

## **DEVELOPMENT MANAGEMENT COMMITTEE – 28 FEBRUARY 2014**

### ***Item 4 (Page 5-116) – CB/11/02827/OUT – Clipstone Park, Land South of Vandyke Road & North of Stanbridge Road, Leighton Linlslade.***

#### Chilworth International Corporation

The late sheet contains details of a letter received from Hogan Lovells who act on behalf of the owners of an area of land north of Vandyke Road, Chilworth International Corporation.

A further letter was received on 26<sup>th</sup> February 2014 after the late sheet was produced raising a number of points. Each of the points is dealt with below.

The recent letter raises concern that a letter dated 18<sup>th</sup> April 2013 from DTZ, who act on behalf of the above, was not recorded in the report. The letter was incorrectly filed against the Framework Plan; however it is attached for information.

Both letters are attached for information.

- The application is premature. The Council does not have an up-to-date Development Plan and the Development Strategy has not yet been submitted for examination. Greater weight should be given to the Framework Plan, which is a material consideration in the determination of the application.

The Officer's report deals with this issue in detail at sections 1, 3, 4 & 5. In addition the comments of the Local Plans and Housing Team set out the position in relation to the Development Plan. The Framework Plan is a material consideration and the proposal conforms with it.

- Section 5 of the Framework Plan sets out the "essential infrastructure that must be provided for growth to be integrated and sustainable." 16ha of serviced employment land is deemed to be necessary to allow the development to progress. It is therefore surprising that the shortfall of 5ha of employment land provision is not drawn to the Member's attention.

The Framework Plan covers the whole of the Eastern Leighton Linlslade allocation and therefore for the total development of 2500 dwellings, 16ha of employment land would be required to deliver the 2,400 jobs specified in policy 62 of the emerging Development Strategy. The planning application before the Committee is for 1210 dwellings and provides 11ha of employment land. The applicant has demonstrated that the 11ha within this application site could deliver sufficient numbers of new jobs, circa 2,400, to accommodate all of the new economically active persons expected to be generated from the whole of the allocation when taken along with those jobs within the Neighbourhood Centre and schools. This point is emphasised in para 4.10 of the Framework Plan.

- At paragraph 5.4 the officer refers to the Framework Plan as setting out 11ha of employment land within the application site. The Framework Plan in fact states that the main employment area is approximately 13ha. Thus the employment provision within the application site is deficient when judged against the Framework Plan.

The report does state that the Framework Plan requires 11ha of employment land within this application. The Framework Plan does in fact state that the main area of employment land is about 13ha. The land is 13ha gross, and 11.43ha net, therefore the area of land which can be used for employment use has been included in the report. The Framework Plan also states at 4.10 point 1, *“Overall it is anticipated that this main employment area together with jobs associated with the Neighbourhood Centre, Local Centre (about 3 ha) and adjoining community uses such as schools, will deliver in excess of the required 2400 jobs.”* It is therefore considered that this application will deliver the appropriate level of employment land and jobs.

- Officers mislead the Members in relation to the number of jobs to be generated by the urban extension.

The Officer’s report clearly states at 6.11 that the very special circumstances put forward by the applicant are set out in paragraphs 6.11 – 6.31. The information contained in paragraph 6.19 is therefore the applicant’s case. Policy 62 of the emerging Development Strategy and the Framework Plan both require that the allocation as a whole should deliver up to 2,400 jobs. This application site could deliver, the applicant contends, 2,000 to 2,150 jobs on the employment land and a further 500 jobs from within the development resulting from the neighbourhood and local centres, schools etc. It is accepted that the other area of employment land is not included in any application and that there is no certainty over the applicant’s estimate that a further 600-700 jobs could be provided on that land. It does not however impact on this application’s ability to provide sufficient employment land and jobs.

- Heads of terms for the Section 106 Agreement are summarised in section 9 of the report. In order to have a comprehensive and holistic development, the s106 will need to deal with the phasing of the infrastructure to support the development. The timing and delivery of employment land is not referred to.

Paragraph 9.19 sets out that the phasing of the development would 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. This paragraph was intended to encompass all infrastructure including the employment land. For the avoidance of doubt the legal agreement will include clauses to deal with the delivery of serviced employment land and the offer made by the applicant is that they would be willing to enter into an agreement which requires the delivery of the first phase of serviced employment land prior to any residential occupation.

- The Luton and South Central Bedfordshire Joint Core Strategy (August 2011) sets out the delivery mechanism and associated timescales for land uses in the urban extension. Employment land is required to be commenced within three years. It is therefore questioned why the applicants are not being

required to comply with this or any other timescale for delivery of employment land.

The table in the Core Strategy sets out a general indication of delivery mechanisms and associated timeframes. It is not considered that the applicants can be required to comply with these timeframes as they are significantly out of date. It is however considered that the early delivery of serviced employment land is vital and would be secured through the s106.

- There is no required provision in the Section 106 Agreement for the applicant to procure the provision of employment land outside the application site to remedy the shortfall.

There is no shortfall of employment land within this application and therefore there is no need to require the applicants to procure additional land.

- It is vital that the Council treats the development of the urban extension in a holistic and comprehensive manner not least to ensure that all essential infrastructure can be delivered. This is recognised by officers at para 9.19. It is therefore concerning that Members are being advised to push ahead with the premature determination in isolation of a single application for only part of the extension.

This argument can only be made in this situation as the Council has planning applications for the remainder of the site. If the Council was in a situation where it only had this application, there would be no reason to prevent its determination whilst further applications for the remainder of the site. The Framework Plan was prepared in order that the site is developed in a comprehensive manner. It is acknowledged that it is vital that the legal agreements appropriately control the developments across the site and the timing of the preparation of the s106 agreements and subsequent planning permissions will need to reflect this approach.

- Members do not have the “full picture” before them and will have no guarantee of the essential infrastructure if the applications are determined in a piecemeal and ad hoc way.

This is not accepted the Members have a comprehensive report before them and along with the relevant policy documents and the Framework Plan are able to appreciate the “full picture”.

- Officers acknowledge at para 9.19 that there is a need for legal agreements for all three residential sites. There is no explanation as to how these will dovetail and ensure that the infrastructure is delivered. There is no analysis or explanation as to why the applications are not being determined together with a single s106 agreement.

The preparation of a single s106 agreement is still an option open to the Council, however it is anticipated that it is more likely that there will be more than one legal agreement all of which would be linked to each other.

- The environmental information forming the basis of the Environmental Statement is woefully out of date. Although the report (para 7.1) refers to the information as being 21/2 years old, this underplays the situation. The base

data for many of the studies is actually 4-5 years old. It would be unsafe for the Council to rely on this data, particularly as the application site lies within the Green Belt. We query how the Council has therefore been able to come to an informed view that there has not been “any significant change to the situation to necessitate any updated material”. It is noted that the applicant for the adjoining sites (Arnold White Estates) saw the need to review and update the environmental information and has submitted an addendum to their Environmental Statement.

In order that the Committee are fully informed each section of the Environmental Statement is dealt with below. It should also be taken into account that the assessment of environmental effects takes into account the construction and operational phases of the development which is expected to take 15-20 years to complete.

The sections entitled Introduction & Assessment Approach; Application site and Proposed Development and Planning Policy Context & Alternatives provide background information and the context to the assessment of the environmental effects of the development.

Socio-Economic Issues – The data included in this section on population, deprivation, employment and unemployment etc could be updated, however it is not considered that the changes to the baseline figures would be so significant to have any impact on the assessment of the effects of the proposal.

Landscape and Visual Issues – There has been no significant change to the landscape, viewpoints or visual impacts to warrant a review of this section.

Ecology – It is acknowledged that the reports and surveys were undertaken in 2010 but there is no evidence that the situation has changed in the areas proposed for development that render this part of the ES time expired. Officers are satisfied that there will be no significant adverse ecological effects arising from the data having been collected in 2010

Cultural Heritage and Archaeology – There has been no significant change to the cultural heritage or archaeological situation which would result in the requirement to review the information.

Agricultural Circumstances – There has been no significant change in the agricultural circumstances to warrant a review of this section.

Transport – The baseline data in this section may have altered slightly but not to such an extent which would require the review of this information.

Noise & Vibration – There has been no significant change in factors in relation to noise and vibration which would warrant a review of this section.

Air Quality - The baseline data in this section may have altered slightly but not to such an extent which would require the review of this information.

Hydrology, Flood Risk and Drainage - There has been no significant change to the hydrology, flood risk or drainage situation which would result in the requirement to review the information.

Geotechnical Issues & Contaminated Land - There has been no significant change to these matters to warrant a review of this section.

Arnold White Estates submitted additional environmental information following amended plans. The information does not review the original environmental statement and only considers whether the changes have any additional or previously unforeseen impacts.

- The advice set out in the report to Members as to why inappropriate and harmful development in the Green Belt is outweighed by very special circumstances in this case is particularly unconvincing. Members should be advised that substantial weight should be given to any harm to the Green Belt when determining the application (NPPF para 88).

Paragraph 88 of the National Planning Policy Framework (NPPF) is reproduced below.

*88. 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.*

The case for very special circumstances is set out in the report at section 6. It should be noted that the Secretary of State recently considered a planning application for 5,150 dwellings and associated development in the Green Belt and determined that it should be determined at a local level.