

## **Item No. 5**

<b>APPLICATION NUMBER</b>	<b>CB/11/01937/OUT</b>
<b>LOCATION</b>	<b>Chamberlains Barn Quarry, Heath Road, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>Outline: 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.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>03 August 2011</b>
<b>EXPIRY DATE</b>	<b>02 November 2011</b>
<b>APPLICANT</b>	<b>Arnold White Estates Ltd</b>
<b>AGENT</b>	<b>Hives Planning Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Departure, Major application recommended for approval and with objections from Eggington Parish Council and Heath and Reach Parish Council.</b>
	<b>Outline Application - Approval</b>

### **Executive Summary**

- (i) The application seeks planning permission for the provision of up to 950 dwellings and supporting community facilities, as part of an extension to the east of Leighton Linslade. 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 29<sup>th</sup> February 2014. These proposals and the Clipstone Park resolution to grant together for an important element of the combined Eastern Leighton Linslade 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 has been commensurate with the scale of the development, with concerns raised about traffic, loss of Green Belt, impact during the construction period, inadequate levels of employment, flooding, fears for the quality of the development and the need for the development in principle.

- (iii) In assessing the proposals, it is considered that limited weight should be given to many of the current adopted Development Plan policies, due to its age, however some policies are compliant with the National Planning Policy Framework and the emerging Development Strategy for Central Bedfordshire and can therefore be afforded more weight. There will be harm to the Green Belt caused by the development but there are very special circumstances that can be taken into account. However, the Committee will also wish to take note of the lengthy history of examining the appropriateness of promoting development in the Green Belt in this specific location and that this should be an important material consideration that it should include in its decision making. The site's current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.
- (iv) An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way. The mitigation package includes; controls over development during construction, provision of necessary infrastructure and the production of strategies for environmental protection.
- (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 provision of a section of the eastern link road, a locally important infrastructure project designed to relieve traffic congestion in Leighton Linlade Town Centre. The application will also deliver a substantial proportion of the housing proposed by the Development Strategy and for which there is underlying evidence of considerable need.

- (vii) **The NPPF requires the Council to consider carefully the commercial viability of proposals as part of their decision making. It is clear from the substantial Viability Appraisal work undertaken by the applicant and checked by the Council’s specialist consultants that the scheme is not sufficiently financially viable in current economic conditions to afford the full requirements for affordable housing and mitigation requirements this Council would normally expect as part of a major new development.**

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

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

#### **Site Location:**

The application site is located on the eastern side of Leighton-Linslade and is approximately 2km from the town centre. Eggington, Stanbridge and Tilsworth are located to the east of the application site with the A5 beyond. The site is bounded by Vandyke Road to the south, Shenley Hill Road to the east, Cotefield Drive to the north and Heath Road to the west.

The site covers 95ha and is a mix of active and former quarry, pasture, arable and woodland. The site is predominantly worked quarry land, active quarry or land from which sand is to be extracted. Broadly this land is the area on which the bulk of the development proposals would be accommodated and is located to the south west of Shenley Hill. Other land for development fronting Vandyke Road is a mix of agricultural land and scrub woodland. Shenley Hill is a wooded hill of significance in the landscape, rising to 120m above sea level, and falls within the site. The Leighton Buzzard Narrow Gauge Railway (LBNGR), an important tourist attraction, runs along the southern boundary of the site on the northern side of Vandyke Road. Excluded from the application site is an area of approximately 5.4 ha, known as the “Chiltern Hunt” land, which is in agricultural use. A smaller area of 0.89ha located further along Vandyke Road is also excluded.

#### **The Application:**

The planning application is an outline application for a mixed use urban extension including:

- up to 950 dwellings
- a lower school site

- local centre, including convenience retail
- country park including car parking
- allotments
- orchard
- local play space
- adventure play area
- new halt for the narrow gauge railway

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 to be considered:

**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.

The following application was considered by the Committee on 28<sup>th</sup> February 2014:  
**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/11/04444/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

Considered elsewhere on this agenda.

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.

Considered elsewhere on this agenda.

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.

## **RELEVANT POLICIES:**

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

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

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

- SD1 – Sustainability Keynote Policy
- BE8 – Design Considerations
- T10 – Controlling Parking in New Developments
- H3 – Meeting Local Housing Needs
- H4 – Providing Affordable Housing
- E1 – Providing for B1-B8 Development within Main Employment Areas
- R10 – Children’s Play Area Standard
- R11 – Provision of New Urban Open Space in New Residential Developments
- R14 – Protection and Improvement of Informal Recreational Facilities in the Countryside
- R15 – Retention of the Public Rights of Way Network
- R16 – Control of Sport and Formal Recreational Facilities in the Countryside

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

### **The endorsed 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 Linslade Framework Plan (Endorsed for the purposes of Development Management, May 2013).

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

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

WSP5 – Including waste management in new built developments

### **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 conurbation, with the whole of the site falling within Leighton Linlade Town Council's area. The majority of the site has been subject to mineral extraction and is therefore previously used.

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, 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, consider specifically the information contained within the Environmental 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)*

### **Planning Context and History**

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 by the landowners in conjunction with the Council. Following the dissolution 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**

As the site has been subject to mineral extraction there are a number of planning permissions relating to this use, including an alternative haul road. They have not been included here as they are not considered directly relevant to the consideration of the application. One application which is directly relevant is:

**Application No: CB/11/04314/FULL**

Location: Chamberlains Barn Quarry, Heath Road, Leighton Buzzard.

Proposal: Creation of new nature conservation ponds.

Approved 25/6/11.

In addition 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. 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:  
(Parish & Neighbours)**

Heath and Reach  
Parish Council

The Parish Council object on a number of grounds.

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

Strategy.

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

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

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

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

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

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

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

The Parish Council object as the development is not sustainable.

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

Leighton Linlade  
Town Council

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

The areas to be considered are:

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

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

Hockliffe Parish  
Council

The Parish Council objects on a number of grounds.

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

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

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

*[The Highways Agency who are responsible for the A5 has raised no objection to the proposal and therefore it must be assumed has no concerns that the problems raised will have a significant impact on the free-flow of traffic on the A5. Again measures such as signage could be used to direct traffic along the link road rather than through Hockliffe.]*

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

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

Local Residents and  
Organisations

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

2 petitions were also received.

The first includes 181 signatures, mainly from residents of Cotefield Drive, and states that the undersigned reject the application on the following grounds:

- Leighton Buzzard needs more jobs not more houses.
- The current infrastructure cannot cope with the added pressure of more housing and increased traffic congestion.
- The sewage disposal plans for the site are inadequate and the current system does not have the capacity to be extended.
- Increase in flood risk in Cotefield Drive and Adams Bottom area due to excess surface water and human interference.
- Disruption/loss of wildlife habitats in Broomhills area of a variety of wildlife including rare and endangered species.
- Application based on outdated Government rules and guidelines on regional strategies which have been revoked.

The second petition contains 25 signatures all of residents of Chamberlains Gardens and states that the change of use of the land adjacent to Chamberlains Gardens from a privately owned, gated and fenced area to a public open space has severe security and privacy issues for the residents. The petition requests that a robust steel palisade fence is erected around the land and that access to the land is controlled and that it is managed by a Chamberlains Gardens Residents Association with the Greensand Trust.

### Objectors

9, 21, 25 & 57  
Blenheim Road

11, 34 & 43 Hydrus  
Drive

36, 117 & 151  
Cotefield Drive

118, 151, 184 & 187  
Heath Road

18 & 28 Mercury Way

3 Cetus Crescent

12 Dove Tree Road

3 South Street

10 Talbot Court

117 Vandyke Road

119 Drakes Avenue

32 Columba Drive

69 Willowbank Walk

59 Plantation Road

17 Wellington Way

Waverley, Hillside  
Road

3 without complete  
addresses

### **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
- all brownfield land should be built on before Green Belt land is used
- Localism Bill

*[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.]*

- sterilisation of minerals

*[All economically viable mineral reserves would be worked prior to the land being developed.]*

### **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.]*

- not enough supermarkets for the town

*[The Clipstone Park part of the development would provide a small supermarket to serve the development as a whole.]*

- 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.]*

- some residents are responsible for the maintenance of their part of the watercourse and access to the area should be restricted to those who are responsible for it

*[The resident's responsibilities would not change.]*

- health and safety concerns over watercourse and lack of fencing

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

- risk of flooding from people blocking the watercourse along Cotefield Drive
- no more trees should be planted near the watercourse in order to prevent leaf-fall causing blockages

*[The location of landscaping, the type of planting and any barriers needed will be dealt with at reserved matters stage and will be subject to consultation with the Environment*

Agency.]

### **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.]*

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

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

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

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

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

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

- construction vehicles would use roads subject to HGV bans.

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

- 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.]*

- traffic impact on Heath & Reach and conflict with traffic calming measures

*[The end of mineral extraction would result in a reduction in HGV vehicles from the quarry; this would mitigate the resultant increase in traffic from the residential development. Drivers tend to take the route they consider is the quickest and therefore the traffic calming measures in Heath and Reach are likely to deter drivers from using that route.]*

- junction between Eastern Way & A5 is dangerous

*[The Highways Agency is the body responsible for the A5, they have no objection to the application. A more detailed consideration of this point is included in section 8.]*

- adverse impact of new junction with Heath Road from stop-start traffic and obstruction of queuing traffic

*[The junction would not lead to any unacceptable noise increase nor is it considered that queuing traffic would present a significant problem. A detailed assessment of this junction is included in the report on the application for the northern part of the link road, CB/11/01940/FULL.]*

The proposed closure of one-arm of the Shenley Hill, Vandyke Road crossroads would mean all traffic to the HWRC would travel through the new estate

*[The closure or otherwise of the road at the crossroads is within the control of the Council and the impact of such a proposal would have to be considered.]*

### **Ecology**

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

*[Appropriate surveys have been undertaken and conditions will deal with mitigation measures required. The site would provide circa 40ha of informal open space including country park, green space etc.]*

### **Residential Amenity**

- loss of beautiful views
- overlooking
- loss of privacy
- loss of countryside
- noise and disturbance from new housing
- proximity of proposed adventure playground to properties on Cotefield Drive
- noise from construction
- dust from construction

*[Impacts on existing and future residents will be addressed*



*at the detailed design stage when reserved matters applications are submitted.]*

- future impact on residents of Heath Meadows not properly considered when planning permission was granted for the development

*[At the point in time the Heath Meadows planning permission was granted there was no application for residential development of Chamberlains Barn. The new development will need to be designed, at reserved matters stage, to respond to the existing houses to maintain privacy etc.]*

- air pollution

*[Potential sources of pollution are examined in the Environmental Statement and set out in section 7 below.]*

### **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 and would mitigate any impact on the character of the town and narrow gauge railway. It is not considered that the principle of the development would have an unacceptable adverse impact on the town centre.]*

### **Crime and Anti-social Behaviour**

- vandalism
- increase in crime
- anti-social behaviour
- increased litter

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

- creating an area for children to hang around in

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

### **Other Issues**

- risk of subsidence due to previous quarry use

*[This will be a matter for Building Control and the developer to deal with appropriately.]*

- illogical to fill in the quarry and then dig a new hole for the

balancing ponds

*[The land will be shaped into the approved landform, there would be no need for "new holes" to be dug.]*

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

- the Council cannot maintain the roads it has at the moment how can it cope with more?
- de-valuation of property.

Comments  
12 Beaudesert

1 letter making comments was received setting out:  
- there would be a welcome increase in the number of allotments but they must be provided in line with an agreed standard.

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

Monier Redland

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

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

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

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

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

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

Leighton-Linslade  
Opposes  
Unsustainable  
Development (LOUD)

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

The forthcoming Localism Bill would give more power to local people who are opposed to the proposal.  
The development would be on Green Belt land.

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

Residents of Eggington have not been consulted.

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

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

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

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

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

There would be an adverse impact on tourist attractions.

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

There is no guarantee of increased local employment.

*[The Clipstone Park site would deliver employment land and the legal agreement for that application 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.]*

Chilworth  
International  
Corporation (letters  
received from DTZ  
and Hogan Lovells  
on their behalf)

Chilworth International Corporation own an area of land approximately 5.4 hectares located on the northern side of Vandyke Road which is excluded from any planning application but is included in the Framework Plan as employment land.

18/4/13 - DTZ on behalf of Chilworth International Corporation

This letter made representations on the East of Leighton Linlade Framework Plan on which they were not consulted as the Council did not have any contact details for the landowner.

"Our client is strongly supportive of the wider intentions of the draft Framework Plan and the principles behind the proposals for the East of Leighton Linlade urban extension. We do not however, consider that the proposed allocation of our client's land for employment use has been considered in sufficient detail to ensure it has been positively prepared, justified, effective or sustainable and in accordance with National Policy.

We understand that the allocation of my client's land reflects the original masterplan for the area produced by Arnold White Estates in their 2008 application and more recent discussions the Council have had with the promoting landowners.

Our concern is that a robust and evidence based case in support of the allocation of this land for employment use has not been made and on this basis we consider that:

- The allocation has not been positively prepared as there has been no employment study undertaken to gauge the viability and sustainability of employment uses at this location.
- The allocation is not currently justified as the two further employment zones located towards the southern end of the proposed extension (circa 11 ha (27 acres)) provide a more sustainable development cluster for employment uses with better transport links and future access to the national motorway network via the proposed Houghton Regis link road to the M1.
- The allocation of the land in question is not effective as it is not deliverable in terms of financial viability and will not be developed for the proposed uses within the development timeframe.
- The more accessible employment zones proposed near Stanbridge Road are large enough to generate a 'critical mass' of employment floorspace. This would support ancillary and complementary facilities creating a successful employment hub. Employment development at Vandyke Road would struggle to attract developers and occupiers when in competition with these more sustainable alternatives. As the Stanbridge Road zones would provide a sufficient supply of employment floorspace to satisfy demand generated by the urban extension, Vandyke Road would not be developed for employment use and may subsequently be promoted for

alternate uses.

- The development of employment uses in this location would not be sustainable. Notwithstanding the above points, if a further employment zone were developed in this location, occupiers could be drawn away from the town centre. This would damage the economic vitality of the Town Centre and increase the number of car trips generated as occupiers will no longer benefit from the public transport facilities available in central Leighton Buzzard.

We do not consider that the above points are insurmountable but require further robust, evidence based studies to be produced that support of this allocation. These should identify suitable and sustainable employment generating uses and a clear strategy for development of this land for the uses proposed.

*[These comments are only included for completeness as they relate specifically to the Framework Plan.]*

#### Current Planning Applications

As with the Framework Plan, we are broadly supportive of the development proposals set out in the planning applications CB/11/01937 and CB/11/02827/OUT.

Our concerns are that the land owned by our client has been excluded from the Chamberlains Barn application (CB/11/01937) but the site has been identified as 'future employment land'. Notwithstanding our above comments on the suitability of this land for employment uses in the absence of detailed employment studies, we consider that the exclusion of this land from the planning application would lead to piecemeal development. The impact of this would be magnified as a result of the site's location adjacent to the proposed Neighbourhood Centre, an important focal point for the wider development.

To ensure the development East of Leighton Linslade is successful and capable of delivery, and the neighbourhood centre is served by complementary employment generating uses, a detailed employment study and development strategy that supports the proposed employment allocation should be produced by the consortium currently promoting the wider development.

To ensure that any development strategy for this land is implemented by the promoters, the development of this area for employment generating uses or other complementary uses should be linked to the planning permission granted for the wider development. To this end we consider that a single s106 agreement tying in all the relevant planning

applications would ensure comprehensive delivery of planning obligations.

Our client realises the importance and public benefits that would arise from the development as a whole and would be prepared to consider entering into a s106 agreement that addressed the obvious concerns caused by the proposed employment allocation covering their land."

23/1/14 - Hogan Lovells on behalf of Chilworth International Corporation

Our client has not agreed any terms with the developers of the neighbouring land in relation to provision of their site as employment land. We consider any decision to grant planning permission in relation to the above applications would be premature and not in accordance with the Council's policies. In the event that planning permission is granted, we are instructed to advise our client on the legal options available.

13/2/14 - Hogan Lovells on behalf of Chilworth International Corporation

In summary the letter sets out that the applications do not confirm with the current and emerging policy framework in place for the urban extension.

The Council does not have an up to date development plan, the adopted development plan is now 10 years old and makes no provision for the urban extension. the Joint Core Strategy was withdrawn but relevant policies have been endorsed by the Council for development management purposes as an interim measure until the development strategy is in place. Policy CS16 supports the allocation of the SSSA and provides for a masterplan to be prepared to take forward the vision that:

*"1. identifies sufficient land to provide a mix of uses that delivers about 2,500 dwellings, approximately 16 hectares of employment land . . .*

*3. . . . provides new employment land in locations that are attractive to employees, giving good access to the primary route network and will provide good quality, local job opportunities" (Hogan Lovells emphasis)*

Policy 62 of the emerging Development Strategy supports the SSSA and states that the development will provide a mix of uses to achieve a sustainable community comprising (inter alia) *"approximately 16 hectares of employment land creating up to 2,500 new jobs."* It goes on to state that the development will provide *"new employment land in locations that are attractive to employers, give good access to the*

*primary route network and provide good quality, local job opportunities."*

The Framework Plan adopted "to remedy the deficiency" in that the masterplan prepared by the Council and developers in 2010 had not been subject to public consultation. However in the regard it is surprising that neither our client nor our client's agents were consulted in relation to the preparation of the Framework Plan.

The legal status of the Framework Plan is not clear, the Council is treating the document as a material consideration in relation to the determination of the applications. The Framework Plan is therefore at the very least a material consideration in the determination and in the absence of an up to date development plan, should be given significant weight by the Council.

The Framework Plan sets out a vision for the SSSA to be a sustainable and new community with the aim of encouraging inward investment and strengthening the local economy by establishing new jobs in order to reduce the prospects of a dormitory community with predominantly outward community. A key part of the vision is, therefore, improving local employment opportunities.

It is clear from the Framework Plan that the policy intention is to provide serviced employment sites of approximately 16 hectares. From what we have seen from the information publicly available the applications do not provide the level of serviced employment land which is deemed to be "necessary" and "essential" under the Framework Plan. Rather the applications combined provide only 11.43ha of employment land. It is clear from the Council's Framework Plan which should be given significant weight in the determination of applications coming forward, that the Council's vision for a genuinely sustainable new community cannot be realised without essential provision of a sufficient quantum of serviced employment land and that provision must include our client's land. Further the applications do not conform with the emerging policy framework which is also a material consideration in the determination process.

The applications do not include our client's land and, as far as we are aware, the developers are not being required to procure the provision of off-site employment land to remedy any shortfall.

We understand that rather unusually the Council has not required a single comprehensive section 106 agreement, rather separate agreement from each applicant. This raises the question of how the essential infrastructure will be

secured in its entirety.

The letter also asked a number of questions regarding when applications would be considered by the Committee etc and highlighted that some of the survey information on which the Environmental Impact Assessment was based was from 2010 and made comment that there should be an update requested.

26/2/14 - Hogan Lovells on behalf of Chilworth International Corporation

As the letters referred to above had not been included in the officer's report to the Committee on CB/11/02827/OUT Hogan Lovells wrote to all members of the committee raising the following points:

- there is no up to date adopted policy supporting the urban extension
- officers have, somewhat conveniently, not drawn the required attention to the Framework Plan which was adopted for development management purposes in relation to this site by the Council less than a year ago and, in the absence of an up to date policy framework, should be given significant weight.
- the employment provision is inadequate and does not conform with the Framework Plan and the emerging Development Strategy.
- there is no legal mechanism set out in the report requiring the delivery of employment land which is deemed to be essential infrastructure in the Framework Plan and emerging Development Strategy.
- The Council is not determining the applications for the urban extension in a holistic and comprehensive way. It has no guarantee therefore that the necessary infrastructure will come forward to support the extension.
- the Council has not made a convincing case for very special circumstances justifying harm of this magnitude in the Green Belt.
- the supporting environmental information submitted with the application is out of date and therefore inadequate.

29/3/14 - Hogan Lovellson behalf of Chilworth International Corporation

The letter asked questions regarding planning application CB/11/02827/OUT and procedural points.

*[All of the issues raised by Hogan Lovells on behalf of their client are addressed within this report.]*



## Consultations/Publicity responses

Greensand Trust

We recognise that this is an already despoiled landscape, but there is still a need to ensure that landscaping and in particular the interface between the urban and rural areas is of a high quality, and enhances the existing urban edge. The East Leighton Urban Fringe is identified as a “Landscape Opportunity Area” within the Luton and Southern Bedfordshire Green Infrastructure Plan (2010) and measures suggested include hedge and tree planting, and the creation of orchards – all of which are suggested in this application.

We note that the EIA makes the claim that the site is free from protected species (para 5.65) but then mentions the presence of badgers. Specific legislation for protecting badgers is provided by the Badgers Act, 1992.

The provision of a SUDS scheme is welcomed and must ensure that the development has no additional impact on water quality or flooding in the Clipstone Brook (or downstream in the River Ouzel). The measures suggested in the EIA para 5.76, including green water harvesting, porous paving and green roofs would all help. These good intentions must be followed through in any full planning application received.

Wherever possible, SUDS features should contribute to wider objectives and be multi-functional in nature, including creating access and biodiversity benefits.

*[An overarching landscape and open space strategy will need to be prepared and will incorporate details of SUDS.]*

We welcome the statement in the EIA para 5.88 that archaeological work will be programmed in advance of development, and that where possible elements of the historic environment will be preserved. The site is within one of the “Historic Environment Opportunity Areas” identified within the Luton and Southern Bedfordshire Green Infrastructure Plan”.

As a result of multiple levels of opportunity/importance, the site partly falls within the Green Infrastructure Priority Network identified in the Luton and Southern Bedfordshire Green Infrastructure Plan (2010).

We welcome the inclusion of the Shenley Hill Country Park, helping to protect and enhance this important landscape feature, and provide informal recreational

access for people. However, we object to the use of the term “Country Park” in this context. Natural England provide a definition of Country Parks as part of their accreditation scheme (see: <http://www.naturalengland.org.uk/ourwork/enjoying/place/s/countryparks/accreditation/default.aspx>). This site as presented will not meet all of the criteria listed, as it does not include toilets on site or within a 2 minute walk. This is important because the title “Country Park” carries with it certain expectations. In the local area the nearest Country Park is Rushmere Country Park, approximately 1.7km away. Rushmere Country Park is jointly owned by Central Bedfordshire Council and the Greensand Trust, and managed by the Trust. While meeting the size criteria in the Natural England Accreditation scheme, the site is also small for a Country Park, at just over 19ha.

The Shenley Hill site would be more akin to a “Natural or Semi-Natural Greenspace” or area of “Countryside in the Urban Fringe” ” (using the PPG17 typology, still considered to be the most appropriate available). Using the Luton and Southern Bedfordshire Green Infrastructure Plan (2010) as a guide, which was itself informed by national best practice, the site would fall into the “Middle Level” site (see para 9.7.3) rather than the Strategic level Country Parks fall within. The Central Bedfordshire Outdoor Access Improvement Plan (2013) defines Country Parks as “Strategic sites that are over 60ha” with “high visitor numbers”. The Planning Statement Addendum (para 4.36) states that the new Country park will have “substantial social and community benefits”, but to do this it will need to be a multi-functional space with a wide variety of uses.

Much is made of the local support for the proposed development, with the “Country Park” as being cited as one of the main reasons people have supported the overall scheme (for example, see statement of community involvement para 4.2). If the expectation of those commenting was of a large site with a range of facilities, then they will have been misled.

As a result, new residents resulting from this development will inevitably use other nearby sites as part of their recreational needs, with a significant impact upon Rushmere Country Park. In para 4.35 of the Planning statement Addendum, the applicants recognise the shortage of greenspace in Leighton Linlade and the need to reduce impacts on Stockgrove Country Park (which became Rushmere Country Park in 2011). In the period since establishment Rushmere has been increasing in popularity to a point where parking and

visitor facilities are at capacity. Therefore it would be expected that a contribution would be made to Rushmere Country Park to help increase capacity.

*[The overarching landscape and open space strategy would contain details of the country park and its facilities. Subject to viability financial contributions towards off-site green infrastructure will be sought. ]*

We welcome the integration of the Leighton Buzzard Narrow Gauge Railway within the proposals, as this is an important tourism and community asset to the town. A new halt should improve access opportunities and the green landscaped corridor is welcomed –though it would be better if it could also provide parallel pedestrian / cycling access it appears that ‘pinch points’ restrict this opportunity.

It is noted that there will be a ‘great crested newt mitigation and translocation plan’. This will need to be of an exceedingly high standard achieving a high level of success, as the development will result in the loss of confirmed breeding ponds for this species.

*[A separate planning application CB/11/04313/FULL was approved in June 2012 for new ponds within the site for this purpose. The ponds have been dug, newt fencing erected and the translocation process has commenced. All works are being undertaken under a license from Natural England.]*

Wildlife Trust

Great Crested Newts (a European protected species) are known to be present and breeding on the site (apparently in at least two ponds). It is important that mitigation for damage to Great Crested Newt habitat is adequate and up to modern standards. We are conscious of the responsibility of the Council under the Natural Environment and Rural Communities Act (2006) to ensure that mitigation and compensation is adequate and sustainable in the longer term. It is unclear from the Illustrative Masterplan in the Environmental Statement where the Great Crested Newt recipient ponds within the country park will be sited. We are concerned that the mitigation/compensation outlined for the impacts on the Great Crested Newt population on this site does not stand alone but may be in conflict with the other functions of the country park and drainage / balancing ponds. We would recommend that ponds and habitats which are to be set aside for Great Crested Newt mitigation are separate from ponds and habitats which are also to be used for recreation or drainage/balancing.

*[A separate planning application CB/11/04313/FULL was approved in June 2012 for new ponds within the site for this purpose. The ponds have been dug, newt fencing erected and the translocation process has commenced. All works are being undertaken under a license from Natural England.]*

It is important that any mitigation or compensation which were initially agreed under the Quarry Restoration Scheme are continued and undertaken as part of this proposed development and that these are updated to ensure that they are adequate and up to modern standards.

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 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 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.

*[Subject to viability financial contributions towards off-site green infrastructure will be sought. Planning application CB/11/02264/OUT was withdrawn.]*

The ES does not make it clear which sections of the on-site country park will be accessible to the residents of the development and which sections are to be reserved for other purposes (such as protected species mitigation). It is important that the country park is developed early in the phasing of this development for use by the residents of the dwelling and that this green space is appropriate for the size of the development.

We welcome the development of a Country Park area but would like to emphasise that any seed mix used to sow these new areas of grassland should be of locally sourced seed if at all possible, and should be an appropriate mix of seeds from species which are relevant

to the local area. We hope the development plans can include retention of mature trees and hedgerows wherever possible and again would like to emphasise the importance of planting native/local species when replanting is undertaken throughout the site. Future planting schemes (within the country park and throughout the development) should be carefully thought through in advance and should consist of native species which are appropriate to the local area and the plants should be locally sourced. Where relatively large amounts of hedgerows are to be lost in a development, more hedgerows should be planted than were removed.

*[The details of landscaping will be dealt with in reserved matters applications, however the comments are noted.]*

Friends of the Earth

There is a possibility that if eastern Leighton Linlade is managed for biodiversity then the same equipment could be used across Leighton Buzzard and there could be a real improvement in biodiversity across Leighton Buzzard and the government's aspiration in the white paper "Natural Choice" of strips of wildflower areas in urban areas to support pollinators could be implemented

It is not very expensive, but it is about planning and making sure that you have the right equipment!

Wildflower areas need to be cut once or twice a year (with some of the area left long over winter for hibernating butterflies etc) and the grass raked off and removed! As the grass is long it will need a different type of mower used for very short grass, then there will be equipment for raking up and removing the grass. As CBC has only the equipment to mow short grass it expensive to do anything but manage the greenspaces in the most unfriendly manner to biodiversity without incurring considerable expense!

I have spoken to Stirling Council who say that it is a matter of scale; if lots of areas have wildflowers then it does become cheaper to manage this way rather than frequent cutting!

If the eastern Leighton Buzzard development bought machinery appropriate for biodiversity management then it could be used across Leighton Buzzard!

The other issue is the landscaping of the development. Wildflowers thrive on poor soil as rich soil means that grass grows vigorously and chokes out and smothers the wildflowers! A reason for the loss of wildflowers is the amount of fertiliser used on the soil means that the grass

grows so strongly that there is no hope for the wildflowers. One of the best meadows of oxeye daisies is opposite platform 6 of Milton Keynes station as the soil is so poor. As no top soil was put on it after it was cut back. If areas in eastern LB are left with poor soil and then cut once a year then we could have great wildflowers! Also there is the potential in other areas for flowering lawns, ie clover and chamomile etc that are short and then also there might need to be some more conventional greenspace for informal football etc!

*[The detailed landscaping scheme and subsequent maintenance of such will be secured by condition. A condition will be proposed to secure the submission of an over-arching landscape and open space strategy which will include long and short term maintenance responsibilities.]*

#### Waste Services

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.

#### Voluntary and Community Action

Object to the application on the grounds that it does not comply with national, regional and local planning policy in respect of social and community infrastructure. The application makes provision for permanent community facilities however the trigger points are too late to make the impact required. A community centre or hall should be provided before the occupation of the first dwelling, interim provision would be acceptable however it must be in place prior to the first occupation. Community workers would need to be provided to enable residents to play an active part in their community. Provides information on the level of contribution which they consider will be

required to run a community hall and to employ community workers.

*[This site relies on the community infrastructure provision included in the Clipstone Park part of the development.]*

## Sustainable Transport

In order for this development 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 travel plans sustainable.

The development itself needs to be designed with sustainable transport at its core in order to ensure these are the modes of choice, making high quality infrastructure provision a prerequisite of the development. Not only does the development itself need to have high quality walking, cycling and public transport provision the links to the surrounding network need to promote non car modes. The development needs to maximise permeability to key locations and in particular the town centre, the railway station and employment sites.

Currently there are problems with the infrastructure proposed from the perspective of sustainable transport with links between the development and the town and the nature of the orbital link road being good examples. Further discussion is therefore required to determine any amendments that need to be made.

Currently the travel plan proposed is deficient in a number of areas including the time period proposed, monitoring, agreed funding and aspirations for a school travel plan.

It is expected that any 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. The s106 will secure appropriate financial contributions and travel plan measures.]*

## Sport England

Non-statutory response under the terms of the Town and Country Planning (Development Management

Procedure) Order 2010 (SI No. 2184 (2010)).

### Outdoor Sports Provision

The planning application proposes on-site open space provision in the form of a country park, informal open space and other green infrastructure. However, there is no specific on-site formal open space provision suitable for formal sport i.e. playing pitches. This is acknowledged in section 12 of the Environmental Statement as it is proposed that other parts of the Eastern Leighton Linslade SSSA will make provision for formal pitch provision that will meet the additional needs of the Chamberlains Farm Quarry development. The principle of the development's formal open space/outdoor sports needs being met off-site in other parts of the eastern urban extension to Leighton Linslade is considered acceptable. However, this would only be acceptable in practice if other developments within the wider Eastern Leighton Linslade urban extension made adequate provision for the needs of the Chamberlains Barn Quarry development as well as their own needs.

Consequently, as (to date) inadequate on-site or off-site formal open space provision (for outdoor sport) has been proposed to meet the additional outdoor sports needs generated by the Chamberlains Barn Quarry development, Sport England would object to the development in its current form. However, I would be prepared to review this position if a planning application is submitted for the extension to the Clipstone Park 'Sports Park' or alternative outdoor sports facility proposals are made.

*[Since these comments were made the planning application for the Stearn Land has been made which includes the additional playing field provision required. Sport England has acknowledged the level of provision is acceptable in their response to the Stearn Land application.]*

### Indoor Sports Facilities

While there are no on-site proposals for making indoor sports facility provision, the Clipstone Park planning application makes provision for a multi-use community hall as part of the planned Neighbourhood Centre to the south of Vandyke Road that would serve both the Clipstone Park and Chamberlains Barn Quarry urban extensions. The multi-use hall would include an 18x17m hall that would be designed as a 2 badminton court sports hall. The comments made on this sports hall proposal in our response to the Clipstone Park



application would also apply to this application.

While the proposed multi-use hall in the Neighbourhood Centre may in principle address the development's sports hall needs, it is unclear how the development would make provision for meeting the full range of additional indoor facility needs that it would generate especially swimming pool provision in view of the deficiencies that exist in this area. As there are no proposals for leisure centre provision as part of the development, a financial contribution towards the replacement, expansion or improvements to the Tiddenfoot Leisure Centre (which provides the only public swimming pool in the Leighton Linlade area) would appear to be the most appropriate form of provision unless the Council considers that new leisure centre provision either within the development or outside is necessary. 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.

*[An appropriate financial contribution towards indoor sport provision will be sought, subject to the viability of the scheme.]*

### Schools

The development makes provision for a new lower school which would be expected to offer the potential for providing dual use sports facilities. For example, the school hall could be used for certain sports if designed appropriately and the outdoor hard surfaced areas and playing fields could also be used by the community when not required for school use.

### Phasing of Sports Facilities

As some of the development's sports facility needs will be met in the Clipstone Park development (i.e. the community hall), the comments made in response to the Clipstone Park development on this matter would also apply to this application.

*[Sport England made comments in response to the Clipstone Park application in relation to the phasing of development and ensuring appropriate provision of indoor and outdoor sports facilities.]*

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.

Natural England

Natural England does not object to the proposed development. Whilst we disagree with the conclusions of the ES, in particular comments relating to visitor recreational pressures to Kings and Bakers Wood and Heaths SSSI and NNR, and consider that a GI Statement would benefit the submission, we consider that the proportion of GI on-site is good, and that the planning authority's Planning Obligations strategy (specifically the green infrastructure component) offers the security of (we anticipate significant) financial contributions to improve the GI provision in the Ouzel Valley and Leighton Linlade funding allocation area. Both these measures serve to mitigate the likely adverse effects caused indirectly by the substantial increase in the residential population in the Leighton Linlade area.

*[Subject to viability financial contributions towards off-site green infrastructure will be sought.]*

NATS

No objection.

Urban Design

In summary, in general, my view is the DAS is comprehensive and should promote a development that builds on the existing context and reflect best practice in urban design

The main concern is about the lack of integration to the south, for both the development to easily access existing opportunities within the existing development of Leighton Linlade as well as for the latter to easily access opportunities proposed within the new development.

*[The detailed comments made regarding the design of the development will be addressed in the reserved matters applications.]*

Minerals and Waste

Original comments at October 2011.

The Minerals and Waste team have received an application for the proposal for a temporary storage compound near the main entrance to the quarry, if permitted this will remain until December 2013.

No updated restoration plan has been submitted for Chamberlains Barn and therefore it is hard to determine if there will be any impact, however the approved restoration plan shows that the quarry is to be restored to

agricultural land, my main concern is the compaction of the land would not be adequate and if not compacted sufficiently could cause instability, I do note however that paragraph 5.79 does acknowledge this.

The site will have its own haul road that will direct operational vehicles away from the development, however to date we have not received any of the pre-development schemes, the applicant has another 2 years to submit these.

The quarry is permitted to extract sand until Feb 2041, I note that there will be some housing adjacent to the quarry and therefore operational noise will continue noise, the information does not give any details if this housing will have any noise mitigation.

*[Following changes to the quarrying operations at the site the Minerals and Waste Team raised concerns regarding the potential sterilisation of minerals. This issue is addressed in detail within the report. The Minerals and Waste Team on receipt of further information confirmed that the situation is satisfactory and they have no objection to the proposals.]*

#### Local Development Framework

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.

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 bypass.

With respect to other infrastructure, several respondents considered that there is already an existing infrastructure deficit and that development at East Leighton Linslade 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 application 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 285 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.

Landscape Officer

The inclusion of Shenley Hill as Country Park has the

potential to restore the more wooded character associated with the Greensand Ridge but the character of the park requires further detail. The landscape link from Shenley Hill to the attenuation pond appears as a green corridor - very uniform in layout and built frontages; the pond and surrounding green space appears out of scale with the surrounds.

The proposed residential area to the south west of the application site/adjoining the existing urban edge could benefit from more landscaping/tree planting to soften the edge and create a green corridor linking Chamberlains with the Lower school and green networks to the south.

The landscape area to the east of the application site at the junction with Shenley Hill and Vandyke Road appears unresolved in terms of design and uses but will present a substantial green gateway which is a positive.

#### Sustainable Drainage:

The application describes the inclusion of SUDs in the development proposals but there appears to be no SUDs masterplan included in the application supporting information - a SUDs masterplan would inform a landscape masterplan and final masterplan plan and I suggest this should be considered further especially in relation to concerns on the scale and design of the large attenuation pond.

#### Vandyke Road:

The interface with the potential development site to the south of Vandyke Road is still a relative unknown. Both masterplans - for the north and south of Vandyke Road - include sites not within the red boundaries which raises concerns on the integration of development along this important route and entry point to Leighton Linlade.

The parameters plan includes several traffic management features along Vandyke Road which raises concern about the character and quality of environment along this length of Vandyke Road.

#### Leighton Buzzard Narrow Gauge Railway:

Improvements to the environment along the railway corridor is a positive but it is not clear how the railway will be accommodated at the intersection with the link road accessing Chamberlains Barn development. Further information detailing how changes in levels will be accommodated and the character of this important infrastructure node is important.

*[The majority of the comments made would be dealt with at reserved matters stage and/or by conditions on any*

*outline planning permission granted.]*

Housing Development Officer Comments at 22 November 2011.

This application meets the threshold to provide affordable housing. I would expect to see 35% affordable housing or 333 affordable units. This should be split 69% for social rent and 31% for shared ownership in the South. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application.

[The level of affordable housing secured will be influenced by the financial viability of the scheme, the applicants have undertaken a full viability appraisal which demonstrates that 10% affordable housing would be provided. The breakdown of the affordable units would be 50:50 shared ownership and affordable rent. This matter is addressed in more detail in sections 7 & 8]

Additional comments received July 2014 following viability appraisal.

I can confirm that the proposed minimum 10% affordable housing the Chamberlains Barn development is acceptable. The 10% is somewhat lower than our policy requirement of 30% affordable. However, the BPS report illustrates the viability issues with the site and the assumptions used within the viability report appear to reflect the prevailing market conditions standard industry assumptions. The £4.2 million restoration cost has been taken into account. The total net realisation of 211,706,632 leaves a 20% GDV of £42,341,200. The scheme makes £38,820,864 which is 18.37% return. The 80/20 split is viable and I would agree with this. The tenure split of 80% shared ownership and 20% 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 ok as this tenure split helps to enable a higher percentage of affordable housing.

*[The affordable split offered is 50:50 which is nearer the tenure split in the SHMA.]*

Again with a low minimum affordable housing 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 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.

Highways Agency

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

Environment Agency

Environment Agency consider that planning permission should only be granted to the proposed development as submitted if planning conditions are imposed to deal with surface water drainage, contamination and remediation strategy and restrictions on piling.

English Heritage

On the basis of the information supplied with the application, English Heritage is of the opinion that the proposal will not adversely impact on the setting of the nearby designated heritage assets. In respect of undesignated archaeology within the site, English Heritage strongly recommends that a programme of archaeological investigations are undertaken on those parts of the site that have not been subject to sand and gravel extraction. The investigations should be completed prior to the determination of the application so that the findings can then properly inform the masterplanning of the site and, where relevant, allow for preservation in situ of significant remains.

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

Ecology

Retain Badger setts in the vicinity of Chamberlains Barn Quarry. It is important that the Badgers have good, unobstructed access to foraging habitat; proposed adventure play area could conflict with Badger interest. Concern over the narrowness of green corridors.

No objection to the translocation of a small population of Great Crested Newts or reptiles. Clarification needed as to Black Poplar trees recorded.

S106/conditions

Provision of Environmental Management Plan to guide development process. Appropriate Great Crested Newt habitat would need to be prepared 2 years in advance at the new Shenley Hill Park. This will also be the repository for lizards or grass snakes.

*[A separate planning application CB/11/04313/FULL was approved in June 2012 for new ponds within the site for this purpose. The ponds have been dug, newt fencing erected and the translocation process has commenced. All works are being undertaken under a license from Natural England.]*

Countryside Access Service

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

The Shenley Hill Country Park should only be referred to as such if it meets the Green Flag Standard and the Natural England standard for Country Parks. From the information currently presented it is clear that the Shenley Hill open space cannot be considered as a Country Park type facility. The applicants should consider including the Shenley Hill Plantation (a current CBC) site into the greenspace masterplanning for this area and make contributions accordingly.

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

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

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

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

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

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

*[Financial contributions towards off-site GI provision will be sought subject to the viability of the scheme, however the provision of commuted sums for the maintenance and management of the on-site green spaces is vital and should be secured.]*

Leighton Buzzard Narrow  
Gauge Railway Society

As far as the Society is concerned, we have an existing infrastructure upon which we carry out our heritage railway tourism attraction business. Any loss due to the works, and the temporary severing of the line we would expect to be compensated for our loss of revenue – as a condition of any granted permission.

*[Compensation arrangements for any loss of revenue is not a matter which can be dealt with by a condition attached to a planning permission but would need to be a matter for negotiation between the Society and the developer.]*

We expect the developer's civil engineering contractor to follow fully the technical specification for the works and before proceeding, to ensure same are fully approved by Her Majesty's Railway Inspectorate under the aegis of the ORR, and the Society's civil infrastructure engineer, prior to any commencement of works.

The revised scheme - which differs from the one on which the Society were originally consulted - sees a considerably altered alignment of the road overbridge and the layout of Vandyke Road. We are particularly concerned that the steepness of the cutting sides adjacent to the bridge abutments on the SE side, shall be constructed in such a way as to prevent the possibility of subsidence or slippage that could impede and impinge upon the safe operation of the railway.

*[Details of the roads, bridge and cutting sides etc would need to be submitted for approval, it is likely that this would be done in connection with the full planning application for the link road.]*

The imposition of a substantial civil engineering work across the railway – ie, the road bridge, also imposes the necessity of its maintenance in the future. We would welcome confirmation of our understanding that any costs involved with such maintenance work from completion of the construction work, and in its future, will be borne by the Highways Authority.

*[It is anticipated that the maintenance of the bridge would be the responsibility of the Highway Authority, although it is understood that it is also possible that the developer retains ownership of the structure and is therefore liable for its maintenance.]*

Whilst there is indication of piped drainage at the foot of the railway cutting, there is no clear indication of how such gathered water is directed into the general softwater drainage. As the Railway do not experience flooding in this part of the line now, we would expect that any costs involved in clearing and pumping excess water are borne by the developer – via a suitable sum deposited in an escrow account, to ensure that the Society are not financially imperilled by any such future expenditure.

*[A condition requiring details of surface water drainage for the whole site will be attached to any consent granted in order that this matter can be addressed. In light of this approach there should be no need for any financial contribution.]*

We are concerned that pedestrian access to the cutting should be mitigated by the installation of palisade fencing adjacent to the top of the cutting - on the NNW side, especially with a bus shelter in such close proximity.

Our concern on the opposite sides reflect not only the need to prevent pedestrian access but also, because of the specific re-alignment of Vandyke Road, to prevent vehicular access, whether of cars or heavy goods vehicles. The combination of substantial ARMCO barriers, together with palisade fencing should become a requirement of the application, for the protection and safety of railway passengers and works trains. Equally, bridge parapets should be high enough to prevent extraneous materials being dropped, thrown or lobbed over them, to the danger of those passing below.

*[The details of barriers etc will be dealt with through the full planning application for the link road.]*

Within the cutting itself, maintenance and vegetation control is beyond our present financial capability. We strongly recommend that the landscaping of the cutting sides does not include trees or shrubs, but focuses on slow growing, ground cover plants that require minimal annual maintenance.

A proposed construction programme for the intended works relating to the diversion of the railway and

construction of the over-bridge would be welcome. It would be advantageous to the Society were such works to be concentrated in the period from 01 November through to 28 February – since the line is not required for passenger operations during this period, albeit Permanent Way works – the movement of materials - would have to be effected by road transport. This would involve hire costs for which we would expect to be reimbursed.

*[Compensation arrangements are not a matter which can be dealt with by a condition attached to a planning permission but would need to be a matter for negotiation between the Society and the developer.]*

CPRE

Object on the basis that the application is premature and that the land is in the Green Belt and therefore the proposal amounts to inappropriate development for which no very special circumstances have been demonstrated.

*[The planning context of the site is dealt with above and the Green Belt issues in section 6 below.]*

The development would result in significant unsustainable traffic impacts on the town. The proposed bus service is likely to be compromised by the level of traffic in the town.

*[Traffic and transport are dealt with in section 8 below.]*

It is already an unsustainable feature of Leighton Buzzard and its economy that such a high proportion of its residents have to commute elsewhere to work. The scale of the applicant's proposals relative to their employment creation potential can only make the existing situation even more unsustainable than it already is.

*[It is anticipated that the site as a whole would deliver the 2,400 jobs as required by policy 62 of the Development Strategy.]*

The narrow gauge railway is the town's most important visitor attraction and the proposals would largely urbanise the whole length of the countryside section, bar the last 300 yards and thus have a highly damaging impact on the attraction of the railway.

*[The impact of the development on the railway is considered in section 8 below.]*

Failure to comply with the sustainability appraisal report (November 2010) prepared in conjunction with the Core

Strategy.

The principles of the Localism Bill alone, quite apart from the other issues raised, require that the concept and scale of any development to the east of the town be completely re-evaluated.

*[These issues are dealt with elsewhere in the report.]*

Primary Care Trust

The negotiations of the Section 106 monies are in the safe hands of Central Bedfordshire Council, to negotiate on behalf of NHS Bedfordshire.

*[Whilst the PCT requested that the Council negotiate on their behalf they have been unable to identify any projects to which a financial contribution would be directed. It is therefore difficult to justify the need for a contribution.]*

Green Infrastructure

The access links in the application seem very incoherent. The Leighton Linlade GI plan (part of the 'Big Plan') identifies community aspirations to link Vandyke Road to Shenley Hill Road. The application does not do this, nor does it link to the proposed leisure route included in the Clipstone Park application where it meets the development boundary on Vandyke Road. This lack of connectivity should be addressed. In addition, the LLGI plan identifies an aspiration to create a N/S route along the western edge of the development; this should be included as part of the development proposal. Further, it is unclear what purpose the 'spiral' routes around Shenley Hill serve. Generally, the application needs a more thought through, connected approach to routes for walking and cycling, both as a means of travel and recreation. The access network should meet identified community aspirations, and integrate with the Clipstone Park proposals.

*[This application continues the leisure route along the eastern edge of the development with a similar approach to that taken in the Clipstone Park proposals. There is an area of land outside of any of the applications which disrupts the link, this will be discussed in more detail in section 8 below.]*

In addition to the lack of coherence around access links, there does not seem to be an integrated approach to GI provision. There is an opportunity to create a more effective, multifunctional green corridor between Shenley Hill and the proposed balancing lake, creating access and biodiversity links. At the north east end of the site, the small block outside the red line truncates a potential

GI corridor, leaving a series of blocks that will be less effective unless a whole corridor can be secured. The proposed adventure play area is poorly integrated with access links and other green spaces. The area to the north east of the site that is identified as 'Country Park' should not be described as such; a country park would be expected to be far larger scale. This area should be better linked to the larger Shenley Hill area for access and biodiversity.

#### S106

Currently there is nothing in the draft section 106 on strategic GI. This contribution is to reflect the pressure that developments will place on the wider (offsite) GI network. Development does not provide sufficient GI at all scales to mitigate the impacts of a site of this size. The development should therefore be expected to make the full contribution to GI in addition to what will be delivered on site, to mitigate for the impacts on offsite green infrastructure, which includes the direct impact on biodiversity, landscape, access routes and public open spaces outside the development site. The planning obligation is a standard charge, and there is no reason why it should not be levied on this development. From the calculator on the website (outline, using number of homes only), the likely contribution is £671,650.

*[Financial contributions towards off-site GI provision will be sought subject to the viability of the scheme, however the provision of commuted sums for the maintenance and management of the on-site green spaces is vital and should be secured.]*

Internal Drainage Board

As surface water run-off from the site is to be discharged to a "main river" the Environment Agency must be consulted for any comments they have.

*[The Environment Agency was consulted and their comments are above.]*

Police Architectural  
Liaison Officer

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

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

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

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

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

Anglian Water

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

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

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

*[Anglian Water should have referred to both the STW at Stanbridgeford which would deal with foul drainage from the eastern part of the site and the STW at Linslade which would deal with the foul drainage pumped to it from the western part of the site. The applicant has confirmed that this is the agreed approach with Anglian Water.]*

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

Request conditions to deal with foul and surface water strategies.

Highways Development Control

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 quite closely with the applicants’ agents on the neighbouring 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 (Chamberlains Barn). 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 neighbouring development (Clipstone Park) will need to be complete.

The measures to promote Chamberlains Barn as a sustainable development in transport terms do not meet the requirements of this authority. There are deficiencies both in the type of measures proposed but also significant gaps in the information provided, including public transport proposals and ensuring that walking and cycling links are of the standard required to improve travel choice to key destinations.

In order for this development 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 travel plans sustainable.

The development itself needs to be designed with sustainable transport at its core in order to ensure these are the modes of choice, making high quality infrastructure provision a prerequisite of the development. Not only does the development itself need to have high quality walking, cycling and public transport provision the links to the surrounding network need to promote non car modes. The development needs to maximise permeability to key locations and in particular the town centre, the railway station and employment sites.

Currently there are problems with the infrastructure proposed from the perspective of sustainable transport with links between the development and the town and the nature of the orbital link road being good examples. Further discussion is therefore required to determine any amendments that need to be made.

*[The detailed layout of roads, footways, cycleways and public transport infrastructure will be dealt with at reserved matters stage.]*

Currently the travel plan proposed is deficient in a number of areas including the time period proposed, monitoring, agreed funding and aspirations for a school travel plan.

It is expected that any 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.

*[A condition requested by the Highways Agency and other obligations in the Section 106 agreement would require the above issues to be addressed in the travel plan.]*

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 neighbouring development at Clipstone Park.

*[The phasing of this development and its relationship with the neighbouring development known as Clipstone Park will be controlled through legal agreements and if the above approach is deemed necessary it can be secured.]*

There also needs to be clear commitment to the support of sustainable travel and in particular the new bus service.

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

## Leisure & Open Space

In general the application mirrors the Leisure Services comments made in the ELL Masterplanning process, however, my main concern is the lack of formal play areas provided in this section of the development.

The Parameters Plan shows 2 LEAP (Local equipped area for play 5-8yr olds) play areas and an Adventure Play Facility, but no NEAP (Neighbourhood equipped area for play 8-14+yrs).

There is no indication of the age range or size of the Adventure play area (AP) so this may be able to be classed as a NEAP, or possibly larger. However, for 950 dwellings 1 NEAP and 2LEAPs is insufficient provision.

Policy suggests a NEAP should be provided every 200-250 dwellings, so taking walking distances into consideration, the site should provide approx 2-3 NEAPs.

This may be reduced depending on the AP size and walking distances.

Policy suggests a LEAP should be provided every 50-100 dwellings, so the calculation would suggest 9 LEAPs. This is too high a level but equally 2 LEAPs is insufficient. I would suggest at least one more LEAP in the north area of the site.

I appreciate the text indicates that smaller play areas have not been shown at this level, this would be for the small, local LAP play area (3-6yrs).

*[The planning application is not specific as to how many play areas it would provide and the plans are purely illustrative. This will be dealt with by reserved matters applications.]*

## Climate Change

The applicants state that the houses will be built to the relevant Code for Sustainable Homes standards: Level 3 before 2013, Level 4 2013-16 and revised zero carbon standard after 2016.

The applicants do not make any commitments in regards to sustainability performance of non-residential buildings. BREEAM methodology is a nationally recognised standard used to assess sustainability performance of buildings other than residential dwellings. The policy CS12 in the Core Strategy South states that non-residential buildings should achieve as a minimum the BREEAM rating Excellent.

I welcome the applicants commitment that a minimum of 10% energy will be achieved from renewable and low carbon energy sources such as off-site wind turbine and biomass district heating.

I understand that measures to achieve the prescribed sustainability rating will be considered in more detail at the stage of full plans approval/reserved matters. However, I would like to point out here that energy efficiency measures are a cheaper way to reduce carbon emissions than renewable energy and should be considered first. Applying passive house principles could considerably help to reduce need for heating and cooling in the house and increase air tightness of the building. It is noted that the applicants have already considered opportunities for orientation of the buildings within 30 degrees from south radius. If possible, the westerly orientation should be avoided as it increases solar gain and need for cooling in the summer. Where unavoidable due to topography or other restrains, mitigating measures

should be implemented, e.g. shading through planting of deciduous trees or installation of external sun shades. It is worth stressing that passive design is applicable both to residential and non-residential buildings.

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

#### S106

I have some concerns about the proposal by the developer in the Section 106 agreement with regard to Allowable Solutions, District Heating and Code for Sustainable Homes. It appears that the Section 106 agreement is giving the Council responsibility for delivery of allowable solutions and district heating. This is has not been agreed and currently the Council would be unable to implement this.

*[The draft s106 heads of terms included by the applicant in the application documents is only a starting point for discussions on the final s106.]*

### **Determining Issues**

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

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

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

1. Compliance with the Adopted Development Plan for the Area.
2. Compliance with the National Planning Policy Framework.
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy.
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire.

5. Compliance with the East of Leighton Linlade Framework Plan.
6. The Green Belt and assessment of the potential “very special circumstances” that may arise.
7. Environmental Impact Assessment: Issues arising (including comments and objections from consultees) and their mitigation.
8. Issues
  - a. Affordable Housing
  - b. Transport Impact
  - c. The Retail proposals and their impact
  - d. Green Infrastructure and Open Space
  - e. Off-site Impacts: SSSI's and recreational sites accessible to the public
  - f. Car Parking Standard
  - g. Design and Implementation
  - h. Impact on Leighton Buzzard Narrow Gauge Railway (LBNGR)
  - i. Minerals
  - j. Residential Amenity
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:*

- i. The proposal covers a wide area of rural fringe, agricultural land and land subject to mineral extraction. The Greensand Ridge, Shenley Hill, historic hedgerows and protected trees at Nelson Road are identified as important landscape features as well as having an ecological benefit. These areas are therefore retained, reinforced and incorporated into the proposed country park and other landscaped areas. In addition there are trees, small areas of woodland and other natural features that can be kept and enhanced to add to the attractiveness of the setting of any new development. In terms of the built environment the proposals need to respond to and respect the existing housing development on Chamberlains Gardens, Heath Road, Cotefield Drive and Heath Meadows.*
- ii. With the exception of the landscape feature of Shenley Hill, 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.*
- iii. 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.*
- iv. 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 the south and west, other views are somewhat restricted by Shenley Hill, 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.*

- v. 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.*
- vi. Similarly, providing a layout and design to limit opportunities for crime to be committed is a matter that will be considered at later design stages.*
- vii. The policy asks that there is no unacceptable adverse effect upon residential amenity and privacy. This is particularly important given that the development shares a boundary with the majority of the rural edge to the east of Leighton Linlade, with many existing dwellings along that boundary, specifically on Chamberlains Gardens and Heath Road to the west, Cotefield Drive to the north and Heath Meadows to the south. It would be reasonable to expect that specific attention is paid to that relationship using planning conditions. Within the development itself, this would be a matter for later design stages with guidance from the Local Planning Authority in the form of the document: "Design in Central Bedfordshire: A Guide for Development" (Core Document and Design Supplements).*
- viii. The development includes new uses in the form of a school and shop which may generate noise or other pollution emissions. These are generally identified within the planning application and considered as part of the Environmental Statement. There will be a need to ensure that any required mitigation is identified specifically and dealt with at the relevant detailed design stage and also include all necessary planning conditions. The issue of noise arising from ongoing quarrying operations also needs to be considered and appropriate measures taken to minimise this.*
- ix. 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.*
- x. Lighting arrangements for the development are likely to be an important consideration at later design stages. The most significant lighting proposals will be associated with the link road, local centre and school within the new development. Care will be required to ensure that lighting does not harm highway safety and general public amenity. Appropriate conditions will be required.*
- xi. Approximately 46% (43 hectares) of the total site area will be open space (informal open space; landscaped areas; woodland; orchard; allotments; pasture; adventure playground; country park etc) and subject to some form of landscaping; not including private gardens and landscaped areas within commercial areas.*

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

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

*[However, the policy is written as a set of amendments to an earlier Parking Standards document published in 1994 which is itself now significantly out of date and is essentially superseded by the more recent National Planning Policy Framework statements. Therefore Policy T10 is no longer in day to day use by the Council. A parking policy for Central Bedfordshire was approved by the Council in October 2012 which has recently been superseded 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 E1 requires employment development to be accommodated without unacceptable harm to the amenity of the surrounding area.

*[The current planning application does not deliver any land for employment use but would provide a level of employment through the school and local centre. When considered alongside the Clipstone Park proposals the objectives of this policy would be met.]*

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

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

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

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

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

*[The application has identified that there are no existing rights of way across the site, however the development provides the opportunity to provide some, in addition new facilities including the country park, facilitate to improve such facilities. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision.]*

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

*[The planning application site due to its main use as a quarry has no public rights of way within it. There will however be a significant additional provision of footpaths and cycleways to link into the existing urban network.]*

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

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

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

that:-

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

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

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

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

2.3 **Do the proposals deliver sustainable development by its prospects for building a strong, competitive economy?** For the reasons set out in section 1, the basis upon which to make a judgement about whether these proposals deliver sustainable development is not fully contained in the adopted Development Plan. However, since the adopted Development Plan became operational, a considerable amount of work has been undertaken to provide context for planning for the economic growth of the general area. The planning application itself would not deliver any employment land or significant numbers of jobs but would facilitate access to land designated in the Framework Plan for employment uses. In addition it would provide a population to 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. This planning application would not provide any employment but would rely on the 11ha of new employment land on Clipstone Park, therefore providing the s106 can secure the employment provision at an appropriate time the application therefore can be considered to comply with emerging Development Plan policy and the NPPF in this respect. There is however a further 4ha of employment land identified in the Framework Plan which can be delivered.

2.5 **How will the vitality of Leighton Buzzard town centre be ensured?** The planning application proposes a local centre with retail and provides a lower school. Its likely impact on Leighton Buzzard town centre is therefore very limited.

2.6 *[The apparent lack of facilities within this application site would suggest that residents would need to travel into Leighton Buzzard to access retail and other facilities. However the neighbouring Clipstone Park application would provide a neighbourhood centre which would include a foodstore, other retail, GP surgery, pub/restaurant etc. These facilities would be accessible to residents on this application site thus minimising unnecessary car journeys but are not considered to be of such magnitude as to discourage trips into the town centre for other retail needs.]*

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. This confirms the positive impact that the new eastern link road will have on traffic patterns in the area, specifically with regard to alleviating congestion in Leighton Linslade town centre. The application also includes proposals for a range of sustainable transport measures covering the full ambit of transport matters including roads, junctions, bus services, improvements to the railway station forecourt, cycling, walking and the relationship of land uses to the transportation network. Specifically a pedestrian and cycle link between the application site and Heath Meadows to the south would be secured.

*[The current s106 offer set out in section 8 includes financial contributions and works in kind to deliver the sustainable transport measures.]*

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 20 years to complete will, by definition, ensure that a wide variety of housing will be provided. The evidence underlying the proposed Development Strategy suggests that there is a particular need for housing that is suitable for the elderly as well as a mixture of family homes, self-build homes and homes for small households. It is appropriate to ensure that variety in general market housing is provided for and should permission be granted, it is appropriate that the detailed applications that come forward 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 4 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, by character area. The general approach to such applications will be to require the production of Design Codes for each phase or part of the proposals and Design Briefs for individual buildings or areas where appropriate. This is a reasonable approach as it allows the Council to consider and approve designs which conform to the latest standards of good design as it may evolve over

the 20 year period of the development.

**2.11 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 most of these activities will feature, either on the site or on neighbouring land which forms part of the overall urban extension.

**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 development’s 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 application comprises land within Flood Zone 1 which is suitable for all land uses. The Design and Access statement explains that the overarching strategy for drainage is to make use of existing drainage features and take advantage of the fact the site will be quarried. A sustainable urban drainage scheme would be implemented, details of which will be discussed in section 7.]*

**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. This explores the need to enhance a relatively poor quality site in biodiversity terms but also emphasises the need to protect existing natural assets such as the brooks, the hedgerows, and the significant trees. Proposals and suggested conditions to do so are included.

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

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The L&SCB JCS was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. The Joint Core Strategy, the Joint Committee itself and the East of England Regional Plan have fallen by the wayside, but the evidence that supported those policy documents remains supportive of a growth agenda for Leighton Linlade.
- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base for development management purposes on the 23<sup>rd</sup> August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. Thus the substantial work to provide a policy basis for growth and regeneration forms part of the context for this planning application.
- 3.3 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 further public consultation it is due to be submitted for Examination in October 2014.
- 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:

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

3. there is a reasonable case for reducing the requirement.

This issue is dealt with further in section 8.

- 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 8 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 8 below.
- 4.13 Policy 23 seeks to protect, enhance and promote rights of way. In this case, the application site contains no rights of way but has the opportunity to create new rights of way.
- 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 7.
- 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 or before the commencement of new development.
- 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 an umbrella travel plan which sets out an overarching summary of the aims, measures, approach to management and implementation and targets for the development proposal.
- [Amendments to the travel plan will be required in addition the Highways Agency has requested a review of the travel plan be carried out prior to the commencement of development. Whilst the travel plan is not currently satisfactory the amendments required can be secured.]*
- 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 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 950 dwellings. The planning application therefore represents some 3.3% 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 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 the relevant Council officers have 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 statement must make it clear why this is so. 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 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 provision for parking and servicing. 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 applications submissions on this matter have been the subject of considerable discussion with the relevant Council officers and these matters will be covered by means of planning conditions as set out in section 10 below.
- 4.25 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 trial trenching of agreed areas has been undertaken to explore the importance of the site. 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 have a thermal performance better than required by Building Regulations, all homes would be constructed to Code Level 4 prior to 2016 and to the revised zero carbon standard thereafter and that the site would have 10% renewable energy provision from the outset as a result of using the wind turbine at Double Arches to supply some energy needs.

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 Environmental Statement sets out that the site is within Flood Zone 1, lowest risk, and is considered by the Environment Agency as suitable for all development. The proposals also include Sustainable Urban Drainage Systems (SUDS) including a central detention basin. These measures will reduce flows from the site to a level which is equivalent to or below greenfield run-off.

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

4.29 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. This issue is dealt with further in section 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. A large part of the application site has been or is going to be quarried, these areas are therefore devoid of trees. Shenley Hill will have increased tree cover, welcomed by the Landscape Officer. There is an area of woodland to the rear of Chamberlains Gardens which would be retained and incorporated into the development. The treatment of the woodland area is a cause for concern for some residents of Chamberlains Gardens, this matter will be explored in more detail in section 8. The retention of trees and hedgerows and implementation of new landscaping would be a matter dealt with at the detailed design stage and can be secured through Design Codes and conditions where necessary.
- 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 950 homes and together with the other planning applications would make this total.)
  - **Approximately 16ha of employment land creating up to 2,400 jobs** (this application would not deliver any dedicated employment land but does propose that jobs would be created at the school and local centre. In addition access would be provided to land adjacent to the link road which could deliver additional employment land.)
  - **A neighbourhood centre and two local centres; including a community hall, health services and retail facilities commensurate with the size of the development** (this application would provide one of the two local centres which would include convenience retail facilities.)
  - **Provision for education facilities** (this application would provide a new lower school.)

- **A Country Park** (this application would provide the Shenley Hill Country Park which would extend to approximately 19ha.)
- **Parks and children's play facilities** (this application would provide 2 LEAPs (local equipped areas of play) and an adventure play area extending to 0.46ha.)
- **Formal and informal open spaces and sports provision** (this application would provide a strategically planned network of multifunctional greenspace including informal open space of circa 40ha consisting of the country park, woodland, orchard, pasture, and informal open space. Allotments would also be provided to address the current deficit and to serve the new population).

The Policy also sets out that the development will provide:

- An Eastern Link Road through the development, delivered on a phased basis concurrently with development (this application would deliver the road between Vandyke Road in the south and Heath Road in the north west. The application proposes the link road would be complete between Vandyke Road and Heath Road prior to the occupation of 400 dwellings on the Chamberlains Barn site.)  
*[This trigger may need to be revised.]*
- Land for assisted living for the elderly (this application does not include this aspect of the proposal as it is provided within the Clipstone Park application CB/11/02827/OUT.)
- Layout and design to respond positively to the Narrow Gauge Railway (this application takes into account the railway, a more detailed interaction is required in the application for the link road, CB/11/01940/FULL).
- Travel Plans which set out the long term strategy for managing multimodal access (this application is accompanied by a 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 requirement is met by planning application CB/11/04444/OUT).

The planning application has been designed to align closely to the details of this policy and much of the discussion during the course of its consideration has been seeking to respond to as many of the policy requirements as feasible. More detail is provided in section 9 below. 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 Case Officer’s opinion, the current adopted Development Plan is not up-to-date sufficiently to deal with the planning application as submitted or to comply with the NPPF.

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

- 5.1 In order to guide the development East of Leighton Linlade which includes 238ha of land and to ensure consistency with the approach taken to the North Houghton Regis allocation a Framework Plan was produced in conjunction with both applicants and Central Bedfordshire Council.
- 5.2 The Framework Plan drew from the evidence base produced for the previously withdrawn Luton and Southern Bedfordshire Joint Core Strategy, from the work then underway for the Development Strategy for Central Bedfordshire and from the incomplete East of Leighton Linlade Masterplan. As its name suggests it is a broad look at what should be provided within the new urban extension to assist potential developers in putting together a planning application that the Council would like to consider positively. The Framework Plan was endorsed by the Council for the purposes of Development Management in May 2013.
- 5.3 The vision for the development set out in the Framework Plan is expressed simply as to ensure that any development connects with its surroundings, helps form new communities, contributes to a sustainable future, 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 The Framework Plan sets out that the development north of Vandyke Road would focus residential development in the south-western sector of the land with a landscaped buffer between the existing and new housing. The buffer would also include woodland, allotments and adventure play area. The link road would travel east to west through the site with the lower school and employment area to the south of the road and a local centre and housing to its north. A further residential area would be located in the eastern section of the land with more woodland and allotments beyond. The remainder of the site would be a country park focussed on Shenley Hill.

- 5.5 This application would deliver the majority of the uses set out in the Framework Plan, with the exception of the employment land. This application would provide road access and services to the boundary of the employment land, it is however not included in this application. There is nothing to prevent the landowner making a planning application to deliver the employment land. It is therefore considered that the planning application conforms with the endorsed Framework Plan as it provides the majority of uses identified and does not conflict with the purposes of the Framework Plan.

## 6. The Green Belt

- 6.1 The application site is located within the Green Belt and does not fall into one of the types of development which are set out in the NPPF or in policy 36 of the emerging Development Strategy as appropriate within the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt. The proposed policy 62 of the emerging Development Strategy proposes that the Green Belt in the area to the east and north east of Leighton Linlade, extending from Heath Road in the north to Stanbridge Road in the south, bounded by Shenley Hill Road, part of Clipstone Lane and otherwise demarcated by field boundaries is removed to make way for the proposed urban expansion. There is a substantial body of evidence developed through that process which has concluded that it is appropriate to remove the Green Belt designation to allow for the urban expansion within which the application is set. However, this policy is not yet in place. Very special circumstances therefore need to be demonstrated to clearly outweigh the harm to the Green Belt, both by reason of inappropriateness and other harms identified below.
- 6.2 The first consideration is; what will be the harm to the Green Belt caused by the proposal? Green Belts are defined as serving the following purposes:
1. to check the unrestricted sprawl of large built-up areas;
  2. to prevent neighbouring towns merging into one another;
  3. to assist in safeguarding the countryside from encroachment;
  4. to preserve the setting and special character of historic towns; and
  5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.3 The proposal is of substantial size involving a total development of 240 hectares, but it is not unrestricted in the sense that along approximately 50% of the allocation there is a substantial physical boundary within which it will be clearly contained: i.e. the existing Shenley Hill Road and Clipstone Lane. The remainder is demarcated by field boundaries however this application shows the link road located near the eastern edge of the allocation with a wide planting belt. The site will therefore be clearly contained. Whilst the Green Belt **is harmed** by the proposal in this sense, it is recognised that there will be a strong boundary against further sprawl to the east of Leighton 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. In addition it should be taken into account that some of the land has been or is being quarried albeit required to be restored to agricultural purposes. However, the proposal by reason of its scale will encroach upon the countryside and **will be harmful** as a result.
- 6.6 Consideration needs to be given to preserving the setting and special character of the historic town. Leighton Buzzard and Linslade are historic towns which have a special character. Views from the application site to the east are generally limited to close ones of the existing urban edge of Leighton Buzzard and distance views towards the more elevated parts of Linslade and the higher ground beyond. A combination of topography, built form and the filtering effect of vegetation restrict middle distance views in this direction. It is considered that some views towards the town would be disrupted and current views of historic buildings, specifically All Saints Church, would be prevented. The development of an urban extension on the edge of Leighton Linslade would have some impact on the character of the towns, however the historic areas are located some distance from the proposed extensions and it is considered it **would result in some harm** to the setting and special character of the historic towns.
- 6.7 Leighton Linslade does contain areas where urban regeneration is encouraged and where economic renewal is of particular importance. These areas were identified in the former Luton and South Bedfordshire Core Strategy and regeneration of those areas remain important objectives in current and emerging policy documents. This includes the areas also covered by Development Briefs for Land South of the High Street and Bridge Meadows.

Chamberlains Barn quarry is an area of despoiled land; it comprises ongoing minerals operations with associated infrastructure, and so is an appropriate area to consider for regeneration, over and above the consented agricultural restoration, once quarrying activities finish in each phase.

Given the scale of the proposals and that there are already separate Development Briefs for existing sites within the urban area, the scheme would not prejudice the reuse of land in the urban area and could in fact through a financial contribution in the Section 106 contribute to the delivery of the Briefs. Moreover the reuse of despoiled land at an active quarry follows the same principles that the NPPF seeks in identifying the reuse of derelict land and brownfield land. It is therefore considered that the proposals would not harm the urban regeneration of areas in Leighton Linslade and could instead be considered to contribute to this aim.

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 Linslade 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, then 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.

1. Does the application have a unique feature that outweighs the harm to the Green Belt?
2. Is there a substantial economic need, especially at a national or regional level?
3. Is there a substantial housing need that cannot solely be met within the urban area?
4. 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 8<sup>th</sup> 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 has granted 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 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 Chamberlains Barn and Stearn Land schemes 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 new Country Park which would be created at Shenley Hill, along with 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 as well as a new Country Park to take the pressure off Stockgrove Country Park. The Leighton Linlade Big Plan 2 seeks "*many more adult and youth pitches*" (page 5); as well as further green infrastructure and open space. Taken as part of the scheme proposals this Country Park would create a strong and positive area of recreation and publicly accessible countryside in an area of town that lacks such facilities.

#### 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 Chamberlains Barn and 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.
- 6.27 In addition to new homes, the delivery of the first part of the Eastern Link Road would also assist in employment growth by improving traffic patterns (and so journey to work times), making the employment sites more desirable for business and workers, as well as the delivery of new public transport routes.

#### 6.28 **Further Considerations**

In addition to the above VSCs, there are further considerations that apply in the particular case of Chamberlains Barn and Stearn Land which warrant mention here.

- 6.29 In the case of the Chamberlains Barn application, this provides the essential linkage for the Eastern Distributor Road from Heath Road to Vandyke Road. Whilst this section of the Link Road will not only improve congestion within the town centre as a whole (as evidenced by the traffic modelling which accompanies the application), it also serves a separate important function, by introducing a new safe crossing of the Narrow Gauge Railway. The amendments shown in the October DAS Addendum include a new tunnel for the Narrow Gauge Railway, which separates the vehicular and pedestrian traffic from the Railway. This has the further benefit of adding an interesting feature to the Narrow Gauge Railway in the form of the tunnel, further enhancing attractiveness of the railway.
- 6.30 The reuse of the quarry site at Chamberlains Barn has been considered above in assessing the proposals against the Green Belt purposes contained in the NPPF. Whilst the use of this despoiled land does not constitute a VSC in its

own right, taken in combination with the aforementioned factors it enhances the VSCs set out above, most importantly when considering housing growth and suitable locations.

- 6.31 The evidence base for the emerging and withdrawn Development Plan all identify the area as the most suitable location for an urban extension, and earlier Green Belt studies undertaken by Roger Evans Associates also identified this location as the best location for removal from the Green Belt. The fact that the required level of housing growth cannot be met on brownfield land means greenfield sites must be identified. A part restored/part active quarry which has already had an impact upon the Green Belt is a wholly appropriate location in that context (subject to all other matters being considered suitable) and therefore helps to meet the housing growth aim without significant harm to the Green Belt. The despoiled nature of the land thus contributes to the housing growth VSC.
- 6.32 A final consideration is the fact that these proposals are capable of early delivery, thus contributing to the immediate need for housing in the area. The northern section of the Eastern Link Road (from Heath Road to Vandyke Road) is specifically the subject of a full application so that construction work can commence at an early stage and not hold up the delivery of housing. The full details of the road have been agreed with CBC Highways and Planning officers. This means that Chamberlains Barn can begin to deliver houses in the early stages of the 5 year period and need not wait for further applications relating to the principle infrastructure. It further sets out a commitment to the Road and its delivery, as per the Big Plan II aspirations."

## **Conclusions**

- 6.33 In response to the applicant's case set out above, the officer's conclusions follow. The evidence underlying the proposed Central Bedfordshire Development Strategy (and the planning history beforehand) underlines the clear need for a substantial growth in housing in this area and is referred to elsewhere in this report. That need is identified as 28,700 homes over a plan period up to 2031. It is a need of a scale that has resulted in proposals for three major urban extensions totalling some 13,500 dwellings in addition to that sought from other sources. This development proposal forms a substantial part (950 dwellings) of that proposed provision.
- 6.34 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.
- 6.35 The development proposal includes a variety of other community, social and cultural benefits in the form of community buildings, substantial public open spaces, leisure facilities and support for community initiatives. However, these are required by virtue of the scale of the development proposed and whilst they will have benefits to the local community as well, these are not sufficiently substantial to consider their provision as a very special circumstance. These benefits however support the identified economic and housing needs set out

above.

- 6.36 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.
- 6.37 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.”* Following this letter the Section 106 was completed and planning permission issued for the development.
- 6.38 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.
- 6.39 In conclusion, the proposed development constitutes inappropriate development in the Green Belt which results in harm; there is also harm due to loss of openness, encroachment, impact on the setting and character of the historic town and visual harm. The historic strategic planning policy context, the delivery of the eastern link road, the significant economic growth potential for the area and the well evidenced and substantial housing need all however weigh in favour of the development. Taking into account the above and the Secretary of State’s treatment of the North of Houghton Regis application, it is considered on balance that the “very special circumstances” demonstrated by the applicants are sufficient to clearly outweigh the harm caused.

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

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

submitted with the planning application. There is a non-technical summary document which includes a description of the site, an analysis of the alternatives as required by the regulations and the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

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

*Note: remarks from the Case Officer are in italics*

## **7.2 Landscape and Visual**

- 7.3 The ES concludes that in summary, with respect to landscape character, the proposed development is predicted to result in a change of character within the Woburn Greensand Ridge (Greensand extraction) to urban area. The change represents a very small loss of the total extent of the countryside character area and would not be significant. The significant features of Shenley Hill and Broomhills are retained and enhanced, providing improved access to natural green space, which would be a beneficial change.
- 7.4 In respect to visual impacts, the proposed development would have some slight adverse visual effect on views to Shenley Hill from the south-east mitigated by proposed planting on top of and at the base of the hill. The visual perception of a marginal expansion of built up area would be small and not significant. In the short term views from Vandyke Road to Shenley Hill would be adversely affected to a moderate extent from a limited number of viewpoints. With the beneficial effects of planting, an increase in accessible greenspace and completion of a new neighbourhood, the overall result would not be significant.
- 7.5 In respect of night-time impacts views taken from Eastern Way, Church End, Hockliffe and Billington indicate that there would be a marginal increase in the total light area, however this is not judged as significant.
- 7.6 The proposals would directly effect the Narrow Gauge Railway by introducing a grade separated crossing at a central point along Vandyke Road. The crossing would involve a horizontal and vertical diversion and the introduction of a tunnel. The tunnel form of crossing was requested by the Leighton Buzzard Narrow Gauge Railway Society as part of discussions. The diversion would result in a slight adverse impact due to its deviation from the historic route of the line.

- 7.7 The proposals would have a moderate adverse impact on the setting and views from the railway as it travels along Vandyke Road. Broadly the character and view would change from open countryside to built development for a stretch of about 850m. The effect would be mitigated by retention and enhancement of the hedgerow either side of the railway and the creation of a green corridor that varies from 80 to 40 metres in width. The visual sensitivity of the receptor is judged to be moderate due to the fact that the railway is a tourist attraction however it only operates a limited timetable between March and October. The significance of the effect is judged to be moderately adverse for this stretch of line but slight and not significant for the line as a whole.
- 7.8 The impact of the development on the quarry workings as a sign of historical industrial activity would not be significant. The change in levels of the site would remain a clear reminder of the extraction of the sand that would not be obscured by the introduction of residential development within the site. The retention of naturalised workings in the area around Broomhills Farm as a public open space would provide a clear and tangible link to the quarrying.
- 7.9 *[The Landscape Officer has some concerns regarding the detail of the application; however these can be addressed through detailed design at reserved matters stage.]*

#### **7.10 Biodiversity and Nature Conservation**

- 7.11 There are no statutory designated sites of nature conservation value within the application site. The nearest site is the Clipstone Brook County Wildlife Site (CWS) located to the south east of the site with the closest (biological) statutory designation being the King's and Baker's Woods and Heaths Site of Special Scientific Interest (SSSI), located 1.3km to the north-west.
- 7.12 The application site contains a mosaic of habitats including arable grassland, woodland, scrub, hedgerows, trees, standing water and operational quarry.
- 7.13 The site supports bat species in terms of foraging and commuting, as well as badger setts and a range of bird species. The habitats are likely to support a range of mammals and small populations of common lizard and grass snake have been recorded within the site. There is some evidence of Great Crested Newts within the ponds on the site.
- 7.14 A range of potential effects have been identified on habitats and fauna within the site. Impacts on ecological designations are considered unlikely.
- 7.15 Mitigation and enhancement measures are therefore required and are proposed within the application. Measures include substantial woodland, scrub, grassland, wetland and hedgerow habitat creation; these would provide new areas of valuable habitat.
- 7.16 Following mitigation it is considered that the development would result in significant enhancements to the existing ecological interest of the site with substantial benefits. These effects are assessed as overall major beneficial

significance at the local level.

- 7.17 *[The Council's ecologist is satisfied with the survey work which has been undertaken and has no objection to the proposal subject to conditions and s106 obligations.]*

## **7.18 Transportation and Highways**

- 7.19 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.

- 7.20 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.

- 7.21 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.

- 7.22 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, but that these would be negligible.

- 7.23 *[The Sustainable Transport Officer, Highways Development Control Officer and Highways Agency all advise that the travel plan requires further work and review prior to the commencement of the development. The necessary additional work and changes can be secured by condition and the implementation of the travel plan will be required within the Section 106 agreement.]*

## **7.24 Air Quality**

- 7.25 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.

- 7.26 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.

- 7.27 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.

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

7.29 *[CBC officers recommend that conditions be added to any planning permission to deal with dust minimisation.]*

### **7.30 Noise and Vibration**

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

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

7.33 A strip of land approximately 100m wide adjacent to Vandyke Road would have a noise level resulting from the road which means noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. Where necessary the buildings would be fitted within thermal double glazing and have external areas appropriately screened.

7.34 The provision of an acoustic fence between any future active part of the quarry and the proposed residential areas would keep noise levels in outside amenity areas at appropriate levels.

7.35 Overall it is considered that there are no noise constraints that cannot be mitigated through appropriate site layout and building design in areas of the development where noise levels need to be addressed.

7.36 *[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.]*

### **7.37 Flood Risk and Surface Water Drainage**

7.38 The application site is within flood risk zone 1, the lowest risk of flooding, where all type of development are acceptable.

7.39 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.

- 7.40 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.
- 7.41 Subject to the provision of the proposed mitigation and enhancement measures there are no adverse impacts which would prevent development.
- 7.42 *[Both the Environment Agency and Internal Drainage Board are satisfied that subject to conditions the proposal would not increase the risk of flooding.]*
- 7.43 Conclusions drawn from the studies indicate that small areas within the site and study area may be at moderate risk from both on and off site potential contamination. 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.
- 7.44 Subject to appropriate investigation and mitigation measures to deal with the potential contamination the development would not have any adverse impacts.
- 7.45 **Sewerage and Utilities**
- 7.46 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.
- 7.47 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.
- 7.48 **Minerals, Ground Conditions and Contamination**
- 7.49 The ES provides an assessment of the effects of the proposed development in relation to minerals, local geology and ground conditions, including soil and groundwater contamination and the implications of geology and ground conditions for the planning, design, construction and operation of the proposed development along with the proposed mitigation methods.
- 7.50 Sand extraction has been undertaken from Chamberlains Barn quarry for many years under minerals permissions. The approved working plans provide for the phased working and restoration of the quarry from south to north. The ES states that no economically viable minerals would be sterilised by the proposed development. *[Detailed consideration of the issues surrounding mineral sterilisation are contained within section 8]*
- 7.51 Conclusions drawn from the studies indicate that small areas within the site

and study area may be at moderate risk from both on and off site potential contamination. 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.

7.52 Subject to appropriate investigation and mitigation measures to deal with the potential contamination the development would not have any adverse impacts.

### **7.53 Socio-economic Impacts**

7.54 The population increase arising from the development is estimated to be 2347 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 new General Practitioner and other health service provision. The development does however provide appropriate a lower school site and open space for recreation and amenity along with appropriate financial contributions to other community and educational facilities. Other needs, in particular, health care would be met through the provision of the neighbourhood centre on the Clipstone Park development.

7.55 The ES sets out that the increase in the level of population as a consequence of the development proposals would lead to an additional demand for both formal and informal open space. The development proposals would provide in excess of 40ha of formal and informal recreation space (including allotments, cemetery and woodland planting). The Shenley Hill country park is considered to ease pressure on the existing green infrastructure and therefore have a positive impact on open space provision.

7.56 *[The ES concludes that the pressures on existing recreational space would be eased however 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 recreational open space including a country park, which would be used by existing residents of Leighton Linlade, Eggington and the surrounding area.]*

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

### **7.58 Archaeology**

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

7.60 *[The Archaeologist is satisfied that subject to conditions that the proposal would not have a significantly adverse impact on archaeological remains.]*

### **7.61 Cumulative and Residual Effects**

7.62 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 285 dwellings, in a mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.
- 8.3 The Local Plans and Housing Team Leader however points out that the requirement as presented in the emerging Development Strategy makes it clear that this provision must relate to a, "viable degree of affordable housing" and subject to the National Planning Policy Framework policy. This policy states:
- "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*
- 8.4 The applicant has been clear from the outset that the challenging economic conditions and the exceptional costs that apply to this development has affected viability to the extent that the full expectations for affordable housing cannot be delivered. This issue is dealt with in more detail within section 8 of this report, below. The outcome is that the applicant proposes a contribution to affordable housing of 10% equating to 95 dwellings, in a 50:50 mix of shared ownership and affordable rent tenures, across the full range of sizes, over the approximate 20 year period of the development.
- 8.5 Whilst in other developments increasing the percentage of shared ownership dwellings increases the viability of the proposal, in this case the applicants are adamant that altering the mix of the affordable housing does not necessarily produce additional bottom line profit or generate the headroom to allow higher percentages of affordable housing provision. This is due to the house builders and the RSL's having increasing difficulty in selling the shared equity housing and, as such, they are tending to favour a 50:50 split between shared equity and affordable to rent.
- 8.6 It should be noted that there has been a change in Council policy during the life

of this application and therefore some representations refer to the need to secure 35% affordable housing. The Council's policy at the time of determining the application is to seek 30% and therefore this is the appropriate level. There will be a need to secure the arrangements for providing affordable housing by means of a Section 106 Planning Agreement should the Committee be minded to approve planning permission. In addition section 8 highlights that a review mechanism could be used to increase the level of affordable housing on the site during the life of the development.

**(b) Transport Impact**

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

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

**i) That the development would result in a worsening of the existing traffic congestion within Leighton Buzzard town centre.**

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

8.9 The Highways Development Control Officer does however raise some concern that the information submitted with the planning application does not adequately demonstrate that the proposal would not have an adverse impact

on the highway network as a result of the increased number of trips. The detailed micro-simulation model prepared by the applicants for the Clipstone Park development examined closely the impact of their development but also tested the impact of the urban extension as a whole. The Clipstone Park model is more sophisticated and detailed than the information submitted in connection with Chamberlains Barn and demonstrates that subject to appropriate phasing of the link road and housing that the development as a whole would not have any adverse impact on the highway network.

- 8.10 Compared to other developments of this size the East of Leighton Linlade development as a whole generates a lower number of new trips onto the existing network. This low rate can be achieved because there are a high proportion of trips made within the development such as from the residential development to the employment area; the schools; the doctors' surgery; the local centre and the supermarket. This benefit only exists in relation to this proposal however if these facilities are in place prior to significant numbers of dwellings being occupied otherwise there would be increased pressure on the existing highway network as people would need to travel to access services. The low level of trips relies on the provision of services on site, therefore the number of houses permitted to be occupied on Chamberlains Barn would need to be limited until the neighbourhood centre has been provided to allow access to services within the site.
- 8.11 It is generally accepted that in the planning of major urban extensions, as many opportunities for creating transport linkages between the old and the new urban areas should be allowed as possible. It is also good practice to create the conditions that allow public transport services, cycleways and pedestrian links to be made in an effort to reduce the use of the car. Therefore, the standpoint that has been taken is to allow linkages to existing roads to maximise such opportunities unless there are good reasons to believe that such linkages would cause identifiable, and only then unacceptable, harm to the amenity of local residents or public highway safety. In this case there would be a new pedestrian and cycle link created from the application site into Heath Meadows to the south.
- 8.12 However, this is an outline planning application. Notwithstanding that there will be a need to secure contributions for on and off-site transport support and improvement works for specific projects, it is for later design stages to determine the actual works and links that will be put in place. There are conditions which have been recommended to prepare, and then for the Council to approve, plans that will allow a detailed assessment of road linkages for approval at that time. A full planning application, CB/11/01940/FULL, has been made for the link road through the site and is contained elsewhere on this agenda.
- 8.13 The Council's Highways Officers are content with the traffic modelling that has been undertaken but remain a little concerned regarding the timing of the delivery of services on Clipstone Park and delivery of houses on Chamberlains Barn. There is a need for financial contributions and other works to be secured by a Section 106 Planning Agreement. The details will be finalised within that agreement but in general the measures are:

- Financial support for a Travel Plan which will have a variety of measures for improving transport linkages and promotion of transport alternatives.
- Financial support for new and enhanced bus services in the early years of the development.
- New cycleway, pedestrian and public transport infrastructure and facilities.

**ii) That the traffic light controlled junction on Hockliffe Road would restrict the flow of traffic and hamper access from Eggington to Leighton Buzzard.**

8.14 Whilst this issue is not directly related to Chamberlains Barn it has been raised in letters responding to the planning application. With regard to the traffic light controlled junction on Hockliffe Road and concerns expressed that would restrict the flow of traffic and hamper access from Eggington to Leighton Buzzard, the Highways Development Control Officer has advised that with appropriate sequencing of the traffic lights no significant delays should be experienced. The average cycle of a set of traffic lights is 90 seconds, therefore any delay would not be substantial. The traffic lights would also help pedestrians and cyclists using the highway and the junction.

**iii) That there would be more traffic on the A4012 Hockliffe Road resulting in an adverse impact on the village of Eggington as a result of “rat-running”.**

8.15 Again whilst this issue is not directly related to Chamberlains Barn it has been raised in letters responding to the planning application. Concern has been raised by Parish Councils, that there would be more traffic on the A4012 Hockliffe Road resulting in an adverse impact on the village of Eggington as a result of “rat-running”. It is not expected that there would be an increase in “rat-running” as the eastern link road and improvements to the junction of Stanbridge Road with the A505 would result in a quicker, more desirable route. The Highways Development Control Officer has advised that drivers will generally take the quickest route, therefore the journey through Eggington would be less desirable.

**iv) That the increase in traffic along the A4012 Hockliffe Road travelling into Hockliffe would be dangerous and cause greater congestion on the A5.**

8.16 Concerns have been raised, particularly by Hockliffe Parish Council that the increase in traffic along the A4012 Hockliffe Road travelling into Hockliffe would be dangerous and cause greater congestion on the A5. The Highways Agency who is responsible for the A5 has raised no objection to the proposal and therefore it must be assumed has no concerns that the problems raised will have a significant impact on the free-flow of traffic on the A5. The Council's Highways Development Control Officer acknowledges that there is an accident record on Hockliffe Road and that if a significant increase in traffic were permitted it could cause problems. However the proposal would lead to improvements to Hockliffe Road and the route would not be a preferred route to many destinations. Consideration will be given to appropriate signage to encourage traffic to use the link road to access the A505 and then the A5 (and in time the A5/M1 link) rather than travelling through Hockliffe.

**v) That the junction between Eastern Way and the A5 is dangerous and no additional traffic should be permitted to use it without improvements.**

- 8.17 A number of comments have been received stating that the junction between Eastern Way and the A5 is dangerous and no additional traffic should be permitted to use it without improvements. The Highways Agency is the body responsible for the A5, as a trunk road, and therefore are responsible for that junction. The Highways Agency has no objection to the proposals subject to a condition in relation to travel plans. As set out above the traffic model was agreed with the Highways Agency and used to assess the impact on this junction.
- 8.18 The concerns regarding the Eastern Way junction with the A5 have been raised with the Highways Agency who have responded stating that the junction would operate within capacity taking into account all of the development at land east of Leighton Linlade as well as other developments in the area. On this basis they confirm that no mitigation work would be required at the junction. The Highways Agency acknowledge that there is a perception that the junction is unsafe but that there is no study or improvement scheme identified for the location.
- 8.19 In light of this response the Council's Highways Development Control Officer has explained the detail of this situation as set out below:  
*"It is understandable that there could be a perception that there could be an unreasonable increase in traffic along Eastern Way junction and as a result its junction with A5.*

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

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

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

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

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

8.20 The Highways Development Control Officer therefore concludes that :

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

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

8.21 The application proposes a local centre within which small-scale convenience retail would be provided. The retail provision would only meet the needs of the immediate community. Larger shopping facilities would be provided within the Clipstone Park part of the development. There is no need to consider the sequential test due to the size of the retail facilities proposed.

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

8.22 The application would deliver large areas of open space and Green Infrastructure in a number of different forms. A country park, allotments, children's play areas, informal open space and general landscaping are all proposed. The development would provide a new country park and significant accessible natural green space contributing to creating the town's green wheel. Shenley Hill Country Park is designed to emphasise its role as a landmark and take advantage of its situation at the top of the ridge overlooking the town to provide views out. A mix of woodland and grassland planting is intended to maintain and extend the character of the Greensand Ridge into the site. Historic hedgerows would be highlighted and reinforced with tree planting to enhance the sense of depth and create a distinctive character.

8.23 The application would provide 5 main green spaces:

- Shenley Hill Country Park - approx 19ha
- Allotments - 1.45ha
- adventure playground - 0.46ha
- pasture - 2.75ha
- woodland & orchard - 3.5ha

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

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

8.25 The applicant does not consider that the development would impact over the long term on areas outside the site that are publicly accessible and under strain from use as sufficient green infrastructure and open space provision, including



a country park would be made on the site, covering around 45% of the site. The Council's Green Infrastructure team, endorsed by English Nature consider that there would be an increase in demand placed on existing country parks and other open space provision and therefore financial contributions to address this issue should be sought.

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

**(f) Car Parking Standard**

- 8.27 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.
- 8.28 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.
- 8.29 The full application for the link road through the development has started the process of determining the level of car parking provision in connection with the local centre, country park and allotments. The level of parking provision and its location and configuration for the remainder of the site will be a matter dealt with at reserved matters stage. It will therefore be for future Development Management officers and Committees to consider each design and layout on their own merits to judge the adequacy of the access and parking provisions.

**(g) Design and Implementation**

- 8.30 The application is in outline only and therefore the design of the development as whole and of individual dwellings is not for consideration at this time. The application proposes that design codes be produced for each character area to guide the design of the neighbourhood and the dwellings and other buildings and structures within it.
- 8.31 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.

**(h) Impact on the Leighton Buzzard Narrow Gauge Railway (LBNGR)**

- 8.32 The development proposals would impact on the route of the LBNGR along

Vandyke Road. The railway currently runs along the northern side of the road with views of open countryside albeit including the quarry immediately to the north and the highway immediately to the south. The proposals would change the views from the railway and some objectors and consultees consider that this impact is so significant that it would affect the tourist draw of the railway.

- 8.33 It must be accepted that the views from the railway would change, the determination to be made however is whether the change would be so significantly adverse to be unacceptable.
- 8.34 Along the northern side of Vandyke Road within this application site there would be a wide green buffer between the railway and development. This buffer is identified in the Design and Access Statement as the NGR/Vandyke Road Corridor, which is intended by its width and design to maintain the distinct character of the road whilst providing a suitable setting for the NGR and filter views into the new development.
- 8.35 The detailed design of the corridor would seek to establish a transition from the outer more rural character in the north-east to the more urban character in the south-west. In order to maintain the rural character to the north-east, the existing historic hedgerows are retained and reinforced and development located behind hedgerows. The character of the corridor is modulated by a more formal treatment toward the middle to tie in with the proposed square in the neighbourhood centre south of Vandyke Road. The corridor is also punctuated by a number of individual features to create focus and a sense of variety and articulation. On the north-eastern end is a wide area of pasture marked by a row of large mature trees combined with orchard and allotments along Shenley Hill Road. At the junction with the link road, a cluster of trees and a public open space with views up to Shenley Hill would create a landmark feature. The open space would allow striking views of the NGR going in and out of the proposed tunnel.
- 8.36 Terminating the corridor to the south-west would be a public open space in the Meadway Loop of the NRG. This could form a railway garden with an opportunity to create a landmark feature to reinforce the node and gateway already established by the crossing of Vandyke Road and the railway.
- 8.37 The Leighton Buzzard NGR Society raise a number of concerns regarding the proposal these are:
- loss of revenue and additional costs to the Society of road haulage during works;
  - concerns regarding the technical specification being appropriate particularly in terms of slippage on the cutting slopes;
  - drainage
  - the maintenance of the road bridge
  - prevention of unauthorised access onto the railway line
  - landscaping proposals and maintenance
- 8.38 The financial issues raised by the Society are not matters which can be resolved through the planning process. The technical design of the road, bridge, railway line route and cutting as well as drainage will all be submitted for approval by the Council as planning authority and as the highway authority.

These details will however be submitted in accordance with conditions on any full planning permission granted for the link road.

- 8.39 The bridge as it would carry a highway would following adoption become the responsibility of the Council as Highway Authority. Suitable barriers would be required to prevent accidental vehicular access to the railway line. Appropriate measures would also need to be taken to prevent unauthorised pedestrian access and to prevent items being dropped onto the line. These are details which will be required by conditions on any full planning permission granted for the link road. The Society's concerns regarding the landscaping of the land near the railway focus on leaf drop and avoiding fast growing species which would require substantial maintenance which they do not have the budget to undertake.
- 8.40 Overall it is considered that although the setting of the NGR in this area would change, the benefits of the existing and proposed landscaping, tunnel, public open space and railway garden would mitigate any adverse impact from the change in the character of the railway setting and that the concerns of the Leighton Buzzard NGR Society can be dealt with through conditions.

#### **(i) Minerals**

- 8.41 The position with the minerals at Chamberlains Barn is that the economic reserves of minerals have been won to a point which extends as far north as the northern edge of the proposed built development. All economically viable mineral reserves in the south of the quarry have been won and much of the southern part is restored.
- 8.42 There is a strip of land within Chamberlains Barn, north of Broomhills Farm, which was historically worked and subsequently backfilled with locally arising material from New Trees Quarry. That area will be bladed and engineered to form a development platform without any additional mineral being won. There is no sterilisation of economically viable mineral in this area as it was extracted years ago.
- 8.43 Further to the north of the proposed development lies northern Chamberlains Barn which is not the subject of any development proposals. The area is identified in the Framework Plan as "quarry to 2031".
- 8.44 The applicants state that they have worked closely with the quarry operator to ensure that a development platform can be delivered within the bounds of the application area which maximises the use of overburden without sterilising economically viable mineral reserves.
- 8.45 Should the mineral reserves to the north of the site be deemed economically viable there would be a resultant juxtaposition of quarry workings and residential dwellings. The applicant advises that due to the phasing of the proposed development it would be at least 5 years before the housing in the northern part of the site would be constructed. This would provide sufficient time for a full economic assessment of the remaining mineral reserves to be undertaken. Should the assessment demonstrate that the minerals are viable to extract there should be no sterilisation as a result of the proximity of new

housing. It is therefore suggested by the applicant that a condition be added to any permission granted requiring that within a specified timescale that a full economic assessment of the remaining mineral reserves be undertaken and if it is determined that the reserves are viable that a scheme of attenuation measures is submitted for approval to protect the amenity of the occupants of the new dwellings from the quarry workings.

- 8.46 In light of the above and following discussions the Minerals and Waste Team Leader has confirmed that the situation is satisfactory subject to the suggested condition.

**(j) Residential Amenity**

- 8.47 The application site adjoins existing areas of residential development at Heath Road, Cotefield Drive, Chamberlains Gardens, Nelson Road and the Heath Meadows development. Some residents of these areas have raised concerns regarding the impact the proposal would have on their privacy, security and general residential amenity.
- 8.48 Specifically residents of Chamberlains Gardens submitted a petition which states that the change of use of the land adjacent to Chamberlains Gardens from a privately owned, gated and fenced area to a public open space has severe security and privacy issues for the residents. The petition requests that a robust steel palisade fence is erected around the land and that access to the land is controlled and that it is managed by a Chamberlains Gardens Residents Association with the Greensand Trust.
- 8.49 Chamberlains Gardens is located on the western side of the application site near the south western corner of the development. It would be surrounded on its southern, eastern and northern side by existing and improved woodland beyond which would be new public open space. The woodland belt is at its narrowest 20m wide on the northern side of the residential development and at its widest 80m wide on the eastern side. It is understood that the specific concerns relate to the use of the woodland and how such a use may affect the privacy and security of residents and thus they request the woodland be fenced to provide a secure area. Whilst the concerns of residents are noted, it is not considered that the impact on privacy of residents or any security risk would be such to warrant the enclosure of the woodland with security fencing as suggested. As this is an outline application there are no details of how the woodland area is proposed to be treated as far as access is concerned. Details of the use of the area and its management, which may include fencing, will be submitted in accordance with a condition requiring an overarching landscape and open space strategy.
- 8.50 In terms of more general concerns regarding residential amenity the detailed relationship between existing dwellings and the proposed development will be dealt with through reserved matters submissions. It should however be noted that a 50m wide strip of informal open space runs along the western boundary of the site which is adjacent to properties on Cotefield Drive. Areas of development adjacent to the Heath Meadows estate and Nelson Road would not benefit from any significant landscape buffer and the relationship between the dwellings in this location will need to be examined carefully at reserved

matters stage.

- 8.51 In conclusion whilst the detail of the relationship between existing and proposed dwellings would be dealt with at reserved matters stage there is no evidence that the development would have any significant adverse impact on residential amenity, privacy or security that would justify refusal of outline planning permission.

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

### Background

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

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

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

### **Viability Appraisal**

9.6 This section of the report sets out the conclusion of the Viability Appraisal work that has been conducted. The financial information that underpins these conclusions is the subject of commercial confidentiality. For this reason, the financial information is set out in a confidential appendix included within the yellow coloured papers attached separately from this report, for the information of Members of the Committee.

9.7 The Viability Appraisal (VA) to be conducted transparently between the applicant and the Council such that all could be satisfied that the planning application could be permitted with an agreed level of mitigation satisfying all parties.

9.8 The VA is essentially a model of the viability of the planning application taking account of:

- The income generated from the development (residential, commercial, retail sales etc)
- The costs of the development
- The required return on investment
- The cost of the mitigation and contributions package (mainly items required by planning condition or within a S106 Planning Agreement).
- The Land Value
- 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 Herrige Property Consulting (HPS) provided a detailed viability report which was reviewed by BPS Surveyors. The conclusions of the report were that the proposed development would only be viable with 0% affordable housing unless some of the other s106 contributions were reviewed. The applicants therefore proposed to reduce the contribution towards green infrastructure maintenance and commuted sums and the contribution towards education provision.
- 9.12 The level of green infrastructure maintenance contributions and commuted sums was originally suggested by the Countryside Access Service as being circa £3.4m. The applicants reviewed the approach taken to this matter in relation to the recent application for the urban extension to the north of Houghton Regis. In that application the maintenance contribution sought per hectare of land was £51,282. This site would provide 42.45ha of open space resulting in a proposed contribution of circa £2.1m, however the applicants have only offered £671,650 for either on-site GI maintenance or off-site provision.
- 9.13 With regard to the reduction in the level of contribution towards education provision, this was justified on the basis of existing surplus spaces and the actual cost of building schools. The applicants argue that there are some surplus places in existing local schools which are already in existence and therefore could be used to accommodate some children from the development. The actual cost of recent extensions to schools and new schools were looked at by the developer which led to the conclusion that the costs used by the Education department are over-estimates.

9.14 The proposed affordable housing package is for the provision of 10% affordable housing units which will be spread throughout the period of the development and in phased parcels, with 50% shared ownership units and 50% affordable rent units. This would provide for a total of 95 units.

9.15 There is a significant sum of money included within the viability assessment for the restoration of the site to a level suitable for residential development. There was some concern that this sum was higher than necessary and therefore the Council commissioned a consultant to review the cost and meet with the applicant's representatives to discuss the matter. The full details of the consultants report are included in the confidential (yellow) papers however he concludes that *"in my professional opinion, the explanations furnished by the applicant's representative with regard to the reasons for and costs of the proposed restoration scheme are entirely logical and satisfactory, and the rates assumed for earthworks appear to be within the typical ranges for the industry."*

*The work involved, and the associated costs, are necessarily much greater than would have been envisaged for the original agricultural restoration scheme. This is partly because of the engineering requirements for built development but also because of the implications of dealing with environmental issues, including aquifer protection and the translocation of protected species, which had not previously been considered necessary.*

*Quantification of the differences between the two schemes in terms of present-day costs cannot be undertaken, however, without details of the cut and fill volumes assumed for the original scheme."*

9.16 In light of the above the applicant has suggest that the s106 provides contributions as follows:

<b>Items</b>	<b>Contribution (£)</b>	<b>Notes</b>
Education (Financial contribution towards new buildings/ extensions.)	6,668,101	This figure for the reasons set out in para 8.15 above is some £2m 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.
Sustainable Transport	1,534,696	Including contributions to: - bus service & marketing - travel plan measures - walking and cycling improvements - railway station improvements
Waste management	111,568	To cover the cost of 3 x bins per dwelling and contributions towards 4 x bring sites.



Emergency Services	196,650	
Public Realm	209,950	Public art and high quality public realm would be integrated into the built development of the scheme.
Green infrastructure	671,650	Includes play areas
Staff contribution	5,000	
<b>Total</b>	<b>9,397,615</b>	

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.

<b>Items</b>	<b>Maximum Contribution (excluding indexation) £</b>	<b>Notes</b>
Education (Financial contribution towards new buildings/extensions.)	6,668,101	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.
Sustainable Transport	1,534,696	Including contributions to: - bus service & marketing - travel plan measures - walking and cycling improvements - railway station improvements
Waste management	111,568	To cover the cost of 3 x bins per dwelling and contributions towards 4 x bring sites.
GI, Leisure, Sports, Open Space	1,083,250	
<b>Total</b>	<b>9,397,615</b>	

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

<b>Item</b>	<b>Cost to developer (£)</b>
Link Road – Heath Road to Vandyke Road	16,751,568
Play areas including adventure play area	450,000
Costs associated with country park	1,012,000
Laying out of allotments	100,000
<b>Total</b>	<b>18,313,568</b>

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 eastern link road and other highways improvements, provision of land for the schools, provision of country park, play areas and allotments. 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 the land owner rather than the developer and will wish to preserve the ability to sell the land in more than one parcel. It is intended therefore that the review mechanism will affect the end developer rather than the land owner.

9.23 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.

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 applicants, AWE, would normally be expected however 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.

## **10.0 Planning Conditions**

- 10.1 A scheme of this size and range of uses will incur a considerable number of planning conditions. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the

requirement here for ease of understanding.

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

## **11.0 Conclusion**

- 11.1 The application proposal is for the smaller part of the East of Leighton-Linslade Urban Extension which would deliver much needed additional housing in the area. Other urban extensions to the north of Houghton Regis and north of Luton would assist in the delivery of housing and jobs. The application proposal is therefore a critical part of a larger strategy to provide not only significant growth within Central Bedfordshire but to accommodate the needs of a growing population in the Leighton-Linslade area.
- 11.2 The balance to be struck in considering this application, involves the competing demands of commercial viability, loss of Green Belt, need for housing, the clear national priority for economic growth, landscape and ecological protection, urban regeneration and providing community facilities for a healthy population. All in a context of reducing public services and public financial support.
- 11.3 It is considered that the scheme is insufficiently financially viable at present to afford the full requirements for affordable housing and the full package of mitigation. However, the mitigation package suggested above is still extremely significant and has been shaped by reference to identified local priorities. The work undertaken with the applicant's representatives has been conducted in an informed and conscious way to achieve the mitigation package and potential review/uplift mechanism.
- 11.4 The Committee will wish to take into account that the planning application has been submitted in advance of the adoption of the Development Strategy, in which the site is an allocated strategic development site proposed for removal from the Green Belt. However, it should also be recognised that the withdrawn

Joint Core Strategy identified the site as being suitable for removal from the Green Belt in order to help meet housing and employment need. The evidence base shows there is nowhere else more suitable for the growth to go. In considering the very special circumstances in relation to development in the Green Belt, it is concluded that the tests have been met. It is recognised that the planning application is critical locally and regionally in helping to boost much needed housing, infrastructure provision and economic investment.

#### 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 4 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 950 dwellings, a site for a lower school of 2ha; 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 shall be constructed on the site pursuant to this planning permission in accordance with the parameter plan reference Figure 1.3A entitled Chamberlains Barn Parameter 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).

- 5 **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 are 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).**

- 6 **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 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).

7 No development shall take place until a revised surface water drainage strategy, based upon the Flood Risk Assessment and drainage strategy Ref 3723.FRA.03 by Stuart Michael Associates dated 9 August 2013, has been submitted to and approved by the Local Planning Authority. The revised surface water drainage strategy should include the following additional information:

- Calculations demonstrating that the proposed discharge to the ordinary watercourse will not exceed the existing greenfield runoff rate from the portion of the site which would drain to that watercourse.
- Phasing and proposed runoff from each parcel of the site in accordance with the total discharge rates.
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.
- The attenuation pond(s) should be designed to ensure that: there is a barrier between surface water and groundwater; that there will be no vertical pathways; and that increased groundwater pressure on the liner is allowed for.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, reduce the risk of flooding to the proposed development and future users, reduce the risk of increased flooding downstream by ensuring that the capacity of the receiving system is not exceeded and to prevent pollution of groundwater in accordance with policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version May 2014.

**8 No development shall commence in any area, as defined by the areas plan required by condition 3, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:**

- **Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage systems should be provided as part of the detailed surface water drainage scheme.**
- **Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.**
- **Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SuDS elements for the lifetime of the development.**
- **Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

**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 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and 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.)

- 11 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in**

accordance with the foul water strategy so approved.

**Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 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 or sub area of the development as identified in 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 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 **No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.**

**2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.**

**3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.**

**4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and**

**maintenance plan in (3) shall be updated and be implemented as approved.**

**Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and 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 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health 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 of the development as identified in condition 3 until a written scheme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme and its subsequent amendments.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development or to secure the protection and management of any 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 and 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<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the Local 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 shall be made available for use before the residential unit 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).**

- 23 **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.)**

- 24 The development is within 15m of a water tower. Whilst Anglian Water takes all reasonable steps to prevent any nuisance arising from the site, there should be no development within 15m from the boundary of the water tower if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the water tower.

Reason: To avoid any adverse impact on residential amenity as a result of the proximity of the water tower in accordance with Policy BE8 of the South Bedfordshire Local Plan Review 2004 and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 25 The applicants shall within 4 years of the date of this permission undertaken an assessment of the economic viability of any remaining mineral within the area shown on figure 1.3A Parameter Plan as “quarry” in conjunction with the Mineral Planning Authority.

Should the mineral reserve be found to be economically viable a scheme detailing attenuation measures shall be submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied within any phase adjacent to the quarry until the attenuation measures have been implemented in full in accordance with the approved details. For the avoidance of doubt “attenuation measures” means noise or other attenuation measures as are necessary to prevent or eliminate nuisance on the relevant phase of the application site attributable to quarrying or restoration works being carried out at Chamberlains Barn, including the use of any haul road to or from the quarry.

The measures shall be retained for as long as they are required to protect residential amenity from the effects of quarrying or restoration activities.

Reason: To avoid any adverse impact on residential amenity as a result of potential future mineral extraction and restoration in accordance with Policy BE8 of the South Bedfordshire Local Plan Review 2004 and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 794\_222 revA and Figure 1.3A entitled Chamberlains Barn Parameter Plan.

Reason: For the avoidance of doubt.

## Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).

3. **Flood Risk Informative - Environment Agency**

### **Greenfield runoff rates**

Paragraph 9.3 of the FRA states that the site is partially within the catchment area of the River Ouzel and partly within the catchment area of the Clipstone Brook. The comparison of discharge rates in table 4 demonstrate that discharge from the site will be limited to a rate significantly less than the greenfield rate of the total site and remove some flows from the Clipstone Brook catchment. As there has been flooding to properties along the Clipstone Brook corridor in the past, we welcome any proposals that seek to reduce flow peaks on the Clipstone Brook.

The ordinary watercourse which the site will discharge to enters a culvert after passing under Heath Road, and therefore there is the limited capacity for extra flows within this system. Because the proposals include discharging to the ditch from areas outside of the original catchment, this could exacerbate flood risk within Leighton Buzzard if the greenfield runoff rate was calculated for the entire site, not just the portion of the site which naturally drains towards this watercourse. It is not clear if the reduced greenfield runoff rate fully accounts for this.

### **SUDs Approval Bodies (SABs)**

Please note that the Environment Agency's role in responding to planning applications will change in Spring 2014 with the implementation of schedule 3 of the Flood and Water Management Act.

### **Sewer Records**

We would suggest that Anglian Water are contacted for their most up to date sewer records, as the records included are from 2002 and therefore may not be up to date.

4. **Groundwater and Contaminated Land Technical Comments - Environment Agency**

We will expect to see further information on the points raised in our meeting of 16 October 2013.

We are aware of previous investigations carried out on site as part of a Mineral Resource Investigation and identified contaminated material to have been chemically tested and remediated. However, no groundwater sampling and chemical testing was carried out to ensure there is a low risk from the identified contaminants within the soil, since groundwater was encountered below the site. Therefore, as a way forward we would request that groundwater is appropriately assessed by a competent person and results are submitted to us for review. Should contamination be identified, a detailed Quantitative Risk Assessment will need to be undertaken and a refined Conceptual Site Model submitted. The PRA element of the SLR, Phase 1 Environmental Site Assessment, Report ref. 408.03818.00008, August 2013 is not satisfactory as an updated desk study and a walk over survey is required to present the site at its current condition. Ongoing quarry operations may have significantly altered the levels on site. Therefore, further work on part (1) of Condition 1 is considered necessary with respect to assessing risks to controlled waters. This report should also provide a summary of the results from all former investigations carried out on site to date.

5. **SUDS - Environment Agency**

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

6. **Environment Agency advice**

We recommend that developers should:

- 1) Refer to our “Groundwater Protection: Principles and Practice (GP3)” documents (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
- 2) Follow the risk management framework provided in CLR11, ‘Model Procedures for the Management of Land Contamination’, when dealing with land affected by contamination (<http://www.environment-agency.gov.uk/research/planning/33740.aspx>);
- 3) Refer to our “Guiding Principles for Land Contamination” for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health (<http://www.environment-agency.gov.uk/research/planning/121619.aspx>);
- 4) Refer to our “Verification of Remediation of Land Contamination” report (<http://www.environment-agency.gov.uk/research/planning/105704.aspx>);
- 5) Refer to the CL:aire “Definition of Waste: Development Industry Code of Practice” (version 2) and our related ‘Position Statement on the Definition of Waste: Development Industry Code of Practice’ ([http://www.claire.co.uk/index.php?option=com\\_content&view=article&id=210&Itemid=82](http://www.claire.co.uk/index.php?option=com_content&view=article&id=210&Itemid=82) and [www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf](http://www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf));



- 6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our “Technical Aspects of Site Investigations” Technical Report P5-065/TR (<http://www.environment-agency.gov.uk/research/planning/40387.aspx>);
- 7) Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73 (<cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>);
- 8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://publications.environment-agency.gov.uk/PDF/GEHO0112BWAWE-E.pdf>); and
- 9) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

7. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.
8. 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.
9. The consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
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](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

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

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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