

Item No. 4

APPLICATION NUMBER	CB/11/04444/OUT
LOCATION	Land known as The Stearn Land, Clipstone Lane, Leighton Buzzard, Beds
PROPOSAL	Hybrid application for residential development comprising up to 270 dwellings with associated landscaping, open space, parking and internal access roads (in outline with all matters reserved); provision of formal public open space; cemetery; allotments; informal open space and structural landscaping; and access roads (change of use).
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Vicki Davies
DATE REGISTERED	16 January 2012
EXPIRY DATE	16 April 2012
APPLICANT	Arnold White Estates
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Departure, Major application recommended for approval and with objections from Eggington Parish Council and Heath and Reach Parish Council.
RECOMMENDED DECISION	Outline Application - Approval

Executive Summary

- (i) The application seeks planning permission for the provision of up to 270 dwellings and formal playing pitches, 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. The Committee resolved to grant planning permission in relation to the Clipstone Park proposals at its meeting on 29th February 2014. These proposals and the Clipstone Park resolution to grant together for an important element of the combined Eastern Leighton Linlade strategy.
- (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 the current adopted Development Plan, due to its age, but that the proposals are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire. 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.

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 application will contribute to the delivery of a substantial proportion of the housing proposed by the Development Strategy and for which there is underlying evidence of considerable need. This application would also provide a substantial part of the formal playing pitches not only to meet the needs of the new development but to seek to remedy the existing deficiency within Leighton Linlade.

- (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 submitted to the Secretary of State on that basis.**

Site Location:

The application site is located on the eastern side of Leighton-Linlade and is approximately 2km from the town centre. Eggington, Stanbridge and Tilsworth are located to the east of the application site with the A5 beyond.

The site covers approximately 22.46 hectares and relates to a large rectangular field contained by Vandyke Road and adjoining land to the north west and Clipstone Lane to the north east. The south eastern and south western boundaries are field boundaries, delineated by hedges, adjoining the Clipstone Park planning application area.

The site is entirely pasture with boundaries defined by mature hedges and, along the northern boundary, trees. There is a thin hedge running north to south which divides the site approximately in half. Excluded from the application site but included in the site allocation as a whole is an area of land abutting the southern side of Vandyke Road which is pasture.

The topography of the site is a gentle south-facing slope. To the north of the site, across Vandyke Road is Shenley Hill, a significant feature in the landscape.

The application site falls wholly within Eggington Parish.

The Application:

The planning application is a hybrid seeking outline consent for the residential part of the scheme and a change of use in respect of the public open space land.

The scheme consists of:

- residential development comprising up to 270 dwellings,
- associated landscaping,
- open space, parking and internal access roads;
- formal public open space comprising of playing fields on 8.52ha approx,
- land for a cemetery extending to 1.16ha approx,
- allotments covering 0.60ha approx,
- informal open space and structural landscaping and access roads.

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

Context of planning application in relation to the East of Leighton Linlade Strategic Site Allocation

This planning application is one of four applications which have been made in connection with the on site delivery of the East of Leighton Linlade urban extension. All of the planning applications were considered to meet the criteria to need to be accompanied by an Environmental Impact Assessment.

Three outline applications for residential development, with associated infrastructure, are under consideration. There are two applicants involved, Willis Dawson Holdings and Arnold White Estates.

This application:

CB/11/04444/OUT - Hybrid application for residential development comprising up to 270 dwellings with associated landscaping, open space, parking and internal access roads (in outline with all matters reserved); provision of formal public open space; cemetery; allotments; informal open space and structural landscaping; and access roads (change of use).

Land known as The Stearn Land, Clipstone Lane, Leighton Buzzard

Applicant: Arnold White Estates

CB/11/02827/OUT - 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 Children's 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.

Clipstone Park, Land South of Vandyke Road & North of Stanbridge Road, Leighton Linslade.

Applicant Willis Dawson Holdings.

CB/11/01937/OUT – Mixed development including up to 950 dwellings; a site for a lower school; a local centre comprising retail and community uses; informal open space and country park, incorporating allotments, orchards, new tree and shrub planting, and play areas; and a new halt for the Narrow Gauge Railway (NGR).

Chamberlains Barn, Heath Road, Leighton Buzzard.

Applicant: Arnold White Estates.

In addition a full planning application has been made for the part of the link road which would run through the Chamberlains Barn part of the site between Heath Road and Vandyke Road.

CB/11/01940/FULL - A link road from Heath Road to Vandyke Road incorporating re-alignment and bridge over the Narrow Gauge Railway, sewers, pumping station and SUDs basin.

Chamberlains Barn Quarry, Heath Road, Leighton Buzzard

Applicant: Arnold White Estates.

A fifth application has been made for changes to the junction between the A505, Stanbridge Road and Billington Road. This application has been approved and would provide a roundabout at this junction.

CB/11/03450/FULL - Construction of New Roundabout and Link Road together with amendments to existing Highway Arrangements.

Land at junction of A505 and Stanbridge Road, Leighton Buzzard.

Applicant: Willis Dawson Holdings.

All of these applications together, in association with subsequent reserved matter applications, would deliver the whole urban extension of 2500 dwellings, link road between Heath Road in the north and Stanbridge Road in the south along with the associated infrastructure.

Ideally all of the applications would have been considered by the Committee at the same time, however the Committee has already considered the application on land known as Clipstone Park. The Council does however fully intend to deal with the urban extension in a comprehensive and cohesive manner.

National Planning Policy Framework (March 2012)

- 1 – Building a strong, competitive economy
- 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
- 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

Luton and South Central Bedfordshire Joint Core Strategy (August 2011)

(Although this Strategy was previously endorsed for the purposes of Development Management the Council resolved to endorse the Development Strategy for that purpose on 12th June 2014, therefore superceding the Strategy. Reference to the document is included for completeness and historical reference.)

Development Strategy for Central Bedfordshire (revised pre-submission version May 2014)

Proposed Policies:

- 1 – Presumption in Favour of Sustainable Development
- 2 – Growth Strategy
- 3 – Green Belt
- 4 – Settlement Hierarchy
- 13 – Town Centre Development
- 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 – Functioning of the Network
- 26 – Travel Plans
- 27 – Parking
- 28 – Transport Assessments
- 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
- 62 – East of Leighton-Linslade

(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 October 2014 and the Council endorsed it for the purposes of Development Management in the south area of the authority. The weight to be given to these policies is considered further in section 4).

Supplementary Planning Documents

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

Design in Central Bedfordshire: A Guide for Development (Core Document and Design Supplements). (*Revised and adopted by Executive, March 2014, as technical guidance.*)

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

General Introduction

This proposal is for a development of significant size within the Green Belt. The site lies on the edge of the Leighton Linlade urban area, with the whole of the site falling within Eggington 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 planning application was submitted by the applicants in 2008 for a larger scheme which included much of the land within this application. That application was considered to over-provide housing at densities that the Council considered were inappropriate and the discussions with the applicant at that time eventually resulted in the applications now before the Committee. Accordingly the 2008 application 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.

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. The full comments will be available at the Committee Meeting for reference. 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 below is a summary of the Parish Council's lengthy submission.]

The Parish Council object in principle to the development as the land should be retained as Green Belt.

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

The Parish Council are concerned at the rather limited amount of parking being envisaged at/near the cemetery and for the playing fields. We are concerned that AWE appear to be totally reliant on WDH to provide both those changing facilities and the parking spaces for these playing fields. We would be happier if AWE were to be responsible for such provision. We are also concerned that there doesn't appear to be any provision for public transport (Bus service) to the cemetery.

[The level of parking and its location will be dealt with at reserved matters stage. The provision of the changing facilities and associated parking provided by WDH will be secured through a s106 along with the timing of its delivery. The bus service routing will take into account the cemetery.]

The Parish Council considers that the proposal does not provide sufficient car parking for the cemetery, allotments, playing fields and houses. The width of the roads should also be wide enough to allow access for emergency vehicles.

[The level and location of parking, and width of roads will be dealt with at reserved matters stage.]

As a Parish Council, we foresee that Clipstone Lane - which is a really just a single lane "farm track" from Clipstone Farm/Manor Farm to service their fields, but which also leads to Shenley Hill (and the Waste Disposal facility there) - will quickly become a public 'parking' lane where people jump through the hedge and onto the fields.

[This is a matter which will need to be addressed through conditions and within the detailed layout of the scheme at reserved matters stage.]

Future development should not be permitted to the north and east of Clipstone Lane as it

is designated as a flood relief area. Clipstone Lane should form a “hard-edge” to the development.

[Clipstone Lane is the eastern edge of the development and there are no proposals within any local policy document or any planning application which would change this.]

Eggington PC is also concerned that the route from the village (through Clipstone itself) to ‘the dump’ at Shenley Hill should be maintained.

The Parish Council is also concerned about the delivery of sewerage infrastructure at the appropriate time.

The Parish Council considers that the affordable housing target should not compromise the level of financial contributions secured through the s106.

[Other comments and concerns noted.]

Heath and Reach Parish Council

Heath & Reach Parish Council wishes to object to the application on the following grounds:

1. Impact of traffic on the local road network and the village of Heath & Reach
2. The site doesn't meet the criteria for building on Green Belt land
3. The application goes against the former Local Development Framework
4. There is no infrastructure in place for the development.

[All of the issues raised by the Parish Council above are addressed within the report.]

Leighton Linlade Town Council

Resolved that the comments made in relation to the overall development of Chamberlains Barn and Clipstone Park on 28 September 2011 remained relevant to the application for the Stearn Land; that no objection be made to the application but Central Bedfordshire Council be asked to give careful consideration to all the elements detailed below and to assure the Town Council that timely delivery of all the

- necessary infrastructure would take place:
- traffic volume, particularly through the town to the railway station
 - sufficient parking provision on the development
 - sufficient 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 to be agreed for the provision of the necessary infrastructure
 - impact on utilities, in particular the sewerage works.
 - affordable housing provided.

[All of these matters are addressed within the report and secured through the legal agreement where necessary.]

Adj Occs

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

Objectors:

Eggington

11 Leighton Road
Manor Cottage
West Hill, Charity Lane

Principle of development/Green Belt

- the land is Green Belt and should not be built on
- prematurity of application
- with Sandhills unfinished and ongoing development in Milton Keynes is there a need for more housing in Leighton Buzzard
- Localism Bill

Leighton Buzzard

3 Bassett Court
27 Blakedown Road
3 Cetus Crescent
12 Chamberlains Gardens
19 Columba Drive
51 Cotefield Drive
5 Firs Path
34, 38 & 43 Hydrus Drive
18, 26 & 36 Mercury Way
29 Pennivale Close
2 Plummer Haven
10 Talbot Court
120 & 231 Vandyke Road
21 Willow Bank Walk
Westend & 59 Plantation Road

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

- already many unoccupied homes in the town

[The information the Council has regarding the 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.]

3 with no or incomplete addresses

Infrastructure & Facilities

- concerns over the delivery of facilities
- the applicants have not delivered on infrastructure provision at Sandhills and

Billington Park

[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.]

- where would all the new residents work?

[The east of Leighton Linlade development as a whole would deliver in the region of 2400 jobs as required by policy.]

- no healthcare facilities proposed and not enough in the town

- the development should deliver the long awaited hospital

[A site for a new 4 GP surgery is proposed within the Clipstone Park part of the site, CB/11/02827/OUT. There is also an area of land in the control of the Health Authority south of Vandyke Road, the applicants have no control over this site.]

- the trains are already full

[The capacity of the rail network is not in the control of the applicant or the Council.]

Flood Risk and Watercourses

- flooding

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

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.

[Consideration of the impact on the narrow gauge railway is included in section 8.]

- increase in traffic inappropriate for roads proposed
- existing on-street parking restricts traffic flows

[The Highways Development Control Officer is satisfied that any increase in traffic can be accommodated, the link road would provide a significant improvement to existing conditions.]

- there is no public transport for the new residents to use.

[Subject to viability assessments a financial contribution will be secured to provide a new bus service for the development and links with existing public transport.]

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. In addition the site would provide circa 4ha of informal open space.]

Residential Amenity

- loss of countryside
- noise and disturbance from new housing
- noise from construction
- dust from construction
- floodlighting

[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

- impact on character of Leighton Buzzard
- impact on narrow gauge railway and its draw as a tourist attraction
- the proposal would kill the town centre

[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.]

Design of development

- the houses should only be two-storey otherwise they would be out of keeping with nearby developments
- roads within the development must be wide enough for emergency vehicles

[The above issues will be dealt with at the detailed design stage when reserved matters applications are submitted.]

- traffic would have to travel through the housing areas to access the cemetery

[Traffic would gain access to the cemetery through the residential development, the route to the cemetery will need to be carefully considered at reserved matters stage to ensure it is appropriate both in terms of the residents and those accessing the cemetery.]

Other Issues

- the site appears to be land-locked
- the application should not be dealt with in isolation as it relies on the Clipstone Park development
- it is not clear when this development would be built and how access would be gained

[The application site is part of the larger east of Leighton Linlade allocation and is included within the Framework Plan. The phasing of the development will be controlled in the s106 agreement to ensure it is bought forward at the correct time.]

- impact on Eggington

[It is not considered that the development would have any significant adverse impact

on Eggington. There would be some views of the site however these would be limited. The issue of traffic impact is dealt with in section 8 below.]

Comments:
27 Ship Road, Linslade

1 letter making comments was received setting out:

- it is good to see such a well thought through planning proposal which would help address the growing housing shortage in Leighton Buzzard and doesn't ignore the need for additional community facilities.

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.]

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.

[In relation to the employment land at Clipstone Park 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.

Sport England

As the site does not affect any existing playing fields, the consultation is not statutory.

Outdoor Sports Provision - Quantity

The development proposes a total of 8.52 hectares of formal open space specifically for outdoor sport which would cover the majority of the eastern part of the application site.

The development would generate an estimated population of 667 persons as set out in paragraph 12.4.1 of the Environmental Statement. Based on a standard of 2.4 hectares per 1000, the development would generate a need for an additional 1.60 hectares of outdoor sports provision. As 8.52 hectares of provision is proposed in the development, the level of provision proposed would clearly exceed the recommended minimum standard which is welcomed. However, the formal open space is not intended to just to serve the residential development proposed in this planning application as it would also serve the adjoining Chamberlains Barn Quarry and Clipstone Park developments. The three developments in total would generate an estimated population of 5,958 (2,347: Chamberlains Barn Quarry, 2,944: Clipstone Park, 667: The Stearn Land). Using the above standard, the three developments that collectively make up the urban extension would generate a need for 14.3 ha of outdoor sports pitch provision. As 15.97 ha is proposed in total across the developments this would meet the standard. Consequently, the quantity of outdoor sports facility provision for meeting the needs of the residential development in the planning application and in the wider development is supported. The Illustrative Masterplan provides an indicative

layout of the sports pitches proposed in the formal open space and comprises 7 football pitches, a rugby pitch and a hockey pitch. Sport England would advocate that the range of pitches provided should be responsive to the local needs identified when a more detailed (reserved matters) scheme is prepared at a later date. Consideration will need to be given to incorporating summer sports such as cricket as well as the winter sports pitches shown on the plan.

While the proposals for making outdoor sports provision are broadly supported in terms of the quantity and range of facilities proposed for meeting the additional needs generated by the development, before these elements are finalised, it is therefore requested that the proposals are reviewed in the context of the considerations identified above in order to ensure that the facilities provided are appropriate for addressing the needs of the new community. Any planning permission should make provision for all of the on-site and off-site outdoor sports facilities and (if applicable) financial contributions to be secured through a planning obligation and for full details of the proposals to be submitted at reserved matters stage.

Outdoor Sports Facilities – Location, Siting and Layout

While acknowledging that the proposed layout of the formal open space shown on the Illustrative Masterplan may be indicative at this stage I would wish to object for the following reasons:

The open space would incorporate several lines of trees. The potential severance of the playing field will constrain the range and size of playing pitches that could be marked out which will reduce the flexibility to respond to changing playing pitch requirements over time and will limit the potential for all of the open areas to be used for pitches. A further concern is that the pitches may not be visible from the changing rooms. The visibility of changing rooms from playing pitches is important from a child protection perspective. While acknowledging the landscape benefits of including new trees to break up the formal open space, it is requested that they are not included in a detailed scheme in order to provide flexible pitch layouts;

The formal open space should be designed to incorporate the proposed Sports Park that is planned on land immediately to the south (which does not form part of this planning application) to serve the other parts of the urban extension. It is unclear from the masterplan how the planning and design of the two

open spaces would be co-ordinated. Vehicular access to the formal open space should be from a road serving both areas of open space rather than through the residential development proposed in the planning application in order to avoid residential amenity conflicts.

Outdoor Sports Facilities – Quality

The proposed formal open space will necessitate ancillary facilities such as a pavilion/clubhouse for changing rooms, equipment storage, club facilities etc and car/cycle parking. No reference is made to such facilities in the planning application. Sport England would advocate that a single large pavilion is provided to serve the formal open spaces in both developments as it would be inefficient to provide two pavilions/car parks in such close proximity.

Sport England therefore makes no objection in principle to the proposals in relation to the quality of the proposed outdoor sports facilities subject to planning conditions relating to playing field ground condition assessments/specifications and pavilions siting/design being imposed as set out above.

Indoor Sports Facilities

As no proposals are made for indoor sports facility provision other than sports halls, Sport England would object to this aspect of the proposals. However, I would be prepared to review this position if an appropriate financial contribution was made (secured through a planning obligation) towards off-site swimming pool, health and fitness etc provision. The approach to making indoor sport facility provision should be discussed and agreed with Central Bedfordshire Council and other stakeholders before the planning application is determined.

Management and Maintenance of Sports Facilities

It will be important to secure the formal open space proposed together with arrangements for their future maintenance and long-term management through a planning obligation. Sport England would recommend that maintenance for sports facilities is secured for at least a 10 year period, although a longer period would be supported if this could be locally justified.

Phasing of Sports Facilities

No details of the indicative phasing of the development are provided at this stage as this will be dependent on the phasing of the adjoining Clipstone Park development if permitted. I would therefore request that the detailed phasing proposals are secured through a planning obligation or condition.

[The phasing of the delivery of the sports facilities would be a matter controlled in the Section 106 agreement. In terms of the objection made to indoor sports facilities, there would be a financial contribution within the legal agreement towards such provision subject to the viability analysis and additional contributions secured through the review mechanism could also be used for this purpose.]

Ramblers Association

No comment

Environment Agency

Consider that planning permission should only be granted to the proposed development as submitted if there are planning conditions to deal with surface water drainage, foul drainage, sewerage and contamination.

Greensand Trust

We welcome the approach to green infrastructure. However, the development must come forward alongside other proposed developments in the area to ensure that the correct balance of greenspace is achieved in overall terms.

The arguments made above for integrating the urban form and the wider countryside are even more pertinent here, with a more attractive countryside area being potentially lost to development.

Again, this site is within both a "Landscape Opportunity Area" and a "Historic Environment Opportunity Area" identified in the Luton and Southern Bedfordshire GI Plan.

Leighton Linlade Churches

LLC is extremely concerned that the two buildings (on Clipstone Park) will not be made available until after the 200th and 900th houses being occupied and facilities nearby in locations such as Van Dyke school are already heavily used and access is restricted for day time activities. LLC requests that a temporary Community House or other building (portakabin type), including set up and running costs, is made available at the very beginning of the development of the Stearn Land, that can be released as soon as the first Community Hall is made available within the Clipstone

Park development.

Given that this proposed development together with Chamberlains Barn equates to some 1220 houses, compared to Clipstone Park's potential 1210 houses, it is extremely disappointing to see so little contribution to creating living, vibrant and sustainable communities on the part of this developer, particularly when compared to the Clipstone Park's developer's proposed provision. Given the scale of the Stearn Land and Chamberlains Barn developments we are bound to ask why AWE cannot offer a comparable facility instead of a much lower value and uncommitted provision and no provision within this particular development or contribution to those planned for Clipstone Park?

[All social and community facilities will be provided on the Clipstone Park site by WDH.]

Sustainable Transport

This application needs to be determined against the context of the recent Clipstone Park application as the necessary infrastructure will not be in place until Phase 3 of that development has been constructed which will provide the link road and the necessary infrastructure to enable access by sustainable modes of transport.

The proposed street layout connects to that proposed for the adjacent area of Clipstone Park.

The proposed footpath network accords with the master plan and the networks proposed in the Clipstone Park development, ensuring levels of accessibility are maintained.

A public footpath/cycle route is proposed towards Clipstone Lane between the proposed education site, the Clipstone Park housing and the recreation grounds that form part of the Stearn Land. The nature of this route needs to be clarified in order to maximise its potential as a cycling link to Clipstone Lane. However there is concern about the nature/use of Clipstone Lane itself once the development is built out and provision for pedestrian and potentially cyclists as they exit the development needs to be looked at including facilities along the lane itself. Whether or not Clipstone Lane is suitable for cycling will determine whether or not this route needs to be surfaced although as this is adjacent to the proposed school then it will be a potential to be a 'route to school' and its development needs to be seen as such.

[The footpath/cycle route would not link into Clipstone Lane but would link to the leisure route which runs along the eastern edge of this application site and continues to the north in the Chamberlains Barn development and to the south within the Clipstone Park site. The application states that it would maintain and enhance the rural character of Clipstone Lane, this is an approach that is supported.]

Leisure routes are proposed around the edge of the Stearn Land and these need to maximise their potential but be sympathetic to the local environment.

Footpath/cycle access is also proposed through the centre of the proposed housing area which connects to the link road however this is again dependent upon the delivery of the relief road itself and high quality crossing facilities at this location.

Of particular concern is the lack of car parking provision for the formal recreation ground, the allotments and the cemetery as this has the potential to have a negative impact upon the local environment and the walking/cycling infrastructure. It is important to determine how much traffic is likely to be generated and whether or not parking within the 'central corridor' and the principal access road is an adequate solution. The travel plan is deficient in a number of areas but is also unable to 'standalone' as it is dependent upon the delivery of the Clipstone Park development both in terms of infrastructure and other initiatives including the provision of the bus services. It is unlikely that a development of this size would be able to sustain the level of bus service needed to make it sustainable in transport terms. If this development is to be sustainable in transport terms it is important that the travel plans are secured in accordance with Central Bedfordshire's guidelines and that effective measures are put in place to make the development sustainable. It is expected therefore that the S106 agreement associated with this development will secure the following:

- The travel plans themselves including the mechanisms for their future development and funding.
- Public transport contributions
- Contribution to station forecourt improvements
- Contributions for walking/cycling and public transport enhancements linking the development to the town

[The detailed layout of footways and cycleways is to be determined at reserved matters stage and would link to those already identified in principle within the Clipstone Park development. The s106 will secure appropriate financial contributions and travel plan measures. Links to the other s106 agreements and travel plans for the other sites will be necessary to ensure a comprehensive approach to sustainable transport.]

Wildlife Trust

We are concerned that the residents of the ~2000 dwellings in this development and the other nearby developments including CB/11/02264/OUT at Stanbridge Rd, Leighton Buzzard and CB/11/01940/FULL & CB/11/01937/OUT Chamberlains Barn Quarry, Heath Road, Leighton Buzzard will have an adverse effect on Kings and Bakers Wood and Heaths Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) by putting significant increased recreational pressure on this important site. We do not agree with the conclusion in the Chamberlains Barn Quarry application ES (5.4.52) that “the vast majority of recreational pressure arising from the ES proposals will be focused within the application site boundary, and that any increased use of the SSSI will not result in significant adverse effects”. We suggest that the developments should make appropriate sized / substantial contributions to the management of these nearby recreational open spaces (including Stockgrove Country Park and Rushmere Country Park) to mitigate this increased impact.

We recommend that all these proposals are considered together with regards to their ecological impacts rather than as separate concerns.

[The applicants have proposed a 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 provided will off-set this.]

CPRE

[A lengthy representation was received and concludes with the following 4 points.]

The proposals

- stem from a Core Strategy that has never been independently assessed as ‘sound’

- are not justified by any overriding case of 'very special circumstances'
- do not represent sustainable development
- are not in alignment with local needs, and therefore in conflict with the Localism Act 2011

[More detailed comments were made on the below areas, these are summarised and not a complete reproduction of the whole content of the letter received.]

Planning Context

The application emanates from the strategic urban extension proposed for Eastern Leighton-Linslade (ELL) in the Pre-submission Core Strategy for Luton & Southern Bedfordshire. This document was formally withdrawn in September last year. The soundness of the ELL urban extension concept was never, therefore, subjected to independent scrutiny as required by the Town & Country Planning (Local Development) Regulations, 2004.

Although within the outer limits of the revised Green Belt boundary envisaged for the ELL urban extension, this application would push built development even further into the existing Southern Bedfordshire Green Belt than the other ELL-related applications which are already under your consideration, and to which we have already objected per our letter dated 21st September 2011.

Unless and until the Green Belt boundary change proposed in the withdrawn Core Strategy is formally adopted within a new Local Development Plan document, the land to which this application relates remains in the Green Belt. The applicant's proposals involve development that is inherently inappropriate to the Green Belt. They can therefore only be justified were 'very special circumstances' to be established, sufficient to override the level of harm caused to the Green Belt's openness (PPG2). We submit that no such case of 'very special circumstances' has been made out.

Sustainability

In the context of the NPPF we strongly refute (as we have already done with the other ELL-related applications) that the applicant's site is one capable of delivering sustainable development, even in terms of the existing Draft NPPF criteria. The Planning for

Prosperity (Economic) criterion at Para.10 of the Draft NPPF talks of land needing to be '*in the right place*'. We say that the applicant's site is not in the right place, a conclusion which becomes all too obvious when studying the applicant's own Transport Assessment, and the issues exposed therein . We deal with this further under 'Traffic & Transport', below.

Traffic & Transport

The application involves up to 270 dwellings, on top of the 2230 dwellings already applied for elsewhere within the ELL area. It is not unrealistic to envisage that over 300 additional cars could be associated with a development of this size, on top of the 2500 -3000 additional cars already associated with the other ELL-related applications. The applicant's site is stated at Para. 3.5 of the T.A to be '*within 3.1 km of the town centre*'. At this distance, notwithstanding the Transport Assessment's emphasis on the potential for cycling, walking, and improved public transport, it is quite clear that a large number of town centre and cross-urban journeys are going to be made by car.

A high proportion of these journeys will involve seeking access to the local road network within similar timeframes of the day, adding to the congestion that is already a feature of the access routes to the town centre and on the cross-urban route between Leighton Buzzard and Linslade. This additional congestion must, in turn, impact on the reliability and effectiveness of the public transport enhancements the applicant proposes, as well as that of the wider local bus network.

What is abundantly clear is that, even after provision of the Eastern Link Road and the application of Peak-spreading/Travel Plan measures, this development and the other ELL proposals with which it is associated will not only ensure that Leighton-Linslade remains congested, but that it will become even more so. The idea that an Eastern Leighton-Linslade urban extension, along with an Eastern Link Road and improved public transport, was somehow the answer to the town's congestion problems, is exposed for what it always was – a myth.

Employment

In our response to the earlier ELL-related applications, we have already raised concerns over their sustainability in relation to the employment prospects afforded. We have already pointed out that the actual number of local jobs that could potentially be created

within the new employment zones, and elsewhere within the town, is going to be nowhere near the number of new residents who will be needing to be in work.

We have also pointed out that it is already an unsustainable feature of Leighton-Linslade's economy that a high proportion of its residents have to commute to jobs elsewhere, either by rail or, unsustainably, by car. The ELL-related proposals can only serve to increase this out-commuting feature still further. The Stearn Land application does nothing to address this situation – it adds a further 270 dwellings for nil additional local employment prospects.

On this score also, the Stearn Land proposals fail to represent sustainable development.

Localism

The Localism Act, now on the Statute Book, promotes, inter alia, a planning process in which local communities will have a much greater say in the forward strategy for their areas, based on their own vision of local needs.

The Pre-Submission C.S. itself states at Policy CS1 that *'Leighton Buzzard will be a secondary location for development that will provide development opportunities to meet the needs of the town and make a contribution to meeting the housing needs of the wider area'*. Taking that statement at its face value, if the housing needs of the wider area have been marked down it clearly follows that the 'contribution' required from Leighton Buzzard should also be marked down. This has not happened, and in our submission it should have been.

In any case, the 'contribution to the wider area' approach should now be seen as at fundamental odds with that set out in the Localism Act, which clearly points to local need as the basis on which local development should take place. Local people have spoken out strongly against development at Leighton-Linslade on the scale proposed. We submit that the principles of the Localism Act alone – quite apart from the other arguments we have presented – now require that the concept and scale of any development to the east of the town be completely re-evaluated.

The provision of allotments to service the demand from the proposed houses is welcome.

Should the Council be minded to approve this application then to encourage the long term success of this new facility the LBAA requests that the following measures are taken:

- The allotments should be statutory within the meaning of the 1925 Allotments Act and should be owned and managed by Leighton Linlade Town Council.
- The allotments should not be designed to be an extension to the adjacent cemetery.
- The site should be quarantined during development to prevent damage to the soil structure and contamination by heavy plant, portacabins, rubble etc.
- Any soil used to construct the allotments should be of organic quality as specified by the Soil Association.
- Car parking is required.
- A water supply is required.
- Each allotment should be equipped with a shed.
- The site needs to be surrounded by a security fence.
- The suitability of the site for allotment use should be assessed by a suitably qualified independent expert. This should involve a site visit. If the site is deemed to be unsuitable then a replacement site within the development must be found
- The allotment site should be made available earlier in the development rather than after a substantial number of houses have been built.

[The detailed layout of the allotments and their specification will be dealt with through the s106 agreement. The representation sets out that the allotments would need to be managed by Leighton Linlade Town Council, however the site is within Eggington. The allotments could therefore be managed by Eggington Parish Council or its nominee.]

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

The applicant will need to provide details on the following:

- All private dwellings with individual bins will need to have access to the rear of their properties in which to be able to place their bins after collection. This access can not be gained through the dwelling.
- There will need to be designated collection points for the individual dwelling, these will need to be in the form of communal collection points
- All communal properties will need to have communal bin store that meet the Council's requirement.
- A full comprehensive Site Waste Management Plan will be required prior to development commencement.

[These are issues to be addressed in reserved matter planning applications.]

Due the size of this development we would request to be involved in Section 106 negotiations with regards to Waste Management. We would also require a bring site to be provided by the applicant to serve the development.

[The Section 106 would secure financial contributions towards the provision of bins for the dwellings along with appropriate bring site provision.]

Tree and Landscape

The southwestern boundary hedge of the site appears to also form the garden boundary of adjacent properties. It is my experience that this is not good practice when attempting to retain such a landscape feature, since the hedgerow is often replaced by fencing, or is vulnerable to differing management regimes. The result is a detrimental impact on the hedge, leading to fragmentation and a reduction in its aesthetic and environmental value. The use of planning conditions to prevent this has proved to be unworkable in the past, and it is strongly recommended that the design is re-vamped to avoid this layout.

Also, the proposed use of street trees to provide shade to properties in the summer will not be an aspiration shared by residents, especially when the needs of occupancy come to bear. I regret that the concept of shade trees, which is so welcomed in other countries, is not tolerated by a large majority of British residents, and the requests for tree pruning in these circumstances is a testimony to this attitude. Therefore, the careful use of species and cultivars is needed in these situations to prevent future nuisance, to avoid

both the premature requests for maintenance work and the financial burden this imposes on the Local Authority responsible for them.

[These are issues to be addressed in reserved matter planning applications and/or through the use of conditions.]

Climate Change

I agree with the approach taken by the applicants to reduce the carbon emissions from residential dwellings. It is in line with the current practices (using the Zero Carbon Hierarchy of efficiency, on site generation and allowable solutions) and the Council policies on energy efficiency and renewable energy.

The applicants have also proposed to take advantage of southerly slope of the site and orientate dwellings within the 30 degrees from south in order to maximise passive heating and cooling. This will help to address issue of overheating of the building during summer months. I would expect that the applicant will use green spaces and tree planting to further reduce the heat island effect from which urban areas often suffer during hot summers.

The applicants state in the 'water' section of SS that the average domestic potable water consumption will be reduced, but they do not state what level of CfSH will be achieved. As the Central Bedfordshire is in the area classified by the Environment Agency (EA, 2008: Water resources in England and Wales) as being under 'high water stress' it is expected that as a minimum water consumption will be reduced to 105 litres per person per day (as recommended by the EA).

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Internal Drainage Board

The Board note that the proposed development is located within flood zone 1 and outside the IDB district.

It is further noted that the applicant's intended method of storm water disposal is by means of a sustainable drainage system. In the event that soakage tests indicate that soakaways are not a suitable method of storm water disposal, any storm water discharge to the IDB district and/or any adjacent watercourse must be attenuated to the appropriate greenfield rate and will require the Board's statutory consent.

It is also noted that it is the applicant's intention to ensure future maintenance of SuDS is undertaken by a statutory body in line with the Board's standard recommendation.

In addition due to the scale of the proposed development the Environment Agency must be consulted for any comments they may have.

The Board therefore suggest that planning permission should not be granted without conditions requiring that the applicant's storm water design and construction proposals are adequate and in accordance with the FRA before any development commences.

Urban Design

In summary, in general, my view is the DAS is comprehensive and should promote/enable a development that builds on the existing context, integrates with it and reflects best practice in urban design. A number of issues are raised which should inform the detailed design of the development.

Archaeology

The site of the proposed development contains the earthwork remains of medieval ridge and furrow field systems (HER 5462) and lies within a recognised archaeological landscape containing remains of settlement and other activity from the Bronze Age onwards. It is archaeologically sensitive and contains a locally identified heritage asset with an archaeological interest as defined by Planning Policy Statement (PPS) 5: *Planning for the Historic Environment*.

PPS 5 states that a planning application for development that will affect heritage assets must provide a description of the significance of the heritage assets; this should include a field evaluation where one is necessary to provide sufficient information to properly assess the archaeological interest (Policy HE6.1). It should also provide an assessment of the impact of the proposed development on the significance of the heritage assets (Policy HE6.2). This application is of sufficient scale to require an Environmental Impact Assessment and the preparation of an *Environmental Statement*. The purpose of the *Environmental Statement* is to provide information to identify and assess the likely impact of the proposed development on the environment and identify possible measures that will mitigate any adverse effects. The Council's Screening Opinion for the Master Plan Area indicated that Archaeology was a topic that needed to be addressed in the *Environmental Statement* and the

level of information required, including the results of a programme of trial trenching.

The *Environmental Statement* does contain a chapter on (13) on Archaeology. This is supported by a *Heritage Assessment* (Appendix 13.1) containing a desk-based assessment and a summary of the results of a geophysical survey. It also sets out criteria for assessing the significance of the archaeological remains and the heritage assets they represent, the magnitude of the effects of the proposed development and makes proposals for mitigating that impact.

The *Heritage Assessment* identifies the proposed development as containing earthwork remains of ridge and furrow, part of the medieval field system of the parish of Eggington. Ridge and furrow was a characteristic and common feature of the medieval landscape of Bedfordshire, however, changing agricultural practices since the mid 20th century have resulted in the loss of most of the county's stock of this type of monument to the point where less than 4% of the original total survive as earthworks. These rare survivals tend to occur in small, fragmented pockets and are of considerable significance as some of the last remaining vestiges of the medieval agricultural landscape. The *Heritage Assessment* describes the ridge and furrow as being of only local significance. However, as features that demonstrate connections with the archaeology and historic landscape of Bedfordshire and one of the small surviving parts of the medieval agricultural landscape they are of at least regional significance as defined in Table 13.2 of the *Environmental Statement*.

The 2008 geophysical survey identified a number of anomalies of possible archaeological origin, including a series of pit like features and linear features. Although these features are presently undated and uncharacterised they have considerable archaeological potential. They could represent unenclosed settlement or occupation, possibly of later prehistoric or Roman date, which would fit in with the emerging archaeological landscape in the surrounding area.

The *Heritage Assessment* discusses the impact of the proposed development on the heritage assets. It concludes that the development would destroy all the surviving ridge and furrow earthworks and any surviving subsurface archaeological remains. Although this is an outline application, on the basis of the indicative land uses shown in Figure 10 of the *Heritage*

Assessment this is an accurate assessment of the impact of the development. A mitigation strategy for that impact is also outlined in the *Environmental Statement* and *Heritage Assessment* comprising a programme of archaeological investigation and recording in advance of development.

Additional information is required on the archaeological remains the site contains comprising a survey and description of the ridge and furrow earthworks and the results of a programme of trial trenching however given the allocation of the site, the land uses shown in the Framework Plan, the size of the site and the timing of the delivery of the site the additional work can be secured by condition.

No objection subject to an appropriate condition requiring a survey and description of the ridge and furrow earthworks and the results of a programme of trial trenching.

Landscape

Surrounding landscape - visual impact:

The LVIA and photo views describe how the site is located on a local ridge and development will be more visually prominent not only from views along the periphery of the site but also from local villages located on outlying ridges. Whilst the retention and reinforcement of existing structure planting - hedgerows and trees - around the site boundary, central 'green' corridor and arrangement with sports pitches as a landscape buffer is a positive measure I am concerned that the inclusion of 3 storey buildings could accentuate the visual impact of development especially from rural view points.

Site layout:

As I describe above the location of sports pitches as a green buffer to the east of the development site is a positive - as are the proposed trees between the pitches which will contribute to local landscape character and visual mitigation.

The proposed inclusion of the cemetery in the green buffer is justifiable in principle but I suggest the access through a residential area is not acceptable. Also the proximity to the sports pitches could impact on tranquillity.

[The detailed route to the cemetery would be designed at reserved matters stage and would need to carefully consider the impact on residents and those accessing the cemetery. The location of the cemetery has been

accepted in the Framework Plan however screening/buffers may be necessary to preserve the tranquillity of the area.]

The proposed layout of dwellings along the central 'green' corridor - with minimal frontages and sides of plots facing onto the corridor - is a positive measure and will assist in retaining this landscape feature within the public realm. But development to the south west boundary hedgerow - whilst shown as to be retained - will form the boundary to private rear gardens, in private ownership and control, and therefore I am concerned this landscape feature will become degraded and eventually lost. This boundary forms an important interface between two development sites and I suggest there is need to consider the urban design and morphology of the two sites along this edge to ensure the hedgerow is included within the public realm, forms a GI feature and is managed appropriately.

Surface Water Management:

The site area to the south of the application site is shown in the landscape and ecology plan as including a detention basin as part of the SUDs and retention of the two existing ponds. This area not only provides a key green space for residential dwellings overlooking this area but also forms part of the setting to the proposed school to the south. The opportunity to identify this area as a key green , open space and an integral part of local GI needs to be explored further. How this multi functional green space is linked immediately to the south west and to the north east, encompassing the hedgerows, also needs to be considered further and beyond the application site 'red line' .

[These are issues to be addressed in reserved matter planning applications.]

Ecology

I have read through the Environmental Statement and I am satisfied that the protected species interest in the site is limited. As this is an outline application I would seek to ensure that further survey work is undertaken to inform any future development proposals as to the Badger interest on the site no more that 6 months prior to development commencing so as to allow for any licences to be applied for should Badgers be found to have moved into the site.

With regard to bat and bird interest in the site I am satisfied that mitigation measures proposed will

minimise impact on these species. Hedgerows are predominantly to remain and new planting and the addition of bat boxes will offer enhanced roosting opportunities.

Clipstone Brook CWS is identified as potentially being impacted on during the development process and I would wish to see a Construction Environmental Management Plan submitted prior to development works for approval to guide good practice during the development.

Measures should also be in place to guide lighting on the development to prevent spillage into the surrounding green buffers and corridors, particularly those used by bats.

[These issues can be controlled through the use of conditions.]

English Heritage

In August 2011 English Heritage provided advice in respect of the development of Clipstone Park, which adjoins the site for this current application. English Heritage is of the view that if both these sites are to be developed, then they need to be considered as a single holistic development with a single overall masterplan, and we are not convinced that that is necessarily the case at the moment. One would expect the density of development to reduce towards the boundary of the urban extension, but the layout suggests a uniform density across the half of the site that is to contain buildings. The built form also is very urban, and does not reflect the development found in rural settlements as suggested in the Design and Access Statement.

From an examination of our records it is apparent that there are no scheduled historic assets within the boundaries of this site. Therefore, while this development may have a direct impact on undesignated buried archaeology within the site, its impact on designated heritage assets will be limited to the setting of nearby assets. The nearest listed buildings to this site are a group of three Grade II buildings in the hamlet of Clipstone, while the conservation area at Eggington, which includes a number of listed buildings (including two at Grade II*) is slightly further away.

From observations made during the course of a site visit, it would appear that the new urban extension will be almost entirely screened from the Conservation

Area and listed buildings at Eggington by the topography of the area. The hamlet of Clipstone will be buffered from built form of the urban extension by recreational area and sports pitches. However, in order to ensure the rural character of the lane leading to Clipstone is retained, it will be important to ensure any sports provision near this lane is kept low key, and any requirement for floodlight pitches and/or all weather pitches, together with changing facilities and parking should not be located adjacent to this lane.

Finally, it would be illogical for any development to take place on this site ahead of development of the site to the west (which includes the provision of a neighbourhood centre). Therefore, in the event that the LPA is minded to approve this development, English Heritage recommend the inclusion of a condition preventing commencement of this development until such time as the neighbourhood centre and area referred to as Vandyke Road in the Clipstone Park proposal have been built.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Green Infrastructure

The informal recreation and landscape corridor around the eastern edge of the development proposal could usefully be linked to create an ecological corridor between this and the informal recreation and landscape area with water retention features to the south of the housing area. This could take the form of a narrow corridor across the bottom of the formal recreation area.

When the detailed design of the informal recreation and landscape corridors around the boundaries of the development area takes place, close working with the Clipstone Park development area and the Shenley Hill development area should take place to ensure that the design approach is consistent and access and ecological connectivity is maximised.

The cemetery and allotments could be considered as part of the green infrastructure network if the tree planting and management were of appropriate species and design. However the access to these (especially access to the cemetery) through a residential area does not seem ideal.

[The detailed route to the cemetery would be designed at reserved matters stage and would need to carefully consider the impact on residents and those accessing the cemetery. The other issues would also be addressed in reserved matter planning applications.]

Highways Agency

Directs that conditions be added to any planning permission granted in connection with the travel plan and appropriate reviews.

Natural England

The proposed development has potential to adversely affect Kings and Bakers Wood and Heaths Site of Special Scientific Interest (SSSI). We are concerned that the significant increase in the residential population in this area (a combined total of approximately 2450 dwellings, and ~4-5000 residents when considered in-combination with Chamberlains Farm Quarry development) is likely to put increased recreational pressure on existing areas of open space, a significant proportion of which is SSSI, and National Nature Reserve (NNR).

We therefore consider it essential that the proposed development contains appropriate amounts of accessible natural greenspace, on site, and makes a significant contribution to increasing the carrying capacity of the recreational open space resource off-site in the vicinity.

We are pleased with the generous GI provision associated with this development. At 14.57ha of GI overall (including recreation and landscaping, allotments and the cemetery) versus 7.89ha of residential, this development has 64.87% attributed to green infrastructure. We also appreciate the applicants vision relating to GI, and particular details such as the retention and enhancement of the ponds and hedgerows, and creation of green corridors.

Whilst we welcome both the scale and vision of green infrastructure in this development, the ES lacks detail. We note that, as an outline application, it is not likely to be sufficiently detailed yet to identify all the intended GI features and therefore recommend securing a GI Statement by planning condition.

Five species of bat have been found to use the site: common pipistrelle, soprano pipistrelle, serotine, noctule and brown long eared bat, which ties in with previous surveys on the Clipstone park site. Given the value of the site for several bat species, we request that the area is enhanced for bats, particularly

in terms of the creation and retention of foraging routes and features. We appreciate that bat boxes and low lighting have been considered.

Overall, there is little detail on enhancement for any protected species. We therefore request that enhancement should be considered for all species in much greater detail in the GI statement above, or as a separate document secured by planning condition.

[The Council's Ecologist does not raise any specific concern in relation to enhancement works, however a condition will be added to any permission granted requiring an overarching landscape and open space strategy which would also include ecological enhancements.]

Housing Development
Officer

Original comments at 2012

This application meets the threshold to provide affordable housing. I would expect to see 35% affordable housing or 95 affordable units. 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.

Updated comments at 30/5/14

I can confirm that the proposed minimum 20% affordable housing the development is acceptable. The 20% 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.

BPS have found the 50/50 split viable and I would agree with this finding. The tenure split of 50% shared ownership and 50% affordable rent is somewhat different to the tenure split outlined in the Strategic Housing Market Assessment (71% Rent and 29% intermediate tenures) however it is acceptable as this tenure split helps to enable a higher percentage of affordable housing.

With a low minimum affordable percentage, there will need to be a review mechanism within the S106 in order to gain secure further delivery of affordable housing if the market improves as the development progresses. In terms of additional delivery of affordable

Local Development Framework

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.

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 endorsed 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.

[It is anticipated that the Development Strategy will be submitted to the Secretary of State for examination in October 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 95 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.

Highways Development Control

This is a comprehensive Transport Assessment which covers a lot of ground. However there are some areas of concern. In particular, because of the potential growth planned for Leighton Buzzard, it is not always clear of the impact of the development itself.

The conclusion is that the Transport Assessment does not give a fair picture of the impact this proposal has on the existing highway network. However it should be remembered that this authority has worked closely with

the applicants' agents on the surrounding land (Clipstone Park) and agreed a sophisticated traffic micro simulation model and have subsequently indorsed this model which included the proposed flow from this application site (The Stearn Land). The main emphasis on this is that to encourage internalisation and to attract the low flows as indicated then it should be considered that the majority of the surrounding development (Clipstone Park) will need to be complete.

If this proposal is accepted it should be on the proviso that it should not be implemented without either further work on the traffic impact of the surrounding highway network or the implementation and completion of the surrounding development at Clipstone Park.

[The Highway Development Control Officer's comments relate to the need for internalisation of trips to meet the low level of car journeys the development would generate. This site is accessed through Clipstone Park. The Clipstone Park phasing plan shows that access to this application site would not be possible until phase 3 of the development. The same phasing plans show that the neighbourhood centre would be within phase 2 of the development. Whilst the phasing needs to be secured within a legal agreement it would appear to be possible for the neighbourhood centre to be delivered prior to dwellings being occupied on the Stearn Land.]

There also needs to be clear commitment to the support of sustainable travel and in particular the new bus service. There will also be a need to contribute financially to improvements at the railway station and to make changes to the travel plan.

[Financial contributions towards the station forecourt improvements will be secured subject to viability analysis. The legal agreement will contain obligations in relation to the bus service and implementation of travel plans measures. A condition can be added to any permission granted requiring a review of the travel plan which can deal with any changes required.]

[Further detailed comments from the Highways Development Control Officer will be included below in relevant sections of the report.]

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. Green Infrastructure and Open Space
 - d. Off-site Impacts: SSSI's and recreational sites accessible to the public
 - e. Car Parking Standard
 - f. 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 an area of rural fringe and agricultural land adjacent to Clipstone Lane. The existing boundary hedgerows and trees and the hedgerow traversing the site are important landscape features as well as having an ecological benefit. These features are therefore retained within the scheme. In addition there are trees 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 a significant impact both on views from Eggington towards the north, from 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 scheme does not share a boundary with existing housing on the eastern edge of Leighton Linlade and therefore the consideration of residential amenity will relate to the development itself and the neighbouring development proposals. 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 uses which may generate noise, specifically the playing pitches. 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 playing fields. Care will be required to ensure that lighting does not harm the wider landscape setting, historic features 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 65% (14.5 hectares) of the total site area will be open space (formal open space; sports provision; informal open space; landscaped areas; allotments; cemetery etc) and subject to some form of landscaping; not including private gardens. 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 accompanying the application includes a detailed section on landscape and visual impact.

- 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 parking policy for Central Bedfordshire was approved by the Council in October 2012 which has recently been superceded by the new parking standards included in the revised Design Guide and within the revised pre-submission version of the Development Strategy. 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 on 1 and 3 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 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.]

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

[The same weight as above should be applied.]

- 1.11 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 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.]

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

[The planning application has a small number of footpaths and bridleways in the vicinity of the site and all will require linking 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.]

- 1.13 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 unless they provide essential small scale facilities which preserve the openness of the Green Belt. 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 would not deliver any employment land or significant numbers of jobs. It would however provide a population to sustainably support the employment land provision elsewhere in the east of Leighton Linlade development.
- 2.4 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. Planning application CB/11/02827/OUT provides for 11ha of new employment land as part of its proposals and therefore the development as a whole can be considered to comply with emerging Development Plan policy and the NPPF in this respect.
- 2.5 **How will the vitality of Leighton Buzzard town centre be ensured?** The planning application does not propose any facilities one would normally expect to see within a town centre environment.

- 2.6 The proposals are not considered, in their own right, to have any impact on the town centre. However 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.
- 2.7 **Is the proposal supported by a Transport Assessment which promotes sustainable development and transport modes?** The application was submitted with a comprehensive Transport Assessment. The site would be accessed through the Clipstone Park development and would in turn utilise the proposed link road. 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.
- 2.8 **Does the proposal provide a wide choice of quality homes?** The scale of the proposal and the likelihood that the development will take about 5 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 reflect the latest available information on such requirements.
- 2.9 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 9 below.
- 2.10 **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. The application also includes commitments to produce further design guidance, likely to be Design Codes, for each area. 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 East of Leighton Linlade development as a whole.
- 2.11 **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 only some of these activities

will feature in this planning application however all are covered within the overall east of Leighton Linlade scheme.

- 2.12 **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.

- 2.13 **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.
- 2.14 The application includes a substantial amount of information within the Environmental Statement on this subject and this is dealt with in section 8 below. The Environmental Statement sets out that the site is within flood zone 1 which is at the lowest risk of flooding and is considered suitable for all land uses. The scheme would not effect the conveyance of fluvial flood flows or floodplain storage capacity and there would 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 which includes an attenuation basin within the site.
- 2.15 **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. The documents state that the habitats within the site are largely unremarkable, with the hedgerows being of some interest. Mitigation measures would ensure that the limited ecological interest is safeguarded and enhancement measures would deliver benefits for nature conservation. 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 23rd 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 The Core Strategy was effectively superceded when on 12th June 2014 the Council endorsed the revised pre-submission version of the Development Strategy for development management purposes in the south area of the authority. 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; Revised Pre-Submission version May 2014

- 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 in October this year.
- 4.2 The relevant policies of the Development Strategy for Central Bedfordshire revised pre-Submission version May 2014 are listed at the start of this report and again here:

Proposed Policies: 1, 2, 3, 4, 13, 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 to 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 This suggests that the application is generally favoured by the emerging policies set out above.
- 4.8 Policy 13 sets out that town centre development should accord with the principles and objectives of the two endorsed development briefs for Leighton Buzzard, the Houghton Regis Masterplan SPD, the Biggleswade Town Centre Masterplan SPD, the Flitwick Framework Plan and Indicative Masterplan. Two endorsed development briefs for Leighton Buzzard relate to Land South of High Street and land at Bridge Meadows. The policy also states that development proposals elsewhere in these towns should complement and not prejudice development proposed, and should make a financial contribution towards their development where possible.
- 4.9 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.

- 4.10 Policy 20 seeks to encourage large developments to include provision for high speed broadband infrastructure.
- 4.11 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.

- 4.12 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.
- 4.13 Policy 23 seeks to protect, enhance and promote rights of way. In this case, the opportunity will be taken to enhance the rights of way network and provide new linkages to existing and proposed routes.
- 4.14 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.
- 4.15 Policy 25 seeks to facilitate the delivery of strategic transport schemes including the East of Leighton Linlade Distributor road. Provision is expected in parallel with the new development. Although this application would not be directly served by the new road, new residents would need to use it.
- 4.16 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 a framework travel plan which sets out an overarching summary of the aims, measures, approach to management and implementation and targets for the development proposal.

Conditions will be required to secure the minor amendments to the travel plan and a review of the baseline information prior to the commencement of the development.

- 4.17 Policy 27 states that developers will be required to provide appropriate car parking for new residential developments in line with the adopted standards set out in Appendix 8. These standards are the same as those now included within the revised design guide. Policy 27 and the revised design guide now supercede the standards previously set out in the design guide and appendix to the Local Transport Plan.
- 4.18 Policy 28 requires the provision of a Transport Assessment. This has been complied with in the planning application submissions and has been the subject of discussion with the Council's transport officers and the Highways

Agency. See section 8 below for further discussion on this point.

- 4.19 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 Linlade, part of which is covered by this planning application which seeks permission for 270 dwellings. The planning application therefore represents some 0.9% of 28,700 homes proposed by the Development Strategy, with the whole allocation representing some 8.7%.
- 4.20 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 only provides standard dwellings, however the East of Leighton Linlade development as a whole 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.
- 4.21 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.
- 4.22 Policy 36 re-affirms the NPPF policy position on the Green Belt, the matter dealt with in detail in section 6 below.
- 4.23 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.
- 4.24 Policy 44 expects developments to comply with National and Council standards for protection against pollution. The planning application 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.
- 4.25 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 a survey of the ridge and furrow and subsequent trial trenching would be secured by condition. In addition there are some listed buildings close to the site, specifically Clipstone Manor

Farmhouse; Clipstone Farm and The Cottage all within the hamlet of Clipstone, 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.

- 4.26 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.
- 4.27 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.
- 4.28 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. The whole of the application site is within flood zone 1 which is suitable for all forms of development. 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 East of Leighton Linlade site as a whole 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.

- 4.29 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.

- 4.30 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.
- 4.31 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.
- 4.32 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 proposes a maximum of 270 homes.)
 - **Approximately 16ha of employment land creating up to 2,400 jobs** (this application does not provide any employment land but would contribute to the local workforce.)
 - **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 not provide any of these services but would rely on their provision in the other two planning applications.)
 - **Provision for education facilities** (this application would not provide any educational facilities but would contribute financially to school provision.)
 - **A Country Park** (country parks are provided by the other 2 planning applications.)
 - **Parks and children's play facilities** (this application would provide local play space).
 - **Formal and informal open spaces and sports provision** (this application would provide a strategically planned network of multifunctional greenspace including informal open space of around 4ha. Formal open space in the form of 8.5ha of sports pitches would

be provided. Allotments covering approx. 0.6ha 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
- Land for assisted living for the elderly
- 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 a framework travel plan.)
- 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 application provides 1.16ha of land for a new cemetery).

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.

- 4.33 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).
- 4.34 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.
- 4.35 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.
- 4.36 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 Linslade Framework Plan 2013

- 5.1 In order to guide the development East of Leighton Linslade covering a total of 238 ha 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 Linslade 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, emphasizes 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 In relation to this planning application the Framework Plan sets out that the south western part of the site would be residential development with playing pitches located on the north eastern side. The site should also provide a cemetery along its northern edge and allotments centrally within the site. 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 part of the development 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 playing fields, cemetery, allotments and open space would be considered appropriate land uses in the Green Belt, however it is considered that the development should be considered as a whole and the residential part of the proposal is not appropriate in 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 Linslade, 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 over 22 hectares, but it is not unrestricted in the sense that along 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. The remainder is contained by the development on the Clipstone Park site on the western and southern side and Vandyke Road and the Chamberlains Barn development to the north. 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 Linlade.
- 6.4 The proposal sits within the context of a general character of the wider area which is the major town of Leighton Linlade 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 Linlade 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 Linlade 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 limited. The development of an urban extension on the edge of Leighton Linlade 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 Linlade 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 as a whole 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. Financial contributions towards the works contained within the development briefs could also be secured through the section 106 in order to mitigate any potential impacts.

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 proposals; these are set out in paragraphs 6.12 - 6.32. The issues can be summarised as follows:

6.12 **The Need for Additional Housing**

"The third core planning principle in the NPPF (paragraph 17) states that planning should proactively deliver homes, business and infrastructure, positively meeting the development needs of an area. Whilst CBC are presently considering higher levels of housing growth as part of their assessment of the Housing Market Area, the current emerging development strategy proposes an additional 28,700 homes in the period 2011 – 2031. Most of these are related to the southern part of the Council area (the former South Beds District), i.e. around Luton/Dunstable/Houghton Regis and Leighton Linlade, on account of the northern part (former Mid Beds District) already having adopted Core Strategy and Site Allocations documents.

- 6.13 A revised version of the Development Strategy was presented to the Overview and Scrutiny Committee on the 8th May. At the time of preparing this statement the content of the Strategy is not yet known, however, the Clipstone Park committee report acknowledges at paragraph 6.21, that the housing numbers may be increased further in this document. Given that this version of the document is not yet published, due consideration is thus given to the June 2013 version of the emerging Development Strategy.

- 6.14 The evidence base for the emerging Development Strategy shows that the amount of brownfield land within CBC is insufficient to accommodate more than a small proportion of future housing needs for the district across 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.

- 6.15 The East of Leighton Linlade allocation forms one of the three major urban extensions identified in the emerging Development Strategy. CBC have already resolved to grant planning permission for the North Houghton Regis urban extension subject to completion of the S106. The East of Leighton Linlade 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, unlike the North Houghton Regis extension.

- 6.16 CBC have similarly resolved to grant Clipstone Park, a major part of the East of Leighton Linlade allocation, permission subject to s106 and referral to the

Secretary of State. The early delivery of housing from the whole of the East of Leighton Linlade allocation is included in the housing projections as contributing towards the overall 5 year supply of housing land. Without all of the land East of Leighton Linlade 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.

6.17 Whilst it is acknowledged that a 5 year land supply deficit does not on its own constitute a VSC, it remains one of the factors which shows why the pressing need for additional housing must be considered in the whole with the VSCs. 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. The fact remains that Chamberlains Barn and Stearn Land form part of a wider allocation, part of which has a resolution to grant permission; are capable of early delivery (assisted by the full application for the Link Road); and are located in an area with an out of date Local Plan and identified need for housing growth; is strongly favourable in the consideration of the proposals as part of a wider VSCs argument.

6.18 **Infrastructure Provision**

A detailed application for the first part of the Eastern Link Road is included as part of the Chamberlains Barn proposals. This section of the Link Road runs from Heath Road to Vandyke Road, and is included as a detailed application to assist in early delivery. As outlined earlier in this Statement, the Eastern Link Road has long been identified as a critical requirement in Leighton Linlade in order to ease traffic around the town centre.

6.19 The Eastern Link Road will relieve the town centre of congestion, to the benefit of local residents and businesses. The Link Road will not only mitigate against the increase in traffic due to the development proposals, but will also make good existing problems within the area and provide a practical orbital route around the town for through traffic. Furthermore, it will provide for new bus routes to service the whole of the eastern side of the town thereby increasing the opportunity for reducing car journeys by both new and existing residents.

6.20 Clearly the provision of this much needed infrastructure would make a valuable contribution to the area, benefiting existing residents as well as the residents of the new development. The resultant traffic improvements would be of wider benefit to businesses as well, allowing for ease of access to the town centre and local shops and services.

6.21 Finally, the housing proposed as part of the Stearn Land scheme would assist in delivering the improvements to Vandyke Upper School by way of S106 contributions and a net increase in pupils, again to the wider benefit of the town as a whole.

6.22 **Green Infrastructure Provision**

Leighton Linlade Town Council has long identified a shortage of playing pitches and open space, seeking to reduce impacts on Stockgrove Country Park and increase accessibility to the wider countryside. The delivery of the 'Green Wheel' identified in the Big Plan is a primary aim of the Town Council.

6.23 Across the whole East of Leighton Linlade allocation there would be the creation of over 90 hectares of playing pitches and informal open space. The playing pitches as part of the Stearn Land scheme will have substantial social and community benefits. Leighton Linlade Town Council have previously identified a need for new playing pitches. The Leighton Linlade Big Plan 2 seeks "*many more adult and youth pitches*" (page 5); as well as further green infrastructure and open space.

6.24 **The Delivery of Employment Growth**

Securing economic growth is a core planning principle of the NPPF, in particular the creation of new jobs. This can be done in two ways; by providing new land for new jobs; and by providing a workforce. Like housing need, there is an identified need for job growth within CBC. The emerging Development Strategy identifies a need for at least 27,000 new jobs across the 20 year period. In the event that the overall housing numbers increase above that contained in the emerging Development Strategy (as above), then the need for employment growth will similarly increase.

6.25 Whilst the proposals at the Stearn Land do not include any employment allocations *per se*, they do directly contribute to economic growth in a number of ways. Firstly, they would create new jobs in the local centre, school, and also construction of the development, which would likely employ local people. Leighton Linlade has long had issues of out commuting, despite its status as the largest settlement in Central Bedfordshire and thus new jobs in construction, retail and schools would provide for existing residents as well as new residents.

6.26 The second contribution would be by providing new homes for the workers who would be employed in the new employment sites in Clipstone Park and Chiltern Hunt. The level of job growth proposed by those developments could not be sustained by the existing workforce population in the area, and without the additional housing on Chamberlains Barn and Stearn Land, would not be sustained by the workforce on the Clipstone Park site alone. Thus whilst Chamberlains Barn, Stearn Land and Clipstone Park are separate applications, they form part of a wider holistic scheme wherein each component part is reliant upon the other to be fully realised. Without the new houses and population generated by Chamberlains Barn and Stearn Land, employers would not take up the full employment allocation of the wider scheme, due to an insufficient supply of local workers."

Conclusions

6.27 In response to the applicant's case set out above in paragraphs 6.12 - 6.23, 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 the smallest part of the development but would still provide 270 dwellings of that proposed provision.

- 6.28 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 towards the required very special circumstances.
- 6.29 The development proposal includes a variety of other community, social and cultural benefits in the form of 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.
- 6.30 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.
- 6.31 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.”*
- 6.32 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.

- 6.33 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:

- Landscape and Visual Impact
- Biodiversity and Nature Conservation
- Transport and Highways
- Air Quality
- Noise and Vibration
- Flood Risk and Surface Water Drainage
- Sewerage and Utilities
- Ground Conditions and Contamination
- Socio-economic Effects
- Archaeology
- 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 Landscape and Visual Impact

- 7.3 The ES includes an assessment of the impact of the proposals on the landscape

and the level of visual impact it would have. The ES sets out that the application site is a small component of the overall east of Leighton Linlade development site.

7.4 In terms of local landscape character, the proposed change of the site to residential, playing fields, allotments and cemetery is predicted to have a slight adverse effect tending towards neutral with time due to the maturity of planting and the completion and maturity of the neighbourhood as a whole. The slight adverse landscape effect would not be significant either in itself or cumulatively due to the small size of the site, its defined role in the overall masterplan and the proposed mitigation.

7.5 In terms of visual impact, there would be some short term adverse effects due to construction activity mainly on near views. In the longer term there would be some slight adverse visual impact because of the change in character as seen from a limited number of viewpoints mainly from the north and east and to a lesser extent the south. As with the landscape impact, adverse effects would diminish with time due to the maturity of planting and the neighbourhood. The slight visual effects would not be significant either in themselves or cumulatively.

7.6 In terms of night time impacts, views taken from Church End, Hockliffe and Billington indicate that there would be a marginal increase in the total light area, which is judged not significant. Closer views would have more adverse effects that warrant the use of directed and low level lighting on the outer edge of the development.

7.7 Subject to the mitigation measures set out in the ES and summarised below it is not considered that the proposal would have any long-term unacceptable impact on the landscape or in terms of visual impact. The mitigation measures include:

- use of more than half of the site as open green space;
- retention and reinforcement of boundary hedgerows and trees and integration of these features to form a network of green spaces, as well as an outer fringe of green open space and buffer planting;
- creation of green corridors on the eastern edge, along the north-western boundary and along the south-eastern boundary;
- directed and low level lighting to avoid light spill.

7.8 **Biodiversity and Nature Conservation**

7.9 An ecological survey of the site has been completed.

There are no statutory designated sites within the application site. The nearest such site is Nine Acres Pit Site of Special Scientific Interest (SSSI). The SSSI lies approximately 0.5km to the north of the application site and is designated for the purposes of geological conservation. The nearest statutory site designated for nature conservation reasons is King's and Baker's Wood & Heaths SSSI, which lies approximately 2.5km to the north-west of the application site.

7.10 There are no non-statutory sites of nature conservation interest within the application site. The nearest non-statutory site is Clipstone Brook County Wildlife Site (CWS) which is located approximately 0.4km to the south of the application site. There is some potential for indirect adverse impacts on the

Clipstone Brook CWS during construction, but it is considered that these can be avoided through best practice during the works.

- 7.11 The habitats within the application site are largely unremarkable. The improved grassland is of negligible ecological interest. The hedgerows are of some interest in the context of the application site, and in general they have a good complement of species but none are likely to be classed “important” under the Hedgerow Regulations 1997. Similarly the ponds are of limited interest, being heavily overshadowed by scrub. Mitigation measures employed would ensure that the limited ecological interest is safeguarded, while enhancement measures proposed would deliver benefits for nature conservation.
- 7.12 The protected species interest at the site is limited to breeding birds and foraging/commuting bats. Birds would be disturbed during construction but since the existing boundary features are being retained and enhanced, together with new planting, there are likely to be long term benefits. Potential effects on bats are largely limited to the operational phase, but since the open space and boundary features would not be lit it is considered that there would be no adverse effect.
- 7.13 In conclusion, subject to the implementation of mitigation measures, which will be secured by condition, there would be no significant adverse impacts on protected species as a result of the development proposals.
- 7.14 **Transportation and Highways**
- 7.15 The ES includes an assessment of the changes resulting from the proposed development in relation to transportation and highways. The chapter includes quantitative assessments of the change in traffic flows and drive delay experienced as a result of the proposed development. A qualitative review of pedestrian crossing facilities is also included.
- 7.16 Mitigation is proposed in the form of a Residential Travel Plan (RTP), which would improve capacity and reduce queues and drive delay through the promotion of alternatives to private car use. Through the successful introduction of a range of travel planning measures, it is anticipated that the proposed development would have a lesser impact on the local road network.
- 7.17 During the construction phase, there could be potential traffic impacts associated with the movement of the construction workforce, plant and materials. Throughout the construction periods there would be times of increased activity and associated disturbance and periods of less disruption. All construction impacts would be temporary in nature.
- 7.18 Once the development has been completed and occupied, along with other developments and road network changes in the area, considered within the cumulative assessment, it is predicted that there would be impacts on traffic flows. On Vandyke Road between the junctions with Meadway and Clarence Road, it is predicted that there will be a negligible negative impact, during the PM peak period, in terms of significance upon traffic flow after mitigation has been taken into account. Traffic flow changes for all other receptors would result in no discernible effect. There would also be some negative impacts upon

driver delay at junctions at A5 with Woburn Road and Sheep Lane; Hockliffe Street with South Street; Leighton Road with Stoke Road and Hockliffe Road with Appenine Way.

7.19 *[The Highways Development Control Officer raises some questions regarding the impact of traffic and how it has been assessed. It is however considered for the purposes of the Environmental Impact Assessment that the transportation and highway impacts have been adequately considered.]*

7.20 **Air Quality**

7.21 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 subject to normal mitigation measures that the construction phase would not result any an significant adverse impacts.

7.26 The traffic noise arising from the development and the associated neighbouring developments would result in a negligible change in noise levels. The additional traffic movements would have no significant impact on sensitive receptor locations. It is therefore not necessary to include any additional mitigation measures associated with additional traffic movements.

7.27 *[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.]*

7.28 **Flood Risk and Surface Water Drainage**

7.29 The ES states that the Environment Agency flood map shows that the site is within Flood Zone 1, which is suitable for all development.

- 7.30 Sustainable drainage measures (SUDS) are proposed to mitigate the potential impacts of the proposed development and to enhance the existing situation. Source control measures would be employed to reduce the rate of surface water run-off from the proposed development. Site control measures would be employed to attenuate surface water on site and to restrict the rate of discharge to the local watercourse. The design would limit the rate of discharge to less than the present natural (greenfield) rate, enhancing flood protection to downstream properties.
- 7.31 Petrol and oil interceptors and reed bed filters would be used to intercept potential pollutants and to maintain and enhance water quality. During construction the existing watercourse would be protected at all times. Bunds and impermeable membranes would be used to protect watercourses and groundwater against accidental spillages.
- 7.32 Subject to the provision of the proposed mitigation and enhancement measures there are no adverse impacts which would prevent development.
- 7.33 **Sewerage and Utilities**
- 7.34 The ES states that the proposed development would require new utility networks to be installed and existing networks to be extended and reinforced locally. BT and gas networks have been confirmed to have suitable capacity within the vicinity of the site. Electricity and water networks would require off-site works to afford capacity. The capacity once secured to site, would then be disseminated via underground networks to afford final connections to each dwelling or facility.
- 7.35 Existing utility apparatus would also be affected during the course of the works but these would be local to the development, for example new junction works.
- 7.36 **Ground Conditions and Contamination**
- 7.37 The conclusions drawn from the phase 1 desk study indicate that the risks of contamination on the site are negligible. Although there is a risk of off-site contamination through ground water migration, no potential sources of contamination can be identified. Determination of the actual risks to receptors would be concluded from a phase 2 ground investigation, which in turn would form part of a site contamination strategy. Any remediation measures deemed necessary in conjunction with those already identified in the ES would result in a neutral or negligible risk to potential receptors.
- 7.38 The general geology across the site is topsoil, overlying Gault Clay, overlying Woburn Sands Formation. The groundwater table lies at depth within the Woburn Sands Formation. No major sources of contamination have been recorded on or adjacent to the site. The impermeable nature of the Gault Clay stratum provides a natural barrier against potential contamination during the construction phase.
- 7.39 There are potential slight adverse impacts associated with the construction and occupation of the development, these can be addressed by the mitigation measures proposed. The mitigation comprises appropriate site management during construction along with impermeable bunded areas for storage of fuels,

oils and chemicals. Once the development is completed the incorporation of SUDS, trapped gullies, petrol interceptors, waste collection and recycling measures would satisfactorily mitigate potential sources of pollution.

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

7.41 **Socio-economic Effects**

7.42 The population increase arising from the development is estimated to be 667 persons using an average household size of 2.47 persons per dwelling. The requirement for school places will therefore be substantial as will the demand for health service, emergency service and recreational open space provision.

7.43 In terms of education appropriate financial contributions would be made to mitigate the impact of the development. Subject to the appropriate level of financial contributions the impact of the development on education provision is neutral.

7.44 *[Without the provision of additional facilities, the proposal development could result in a minor adverse impact on the provision of health services in the area resulting from the number of new patients generated by the proposed development. The inclusion of a GP surgery facility within the Clipstone Park proposal would mitigate this impact. Should additional requirements for emergency services be identified by the Council financial contributions could be made to mitigate the impact on these services.]*

7.45 In terms of recreation and open space the development would deliver adequate formal open space to mitigate the impact of the development at the local level. It would also contribute to informal open space through the provision of allotments. Overall the provision of open space throughout the east of Leighton Linlade development supported by financial contributions would lead to an overall positive impact on open space provision.

7.46 *[English Nature and our own Countryside Access Services foresee significant impacts on existing recreational sites accessible to residents of the development area. However this application would provide significant amounts of new formal and informal recreational open space which would be used by existing residents of Leighton Linlade, Eggington and the surrounding area.]*

7.47 **Archaeology**

7.48 The site is within an area of archaeological interest and therefore the development of the site has the potential to disturb or destroy archaeological features or remains.

7.49 Without mitigation the proposed development has the potential to result in a negative impact on heritage assets, particularly in the form of sub-surface archaeological remains and upstanding earthworks. The proposed mitigation strategy would reduce any potential negative impacts through the recording and

dissemination of information about the effect heritage assets, resulting in improved understanding of the area's past. Opportunities would also be taken to enhance known heritage assets.

7.50 *[The Council's Archaeologist comments that the application site contains an area of ridge and furrow which is rare within the authority's area. Also the desk study shows other areas which be contain archaeological remains. The Archaeologist requires that the ridge and furrow is surveyed and recorded and subsequent to that work, trial trenching is undertaken. This work can be secured by condition.]*

7.51 **Cumulative and Residual Impacts**

7.52 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 81 dwellings, in a mix of shared ownership and affordable rent tenures, across the full range of sizes, over the 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 have affected viability to the extent that the full expectations for affordable housing cannot be delivered. The Council's Housing Development Officer broadly agrees that the viability analysis appears to reflect the prevailing market conditions and standard industry assumptions. 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 20% equating to 54 dwellings, in a 50:50 mix of shared ownership and affordable rent tenures, across the full range of sizes, over the 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 9 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 Significant concern has been raised in response to the other planning applications for development east of Leighton Linlade. This application would not provide any part of the link road and would be accessed off the link road through the Clipstone Park development. The issues of concern in relation to the link road and the wider traffic and transport impacts will not therefore be repeated in this report.
- 8.7 Careful consideration will need to be given to the road layout in the reserved matters application to enable easy and appropriate access to the cemetery and the playing fields. In addition the roads should be designed to either prevent on-street parking or to accommodate it, particularly in areas close to the playing fields.
- 8.8 The Highways Development Control Officer comments that an extensive amount of work has been undertaken, but it is difficult at this stage to reach a clear conclusion. Following an examination of all the information the officer's conclusion is that the Transport Assessment does not give a fair picture of the impact this proposal has on the existing highway network. However it should be remembered that this authority has worked closely with the applicants' agents on the surrounding land (Clipstone Park) and agreed a sophisticated traffic micro simulation model and have subsequently endorsed this model which included the proposed flow from this application site (The Stearn Land). The main emphasis on this is that to encourage internalisation and to attract the low flows as indicated then it should be considered that the majority of the surrounding development (Clipstone Park) will need to be complete prior to the development of this application site. The proposed phasing of the development demonstrates that this would be achievable and can be controlled through the Section 106 agreement.

(c) Green Infrastructure and Open Space

- 8.9 The application would deliver large areas of open space and Green Infrastructure in a number of different forms. Areas of informal open space, formal playing pitches, allotments, cemetery, leisure route along the eastern edge and landscaping are proposed. The GI elements would be formed by

reinforcing existing features, in particular, the boundary hedgerows and associated ditches. Within the context of east of Leighton Linlade as a whole the Stearn Land contributes directly to the creation of the rim and spokes of the Green Wheel. The area of recreation grounds, allotments and cemetery together form a segment of the rim, reinforced by the parallel leisure route along the outer edge.

- 8.10 The application would provide 8.5 hectares of formal recreation in the form of playing pitches, this would constitute approximately 38% of the site area. Informal recreation and landscaped areas would cover 4.3ha, 19% of the site area. Within this a wide belt of landscaping and open space would run along the eastern edge of the site, varying from 6m to 15m in width, continuing the leisure route from Clipstone Park in the south to Chamberlains Barn in the north. The timing of the delivery of the link will be important to ensure that the overall leisure route can be provided in a reasonable timescale. The cemetery which would be for the use of the town as a whole and meet an existing need for additional burial space would cover 1.16ha, around 5% of the site. Allotments would cover 0.6ha of the site, representing 2.7%, and would help meet the existing need for allotments whilst providing the facilities for the new development. Green infrastructure would represent around 65% of the land use of the application site and cover 14.5ha.
- 8.11 The applicant acknowledges the importance of green infrastructure in the development and commits to the provision of appropriate management and maintenance. Careful consideration would need to be given to the access arrangements to the cemetery and also how the tranquillity of its setting would be maintained with the playing fields being nearby.

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

- 8.12 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 in the East of Leighton Linlade urban extension area, covering around 65% of the overall 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.
- 8.13 However, 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 playing pitches and other open space provision brought forward by this proposal. In addition it is vital that the on-site open spaces are transferred to the managing body with an appropriate level of commuted sum for maintenance and where viability appraisals show finances are limited commuted sums for maintenance should be considered more important than enhancing off-site provision.

(e) Car Parking Standard

- 8.14 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.
- 8.15 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.
- 8.16 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.

(f) Design and Implementation

- 8.17 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. It is proposed 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. The Design and Access Statement shows the site separated into a number of defined areas. There is proposed to be a north and south entrance to the site, with each entrance then having areas of "sides" and "edges". The character of the entrances, sides and edges would be different and there would also need to be differences between the north and south areas to enable wayfinding. It is therefore anticipated that there would be at least two character areas.
- 8.18 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.

9.0 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 statutory provision or provided on a charitable basis. Therefore, the accepted topics for consideration were as follows:

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 and ICT	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

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 Herridge Property Consulting (HPS) provided a detailed viability report which was reviewed by BPS Surveyors. The

conclusions of the report were that unless some of the other s106 contributions were reviewed there would be a significant impact on the level of affordable housing which could be delivered. The applicants therefore proposed to reduce the contribution towards green infrastructure maintenance and commuted sums and the contribution towards education provision.

- 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 across the whole of the East of Leighton Linlade site. 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 8.5ha of open space resulting in a proposed contribution of circa £435,897. This approach was accepted in relation to north of Houghton Regis and also the Clipstone Park part of the East of Leighton Linlade urban extension.
- 9.13 With regard to the reduction in the level of contribution towards education provision, this was based on the approach taken by Willis Dawson in relation to the Clipstone Park application. It was argued 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. The applicant in this case wishes to take the same view on the level of education contributions.
- 9.14 The proposed affordable housing package is for the provision of 20% affordable housing units which will be spread throughout the period of the development and in phased parcels, with 50% shared ownership units and 50% affordable rent units. This would provide for a total of 54 units.
- 9.15 The s106 is proposed to provide contributions as follows:

Items	Maximum Contribution (excluding indexation) £	Notes
Education (Financial contribution towards new buildings/extensions.)	£1,895,145	This figure for the reasons set out in para 9.13 above is some £0.5m 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.
Children's Social Services	54,810	

Sustainable Transport	473,566	Including contributions to: - bus service & marketing - travel plan measures - walking and cycling improvements - railway station improvements
Waste management	31,709	To cover the cost of 3 x bins per dwelling and contributions towards 4 x bring sites.
Emergency Services	55,890	
Public Art	59,670	Public art would be integrated into the built development of the scheme.
Off-site GI	190,890	
<i>Total</i>	<i>£2,716,680</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.

Items	Cost to developer (£)	Notes
Land for new cemetery – 1.16ha	-	Nil cost to Council
Land for formal sports pitches – 8.52ha	-	Nil cost to Council
Laying out of formal sports pitches	1,500,000	
Laying out of allotments	100,000	
<i>Total</i>	<i>£1,600,000</i>	

- 9.17 Following discussions with Members and Officers a revised distribution of the s106 monies is proposed. The approach groups contributions towards GI, Leisure and Sports to provide flexibility in how the money can be spent. The revised proposal is shown in the table below.

Items	Maximum Contribution (excluding indexation) £	Notes
Education (Financial contribution towards new buildings/extensions.)	£1,895,145	This figure for the reasons set out in para 9.13 above is some £0.5m 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.
Children's Social Services	£54,810	
Sustainable Transport	£473,566	Including contributions to: - bus service & marketing - travel plan measures - walking and cycling improvements - railway station improvements
Waste management	£31,709	To cover the cost of 3 x bins per dwelling and contributions towards 4 x bring sites.
GI, Leisure, Indoor Sport, Open Space	£306,450	
<i>Total</i>	<i>£2,716,680</i>	

9.18 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.

9.19 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 Plan

Arboricultural Method Statement and Tree Protection Plan

9.20 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.

9.21 Matters which will be controlled in connection with this application will be the delivery of the provision of formal open space and its timing in relation to the delivery of the changing rooms on the Clipstone Park site and the timing of the delivery of the housing. 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.

Review Mechanism

- 9.22 The scheme is currently considered in outline and the applicant is currently in control of the land 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.
- 9.23 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. A review is particularly important with this application as it will be some years before access to the land is available.
 - 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.
- 9.24 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

- 9.25 The viability appraisal of this development proposal is complicated further by the functional relationship between this application site and the neighbouring site known as Clipstone Park which is the subject of a separate application by different landowners.
- 9.26 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.
- 9.27 With regard to social infrastructure, all social infrastructure would be provided on Clipstone Park by Willis Dawson Holdings. Compensation from the application, AWE, would normally be expected however the WDH 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 with a commensurate contribution being made by the applicant, that contribution including equalisation regarding the hard infrastructure and the eastern link road. The applicants have included a sum of money they expect to pay to the other landowner in the viability appraisal.

- 9.28 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 pay to the other landowner in the viability appraisal.

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 part of the East of Leighton-Linslade Urban Extension which would deliver much needed additional housing and formal playing pitches 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 part of 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.
- 11.5 Human Rights issues
- Article 8 of the Human Rights Act states that every person has the right to private and family life. Article 1 of Protocol No. 1 states that every person is entitled to the peaceful enjoyment of his possessions. In considering this application, it is necessary to consider the implications the proposal would have on the right to peaceful enjoyment of possessions and private and family life. On balance, it is considered that allowing this application would not breach the human rights of neighbouring residents as the impacts on these rights would be minimal.

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 Interim Assistant Director Planning 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 3, (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 2 character areas and shall define the location and extent of each residential area and the number, size and tenure 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 (Revised Pre-Submission Version May 2014).

- 4 No more than 270 dwellings, 8.6 hectares of formal open space comprising playing fields, 1.2 hectares of land for a cemetery, 0.6 hectares of allotments and associated landscaping, open space, parking, internal access roads shall be constructed on the site pursuant to this planning permission in accordance with the parameter plan reference 1457_011 .

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 (Revised Pre-Submission Version May 2014).

- 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 3 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 (Revised Pre-Submission Version May 2014).

- 6 Development shall not begin until a detailed 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 be based upon the principles given within the Flood Risk Assessment dated November 2011, reference 3855/02, compiled by Stuart Michael Associates, and shall also include:

- Detailed post-development surface water runoff calculations, accounting for impermeable areas, for the Q₁ (or Q_{BAR}), Q₃₀, Q₁₀₀ and Q₁₀₀ PLUS CLIMATE CHANGE storm events. This shall be done for the demonstrated critical storm duration and season;**
- Detailed drawings showing the location, dimensions, levels, gradients and reference numbers of the proposed drainage system;**
- Detailed results of surface water system modelling for the above-mentioned storm events demonstrating suitable management of surface water and performance of the proposed system;**
- Details of flood flow routing in the event of system exceedance or failure, demonstrating that surface water flood risk from the site to adjacent or downstream areas will not increase, and such flows can be appropriately managed on site;**

- Full design details including cross- and long-sections, levels (including design and water levels), dimensions and gradients, of the proposed attenuation pond and flow control device (including the manufacturer's flow curve for vortex flow controls), demonstrating suitable system performance for discharge rates no greater than those as given in section 5.30 of the agreed FRA;
- Assurances that the capacity of the proposed water butts for each property, as detailed in section 5.19 of the FRA, shall not be included as part of the storm water attenuation volume;
- Analysis of the capacity of the receiving watercourse, demonstrating that the watercourse can receive flows as proposed, and that the culvert downstream of the receiving watercourse will not be overwhelmed;
- Details of any erosion control measures proposed on the receiving watercourse to mitigate the concentration of discharge to a singular point in the watercourse;
- Details of the proposed maintenance and/or adoption regime, or evidence from the appropriate party that maintenance/adoption details have been agreed.

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the drainage system in accordance with policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version May 2014.

- 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.

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 Development Strategy Central Bedfordshire Revised Pre-Submission Version May 2014 and Paragraph 59 of the National Planning Policy Framework (2012).

- 8 No development shall commence until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason : To prevent the pollution of controlled waters in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 9 No development shall commence in any area, as defined by the areas plan required by condition 3, 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 Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

10 No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been submitted to and approved in writing by the

local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.

Reason: The sewage treatment works is overloaded and in the altered discharge is likely to cause contravention of the discharge consent if an increase in discharge loading is permitted. The sewage treatment works is overloaded and the altered discharge is likely to cause failure of a statutory or non-statutory water quality objective if permitted. There is an existing problem with combined sewer overflows (CSOs) which this development would exacerbate in the absence of improvements to the sewer system. In accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 11 No burials shall take place in the cemetery hereby approved:
- within 250 metres of any well or borehole
 - within 30 metres of any watercourse or spring
 - within 10 metres of any field drain
 - in saturated ground.

Reason: To prevent the pollution of controlled waters. An inappropriately located and designed cemetery could result in the pollution of the surface water drains from the eastern and southern boundaries of the site.

- 12 **No dwellings shall be occupied, in any area or sub-area as identified in condition 3, until mitigation, conservation and enhancement measures as set out in chapter 5 of the Environmental Statement have been implemented.**

Reason: To ensure all impacts on ecology from development are taken into account and mitigated in accordance with Policy 57 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 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 (Revised Pre-Submission Version May 2014.)

- 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 human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 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 human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 16 **No development shall take place, in any area or sub-area as identified in condition 3, until a written scheme of archaeological resource management; that includes post excavation analysis and publication 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 scheme.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure the protection and management of archaeological remains which may be preserved *in situ* within the development site in accordance with policy 46 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 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 (Revised Pre-Submission Version May 2014).

- 18 **Prior to commencement of development in each area approved by condition 3 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 (Revised Pre-Submission Version May 2014).

- 19 **No development shall take place in an area or sub-area of the development approved as per condition 3 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 (Revised Pre-Submission Version May 2014).

- 20 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_LA_{eq}, 23:00-07:00 and 45dB_LA_{max}, 23:00-07:00 for bedrooms and 35dB_LA_{eq}, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_LA_{eq}, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning 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 (Revised Pre-Submission Version May 2014.)

- 21 The details required by condition 1 of this permission in relation to each area approved by condition 3 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 the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 22 The details required by condition 1 of this permission in relation to each area approved as per condition 3 shall include a scheme for parking, and garaging for the residential units in that area. The parts of each approved scheme pursuant to condition 1 related to each residential unit 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 (Revised Pre-Submission Version May 2014).

- 24 **No development shall take place until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. 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 an agreed 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 Highway Agency.

Reason: To ensure the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting routes in accordance with section 10 of the Highways Act 1980 and in the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with policy 26 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.).

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1457_008 & 1457_011.

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. **Environment Agency - consenting of works on ordinary watercourses**
Proposals for works such as mill dams, weirs, sluices and the suchlike that may affect the flow of water within an ordinary watercourse, and proposals for culverting of ordinary watercourses, will require an application for Flood Defence Consent under Section 23 of the Land Drainage Act 1991.

At present such applications should be made to the Environment Agency. Due to new and changing legislation, from 6th April 2012 any such applications should be made to the relevant Lead Local Flood Authority – in

this case Central Bedfordshire Council.

4. Environment Agency - Cemetery

An appropriate risk assessment may be required to determine the potential pollution risks to controlled waters from the proposed cemetery development. Please refer to the Agency booklet 'Assessing the Groundwater Pollution Potential of Cemetery Developments'.

5. Environment Agency - foul drainage

Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

6. Environment Agency - 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. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

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.

Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

7. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

8. Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately.

9. With respect to the construction phase the applicant has cited a number of measures to minimise the escape of dust. Reference should be made also to the Mayor of London's Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps may include, though not exclusively, noise mitigation measures such as temporary screening and/or at source insulation, all vehicles, plant and machinery used during the operations fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery maintained in good repair and in accordance with the manufacturer's instructions and so operated and orientated so as to minimise noise emissions. Where possible

the use of generators should be avoided and mains electricity used. All compressors used shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

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

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

11. This consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

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

It is recommended that planning permission be granted 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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