general it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it.

- 4.36 The Development Strategy for Central Bedfordshire is not yet adopted policy, but is being prepared to deal with development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy has also been designed and seeks to be consistent with the NPPF. To that end, it is considered that its housing and employment policies that define a quantum of development, its retail policy and its policies about new infrastructure and its delivery are more up-to-date and should be given greater weight than those equivalent to or missing from the adopted SBLPR (2004).
- 4.37 The planning application conforms closely to the policy direction that the Council wishes to go and explicitly delivers a major part of the urban extension at East of Leighton Linlade that the Council considers to be a key part of its Development Strategy.
- 4.38 At this stage, some weight can be given to the document which is greater than the L&SCB Joint Core Strategy. Once submitted, it would supersede that document. However, until it is formally adopted, the National Planning Policy Framework should carry greater weight.
- 4.39 The Committee will recognise that this “weighting” appears not to give the Development Plan primacy when making a decision on a planning application. However, this is because in the Officer’s opinion, the current adopted Development Plan is not up-to-date sufficiently to deal with the planning application as submitted or to comply with the NPPF.

## **5. The East of Leighton Linlade Framework Plan 2013**

- 5.1 In order to guide the development East of Leighton Linlade and to ensure consistency with the approach taken to the North Houghton Regis allocation a Framework Plan was produced in conjunction with both applicants and Central

Bedfordshire Council.

- 5.2 The Framework Plan drew from the evidence base produced for the previously withdrawn Luton and Southern Bedfordshire Joint Core Strategy, from the work then underway for the Development Strategy for Central Bedfordshire and from the incomplete East of Leighton Linlade Masterplan. As its name suggests it is a broad look at what should be provided within the new urban extension to assist potential developers in putting together a planning application that the Council would like to consider positively. The Framework Plan was endorsed by the Council for the purposes of Development Management in May 2013.
- 5.3 The vision for the development set out in the Framework Plan is expressed simply as to ensure that any development connects with its surroundings, helps form new communities, contributes to a sustainable future, emphasises design, provides new business and employment opportunities and protects and enhances the area. A Plan was developed to show where the main elements of development and supporting infrastructure (roads, community facilities, open areas, schools, commercial areas, housing areas etc) were to be located.
- 5.4 The Framework Plan sets out that 11ha of employment land should be provided at the southern end of the site, with residential between it and Hockliffe Road. North of Hockliffe Road would be a further area of residential development, then an area of parkland/informal open space, site for a lower and middle school, with a further area of residential development extending to Vandyke Road. On the western side of the site, south of Vandyke Road, is shown in the Framework Plan as a neighbourhood centre, extension to Vandyke Upper School and an area of land owned by the Health Authority. This planning application provides all of the land uses set out in the Framework Plan in the locations highlighted on the concept plan. It is therefore considered that the planning application conforms with the endorsed Framework Plan.

## **6. The Green Belt**

- 6.1 The application site is located within the Green Belt and does not fall into one of the types of development which are set out in the NPPF or in policy 36 of the emerging Development Strategy as appropriate within the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt. The proposed policy 62 of the emerging Development Strategy proposes that the Green Belt in the area to the east and north east of Leighton Linlade, extending from Heath Road in the north to Stanbridge Road in the south, bounded by Shenley Hill Road, part of Clipstone Lane and otherwise demarcated by field boundaries is removed to make way for the proposed urban expansion. There is a substantial body of evidence developed through that process which has concluded that it is appropriate to remove the Green Belt designation to allow for the urban expansion within which the application is set. However, this policy is not yet in place. Very special circumstances therefore need to be demonstrated to clearly outweigh the harm to the Green Belt, both by reason of inappropriateness and other harms identified below.
- 6.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal? Green Belts are defined as serving the following purposes:

- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.3 The application proposal is of substantial size involving a total development of 114 hectares, but it is not unrestricted in the sense that along a large part of the eastern edge of the application site there is a substantial physical boundary within which it will be clearly contained: i.e. the existing Clipstone Lane and Hockliffe Road. The remainder is demarcated by field boundaries however this application shows the link road located near the eastern edge of the allocation with a wide planting belt. The site will therefore be clearly contained. Whilst the Green Belt **is harmed** by the proposal in this sense, it is recognised that there will be a strong boundary against further sprawl to the east of Leighton Linslade.
- 6.4 The proposal sits within the context of a general character of the wider area which is the major town of Leighton Linslade and smaller sporadic village development. Development to the east of the town will not significantly alter that character and **does not result in harm** by further merging of the towns.
- 6.5 The area affected is of a pleasant open rural and rural fringe character though the landscape analysis of the site concludes that the area does differ in quality across the site. However, the proposal by reason of its scale will encroach upon the countryside and **will be harmful** as a result.
- 6.6 Consideration needs to be given to preserving the setting and special character of the historic town. Leighton Buzzard and Linslade are historic towns which have a special character. Views from the application site to the west are generally limited to close ones of the existing urban edge of Leighton Buzzard and distance views towards the more elevated parts of Linslade and the higher ground beyond. A combination of topography, built form and the filtering effect of vegetation restrict middle distance views in this direction. It is considered that some views towards the town would be disrupted and current views of historic buildings, specifically All Saints Church, would be prevented. The development of an urban extension on the edge of Leighton Linslade would have some impact on the character of the towns, however the historic areas are located some distance from the proposed extensions and it is considered it **would result in some harm** to the setting and special character of the historic towns.
- 6.7 Leighton Linslade does contain areas where urban regeneration is encouraged and where economic renewal is of particular importance. These areas were identified in the former Luton and South Bedfordshire Core Strategy and regeneration of those areas remain important objectives in current and emerging policy documents. This includes the areas also covered by Development Briefs for Land South of the High Street and Bridge Meadows.

It is not possible to produce clear evidence on whether or not the current proposal for this urban extension would harm that objective. However, it is

significant that the quantum of growth that is currently being promoted by Central Bedfordshire Council and the concern that this may not be enough to address the level of local housing need, does signal that the need for new development areas is significantly greater than can be accommodated solely within the existing urban area. It is also anticipated that the increase in population may help increase the viability of town centre projects.

It is **not therefore considered that harm** to the objective to assist urban regeneration is caused by this development.

- 6.8 As part of the preparation of the emerging Development Strategy, the Council has undertaken a detailed analysis of land around both Luton/Dunstable/Houghton Regis and Leighton Linlade with a view to identifying those sites which minimize the impact on these objectives. The East of Leighton Linlade allocation has been identified as one which minimizes the impact as highlighted in the comments of the Local Plans and Housing Team Leader who sets out that the particular circumstances of this site mean it appears highly suitable for development, as set out in the Sustainability Appraisal report, whose findings are consistent with previous positive assessments of this site.
- 6.9 On the basis that there will be harm to the Green Belt by reason of the proposal's impact through extending an urban area into the countryside and by reason of harm as a result of inappropriate development, harm to openness, harm to visual amenity, harm to the setting and character of the historic town and any other harm identified, it is necessary to determine what "very special circumstances" may exist that clearly outweighs that harm.

### **Case for very special circumstances**

- 6.10 There is no definition of the meaning of "very special circumstances" but there is a body of opinion expressed through dealing with planning appeals and challenges through the Courts in the past which can help the Committee reach a decision.
- Does the application have a unique feature that outweighs the harm to the Green Belt?
  - Is there a substantial economic need, especially at a national or regional level?
  - Is there a substantial housing need that cannot solely be met within the urban area?
  - Are there substantial cultural, social or community benefits?

The important point to bear in mind is that these substantial benefits must arise from the unique circumstances of the proposal or otherwise it could be repeated too often, to the long term, cumulative harm of the Green Belt.

- 6.11 The applicant has set out the issues they consider constitute very special circumstances in favour of the application proposal; these are set out in paragraphs 6.11 – 6.31. These issues can be summarised as follows:

**1. Economic Growth** - As a proportion of the total Class B jobs expected

within the Council area over the next 20 years (in the region of 12,000), the application represents nearly 25% of this total, and is significantly more important for job creation (on a pro rata basis) than the North Houghton Regis allocation.

**2. Housing Growth** - The East of Leighton Linslade allocation forms one of the three major urban extensions specifically identified in the emerging Development Strategy which together add up to nearly one half of the future housing needs in the Council area over the next 20 year period (13,500). The East of Leighton Linslade allocation has the added advantage of being able to come forward at an early date (once planning permission is granted), since the whole of the proposal is privately funded and not dependent on major infrastructure funded by central or local Government (see below). The early delivery of housing from this site is anticipated in the housing projections which contribute towards the overall 5 Year supply of housing land. It is the applicants' contention that, without land East of Leighton Linslade assisting in the delivery of housing over the period to 2019, the Council will not be able to demonstrate a 5 year supply of housing land in accordance with Paragraph 47 of the NPPF.

**3. Provision of Infrastructure** - As part of the proposals for the East of Leighton Linslade allocation, the four applications, as previously described above, make provision for a new Orbital Road around the northern and eastern side of the town (referred to as the "Eastern Link Road"). Whilst this might not have the same scale of impact on the primary route network within this part of the sub region as the proposed A5/M1 link, the new road will undoubtedly have a beneficial effect on traffic flows within the urban area of Leighton Linslade. The application would also provide bus services, new schools, neighbourhood and local centres including shops, GP surgery, offices, public house, care home, assisted living accommodation and general road, footway and cycleway infrastructure.

**4. Green Infrastructure** - The proposals set out in the four applications entail the creation of over 90 hectares of playing pitches and informal open space. Indeed the overall area of open space constitutes over 40% of the land which is allocated for development. This will be linked into part of the Green Infrastructure fabric of the town thereby enabling all existing residents to access this new area of land for recreational purposes, in accordance with Leighton Linslade Town Council's Big Plan.

6.12 The applicants state that at this point in time, prior to the adoption of the Development Strategy, the application proposals for a major mixed use urban extension at East of Leighton Linslade comprising about 2,500 dwellings and 16 hectares of employment, would constitute "inappropriate development" as defined in Paragraph 87 of the NPPF. Having stated this, it is worthwhile noting that delays in the rolling forward of the Forward Planning Process, as a result of the abandonment of the Joint Core Strategy and delays in assessing jointly "objectively assessed housing needs" for both CBC and Luton Borough Council, have added extra urgency in undertaking a proper review of the Green Belt as recommended in a number of earlier evidential studies for the RSS for the East and the MKSM Sub Regional Study. It is regrettable that, with the revocation of the Sub Regional Strategy and RSS for the East, that it is no

longer possible to rely upon the “exceptional circumstances” outlined in those documents to justify this application. However, the emergence of first the Joint Core Strategy and now the Development Strategy which acknowledged, yet again, the importance of securing additional development in the southern part of CBC area, needs to be taken into account. In other words the basis for securing additional development both around Luton/Dunstable/Houghton Regis and at Leighton Linlade, remains an urgent consideration. If anything, the delays in implementing this strategy, because of the delays in the Forward Planning process, have exacerbated the “exceptional circumstances” (or “very special circumstances”) which justify the release of Green Belt land.

- 6.13 It should also be noted that, although there is no definition of either “very special circumstances” (VSCs) or “exceptional circumstances” (EXCs) given to these phrases in the NPPF, this is almost certainly deliberate. If the Secretary of State had set down examples of considerations which he regarded as “exceptional” or “very special” then the argument runs that they would no longer fall into these categories. Consequently each case is required to argue the point on its own merits to ensure that the great importance which is accorded to Green Belt within Paragraph 79 of the NPPF, is fully maintained at all times. In other words the test for securing the release of Green Belt land is significantly higher than for other greenfield sites elsewhere in the country.
- 6.14 It is also worth noting that VSCs can be the same as EXCs depending upon the circumstances. Where a plan-led system exists the Local Planning Authority will be required to set out the “exceptional circumstances” in order to justify the allocation of Green Belt land for development purposes. It follows that these “exceptional circumstances” might equally translate into the VSCs necessary to justify the granting of planning permission on a non allocated site. In this case, where the Forward Planning process has been delayed quite substantially, it is likely that VSCs will be similar if not identical to “exceptional circumstances” in the emerging Development Strategy.
- 6.15 The following paragraphs deal with the VSCs across the whole allocation site, however, it is also worth adding that the VSCs can be disaggregated so as to apply to each of the individual applications separately.
- 6.16 **Economic Growth:** The NPPF focuses directly on the need to generate additional growth and for the planning system to assist the National economic recovery by securing economic growth wherever possible, particularly in sustainable locations (Paragraphs 7, 17 and 18 – 22). Given that the existing South Bedfordshire Local Plan is now substantially beyond its end date and therefore not in compliance with this part of the NPPF, it is necessary to have regard to the evidence base set out in the emerging Development Strategy in order to determine the economic growth potential which needs to be secured within the area. The Strategy shows that there is a need for at least 27,000 new jobs to be attracted to the area in the period 2011 to 2031. In the event that the overall housing numbers (see below) increase above that contained in the current draft Development Strategy, then it seems likely that this employment growth requirement will rise still further. However, on the basis that the 27,000 new jobs is a minimum requirement, it should also be noted that 45% (12,000) of these jobs will be categorized as falling within the Class B Use Classes Order category, with the remaining jobs (55% equivalent to about

15,000 jobs) being located on land which is not specifically identified for Class B purposes.

- 6.17 Within this overall context it is worth noting that Leighton Linlade, is the largest settlement within the Council area, but has a relatively low level of self containment i.e. around 55% of economically active persons travel from the town to find work. In part, this relatively low level of self containment has arisen because of the lack of any readily available land within the town for employment growth. Whilst there is some limited amounts of land allocated for employment in the southern part of the town, the terms under which this is available have tended to discourage investors with the result that employment growth within the town over a long period has been at a very low level. The degree to which the existing Green Belt constrains the town has been one of the factors which has led to this very low level of growth (and out commuting) over the course of the last 30 – 40 years.
- 6.18 Therefore in order to deliver the general objectives of the NPPF and the more specific objectives of the emerging Development Strategy in numerical terms, there is a need for Leighton Linlade, as the largest town in the Council area, to assist in this process by making available land which is in a sustainable location i.e. which can be accessed by public transport, to meet requirements of the future population.
- 6.19 It is estimated that the total number of jobs which will be provided on the 11 hectares of employment land at the southern end of the Clipstone Park application, will amount to between 2,000 and 2,150. This will be supplemented by a further 500 jobs from within the development generally either from the Neighbourhood Centre itself or from the expanding education facilities within the proposed development i.e. one Lower School, one Middle School, and an extended Upper School at Vandyke Road. This gives a total number of 2,500 – 2,650 jobs across the application site. In addition to this a further 5 hectares of employment land off Vandyke Road is identified in the Framework Plan which at a conservative estimate could generate a further 600-700 jobs. As a result it is estimated that the total amount of jobs within the whole East Leighton Linlade scheme could amount to 3,100 – 3,350.
- 6.20 In total this job estimate represents over 10% of the additional employment growth anticipated in the Council area within the next 20 years. Employment growth in this location is considered to be both acceptable in the sense that it can be serviced by walking, cycling and public transport, and also in the sense that it is a generally sustainable location. The town is well connected to Central London by a 30 minute train service. It will also be well connected to the M1 to the east after the A5/M1 link is completed in 2016; and to Milton Keynes to the north west either via the A5, M1, or A505. As a proportion of the total Class B jobs expected within the Council area over the next 20 years, the application represents nearly 25% of this total, and is significantly more important for job creation (on a pro rata basis) than the North Houghton Regis allocation.
- 6.21 **Housing Growth:** Although earlier justification for a Green Belt Review around East of Leighton Linlade has now been revoked, the latest population estimates (ONS Interim 2011 projections) indicate that there is a continuing

need for high levels of additional housing growth over the next 20 years. Within the emerging Development Strategy there are proposals for an additional 28,700 homes in the period 2011 – 2031 with most of these being locationally related to the southern part of the Council area i.e. around Luton/Dunstable/Houghton Regis and Leighton Linlade. It is known that further work is being undertaken on these overall housing numbers to ensure that:-

1. they comply with the latest ONS 2011 based interim projections (referred to in the previous paragraph);
2. the Development Strategy fully takes into account the housing need arising from within Luton Borough Council area but which cannot be accommodated within that Authority i.e. “duty to co-operate”.

It follows that there is the possibility that, after the revised SHMA has been considered by the Council, these housing numbers might need to be increased still further.

6.22 In accordance with the advice in the NPPF, the Council in the preparation of its emerging Development Strategy, has looked at the possibility of accommodating new housing development:-

1. within the existing urban area on brownfield sites;
2. on land outside the Green Belt in the northern part of the area.

The studies associated with the emerging Development Strategy have shown that the amount of brownfield land within the CBC area is insufficient to accommodate more than a small proportion of future housing needs in the next 20 years. Similarly within the Luton Borough Council area a substantial amount of work has been undertaken as part of both the Joint Core Strategy and the emerging Luton Local Plan to maximize the opportunities on brownfield sites. Whilst this has shown development can take place on some redeveloped sites the total amount of land is well below that needed to meet the objectively assessed housing requirements of Luton for the next 20 years.

6.23 In terms of development beyond the Green Belt, work carried out in connection with the housing policies of the emerging Development Strategy, has demonstrated that the need for housing derives primarily from those settlements in the southern part of the Council area. The northern part of the area is already covered by a Core Strategy which will deliver housing in sufficient numbers to meet future requirements to 2026. The emerging Development Strategy not only incorporates the northern Core Strategy and rolls it forward to 2031, but it also looks at the new housing requirements in the southern part of the Council area which have not been reassessed since the South Bedfordshire Local Plan was approved in 2004 i.e. nearly 10 years ago. Given this, it is hardly surprising that the majority of housing needs identified in the emerging Core Strategy emanate from the southern part of the area and can most sustainably be accommodated within that area both for reasons of local connection for jobs, services and social networks, but also for wider sustainability reasons.

- 6.24 The East of Leighton Linslade allocation forms one of the three major urban extensions specifically identified in the emerging Development Strategy which together add up to nearly one half of the future housing needs in the Council area over the next 20 year period (13,500). The East of Leighton Linslade allocation has the added advantage of being able to come forward at an early date (once planning permission is granted), since the whole of the proposal is privately funded and not dependent on major infrastructure funded by central or local Government. The early delivery of housing from this site is anticipated in the housing projections which contribute towards the overall 5 year supply of housing land. It is contended that, without land East of Leighton Linslade assisting in the delivery of housing over the period to 2018, the Council will not be able to demonstrate a 5 year supply of housing land in accordance with Paragraph 47 of the NPPF.
- 6.25 It is acknowledged that a 5 year land supply deficit is not sufficient on its own to represent a VSC but it is nonetheless one of the factors which shows why the need for additional housing, which has been long deferred, needs to be taken into account. Whilst the Green Belt is specifically identified as one of the restrictive policies set out in Footnote 9 to Paragraph 14 of the NPPF, the Secretary of State has made it clear that even in areas covered by restrictive policies such matters need to be weighed in the balance when coming to a judgement on whether planning permission should be granted.
- 6.26 *Officer comment: It should be highlighted that in the ministerial statement of 1<sup>st</sup> July 2013 the following was set out. "The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt.(sic)" The lack of a 5 year land supply is therefore in itself unlikely to be considered a very special circumstance in its own right to clearly outweigh the harm to the Green Belt.*
- 6.27 **Provision of Infrastructure:** As part of the proposals for the East of Leighton Linslade allocation, the four applications make provision for a new Orbital Road around the northern and eastern side of the town (referred to as the "Eastern Link Road"). Whilst this might not have the same scale of impact on the primary route network within this part of the sub region as the proposed A5/M1 link, the new road will undoubtedly have a beneficial effect on traffic flows within the urban area of Leighton Linslade. Currently the town is adversely affected by the need for most journeys across the town to take place using a single river crossing, especially as the roads into the town are all organized on a radial basis. The construction of an outer Orbital route around this part of the town will relieve the town centre of much congestion. The traffic modelling produced to accompany the Clipstone Park application demonstrates how the new Eastern Link Road will operate and which junctions will benefit from removal of existing traffic. Whilst the additional employment and housing proposed in the scheme will add to traffic on the local network, the ELR will assist in removing more traffic from the town centre than is contributed by the new development.
- 6.28 In addition to the new highway infrastructure associated with the new

development, the new road will also provide for the ability of a looped bus facility which services the whole of the eastern side of the town thereby increasing the opportunity for reducing car journeys by the existing residents.

- 6.29 Finally, the proposal incorporates a full range of new school facilities which ensures that adequate provision is made in advance of the creation of demand from new residents as has occurred at South Leighton Linslade. Whilst this additional infrastructure is not strictly speaking of wider benefit for existing residents, the improvements to the Upper School in particular will have significant benefits for the town as a whole.
- 6.30 **Green Infrastructure:** Within the town of Leighton Linslade the Town Council has identified a shortage of playing pitches together with open space for informal purposes. This is the reason why the Town Council's "Big Plan" seeks the creation of a "Green Wheel" around the town as part of the new development.
- 6.31 The proposals set out in the four applications entail the creation of over 90 hectares of playing pitches and informal open space. Indeed the overall area of open space constitutes over 40% of the land which is allocated for development. This will be linked into part of the Green Infrastructure fabric of the town thereby enabling all existing residents to access this new area of land for recreational purposes. The proposed footpaths crossing these areas of land which are focussed on Shenley Hill and on Clipstone Brook, will be linked to footpaths giving wider access to the countryside beyond.

## Conclusions

- 6.32 In response to the applicant's case set out above, the officer's conclusions follow. The evidence underlying the proposed Central Bedfordshire Development Strategy (and the planning history beforehand) underlines the clear need for a substantial growth in housing in this area and is referred to elsewhere in this report. That need is identified as 28,700 homes over a plan period up to 2031. It is a need of a scale that has resulted in proposals for three major urban extensions totalling some 13,500 dwellings in addition to that sought from other sources. This development proposal forms a significant part (1210 dwellings) of that proposed provision.
- 6.33 In the face of this substantial need, which arises not only from within the Central Bedfordshire area, it is appropriate for the Committee to decide that the ability of the application to deliver a substantial portion of the required housing and its accompanying requirement for infrastructure weighs strongly in favour of the required very special circumstances.
- 6.34 The development proposal includes a variety of other community, social and cultural benefits in the form of community buildings, substantial public open spaces, leisure facilities and support for community initiatives. However, these are required by virtue of the scale of the development proposed and whilst they will have benefits to the local community as well, these are not sufficiently substantial to consider their provision as a very special circumstance. These benefits however support the identified economic and housing needs set out above.

- 6.35 An outline planning application for 5,150 dwellings, up to 202,500sqm of additional development in Use Classes A1, A2, A3, A4, A5, B1, B2, B8, C1, C2, D1, D2 and sui generis uses and ancillary works on land on the northern edge of Houghton Regis was recently determined by the Development Management Committee. The application site is in the Green Belt and therefore as the Committee were minded to approve the application it was referred to the Secretary of State for him to decide whether or not to call-in the application for his own determination. The situation with the application for the land north of Houghton Regis is very similar to this application in that although the sites are in the Green Belt, the removal of the land from the Green Belt has been planned for some time and it is intended for the sites to be allocated in the Development Strategy for Central Bedfordshire. The approach taken to the structure of the report and the decision-making in determining this planning application has followed that of the Houghton Regis application.
- 6.36 A letter was received from the National Planning Casework Unit on 30 January 2014 setting out that the *“Secretary of State has carefully considered the impact of the proposal, and the key policy issues which this case raises. The Secretary of State acknowledges that the proposal is a major development in the Green Belt and is being advanced before the development plan. However, he considers that in the particular circumstances of this case, that the proposals have been included in emerging strategies, frameworks and plans over the last 10 years, the area’s housing and economic needs and given support for the development locally, he is persuaded that the application should be determined at local level.”*
- 6.37 The Secretary of State’s decision can inform the approach taken to the determination of this application. It is considered that it is appropriate to give weight to the history of the allocation in emerging strategies, frameworks and plans. The need for housing and jobs can also be given weight in light of the decision.
- 6.38 In conclusion, the proposed development constitutes inappropriate development in the Green Belt which results in harm; there is also harm due to loss of openness, encroachment, impact on the setting and character of the historic town and visual harm. The historic strategic planning policy context, the delivery of the eastern link road, the significant economic growth potential for the area and the well evidenced and substantial housing need all however weigh in favour of the development. Taking into account the above and the Secretary of State’s treatment of the North of Houghton Regis application, it is considered on balance that the “very special circumstances” demonstrated by the applicants are sufficient to clearly outweigh the harm caused.

## **7. Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.**

- 7.1 The planning application was accompanied by a formal Environmental Statement (ES) as required by reason of the statutory Regulations. This is a substantial set of documents which form a considerable part of the material submitted with the planning application. There is a non-technical summary

document which includes a description of the site, an analysis of the alternatives as required by the regulations and the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

- Socio-economics
- Landscape and Visual
- Ecology and Nature Conservation
- Traffic and Transport
- Air Quality
- Noise and Vibration
- Archaeology and Cultural Heritage
- Agricultural Circumstances
- Flood Risk and Drainage
- Geotechnical issues and Contaminated Land
- Cumulative and Residual Effects

It is acknowledged that the planning application was submitted in 2011 and that the information contained within the Environmental Statement is therefore over two and a half years old. There is no requirement within the Environmental Impact Assessment Regulations (2010) for applicants to submit updating material unless requested to do so by the Local Planning Authority. Any request is entirely at the discretion of the Authority. In this case the Council has not sought any additional information from the applicant as it does not consider that there has been any significant change to the situation since the application was submitted to necessitate any updated material.

*Note: remarks from the case Officer are in italics.*

## 7.2 **Socio-economic Impacts**

In respect of the creation of jobs, there will be benefits to the area. The estimate of construction jobs is circa 1000 over the 15 year build period. In terms of operational jobs a range of 2000 to 2150 would be expected to be delivered on the 11 hectares of employment land plus 570 additional jobs in the neighbourhood and local centre, schools etc, totalling 2570 to 2720 jobs. This would make an important contribution to the supply of jobs in Leighton Linlade and nearby villages and provides the opportunity to enhance the self containment of the town and nearby villages and reverse unsustainable outward commuting patterns.

7.3 The population increase arising from the development is estimated to be 2880 persons using an average household size of 2.38 persons per dwelling. The requirement for school places will therefore be substantial as will the demand for new General Practitioner provision. The development does however provide appropriate supporting uses in the form of educational facilities, a neighbourhood centre and open space for recreation and amenity.

7.4 The ES does not anticipate a substantial impact on recreational countryside sites around Leighton Linlade, though there will be some additional

demands on those sites from new residents.

7.5 *[This aspect of the ES is contradicted by the comments on the application made by English Nature and our own Countryside Access Services who foresee significant impacts on existing recreational sites accessible to residents of the development area. However this application would provide significant amounts of new recreational open space including a country park, which would be used by existing residents of Leighton Linlade, Eggington and the surrounding area.]*

7.6 *There will also be a significant amount of potential expenditure that will become available in the area, benefiting local services and retail.*

#### 7.7 **Landscape and Visual**

The landscape and visual assessment demonstrates that the potential views of the proposed development do not extend much beyond 2km of the application site due to a combination of topography, location and orientation of receptors and intervening vegetation.

7.8 In the long term, e.g. 15 years from the start of the operational phase, the proposed development would not cause any significant visual effects for the representative viewpoint receptors. The green infrastructure proposed which comprises the landscape framework would form an integral part of the development and forms an effective means of integrating appropriate mitigation to address both the landscape and visual effects. Landscape features would generally be enhanced, however a limited number of residential properties and public rights of way would be affected visually.

7.9 During the construction period and following the completion of the development, there will be adverse impacts on views from residential properties: particularly those along the edge of the development. There will also be impacts on views along existing public rights of way and roads.

7.10 There will be an impact on the night landscape particularly from new artificial lighting. This has been assessed and mitigation will be required at the detailed design stage through the appropriate specification of public lighting equipment and controls on private equipment where appropriate.

#### 7.11 **Ecology and Nature Conservation**

An ecological survey of the site has been completed.

A section of the Clipstone Brook County Wildlife Site (CWS) falls within the site with the closest (biological) statutory designation being the Kings and Bakers Woods and Heaths Site of Special Scientific Interest (SSSI), located 2.3km to the north-west.

7.12 The site as a whole is dominated by arable and improved grassland fields and is considered to be of negligible ecological value. Habitats within the site considered to be of moderate to high ecological value include semi-improved grassland associated with the attenuation area along Eggington Brook,

ponds, hedgerows, standard trees and watercourse.

7.13 The site supports Bat species in terms of foraging, commuting and roosting, as well as Badger setts and a range of bird species. The habitats are likely to support a range of mammals, including UK BAP species Brown Hare and Hedgehog, ponds are likely to support low populations of Common Frog and Smooth Newt.

7.14 A range of potential effects have been identified on habitats and fauna within the site, including the CWS. Impact on other ecological designations are considered unlikely. Mitigation and enhancement measures are therefore required and are proposed within the application. Measures include substantial woodland, scrub, grassland, wetland and hedgerow habitat creation, these would provide new areas of valuable habitat.

7.15 Following mitigation it is considered that the development would result in significant enhancements to the existing ecological interest of the site with substantial benefits in respect of Clipstone Brook CWS and all identified species. These effects are assessed as overall major beneficial significance at the local level.

#### 7.16 **Traffic and Transport**

An assessment of the impact of the construction period has been made along with impact of the development once complete.

7.17 During the construction period it is anticipated that a Construction Management Plan (CMP) would be implemented to ensure appropriate routing of vehicles, regulate working hours and minimise the effects of the construction.

7.18 During the construction of the development a number of moderately adverse impacts are identified including delays and driver stress. Although it has been shown that within Leighton Buzzard town centre driver delay at junctions is likely to decrease due to the implementation of mitigation measures. The impact is likely to be negligible for pedestrians and cyclists.

7.19 The development includes a number of mitigation measures such as junction improvements, changes to signal timing, introduction of bus lanes, travel plans and public transport strategy.

Whilst the development is likely to have an adverse effect on some links, the improvements to local infrastructure provided are sufficient to mitigate the adverse effects.

7.20 *It is acknowledged that local residents, Parish Council's and local Ward Councillors have significant concerns about the impact the proposal could have on the highway network. It should therefore be highlighted that the Highways Agency who have responsibility for trunk roads in this instance the A5 have no objections to the proposal. In addition the Council's own Highway Development Control Officers have no objection to the principal of the development. Without the link road; connecting Stanbridge Road, Hockliffe*

*Road, and Vandyke Road then a development of this size would cause an unacceptable degree of harm, both in terms of congestion and increase in journey time, to the existing town centre. Even without the proposed development the issue of congestion within the town centre will get increasingly worse over the next 10 years. The introduction of the link road connecting the three main principal routes into the eastern side of Leighton Buzzard acts as an effective internal relief road and carries out that function thus relieving a level of congestion.*

#### **7.21 Air Quality**

The ES anticipates that dust may be generated during the construction period however that it can be controlled through good site practice and implementation of mitigation measures.

7.22 An assessment of the impact of traffic generated by the development on air quality has been undertaken. The assessment shows that the development and associated mitigation measures will result in changes to the distribution of traffic across the network. These changes will mean that the air quality standards will be met at all existing assessment receptors with or without the proposed development.

7.23 An assessment of the cumulative effects associated with the operation of the proposed development and wider development at East of Leighton Buzzard was also undertaken. The results show that air quality standards would be met at all existing receptors and across the application site.

7.24 Overall the development would have a negligible to neutral impact on air quality.

*[CBC officers do not require any further information regarding air quality.]*

#### **7.25 Noise and Vibration**

The construction noise assessment has identified that even without mitigation, for the majority of the construction phase, noise from construction works would fall below standards applicable to rural areas.

7.26 Construction traffic noise would result in an increase in noise levels but only by a small amount for a temporary period of time. As previously stated a Construction Management Plan would govern the times of working and routing of construction traffic, thus minimising any noise impacts.

7.27 The traffic noise arising from the development and more specifically the link road and re-aligned Vandyke Road would have some impact; however the majority of receptors are well removed from the routes. Two specific properties, the bungalow at The Brambles kennels on Vandyke Road and the farmhouse at Model Farm, Hockliffe Road, have however been identified as experiencing an increase in noise levels of at least minor significance. Mitigation measures will therefore be required for these dwellings.

7.28 Subject to consideration of layout and appropriately specified building fabric a

commensurate level of protection can be provided to residents of the new dwellings. The same approach would be taken to schools to ensure appropriate internal and external noise levels. Consideration has been given to the impact of noise from sports facilities but it has been concluded that the impact is negligible and no mitigation is required.

7.29 *[CBC officers take a more cautious view of the likely impacts and advise that there should be conditions to minimise noise impacts and to require a Construction Management Plan.]*

### 7.30 **Heritage**

The main significant impacts relate to the archaeology found on the site and expected to be found as the development proceeds. There will be a need for further work on a scheme of archaeological resource management including the recording and storage of found material.

7.31 There may also be impacts on the setting of nearby listed buildings and Scheduled Ancient Monuments insofar as their semi-rural settings will be compromised.

7.32 *[English Heritage and CBC Officers are content that, subject to conditions securing the investigation and recording of archaeology, the proposal would not have any significant adverse impact on the setting of nearby historic sites at Clipstone provided that careful consideration is given to the sports pitches, lighting and the character of the edge of the development.]*

### 7.33 **Agricultural Circumstances**

The development includes approximately 110 hectares of agricultural land, and will result in the loss of 44 hectares of a type of soil classified as “best and most versatile agricultural land”. This type of soil represents 60% of the total land area in Bedfordshire and the loss due to this development is therefore very small. In addition as large parts of the site are not considered to be the best and most versatile land this restricts the value of such land as it must be farmed in conjunction with lower quality land.

7.34 The loss of the best quality agricultural land is identified as being moderately adverse, however a Construction Environmental Management Plan will be put in place which will contain measures from the Code of Practice for the Sustainability of Soils on Construction Sites.

### 7.35 **Waste**

There will be a significant amount of construction waste associated with the development. A Site Waste Management Plan will be put in place to reduce, reuse and recycle waste materials. There will be no impact on human health and the ecological receptors directly but there may be affects through the transportation of materials.

7.36 There will be operational waste arising from the development, though of no different kind from that currently arising from the general area.

### 7.37 **Flood Risk and Drainage**

The majority of the site is within flood risk zone 1, the lowest risk of flooding, however an area along the route of the Clipstone Brook is within flood zones 2 and 3a (medium and high risk of flooding). The construction and operational phases of the development have the potential to cause significant problems with regard to flooding and pollution of the watercourses, the ES proposes the following mitigation measures.

7.38 During construction the run-off from impermeable areas for contractor's facilities will be restricted to greenfield run-off rates as defined in the Flood Risk Assessment (FRA). Any temporary crossings of the watercourse will need to be agreed with the Environment Agency and Internal Drainage Board to ensure that the flow of water is not impeded.

7.39 The Construction Environmental Management Plan will contain measures to protect the aquatic environment in terms of water quantity and quality. The proposed drainage strategy would not increase surface water run-off from the site or flood risk on or off site. Surface water run-off from highway and trafficked areas will be managed on site and discharged to the watercourse via surface water interceptors reducing the risk of pollution to the aquatic environment.

7.40 *[Both the Environment Agency and Internal Drainage Board are satisfied that subject to conditions the proposal would not increase the risk of flooding.]*

### 7.41 **Geotechnical Issues and Contaminated Land**

The site is considered to be of moderate environmental sensitivity due to the on-site water features, underlying secondary aquifer, locality of a groundwater abstraction site and a private abstraction site and the residential end use.

7.42 The main effects result from disruption to existing ground contamination during works, fuel and chemical storage and use of plant, and the potential for fuels and oils to enter drainage systems due to increased areas of hardstanding.

7.43 Mitigation measures proposed are protective equipment for the construction and maintenance workers, interceptors within the drainage system and dedicated service corridors backfilled with clean, inert material. Subject to all mitigation measures being put in place there is unlikely to be a direct effect on any receptors.

7.44 *[The Environment Agency and the Council's Environmental Health Officer requires a Phase 2 survey to be undertaken to identify contaminated land, however subject to conditions there should be no significant effects from the development.]*

### 7.45 **Cumulative and Residual Effects**

The ES has also looked at the potential for impact when in association with

other developments. The mitigation referred to in this section also applies to the other sites within the East of Leighton Linlade urban extension as well as other scheme within proximity to the application site.

## **8. Issues**

### **(a) Affordable Housing**

- 8.1 Central Bedfordshire Council currently pursues a policy of seeking around 30% of new housing from its planning permissions to be in the form of affordable housing. There are a variety of tenures accepted and it is also expected that they will reflect the type of housing most suited to the area's needs. The details of the actual provision on a site by site basis will vary according to the circumstances of that site.
- 8.2 If this was translated into a proposal for this application, there would be an expectation that it would deliver 363 dwellings, in a mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.
- 8.3 The Local Plans and Housing Team Leader however points out that the requirement as presented in the emerging Development Strategy makes it clear that this provision must relate to a, "viable degree of affordable housing" and subject to the National Planning Policy Framework policy. This policy states:
- "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 8.4 The applicant has been clear from the outset that the challenging economic conditions and the exceptional costs that apply to this development has affected viability to the extent that the full expectations for affordable housing cannot be delivered. This issue is dealt with in more detail within section 8 of this report, below. The outcome is that the applicant proposes a contribution to affordable housing of 10% equating to 120 dwellings, in a 80:20 mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.
- 8.5 *It should be noted that there has been a change in Council policy during the life of this application and therefore some representations refer to the need to secure 35% affordable housing. The Council's policy at the time of determining the application is to seek 30% and therefore this is the appropriate level. There will be a need to secure the arrangements for providing affordable housing by means of a Section 106 Planning Agreement should the Committee be minded to approve planning permission. In addition section 8 highlights that a review mechanism could be used to increase the level of affordable housing on the site during the life of the development.*

## **(b) Transport Impact**

8.6 The case officer has included responses to many of the specific issues raised by those commenting on the planning application within the representations section. However, some of the key issues that appear to be of common concern are as follows:

1. That the development would result in a worsening of the existing traffic congestion within Leighton Buzzard town centre.
2. That the traffic light controlled junction on Hockliffe Road would restrict the flow of traffic and hamper access from Eggington to Leighton Buzzard.
3. That there would be more traffic on the A4012 Hockliffe Road resulting in an adverse impact on the village of Eggington as a result of “rat-running”.
4. That the increase in traffic along the A4012 Hockliffe Road travelling into Hockliffe would be dangerous and cause greater congestion on the A5.
5. That the junction between Eastern Way and the A5 is dangerous and no additional traffic should be permitted to use it without improvements.

8.7 In respect of issue 1, the concerns that the development would exacerbate the existing traffic congestion in the town centre, this matter has been fully investigated and the Highways Development Control Officer consequently has no objection to the application. Without the link road; connecting Stanbridge Road, Hockliffe Road, and Vandyke Road then a development of this size would cause an unacceptable degree of harm, both in terms of congestion and increase in journey time, to the existing town centre. Even without the proposed development the issue of congestion within the town centre will get increasingly worse over the next 10 years. The introduction of the link road connecting the three main principal routes into the eastern side of Leighton Buzzard acts as an effective internal relief road and carries out that function thus relieving a level of congestion. While it cannot be denied that traffic from the development will contribute to flows within the town it should be emphasised that the link road offers an alternative route to a number of existing journeys that compensates for this increase. Proposals have also been made to mitigate traffic congestion within the town, including junction improvements, changes to signal timing and introduction of bus lanes.

8.8 The model used to assess the impact that the Eastern Leighton Buzzard Development would have on the surrounding highway network is a sophisticated traffic model (known as micro simulation modelling) which was developed by the applicant’s consultants and then scrutinised and agreed to be acceptable by the highway authority’s consultants.

The model involved collecting traffic data and making capacity calculations at 149 junctions. The traffic model then assigned a route for each journey made on the network and then introduced logic similar to that which a driver may make dependent on the congestion they may encounter. The background growth factor was then included to forecast the traffic conditions in the year of 2021 (10 years after the application was submitted). The Highway Agency also scrutinised this model and agreed it to be an acceptable representation of how the development may effect the highway under its jurisdiction; being the A5 and its junction with the A505.

- 8.9 Compared to other developments of this size the proposal generates a lower number of new trips onto the existing network. This low rate can be achieved because there are a high proportion of trips made within the development such as from the residential development to the employment area; the schools; the doctors' surgery; the local centre and the supermarket. This was agreed at a very early stage with the planning department.
- 8.10 A sophisticated traffic model (known as micro simulation modelling) was developed by the applicant's consultants and then scrutinised and agreed to be acceptable by the highway authority's consultants. This involved collecting traffic data and making capacity calculations at 149 junctions within the town and surrounding area. The traffic model then assigns a route for each journey made on the network and then introduces logic similar to that which a driver may make dependent on the congestion they may encounter. The background growth factor was then included to forecast the traffic conditions in the year of 2021.
- 8.11 A further traffic model was then produced to include the development traffic on the new (link road) and existing network. This link road has the benefit of introducing an attractive alternative to drivers to travel between A505. Stanbridge Road, Hockliffe Road and Vandyke Road without using the already congested junctions within the town centre which in effect relieves a number of junctions within the town centre. It should be recognised that while some junctions appear to have a reduction in traffic within the town there are some (especially near to the proposal) which experience a significant increase. However, even with the projected increase in traffic these junctions will not experience a significant increase in delay or congestion but this will be highlighted later.
- 8.12 As explained above; due to this link road there is a reduction in traffic using the existing highway network within the town centre. To demonstrate this, junctions that experience a significant reduction in traffic are shown below:

Site Ref		AM before	AM After	Difference	%	PM before	PM After	Difference	%
16	West Street / North Street	2102	1943	-159	-8%	2386	2313	-73	-3%
18	West Street / Hockliffe Street	2451	2026	-425	-17%	2426	2059	-367	-15%
23	Billington Road / Grovebury Road	1907	1812	-95	-5%	2051	2070	19	1%
24	Billington Road / Stanbridge Road	2531	2263	-268	-11%	2566	2533	-33	-1%

25	Lake Street / Morrisons	2182	1619	-563	-26%	2107	1812	-295	-14%
312	North Street / St. Andrew's Street	1529	1335	-194	-13%	1756	1708	-48	-3%
315	Leston Road / Lake Street (High Street)	2085	1531	-554	-27%	1898	1539	-359	-19%

Again, as explained above, it should be noted that there are some junctions that experience an increase highlighted below:-

Site Ref		AM before	AM After	Difference	%	PM before	PM After	Difference	%
309	Leighton Road / Appenine Way (east)	701	866	165	24 %	622	805	183	29%
310	Leighton Road / Appenine Way (west)	976	1233	257	26 %	1194	1386	192	16%

There are some junctions such as West Street/Wing Road which experience an increase in traffic in the morning but a reduction in the afternoon. However the level of service improves.

- 8.13 There is mitigation proposed and with exception to the A505/ Stanbridge Road they are relatively minor and described below:-

**A505/Billington Road/Stanbridge Road Staggered Crossroad**

A planning application was submitted and subsequently approved for a roundabout at this junction. The timing of the delivery of the roundabout will be secured in the s106.

- 8.14 **Stanbridge Road (A505 Billington Road Staggered Crossroads to new site access)**

The proposal is to reduce the speeds limit from 60mph to 50mph and then 30mph closer to the new roundabout for the new link road to the development. There will also be introduction of traffic island and road markings. These mitigation measures are in general acceptable in relation to the proposal. However it should be noted that a proportion of Stanbridge Road is kerbed with gullies while the remainder is not kerbed. There is evidence of over running and verge damage which will only become worse if there is a doubling of traffic. The remainder of the road subject to the traffic increase should be kerb and gullies installed. While this could be an obligation in the Section 106

agreement the Highways Development Control Officer is satisfied it could be later on in the development phases.

**8.15 Hockliffe Road / Brooklands Drive**

There is a minimal increase in cycle time and as the traffic model demonstrates there is very little justification for anything else.

**Lake Street / Morrisons**

The Highway Authority has removed the signals at this junction and has introduced what is to be perceived as a scheme that would improve the environment as well as traffic flows. The Highways Development Control Officer comments that since the Highway Authority has concluded that the proposed enhancement works will not be detrimental to the existing traffic flows and congestion then it should not be so when considering the proposed development. For that reason no further modelling work is required.

**Lake Street / Stanbridge Road**

There is no proposed mitigation for this junction.

**8.16 Billington Road/ Grovebury Road**

The proposal is to signalise this junction with the intent to restrict traffic from the Billington Road Arm of the junction to 'Buses Only' in the peak periods. This is in line with the authority's aspirations. While the Traffic Assessment does not highlight this; there should be some gain in relation to easing traffic congestion at this junction and as a result improve the flow at the Lake Street/Stanbridge Road junction.

**8.17 Leighton Road Bus Lane**

This proposal is to introduce a 'Bus Lane' from Bridge Street to Vimy Road. This needs further consideration since on its own it would not appear to create much of a benefit to the public transport system. Further, the proposal reduces the lanes to 3m which could be perceived as counter productive when considering cyclists (it has to be remembered that Leighton Buzzard is a cycling town). This will need to be investigated further and indeed in relation to public transport and particularly to the delay predicted to be encountered along this route it should be questioned if this lane goes far enough. The Highways Development Control Officer is in favour of improving the network wherever possible and considers that it would be best to deal with this by way of condition or an obligation in the section 106 agreement that there should be bus priority measures to this corridor thus leaving it to the discretion of the highway authority in relation to what should be implemented.

**8.18 Comparison of Mitigation**

Comparing the difference between the development with and without mitigation (tables 11.2 to 11.4 compared to tables 11.5 to 11.7) that there is a marginal improvement to the highway network in the AM peak while there is little or no improvement in the PM peak. It should be emphasised that the majority of the improvement to the network is achieved by the introduction of the link road from Stanbridge Road to Vandyke Road.

**8.19** There also needs to be some mitigation/enhancement work carried out along Hockliffe Road and Vandyke Road as follows:-

Hockliffe Road would benefit from the introduction of mini roundabouts at the Appenine Way junctions. It would then be appropriate to introduce a standard mini roundabout (rather than the priority junction) at the new entrance to the proposed development which is to serve the community centre. This can be conditioned or placed as an obligation in the section 106 agreement. This should not be confused with the proposed signalised junction on the new link road with Hockliffe Road.

- 8.20 There should be some localised widening (within the existing highway boundary) along Vandyke Road from approximately the cemetery to number 104 Vandyke Road. While the element from Atterbury Avenue to number 104 looks achievable it is considered that from the cemetery to Atterbury Avenue would be more problematic. This section will need further investigation and if the problem associated with third party land and services cannot be overcome by the highway authority then a scheme just encompassing the Atterbury Avenue to no 104 length should be returned to. This can be conditioned or an obligation in the section 106 agreement.
- 8.21 It is generally accepted that in the planning of major urban extensions, as many opportunities for creating transport linkages between the old and the new urban areas should be allowed as possible. It is also good practice to create the conditions that allow public transport services, cycleways and pedestrian links to be made in an effort to reduce the use of the car. Therefore, the standpoint that has been taken is to allow linkages to existing roads to maximise such opportunities unless there are good reasons to believe that such linkages would cause identifiable, and only then unacceptable, harm to the amenity of local residents or public highway safety.
- 8.22 However, this is an outline planning application. Notwithstanding that there will be a need to secure contributions for on and off-site transport support and improvement works for specific projects, it is for later design stages to determine the actual works and links that will be put in place. There are conditions which have been recommended to prepare, and then for the Council to approve, a plans that will allow a detailed assessment of road linkages for approval at that time.
- 8.23 The Council's Highways Officers are content with the traffic modelling that has been undertaken and can therefore be confident that the range of traffic and transport measures can be constructed from that understanding. These have been discussed in detail with the applicant and will form the basis of a financial undertaking secured by a Section 106 Planning Agreement. The details will be finalised within that agreement but in general the measures are:
- Financial support for a Travel Plan which will have a variety of measures for improving transport linkages and promotion of transport alternatives.
  - Financial support for new and enhanced bus services in the early years of the development.
  - New cycleway, pedestrian and public transport infrastructure and facilities.
- 8.24 With regard to the traffic light controlled junction on Hockliffe Road and concerns expressed that would restrict the flow of traffic and hamper access from Eggington to Leighton Buzzard, the Highways Development Control

Officer has advised that with appropriate sequencing of the traffic lights no significant delays should be experienced. The average cycle of a set of traffic lights is 90 seconds, therefore any delay would not be substantial. The traffic lights would also help pedestrians and cyclists using the highway and the junction.

- 8.25 Concern has been raised by Parish Councils, in particular Eggington Parish Council that there would be more traffic on the A4012 Hockliffe Road resulting in an adverse impact on the village of Eggington as a result of “rat-running”. It is not expected that there would be an increase in “rat-running” as the eastern link road and improvements to the junction of Stanbridge Road with the A505 would result in a quicker, more desirable route. The Highways Development Control Officer has advised that drivers will generally take the quickest route, therefore the journey through Eggington would be less desirable.
- 8.26 Concerns have been raised, particularly by Hockliffe Parish Council that the increase in traffic along the A4012 Hockliffe Road travelling into Hockliffe would be dangerous and cause greater congestion on the A5. The Highways Agency who is responsible for the A5 has raised no objection to the proposal and therefore it must be assumed has no concerns that the problems raised will have a significant impact on the free-flow of traffic on the A5. The Council's Highways Development Control Officer acknowledges that there is an accident record on Hockliffe Road and that if a significant increase in traffic were permitted it could cause problems. However the proposal would lead to improvements to Hockliffe Road and the route would not be a preferred route to many destinations. Consideration will be given to appropriate signage to encourage traffic to use the link road to access the A505 and then the A5 (and in time the A5/M1 link) rather than travelling through Hockliffe.
- 8.27 A number of comments have been received stating that the junction between Eastern Way and the A5 is dangerous and no additional traffic should be permitted to use it without improvements. The Highways Agency is the body responsible for the A5, as a trunk road, and therefore are responsible for that junction. The Highways Agency has no objection to the proposals subject to a condition in relation to travel plans. As set out above the traffic model was agreed with the Highways Agency and used to assess the impact on this junction.
- 8.28 The concerns regarding the Eastern Way junction with the A5 have been raised with the Highways Agency who have responded stating that the junction would operate within capacity taking into account all of the development at land east of Leighton Linlade as well as other developments in the area. On this basis they confirm that no mitigation work would be required at the junction. The Highways Agency acknowledge that there is a perception that the junction is unsafe but that there is no study or improvement scheme identified for the location.
- 8.29 In light of this response the Council's Highways Development Control Officer has explained the detail of this situation as set out below:  
*“It is understandable that there could be a perception that there could be an unreasonable increase in traffic along Eastern Way junction and as a result its junction with A5.*

*However, having looked at the A5/Eastern Way junction in some detail the proposed development only appears to introduce another 50 movements (in the am peak hour) through this junction which is only a 2.7% increase. These movements are not only those travelling along Eastern Way but also along the A5 itself. Furthermore, there have only been 2 accidents in the last 3 years with the injury severity to persons involved in these accidents being recorded as slight.*

*While Eastern Way is within this Authority's jurisdiction; The A5 junction with Eastern Way is within the jurisdiction and managed by the highway agency. However to give you further background of this junction:-*

*This junction may of had a significant accident record some years ago but (I believe) since the Highway Agency has carried out accident remedial measures such as improved lighting and road markings and signage; this has resulted in the accidents being reduced to a level which does not warrant any additional public money to be spent.*

*This junction is substandard by way of its visibility and to carry out works to bring it to standard would in all probability cost considerably more than £1,000,000 and would also require third party land. As mentioned above the current (last 3 years) accident record does not warrant (by way of a Cost Benefit Analysis) a great deal of expenditure to reduce this accidents rate further.*

*As mentioned above the Highway Authority has accepted the traffic model and as a result not objected to the development."*

8.30 The Highways Development Control Officer therefore concludes that :

*"The development does not significantly increase the traffic along Eastern Way and to the junction of that with the A5. Similarly it does not significantly increase the traffic along the A5 in the location of the Eastern Way Junction. Having looked at the accident data over the last 5 years along Eastern Way again there is not a specific accident problem which should be addressed due to the development."*

8.31 **The Proposed Link Road**

The new link road between Stanbridge Road and Vandyke Road along the entire length (while only indicative) is for a 7.3m width (standard) carriageway. Within the Design and Access Statement there is a description of how this road is to be treated with the first part (Stanbridge Road to the start of the residential development) being 30mph and then from then on 20mph which allows for a reduction in volume of traffic. The peak hour flows are shown below for the new link road.

	AM	PM
Stanbridge Road-Hockliffe Road	851	933
Hockliffe Road to Proposed Local Centre	440	365
Proposed Local Centre to Vandyke Road	760	637

- 8.32 The proposal within the Design and Access statement is encouraging and the Highways Development Control Officer fully supports that the road alignment is only indicative as from experience problems have been encountered in approving access roads without considering fully the development they are proposed to serve. However, the proposal shows the Eastern carriageway tying into the existing alignment of Vandyke Road. While this is the limit of the applicant's proposal it is the aspiration of the authority to continue this link road through to Heath Road through third party land. This matter is addressed in a third party application but we need to ensure that there is either a condition or obligation in the section 106 agreement that there can be amendments (all be it minor) to the alignment to this proposed road so as to afford an acceptable transition from this proposed link road to another proposed link road.
- 8.33 **Hockliffe Road (Signalised Junction)**  
This is a new signalised junction with facility for pedestrian/cycle crossing and each approach having two lanes. Having regard to the traffic capacity calculation it is considered that the size of this junction is appropriate. In relation to promoting desire line and route choice which is a factor in discouraging traffic from using the town centre it may be more appropriate that this junction be a signal controlled junction than any other type of junction control. There is also an issue of appropriate provision for cyclist which is also dealt with within the comments relating to sustainability. Being mindful that this authority is promoting none signalised junctions there has been a great deal of investigation in relation to alternative to a signal controlled crossing at this point. The conclusion of these investigations and discussion is that the proposed signal controlled crossing is the most appropriate type of junction for this location.
- 8.34 **New junction onto Hockliffe Road (right turn lane)**  
This is a new junction serving a proportion of the development away from the new link road. Having regard to standards this is acceptable however the Highways Development Control Officer questions if this is appropriate for Hockliffe Road and if there should be a completely different approach for the whole length of Hockliffe Road. Concern is raised that a cycle /footpath link is not shown between this junction and that on the new link road. However, this can be dealt with at detail design stage or by way of condition, it is therefore recommended that this junction be a mini roundabout.
- 8.35 **Stanbridge Road Roundabout**  
This is a new junction serving the development and it has to be remembered that the southern end of the development is commercial and pedestrian facilities would be less of an issue, especially for vulnerable users. With the need to promote traffic along the link road and the A505 the Highways Development Control Officer is content with this arrangement. While the roundabout configuration is acceptable it is not desirable. However this matter can be revisited at the time of the detailed design and would not require third party land.

### **(c) The Retail proposals and their Impact**

- 8.36 The application proposes two areas in which retail would be provided. The local centre, north of Hockliffe Road would provide up to 250m<sup>2</sup> of retail (A1 to A3). The larger neighbourhood centre, south of Vandyke Road, would provide up to 2500m<sup>2</sup> of retail (A1 to A3) and it is envisaged that a large part of this floorspace would be for a supermarket.
- 8.37 There are a number of retail studies, reports and assessments that in some manner or other have something to say about retail in the area of the application. They often refer to one another. They are listed here for clarity:
- The Retail Study (South Bedfordshire) undertaken by GVA Grimley in 2005
  - The Luton and South Bedfordshire Retail Study Update (commissioned for the Luton and South Bedfordshire Joint Committee) undertaken by White, Young Green in 2009
  - The Retail Study (Central Bedfordshire) undertaken by Roger Tym and Partners in 2012
  - The Retail Study Addendum (Central Bedfordshire, unpublished at time of writing) undertaken by Roger Tym and Partners 2013
  - The Retail Assessment for the Houghton Regis North Site 1 (submitted with this planning application) undertaken by Barton Willmore in 2012
  - The 'Retail Study Refresh' (Luton Borough Council), prepared by White Young Green, dated December 2012
  - The Audit of the Retail Assessment for the Planning Application at HRN1, prepared by Turley Associates in June 2013.
- 8.38 The Retail Appraisal of Proposals for a Neighbourhood Centre at Clipstone park to serve the Urban Extension East of Leighton Linlade, hereafter called the retail appraisal, was submitted by the applicant. The appraisal states that the Roger Tym & Partners study should not be interpreted as justifying a ceiling on new floorspace for convenience goods in the District, especially as the study did not consider the spatial distribution of demand for additional retail floorspace and was based on a number of inadequate assumptions in particular about population growth and market shares.
- 8.39 The needs of Leighton Linlade should be considered in relation to future growth of the town and the distribution of supermarkets suitable for main food shopping. On this basis the appraisal states that the urban extension justifies the provision of up to 2500sqm gross for convenience good shopping, equivalent to a total sales area of 1750sqm. A supermarket of this size would serve the urban extension, as well as other parts of the town and may also attract additional expenditure which currently flows to stores in Milton Keynes and elsewhere.
- 8.40 The sequential test is not applicable in this situation as the proposed supermarket would be designed to specifically serve the new development. A store in the town centre or edge of centre would therefore be unable to serve the urban extension and would lead to an increase in the number and distance of car journeys.

- 8.41 The appraisal does not foresee the supermarket causing any adverse impact on the vitality and viability of the town centre. People already have a choice of out-of-centre supermarket shopping at Tesco, edge-of-centre supermarket shopping at Morrisons or if they wish to make linked trips town centre shopping at Waitrose. Leighton Buzzard also has an Aldi and Iceland supermarket. A new supermarket in the proposed neighbourhood centre is therefore unlikely to divert a significant number of town centre shopping trips which are currently linked with food shopping at Waitrose.
- 8.42 The appraisal concludes that it is essential that the proposed neighbourhood centre has adequate provision for main food shopping to achieve a sustainable urban extension. The NPPF at paragraph 23 requires that the need for retail, leisure, office and other town centre uses are met in full and not restricted by the lack of town centre sites. In addition the Development Strategy policy requires that additional retail provision be part of the east of Leighton Linslade urban extension. Including sufficient retail, particularly convenience, within the urban extension will reduce the need for and length of car journeys, contributing to the creation of a sustainable development and in turn reducing town centre congestion.

#### **(d) Green Infrastructure and Open Space**

- 8.43 The application would deliver large areas of open space and Green Infrastructure in a number of different forms. A country park, allotments, children's play areas, informal open space, formal playing pitches and general landscaping are all proposed.
- 8.44 The Green Infrastructure Strategy which accompanied the application sets out the vision for the site. *“The linked network of green spaces will help with sustainability and enhance the areas biodiversity and nature conservation interest. Importantly the green infrastructure will give a sense of place to the proposed development and reinforce the retained elements that help make the area's landscape character.”*
- 8.45 The Strategy also highlights that the approach to green infrastructure would help meet the aims of the Bedfordshire and Luton Green Infrastructure Plan, contribute to addressing some of the deficiencies for certain types of green space as identified in the Luton and Bedfordshire Green Space Strategy as well as helping to achieve part of Leighton-Linslade Town Council's Big Plan for a “green wheel” of linked green spaces around the town.
- 8.46 The proposal would deliver around 43 hectares of new green infrastructure and would have 5 main components. These five main spaces are:
1. Clipstone Brook Park – intended to serve the whole of Leighton-Linslade
  2. Sports Park – providing a range of formal sports pitches
  3. Eastern Link Road Parkland – an area of new woodland and leisure route, forming a green edge to the development
  4. Eggington Brook – an informal open space used primarily for water attenuation
  5. Leedon to Eggington Green Corridor – a green corridor based around the existing Leedon to Eggington footpath which would include a children's play area and allotments.

8.47 The applicant acknowledges the importance of green infrastructure in the development and commits to the provision of appropriate management and maintenance.

**(e) Off-site Impacts: SSSIs/ recreational sites accessible to the public**

8.48 The applicant does not consider that the development would impact over the long term on areas outside the site that are publicly accessible and under strain from use as sufficient green infrastructure and open space provision, including a country park would be made on the site, covering around 40% of the site. The Council's Green Infrastructure team, endorsed by English Nature consider that there would be an increase in demand placed on existing country parks and other open space provision and therefore financial contributions to address this issue should be sought.

8.49 It is considered that the on-site provision would more than provide for the needs of the new residents and whilst they would be likely to use existing facilities in relation to open space, it is as likely that residents currently served by existing provision would use the new country park and other open space provision bought forward by this proposal.

**(f) Car Parking Standard**

8.50 As described earlier in this report, the Parking Standards that this Council applies to new developments has changed. The new Standards make it clear that good design and thoughtful layouts accommodating the practical needs of the car are more important than the simple arithmetical application of a standard and that this should not prove to be a barrier to good quality developments nor an impact on the viability of a development.

8.51 The Design and Access statement sets out how car parking may be accommodated within the development, on-plot parking to the front, side or rear of dwellings is likely to represent the majority of parking however small parking courts, parking squares and on-street parking could also be utilised.

8.52 The level of parking provision and its location and configuration will be a matter dealt with at reserved matters stage. It will therefore be for future Development Management officers and Committees to consider each design and layout on their own merits to judge the adequacy of the access and parking provisions.

**(g) Design and Implementation**

8.53 The application is in outline only and therefore the design of the development as whole and of individual dwellings is not for consideration at this time. The application proposes that design codes be produced for each character area to guide the design of the neighbourhood and the dwellings and other buildings and structures within it.

8.54 This planning application will begin a Development Management process of considerable complexity, impact on the daily activities of the Council,

determine the character of the area and affect the lives of its residents and businesses for many years to come. It will be the quality of the Council's management of that process which will determine the quality of the development should this permission be granted.

## 9. The Requirement for a Section 106 Planning Agreement

### Background

- 9.1 The Committee will be familiar with the procedures that allow a planning application to be granted permission conditional upon certain requirements being met. Usually these are in the form of planning conditions attached to the decision schedule, but it is also common for other planning requirements to be incorporated into formal Planning Agreements (known as Section 106 or S106 Agreements) where for technical or legal reasons a planning condition is unsuitable.
- 9.2 There is national guidance on the proper use of S106 Agreements but in general terms it is expected that the requirements will relate to matters that are directly relevant to the planning application in hand, capable of being implemented and that without that requirement being met, planning permission should be refused. Planning Authorities are expected to have policies to guide developers on what may be required. CBC has a range of policies as set out earlier in this report that will incur a requirement to enter into a S106 Agreement and there is a Supplementary Planning Document, the Planning Obligations (South) SPD 2009 which offers specific guidance on particular topics.
- 9.3 Given the scale of the development involved it was clear that there would be a considerable range of topics that might require a S106 Agreement.
- 9.4 The development proposal is essentially the creation of a new piece of town. It can be no surprise to find that the development must contain land uses and services that are a mixture of that which are commercially driven and that which are public goods or provided on a charitable basis. Therefore, the following topics were considered.

Education	Transport	Leisure, Recreation, and Open Space	Community Facilities
Health Care facilities	Environmental Impact Mitigation	Housing (including Affordable Housing)	Waste Management
Emergency Services	Community Development	Public Realm and Community Safety	Maintenance

- 9.5 The National Planning Policy Framework at paragraph 173 clearly requires local planning authorities to consider the overall viability of large scale development projects and to ensure that the requirements are not overly onerous. Therefore a financial assessment of the planning application was undertaken as described below.

## Viability Appraisal

- 9.6 This section of the report sets out the conclusion of the Viability Appraisal work that has been conducted. The financial information that underpins these conclusions is the subject of commercial confidentiality. For this reason, the financial information is set out in a confidential appendix included within the yellow coloured papers attached separately from this report, for the information of Members of the Committee.
- 9.7 The Viability Appraisal (VA) to be conducted transparently between the applicant and the Council such that all could be satisfied that the planning application could be permitted with an agreed level of mitigation satisfying all parties.
- 9.8 The VA is essentially a model of the viability of the planning application taking account of:
1. The income generated from the development (residential, commercial, retail sales etc)
  2. The costs of the development
  3. The required return on investment
  4. The cost of the mitigation and contributions package (mainly items required by planning condition or within a S106 Planning Agreement).
  5. The Land Value
  6. The exceptional costs

Establishing what each of these values is likely to be has taken some considerable time. A report has been prepared by the Council's consultants, BPS Surveyors and part are included in the commercially confidential appendix to this report. However, broadly for the purposes of this report, it is important to be aware of the following outcomes of the VA.

- 9.9 It has been established to all the parties' satisfaction that the development is unviable taking account of the 30% affordable housing requirement and of the cost and income elements set out in the appendix. It has also been established that the full contributions package as required by applying the Council's policies on supporting community infrastructure and reducing the impact of the development on the surrounding area cannot also be afforded in the short term given current economic circumstances.
- 9.10 The National Planning Policy Framework offers specific guidance in these circumstances. It states:

*"173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

And also;

*“176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.”*

Therefore it is incumbent on the Local Planning Authority to engage constructively with the applicant on the costs to allow the development to be acceptable in planning terms as well as enable the development to be commercially viable.

- 9.11 The applicant's consultants Turner Morum provided a detailed viability report which was reviewed by BPS Surveyors. The conclusions of the report were that the proposed development would only be viable with 0% affordable housing unless some of the other s106 contributions were reviewed. The applicants therefore proposed to reduce the contribution towards green infrastructure maintenance and commuted sums and the contribution towards education provision. They also reduced the overall cost of infrastructure and abnormals and made adjustments to their cash flow model.
- 9.12 The level of green infrastructure maintenance contributions and commuted sums was originally suggested by the Countryside Access Service as being circa £3.4m. The applicants reviewed the approach taken to this matter in relation to the recent application for the urban extension to the north of Houghton Regis. In that application the maintenance contribution sought per hectare of land was £51,282. This site would provide 42.45ha of open space resulting in a proposed contribution of circa £2.1m.
- 9.13 With regard to the reduction in the level of contribution towards education provision, this was justified on the basis of existing surplus spaces and the actual cost of building schools. The applicants argue that there are some surplus places in existing local schools which are already in existence and therefore could be used to accommodate some children from the development. The actual cost of recent extensions to schools and new schools were looked at by the developer which led to the conclusion that the costs used by the Education department are over-estimates.
- 9.14 The proposed affordable housing package is for the provision of 10% affordable housing units which will be spread throughout the period of the development and in phased parcels, with 80% shared ownership units and 20% affordable rent units. This would provide for a total of 120 units.

9.15 The s106 is proposed to provide contributions as follows:

<b>Items</b>	<b>Maximum Contribution (excluding indexation) £</b>	<b>Notes</b>
Education (Financial contribution towards new buildings/extensions.)	8,493,055	This figure for the reasons set out in para 8.15 above is some £2.5m lower than requested by the Council's Education department.  The Education department raise concerns regarding the deliverability of the school buildings in light of this offer.
Community facilities	1,708,007	This level of contribution would be the equivalent of the construction of 2 community halls, one of 760m <sup>2</sup> and one of 295m <sup>2</sup> .  Land would be provided by the developer for the provision of such facilities.
Sustainable Transport	1,451,335	Including contributions to: - bus service - Vandyke Rd & Hockliffe Rd improvements - improvements to existing Clipstone Brook path - railway station improvements
Changing facilities and car parking for sports pitches	1,478,975	
2 x Dual Use MUGAs	323,804	1 on middle school site and 1 on upper school site
Waste management	142,102	To cover the cost of 3 x bins per dwelling and contributions towards 4 x bring sites.
Emergency Services	108,368	Reduced contribution as cost of the waste management has been taken from this section.
Public Art	267,410	Public art would be integrated into the built development of the scheme.
Maintenance & Commuted Sums for Green Infrastructure	2,176,921	Includes play areas
<i>Total</i>	<i>16,136,554</i>	

9.16 In addition, there are items that the applicant would provide at their cost rather than providing financial contributions these are set out in the following table.

<b>Items</b>	<b>Cost to developer (£)</b>	<b>Notes</b>
Land for lower & middle School Land for upper school extension	No cost provided	Nil cost to the Council
Land for 4 GP surgery	No cost provided	Nil cost to the Council
Eastern link road between Vandyke Road and Stanbridge Road	12,095,306	This cost includes junctions, cycleways, footways, bus stops with RTPI & landscaping
Roundabout on A505	2,032,772	
Safety improvements on Stanbridge Road	96,593	
Travel Plan measures	800,000	Inc. Travel plan co-ordinator Promotional measures e.g. cycle training/vouchers. Maps/plans, including updates. Website Travel information packs. Car share scheme Bus service marketing
Laying out of formal sports pitches	1,428,965	
2 NEAPS & 4 LEAPS	732,078	Neighbourhood Equipped Area of Play Local Equipped Area of Play
Costs associated with green wheel, Clipstone Brook Park & other open space	1,952,031	Leighton Buzzard Town Council's Big Plan, green wheel – providing a green edge to the town.
Laying out of allotments	155,848	
25% of construction costs of neighbourhood/local centres for public realm/community uses	818,791	Would provide for public realm works.
<b>Total</b>	<b>20,112,384</b>	

9.17 The tables above show that the developer despite poor viability is providing the majority of the required infrastructure either by way of works in kind or through financial contributions. The viability analysis shows that achieving these levels of contributions still leaves the scheme unviable with 10% affordable housing; however the applicant has agreed to fund the deficit.

- 9.18 A wide range of detailed documents will need to be secured by condition or through the section 106 agreement, these include:
- Area design codes
  - Detailed plans of highways and junctions
  - Landscape and Open Space Strategy
  - Surface Water Drainage Scheme
  - Contamination Preliminary Risk Assessment, Site Investigation, Detailed Risk Assessment & Verification Report
  - Foul Drainage Scheme
  - Scheme of Archaeological Investigation and Recording
  - Waste Audit
  - Travel Plans
  - Arboricultural Method Statement and Tree Protection Plan
- 9.19 The phasing of the development on this application site will need to be carefully considered and appropriate triggers secured in the s106 agreement. It will also be necessary for the legal agreements to control the development of all three of the residential development sites in order to deliver the necessary infrastructure at the appropriate point.
- 9.20 Matters which will be controlled in connection with this application will be the delivery of the eastern link road, delivery of the roundabout on the A505 and the improvements to Stanbridge Road, provision of land for the schools, provision of formal open space, changing rooms, Clipstone Brook country park, play areas, multi-use games areas, allotments, land for GP surgery and community facilities. The s106 will also secure the timing of financial contributions towards education, bus services, road improvements, footway/cycleway improvements, waste management, green infrastructure management etc. The legal agreement would also contain clauses requiring the appropriate promotion and marketing of the employment land and neighbourhood centre land in order to attract businesses to the new sites.

### **Review Mechanism**

- 9.21 The scheme is currently considered in outline and the applicant is the land owner rather than the developer and will wish to preserve the ability to sell the land in more than one parcel. It is intended therefore that the review mechanism will affect the end developer rather than the land owner.
- 9.22 The rationale for introducing further reviews of viability is:
- a) Given the degree of uncertainty inherent with an outline consent and a long delivery programme, it is appropriate that the Council be provided with further opportunities to review viability to ensure that the scheme maximises its potential, consistent with viability, to deliver affordable housing and further s106 contributions.
  - b) It is considered that the market is showing signs of improvement therefore the Council should seek to avoid a situation where the planning obligations including affordable housing, delivered by the scheme are capped at the lowest point in the market but reflect changing market conditions over the life

of the scheme.

c) It is envisaged that through the process of review an incentive to the future developers of the site could be provided to secure additional affordable housing and s106 contributions.

9.23 The detail of the review process is still to be agreed however it is envisaged the reviews could lead to an increased percentage of affordable housing and/or a financial contribution towards areas where full contributions were not secured at this time. Any uplift would not be able to exceed the maximum level required by policy now, for example the level of affordable housing on the site would be capped at 30%.

### **Equalisation**

9.24 The viability appraisal of this development proposal is complicated further by the functional relationship between this application site and the neighbouring sites known as Chamberlains Barn and The Stearn land which are the subject of separate applications by different landowners.

9.25 The functional relationship is acknowledged by all parties and it is normal for such a relationship to be dealt with by means of a process called "equalisation". This would ensure that each site meets a fair and reasonable proportion of the common infrastructure to open the site up as a whole. There are four areas where equalisation arrangements would normally be required:

- land for social infrastructure
- social infrastructure s106 contributions
- hard infrastructure
- where there are (proportionally) lower value uses, such as employment land.

9.26 With regard to social infrastructure the applicants have decided to provide all of the necessary social infrastructure on their site at their cost. Compensation from the other landowner would normally be expected however the applicant has decided that as the delivery of social infrastructure is important to the Council and the development as a whole they will bear the cost. However this adversely affects their viability and reduces the level of affordable housing which can be delivered on their site.

9.27 An agreement will be made between the two landowners outside of the planning process to deal with the equalisation regarding the hard infrastructure, including the eastern link road. The applicants have included a sum of money they expect to receive from the other landowner in the viability appraisal but recognise that this is at their risk.

9.28 There could be equalisation regarding the lower value of employment land, the majority of which would be delivered through this planning application. However the applicants have not sought any equalisation for the lower land value.

## **10.0 Planning Conditions**

- 10.1 A scheme of this size and range of uses will incur a considerable number of planning conditions. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirement here for ease of understanding.
- 10.2 There will be a number of technical conditions which will define the period of the consent (5 years), the period within which detailed consents must be sought (10 years), what details will be required and the specific description of the uses granted permission.
- 10.3 There will be conditions that will require the provision of Area Design Codes, strategies and plans which will guide the overall appearance and approach to the development as well as technical reports in relation to flood risk, drainage etc.
- 10.4 It will need to be ensured that sufficient control exists over the phasing, trigger points for the delivery of different parts of the development and associated infrastructure. It is considered that these controls would be best placed within a section 106 agreement which will be negotiated with the applicants.
- 10.5 Finally, there will be a class of conditions that arise from the consideration of the scheme to assist in implementing the proposals. These include conditions and informatives that seek to protect existing important features during the development phase such as retained archaeology, trees, public footpaths and bridleways.

## **11.0 Conclusion**

- 11.1 The application proposal is for the larger part of the East of Leighton-Linslade Urban Extension which would deliver much needed additional housing and employment growth in the area. Other urban extensions to the north of Houghton Regis and north of Luton would assist in the delivery of housing and jobs. The application proposal is therefore a critical part of a larger strategy to provide not only significant growth within Central Bedfordshire but to accommodate the needs of a growing population in the Leighton-Linslade area.
- 11.2 The balance to be struck in considering this application, involves the competing demands of commercial viability, loss of Green Belt, need for housing, the clear national priority for economic growth, landscape and ecological protection, urban regeneration and providing community facilities for a healthy population. All in a context of reducing public services and public financial support.
- 11.3 It is considered that the scheme is insufficiently financially viable at present to afford the full requirements for affordable housing and the full package of mitigation. However, the mitigation package suggested above is still extremely significant and has been shaped by reference to identified local priorities. The work undertaken with the applicant's representatives has been

conducted in an informed and conscious way to achieve the mitigation package and potential review/uplift mechanism.

- 11.4 The Committee will wish to take into account that the planning application has been submitted in advance of the adoption of the Development Strategy, in which the site is an allocated strategic development site proposed for removal from the Green Belt. However, it should also be recognised that the withdrawn Joint Core Strategy identified the site as being suitable for removal from the Green Belt in order to help meet housing and employment need. The evidence base shows there is nowhere else more suitable for the growth to go. In considering the very special circumstances in relation to development in the Green Belt, it is concluded that the tests have been met. It is recognised that the planning application is critical locally and regionally in helping to boost much needed housing, infrastructure provision and economic investment.

## **Recommendation**

That, subject to the referral of the application to the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Head of Development Management be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

## **RECOMMENDED CONDITIONS**

- 1 **Approval of the details of the appearance, landscaping, layout, access and scale of the development within each area or sub-area as identified in condition 4, (herein called ‘the reserved matters’) shall be obtained in writing from the local planning authority before development is commenced within that area or sub-area. The development shall be carried out in accordance with the approved details.**

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

- 2 Application for approval of the reserved matters for each area or sub-area, as identified in condition 3, shall be made to the local planning authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

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

- 3 Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The areas plan shall show a minimum of 5 character areas as set out in the Design and Access Statement dated July 2011 and shall define the location and extent of the employment area and each residential area and

the number of dwellings in each area; and also define the timing of provision of the movement network, vehicular access point(s) open space and play areas and surface water attenuation areas for each area. The development shall be carried out in accordance with the approved areas plan.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 4 No more than 1210 dwellings on 37.72 ha of land, 70 units of assisted living for the elderly, up to 30,650m<sup>2</sup> of Class B1, up to 7,000m<sup>2</sup> of Class B2 & up to 7,000m<sup>2</sup> of B8 employment floorspace on 11.43 ha of land, neighbourhood centre comprising retail uses (Class A1 - A3( of the Town and Country Planning (Use Classes) Order 1987 (as amended))) of no more than 2,500sqm, public house (Class A4) of up to 650m<sup>2</sup>, multi-purpose hall (Class D1) of up to 760m<sup>2</sup>, offices (Class B1) at ground and first floor levels of up to 750m<sup>2</sup>, childrens nursery (Class D1) up to 300m<sup>2</sup>, GP surgery (Class D1) for up to 4 GPs (600m<sup>2</sup>) and associated car parking, elderly persons care home of no more than 70 beds (Class C2), local centre comprising a community hall (Class D1) of up to 295m<sup>2</sup> and retail units (Class A1 - A3) of up to 250m<sup>2</sup>, a new Eastern Link Road between Vandyke Road and Stanbridge Road together with associated residential and employment access roads with associated car parking, layout out of an area to the north and south of Clipstone Brook as a country park, laying out of structural landscaping and green corridors for recreational use, laying out of 7.45ha of land as formal pitch provision together with the erection of appropriate changing facilities, construction of footways and cycleways, construction of structures to accommodate Sustainable Urban Drainage Systems, laying out of 0.75ha as allotments, construction of 2 Neighbourhood Equipped Areas for Play and 4 Locally Equipped Areas for Play, a Lower School and Middle School on 5.95ha of land including a Multi use Games Area and expansion of Vandyke Upper School on 3.21ha of land including a Multi Use Games Area shall be constructed on the site pursuant to this planning permission in accordance with parameter plans entitled Parameters Assessment - Land Use, W.0225\_77-1E, Parameters Assessment - Access, W.0225\_81-1C, Parameters Assessment - Building Heights, W.0225\_79-2E & Parameters Assessment - Landscape,W.0225\_80-1E.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 5 **No development shall commence until an overarching Landscape and Open Space Strategy has been submitted to and approved in writing by the local planning authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space and their relationship with Sustainable Urban Drainage Systems (SUDS) shall be in accordance with the principles set out within the Parameters Assessment - Landscape contained within the submitted Design and Access Statement and the areas plan approved by condition 4 and shall include:**

**a) a programme for implementation, particularly with regard to advanced planting;**

**b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;**

**c) short and long-term management responsibilities;**

**d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.**

**The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.**

**Reason: To ensure a satisfactory appearance of the development in accordance with policy BE8 of the South Bedfordshire Local Plan and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).**

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 19 May 2011, reference 2725/FRA revision 2, compiled by WSP and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage on the site to a 100-year fluvial flood standard at the point where the proposed road crosses Clipstone Brook in relation to the bridge and ramps to it;
2. Demonstration that all built development shall remain outside the agreed flood contour line of the 1% AEP (100-year) fluvial flood, plus a 20% allowance for climate change;
3. Demonstration that any land levels within the agreed 1% AEP plus climate change flood plain shall remain as existing, and no land within this area shall be raised;
4. Finished floor levels are set no lower than 300mm above the appropriate agreed 1% AEP (100-year) fluvial flood level (plus climate change), as defined by levels within Table 7-1 in the FRA, and as recommended in section 5.1.10 in the FRA;

Reason:

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To reduce the risk of fluvial flooding to built development.
3. To reduce the risk of fluvial flooding by ensuring that no land is raised within the flood plain.
4. To reduce the risk of flooding to the proposed development and future occupants.

In accordance with policy 49 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013.

- 7 No reserved matters pursuant to an area or sub-area shall be submitted until an Area Design Code ('ADC'), has been submitted to and approved in writing by the Local Planning Authority in relation to that area or sub-area. The ADC should follow the format set out in appendix 2 of the Design and Access Statement (July 2011).

Reason: To ensure that the Area Design Codes are of a localised nature and is produced to assist in setting out the details of the development in a planned manner and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the emerging Development Strategy Central Bedfordshire for Pre-Submission and Paragraph 59 of the National Planning Policy Framework (2012).

- 8 Development shall not commence in any area, as defined by the areas plan required by condition 3, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a. Details of investigatory ground investigation testing with a view to demonstrating the viability of infiltration drainage for some or all of the site;
- b. Full details of proposed surface water runoff in all catchments (as identified in the agreed Flood Risk Assessment) demonstrating compliance with the agreed discharge rates for each catchment contained within Table 6-2 of the Flood Risk Assessment dated 19 May 2011, reference 2725/FRA revision 2, compiled by WSP;
- c. Full details of all components of the proposed drainage system including source control, conveyance, storage, flow control and discharge. Details shall include dimensions, locations, reference to storm simulation files, gradients, invert and cover levels, and drawings as appropriate. This shall be completed for all catchments identified;
- d. Full details of overland flood low routes (as well as likely depths and velocities) in the event of system failure or exceedance. Demonstration shall be given that flood risk in these circumstances shall not increase to either the site or to sites downstream of, or adjacent to, this site;
- e. Evidence of agreement of the Internal Drainage Board to the proposals;
- f. Full details of the maintenance and/or adoption proposals for the development, covering every aspect of the proposed drainage system;

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the system, in accordance with policies 44 and 49 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013.

- 9 No development shall commence in any area, as defined by the areas plan required by condition 4, of the development (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') has been

submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

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

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

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

10

**A means of access to the site shall be from Vandyke Road as shown in principle on submitted Drawing No. 2725/SK/023 rev B. No development shall commence in the area, as defined by the areas plan required by condition 3, to which this access relates until construction details of the junction have been submitted to and approved in writing by the Local Planning Authority or as otherwise agreed in accordance with a timetable to be agreed in writing with the Local Planning Authority .**

**Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).**

- 11 **A means of access to the site shall be from Stanbridge Road as shown in principle on submitted Drawing No. 2725/SK/026 rev B. No development shall commence in the area, as defined by the areas plan required by condition 3, until construction details of the junction have been submitted to and approved in writing by the Local Planning Authority or as otherwise agreed in accordance with a timetable to be agreed in writing with the Local Planning Authority .**

**Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).**

- 12 **Two means of access to the site shall be from Hockliffe Road, a primary and secondary as as shown in principle on submitted Drawing Nos. 2725/SK/024 rev D and 2725/SK/025 rev B. No development shall commence in the area, as defined by the areas plan required by condition 3, until construction details of the junctions have been submitted to and approved in writing by the Local Planning Authority or as otherwise agreed in accordance with a timetable to be agreed in writing with the Local Planning Authority .**

**Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).**

- 13 **No development shall take place in an area of the development approved as per condition 3 of this permission until details of the plans and sections of the proposed estate roads in that area, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).**

- 14 **Prior to the commencement of development in any area, as defined by the areas plan required by condition 3, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

**1) A preliminary risk assessment which has identified:**

1. all previous uses
2. potential contaminants associated with those uses
3. a conceptual model of the site indicating sources, pathways and receptors
4. potentially unacceptable risks arising from contamination at the site.

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

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and policy 44 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013

- 15 Prior to commencement of development, in any area, as defined by the areas plan required by condition 3, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and policy 44 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013. Should the recommended investigation identify any soil or groundwater contamination onsite, a validation report demonstrating satisfactory remediation of the site is required prior to commencement of the proposed development.

- 16 **No development shall take place in any area, as defined by the areas plan required by condition 3, until a written scheme of archaeological investigation and recording has been submitted to and approved in**

writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological recording scheme.

**Reason:** To record and advance understanding of the archaeological and historic and resource before they are lost, which will be unavoidably impacted upon as a consequence of the development in accordance with policy 46 of the Development Strategy for Central Bedfordshire Pre-Submission Version 2013.

- 17 Prior to commencement of any development on any area, as defined by the areas plan required by condition 3, no tree or hedgerow shall be lopped, topped or felled and an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement and plan.

**Reason:** To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 18 Prior to commencement of development in each area approved by condition 4 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.

**Reason:** To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 19 No development shall take place in an area or sub-area of the development approved as per condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units in each area shall be carried out in accordance with the approved details shall not thereafter be used for any other purpose.

**Reason:** To ensure that development is adequately provided with waste and recycling facilities in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and policy 44 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013. The nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.

- 21 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with Policies P9-6 and P4-1 to P4-12 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and policy 44 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013. The infiltration of surface water through land affected by contamination can result in the pollution of coastal waters, inland fresh waters and groundwaters. We encourage the use of sustainable drainage systems, however they must be carefully considered and controlled.

- 22 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local Planning Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.

Reason: In the interests of residential amenity, in accordance with policy BE8 South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013.

- 23 Within the neighbourhood and local centres any fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing L<sub>A90</sub> background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from

the closest affected window of the relevant noise sensitive property.

Reason: In the interests of residential amenity, in accordance with policy BE8 South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013.

- 24 The details required by condition 1 of this permission in relation to each area approved by condition 4 shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version January 2013.

- 25 The details required by condition 1 of this permission in relation to each area approved as per condition 4 shall include a scheme for parking, and garaging for the residential units in that area. In relation to the employment area shall include a scheme for parking manoeuvring loading and unloading of vehicles in respect of each building. The parts of each approved scheme pursuant to condition 1 related to each residential unit or building in the employment area shall be made available for use before the residential unit or building is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with policies 27 and 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 26 No part of the development hereby approved shall be brought into use until the Umbrella Travel Plan prepared by WSP dated October 2011 has been approved in writing by the Local Planning Authority. The Travel Plan shall include the following:

- The identification of targets for trip reduction and modal shift;
- The methods to be employed to meet these targets;
- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The penalties to be applied in the event that targets are not met;
- The mechanisms for mitigation including budgetary provision;
- Implementation of the travel plan (until full occupation) to be agreed timescale or timescale and its operation thereafter;
- Mechanisms to secure variations to the travel plan following monitoring and reviews;
- Mechanisms for managing the travel plan and coordinating with other travel plans in the East Leighton Linslade development area.

The completed development shall be occupied in accordance with the approved travel plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local

Planning Authority in conjunction with the Highways Agency.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with policy 26 of Development Strategy for Central Bedfordshire Pre-Submission Version 2013.

- 27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers W.0225\_22-1D, 2725/SK/023B, 2725/SK/024D, 2725/SK/025B, 2725/SK/026B, W.0225\_77-1E, W.0225\_81-1C, W.0225\_79-2E & W.0225\_80-1E.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. **Flood Defence Consent**  
Whilst it is noted that the FRA asserts that ditches and watercourses on site are to remain intact, the following proposed works will require an application for Flood Defence Consent from the Environment Agency:
  - Works within 9.0 metres of the top of bank of any Main River (under local Byelaws);
  - Works in, on, under or over the channel of a Main River (under Section 109 of the Water Resources Act 1991);
  - Works within an ordinary watercourse that may restrict or impede flow (under Section 23 of the Land Drainage Act 1991).
4. **Model procedures and good practice.** We recommend that developers should:
  - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
  - 2) Refer to our Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
  - 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

## 5. **Sustainable Drainage Systems.**

In accordance with our Groundwater Protection: Policy and Practice (GP3) document, we offer the following advice on Sustainable Drainage Systems (SUDS):

Soakaways must be constructed in line with guidance provided in Building Research Establishment 365 (BRE365) – Soakaway Design.

SUDS must be constructed in line with guidance provided in Construction Industry Research and Information Association C697 (CIRIA C697) - The SUDS Manual.

Direct discharges into groundwater of surface water run-off are not acceptable.

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as possible to simulate natural infiltration. The maximum acceptable depth for infiltration structures is two metres below existing ground level with the base of these infiltration structures at least 1.2 metres above the highest seasonal groundwater-table. We do not consider deep bore and other deep soakaway systems to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction). Infiltration structures must not be constructed in contaminated ground. Only clean, uncontaminated water should be discharged to any infiltration structure. Infiltration structures should only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority (LPA).

Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor and should discharge to separate infiltration systems to those used for road and vehicle parking areas.

Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality, this is likely to include measures to mitigate the discharge of hydrocarbons to surface water or ground. Details of treatment techniques are outlined in CIRIA Report C609. We would wish to be consulted on any protection measures.

Any oil interceptors should include separate provision for the interception and removal of sediment (as collection of solids within the interceptor will reduce the capacity and function of the interceptor). Any oil interceptors/sediment chambers should be regularly maintained in accordance with manufacturers guidelines

## 6. **Waste**

The Waste Management Statement for this development is detailed and comprehensive with a good regard to waste management from the construction

to the future use of the development. The document describes a Detailed Waste Management Strategy that is in line with the Site Waste Management Plan Regulations that is required to be maintained during construction. It is important that only licensed waste carriers and permitted waste facilities are used by contractors for the disposal of any waste arising. The design of housing and businesses will be such to minimise construction waste and to provide good storage areas for waste containers. The use of recycled materials that meets required standards should be encouraged. In maintaining the principles of the waste hierarchy, the development will ensure good environmental waste practises are followed. The document recognises the importance of national and local waste management strategies and should ensure that the development delivers its good waste management plans.

## 7. Water Resources

Generally the info on water supply in the ES is a little thin. The document states that Anglian Water have confirmed that there is sufficient water supply resource capacity to serve the proposed development. Overall the significance of the water supply has been classed as negligible in table 12.5 (summary of assessment). While we are not disputing that AWS can supply the development we are disappointed to see that no water efficiency measures have been mentioned. There seems to be no litre per head per day targets for the residential development, and we can see no reference to the relevant Water Cycle Strategy, the Code for Sustainable Homes or to the Water Framework Directive. Ideally we would like to have seen more detail on how the water supply demand that results from this development will be mitigated. We have included a set of standard water resources comments below, The interaction of development planning and water resource management is a key issue for this region, and there are three key elements to consider. (These feature in Section 7.8 of the Regional Water Resources Strategy published in 2001). Our comments are made under these key aspects.

### **DEVELOPMENT SHOULD NOT BE COMMITTED AHEAD OF SECURE WATER SUPPLIES**

The development lies within the area traditionally supplied by Anglian Water Services Ltd. It is assumed that water will be supplied using existing sources and under existing abstraction licence permissions. The planners should seek advice from the water company to find out whether this is the case, or whether a new source needs to be developed or a new abstraction licence is sought. We may not be able to recommend a new or increased abstraction licence where water resources are fully committed to existing abstraction and the environment.

### **THE LOCATION OF DEVELOPMENT SHOULD TAKE INTO CONSIDERATION THE RELATIVE AVAILABILITY OF EXISTING DEVELOPED WATER RESOURCES**

The timing and cost of infrastructure improvements will be a consideration. This issue should be discussed with the water company.

### **EVERY OPPORTUNITY SHOULD BE TAKEN TO BUILD WATER EFFICIENCY INTO NEW DEVELOPMENTS, AND INNOVATIVE APPROACHES SHOULD BE ENCOURAGED.**

We support all initiatives aimed at reducing water use. The extent of water efficiency measures adopted will affect the demand for water for the development and I would expect that this will be taken into consideration. It is assumed that new houses will be constructed with water meters fitted. Other water saving measures that we wish to see incorporated include low flush toilets, low flow showerheads, water butts for gardens etc. The Environment Agency also supports the idea of greywater recycling as it has the potential to reduce water consumption in the average household by up to 35%. This must, however, be achieved in a safe and hygienic manner. Information and advice can be obtained from Anglian Water Services Ltd. and our Demands Management Centre on 01903 832073 or email to [paula.wood@environment-agency.gov.uk](mailto:paula.wood@environment-agency.gov.uk).

#### 8. **Anglian Water Advice**

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

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

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

These requirements are as follows:

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

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

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

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

Planning permission has been recommended for approval for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

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