

## **Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/11/01940/FULL</b>
<b>LOCATION</b>	<b>Chamberlains Barn Quarry, Heath Road, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>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</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>23 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</b>	<b>The application is part of the comprehensive development East of Leighton Linslade and is integrally linked to planning application CB/11/01937/OUT elsewhere on this agenda.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Reasons for Recommendation**

Taking into account all of the information contained in the planning application and supporting information in the Environmental Impact Assessment it is recommended that planning permission be granted for the proposal for the following reasons.

The proposed development is not inappropriate development in the Green Belt and therefore does not conflict with restrictive Green Belt policies. The development would provide part of the link road listed in policy 62 of the Development Strategy for Central Bedfordshire as essential infrastructure. The proposed road is considered to be safe and suitable for drivers, pedestrians and cyclists and incorporates speed reduction measures within the local centre area. The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties therefore it is considered to be in conformity with Policy BE8 of the South Bedfordshire Local Plan Review 2004; policies 1, 2, 3, 25, 36, 43, 44, 45, 49, 50, 57, 58, 59 and 62 of the Development Strategy for Central Bedfordshire revised pre submission version May 2014 and national advice contained in the National Planning Policy Framework and guidance, 'Design in Central Bedfordshire - A Guide for Development', 2010 and East of Leighton Linslade Framework Plan, May 2013.

### **Site Location:**

The strategic site specific allocation is located to the north east of Leighton Linslade. The application site is within the allocation and located north of Vandyke Road,

within the development parcel known as Chamberlains Barn. The western boundary of the site is formed by Heath Road, with Shenley Hill Road running along the northern boundary of the site. To the south is the former Forticrete site, now known as Heath Meadows, with Vandyke Road running along the south western side of the site. A large part of the land has or is being quarried, parts of which have been restored. The remaining land is a mix of pasture, arable and scrub woodland.

The application site falls wholly within the parish of Leighton-Linslade.

### **The Application:**

The application seeks permission for a link road from Heath Road to Vandyke Road incorporating realignment and bridge over the Narrow Gauge Railway; sewers, pumping station and SUDs basin.

The proposed road would run from Heath Road in the west across the site to Vandyke Road in the east. The application includes:

- link road from Heath Road to Vandyke Road
- realignment and bridge over the narrow gauge railway
- Heath Road junction works
- Vandyke Road junction works
- accesses to residential streets
- foul and surface water sewers
- pumping station, SUDs basin, swale and surface water outfall sewer
- associated street lighting, utilities, land drainage, accommodation works and fencing.

A new link from the main link road to Shenley Hill Road through the residential development site is proposed. The link would allow for the closure of the junction between Shenley Hill Road and Vandyke Road if this was so desired. The location of junction of this road with the main link road is included within this application but the detail of the road is illustrative.

The application was accompanied by an Environmental Statement consisting of volume 1 – main text; volume 2 – technical appendices and a non-technical summary which addressed the issues with this application and that of the residential development of Chamberlains Barn (CB/11/01937/OUT). A planning statement, design and access statement, transport assessment and flood risk assessment and surface water drainage statement for also submitted with this application.

### **RELEVANT POLICIES:**

#### **National Policies**

National Planning Policy Framework

Section 4 – Promoting Sustainable Transport

Section 9 - Protecting Green Belt Land

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Section 11 - Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

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

### **BE8 - Design Considerations**

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that the above policy BE8 is broadly consistent with the Framework and significant weight should be attached to it.*

## **Development Strategy for Central Bedfordshire, revised pre-submission version May 2014**

Policy 1 - Presumption in favour of sustainable development

Policy 2 - Growth Strategy

Policy 3 - Green Belt

Policy 25 - Functioning of the network

Policy 27 - Parking

Policy 36 - Development in the Green Belt

Policy 43 - High Quality Development

Policy 44 - Protection from Environmental Pollution

Policy 45 - The Historic Environment

Policy 49 - Mitigation Flood Risk

Policy 50 - Development in the Countryside

Policy 57 - Biodiversity and Geodiversity

Policy 58 - Landscape

Policy 59 - Woodlands, Trees and Hedgerows

Policy 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 are consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in October 2014.*

## **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places.

East of Leighton Linslade Framework Plan - endorsed for the purposes of Development Management by Executive on 14 May 2013.

## **Planning History**

No planning history relevant to this application site however there are associated applications which are relevant.

CB/11/01937/OUT      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 at Chamberlains Barn Quarry, Heath Road, Leighton Buzzard. Considered elsewhere on this agenda.

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 Childrens Nursery (Class D1) and Associated Car Parking, Community Hall (Class D1), Retail Units (Class A1-A3), an Elderly Person Care Home of up to 70 Beds (Class C2), a New Eastern Link Road between Vandyke Road and Stanbridge Road together with associated residential and employment access roads with associated car parking, the laying out of an area to the north and south of Clipstone Brook as a Park forming part of an Area of Green Infrastructure, the laying out of structural landscaping and green corridors for recreational use, the laying of 7.45 hectares of land as formal pitch provision together with the erection of appropriate changing facilities, the construction of footways and cycleways, the construction of structures to accommodate Sustainable Urban Drainage Systems, the laying out of 0.75 hectares as Allotments, the construction of 2 neighbourhood equipped areas for play and four locally equipped areas of play, a Lower School and Middle School including a Multi Use Games Area, Land for expansion of Vandyke Upper School including a Multi Use Games Area at Clipstone Park, Land South of Vandyke Road & North of Stanbridge Road, Leighton Linlade. Considered by DMC on 29th February 2014, minded to grant resolution, documents referred to the Secretary of State.

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) at Land known as The Stearn Land, Clipstone Lane, Leighton Buzzard, Beds. Considered elsewhere on this agenda.

CB/11/03450/FULL Construction of New Roundabout and Link Road together with amendments to existing Highway Arrangements at Land at junction of Stanbridge Road and A505. Approved 19/12/13.

**Representations:  
(Parish & Neighbours)**

Leighton Linlade Town Council No objection

Neighbours

A number of responses were received to this application and the associated one for the residential development of the site. Only the comments which relate to the link road application have been included here.

Comments:

18 Jupiter Drive,  
Leighton Buzzard

1 letter making comments was received highlighting the following:

- concern that the 6m wide carriageway is inadequate for a spine road
- the width proposed would be reduce by on-street parking
- on-street parking shown on the bend at the Vandyke Road end would be dangerous
- if the Shenley Hill arm of the crossroads is closed the other roads and associated development should be designed accordingly
- phasing of the delivery of the road is important to avoid increased traffic on Vandyke Road or at the dangerous junction of Eastern Way & A5

*[The content of the comments is noted and all are addressed within the report.]*

Objections:

Leighton Buzzard  
34 & 43 Hydrus Drive  
18 Mercury Way  
89 Cotefield Drive  
12 Shepherds Mead  
273 Heath Road

7 letters of objection were received, raising the following issues.

- flooding

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

- traffic congestion in town centre

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

- impact on the narrow gauge railway

*[This is discussed in section 8 below.]*

- impact on wildlife

*[The appropriate ecological surveys have been undertaken and the surrounding development would be designed to provide a high percentage of open space.]*

- noise pollution

*[The objector was not specific as to whether this was noise from construction or vehicle traffic. Construction noise would be minimised through the use of a Construction Management Plan. Traffic noise is addressed in section 9 below.]*

Eggington  
Manor Cottage

impact on existing junctions onto Heath Road  
use of unsuitable roads

*[The Highways Development Control Officer is satisfied with the proposals. A more detailed consideration of the Heath Road junction is included in section 3 below.]*

- existing HGV ban must stay in place
- how will HGVs get to the site with the HGV ban in place on Heath Road and Vandyke Road?

*[There are no plans to remove the HGV bans, lorry routing will be dealt with through the construction management plan and in a legal agreement if necessary. The impact of existing HGV traffic from quarry activity is considered in section 11 below.]*

- traffic speeds on Heath Road are already too high, introducing traffic lights will provide a “start line”

*[There is no reason to suggest that the traffic lights would have this effect.]*

## **Consultations/Publicity responses**

Highways Development Control      The proposal is a detailed application for the construction of a link road from Heath Road to Vandyke Road including the introduction of a signal controlled junction at Heath Road and a realignment and the introduction of a priority junction at Vandyke Road.

While the authority and the applicant’s agents have been in lengthy discussions for quite some time and this is a full application it is expected that there will be some amendments and additions which should be considered (in relation to the scheme) as minor.

I have requested a stage 2 Safety Audit for this proposal and as yet have not received this report.

*[Officer note: It is considered that any minor changes would not alter the acceptability of the link road and amended plans will be sought from the applicant prior to the Committee meeting.]*

The cross-section of the road would be as follows:

- 3m wide shared footway/cycleway
- 2m wide grassed verge with trees
- 7.3 wide carriageway
- 2m wide grassed verge with trees

3m wide shared footway/cycleway.

While the majority has been designed to the above specification, at approximately mid distance the link has been civilised with raised tables and zebra crossings along with a wide pedestrianized area outside the school. This area will be a 20mph zone for a distance of 360m.

### **The Alignment**

The alignment has been designed to a standard detailed in Manual for Streets 2 which is also supported in the Authority's Design Guide.

### **Indicative points of access**

There are various points of access (indicative) to serve the surrounding plots which vary in widths from 4.8m to 7.3m. I question if all these widths for the scenarios proposed are suitable.

I am a little sceptical at the location of the junctions on the proposed road as from experience the location sometimes does not suit the layout of the prospective development from it. It should be intended that these should only be indicative and when the link road is constructed then there should be a tie in arrangement but not a spur.

I note that a vehicular access is not shown to the proposed allotments which leads me to question how this facility will be accessed.

*[The question regarding the allotment parking is dealt with in section 5 below.]*

### **Bus Stops**

Bus stops are not shown and it would be expected (to promote sustainable modes of transport) that quality bus stops should be provided. This should include a shelter with real time information. There should be provision of a half width lay-by and an additional 1.0m width to the footway or footway/cycleway to accommodate the bus stop. The stops should be located to achieve the desired maximum walking distance of 400m from any part of the site.

*[This point is addressed in more detail in section 2 below.]*

### **Heath Road Junction Improvements (Tie-In)**

This is a 4 arm signal controlled junction, shown on drawing number 3723.002 rev A.

There is a 2 lane approach from the new link road with one right and straight on lane, with the other left into town. This has only a length of 6 cars (30m) and consideration should be that this should be extended. The central island is too far

forward and will hamper the free flow of larger vehicles and for that reason should be amended slightly.

The approach from town is 2 lanes with the nearside lane being only 2.75m wide. Considering that this will be used by cyclists this lane should be widened at the expense of the right turn lane. Also it would appear that the exit of this arm slightly encroaches into third party land. This can be amended quite easily.

*[The applicant has confirmed that there is no third party land involved. All the land is either Highway land or is within the control of the applicant.]*

The Green Hill approach is the minor arm and of limited width which is acceptable.

The approach from Heath and Reach is narrowed down by hatching to 2.65m. As previously mentioned this is too narrow and should be widened to 3.0m

These alterations will be insignificant to the layout of the junction but will greatly aid its performance.

#### **Vandyke Road - Junction Improvements (Tie-In)**

There are two options for this layout where it is shown one diverting Vandyke Road to a new priority junction with a right turn lane from there on the new link road ties into the existing Vandyke Road on a 70m radius bend.

The alternative is similar but rather than tie into Vandyke Road it remains relatively straight and continues on its alignment with the future link road proposed by the neighbouring application (Clipstone Park).

There appears to be a slight anomaly between these two drawings and this matter is being clarified by the applicant's agents. Putting this matter aside the layout is acceptable.

#### **Junction to Link Road with Shenley Hill Road**

This is a simple junction between the link road and a proposed new link road to Shenley Hill Road. The location of this junction is shown on Drawing Number 3723.008 rev A in the correct location and considered to be acceptable.

#### **Civilised area by school and Community Centre**

The civilised areas have gone through a number of discussions and unacceptable elements have been designed out however there are still some elements which need further consideration with the detailed design as follows:-

The locations of the bus stops need further consideration along with half bus lay-by.

The mini roundabouts need to be designed such that there is deflection.

High quality surface materials.

*[The point regarding bus stops is addressed in more detail in section 2 below. Technical issues such as the deflection at the mini roundabout would be dealt with through the Section 38 or 278 process.]*

The drawing doesn't indicate where the pedestrian and cycling entrances to the school site are. These are important as they will set the desire lines for access to and from the school. If this detail were provided it would allow the local centre to be better planned and enable issues to be ironed out early in the scheme's development. This will also ensure the correct placement of 'indicative' crossing points.

If surfaces are to be level with flush kerbs it is not clear why contrasting colours are needed to distinguish carriageway and pedestrian areas. It seems that a shared space feel is looking to be achieved but then negated by pedestrian/vehicle differentiation.

The local centre area indicates that the materials and colours used will contrast in material and colour palette to the remainder of the links road. This will serve to provide a very different feel to this area which will induce a differentiation of usage for all road users in this area.

*[This point is addressed within the Design and Access Statement Addendum and examined in more detail later in the report.]*

It would be greatly advantageous that the area in the vicinity of the school were to be a School Safety Zone (SSZ).

*[This point is addressed within the Design and Access Statement Addendum and examined in more detail later in the report.]*

There is a need for School Keep Clear (SKC) markings within the SSZ and timed stopping restrictions with an appropriate Traffic Regulation Order (TRO) in order that with the developers' permission we are able to enforce this from first residential occupation.

*[This point is addressed within the Design and Access Statement Addendum and examined in more detail later in the report.]*

Thought needs to go into the requirements for TRO's on the side roads adjacent to the local centre area.

Allocated areas for parking at schools whether on or off-site are not part of Central Bedfordshire's Transport Policy with regard to schools as they rarely work in practice for the following reasons:-

- Parents of lower school pupils prefer to accompany their children into the playground and is something actively encouraged by schools such that any drop-off area for setting down pupils merely functions as a car park for a limited number of parents.
- Drop off lay-bys outside the school grounds often serve as general public parking which further limits any usefulness with parents arriving earlier and earlier in order to compete for available parking spaces.
- The provision of facilities for car travel to schools serves to increase localised congestion a time when there are high levels of pedestrians of a particularly young age in the vicinity increasing the road safety risks for vulnerable young people.
- This type of measure merely serves to advocate car travel for the journey to school contrary to Central Bedfordshire policy and our statutory duty to promote sustainable travel for journeys to, from and between schools (Education Act, 2006).

For these reasons I am in favour of the promotion of non-provision of parking outside schools but the promotion of safe on street parking in side roads with these roads being able to promote the free flow of traffic without the need for that traffic to turn.

Policies that relate to travel and transport to, from and between school sites were adopted as part of Central Bedfordshire's Local Transport Plan and some of these policies have implications on the layout of the highway which in the main have been taken into account but when completing the detailed design should be considered further.

### **Conclusions**

With exception to some minor amendments as mentioned above I am content that the proposal can be approved. I will be offering full conditions however I also highlight two issues below:-

There should be an obligation in the section 106 that the developer will take all reasonable endeavours to enter into a Section 38 of the Highway Act before first occupation.

The developer should make provision for on site accommodation for the Highway Authority's site supervisors.

[Officer note: The content of the Section 106 agreement is to be negotiated.]

Archaeology

Further to our recent conversation and the submission of the first version of the archaeological evaluation trial trench report (Albion Archaeology, 2012 document 2012/56, v.1.0), I should like to make the following updated comments on the proposed development.

The applicant has now undertaken an intrusive archaeological trial trench evaluation of most of those areas of the application site where the proposed development works will have the greatest impact upon any surviving archaeological remains. The evaluation was carried out in accordance with the requirements of PPS5: *Planning for the Historic Environment*. While this planning policy statement has now been superseded by the *National Planning Policy Framework*, the requirements for the works to be undertaken remains valid and appropriate (see Chapter 12, paragraph 128).

The trial trench evaluation comprised the excavation of 12 linear trenches within land parcels 54 and 55 and the observation of the excavation of three boreholes within land parcel 43. It was originally planned that 6 trenches would be excavated in land parcel 59, however, due to the agricultural tenancy it was not possible to complete this work.

Nevertheless, the evaluation demonstrated that on the whole the geophysical survey (Stratascan, 2008) had correctly identified the presence and absence of archaeological features at this site. There are two areas where significant archaeological features have been recorded and these represent a prehistoric double ditched sub-circular enclosure (HER 19594) in land parcel 55 and a series of ditches, pits and possible buried structures (HER 19595) in land parcel 43.

The creation of the link road will not effect HER 19594 or HER 19595 and while it will pass through an area which has not been intrusively evaluated, I am content that the features identified by the geophysical survey in this area are unlikely to be of major archaeological significance.

Consequently, I have no objection to the link road application on archaeological grounds

NATS

No safeguarding objection to the proposal.

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.

Highways Agency

No objection.

Natural England

No comment to make on the application, from the information provided with the application Natural England do not feel that the proposals are likely to significantly affect the natural environment.

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. Request a suitably worded condition to deal with surface water be attached to any planning permission granted.

CPRE

Object to this and the outline applications at Chamberlains Barn and Clipstone Park on the grounds that the land is Green Belt and no Very Special Circumstances have been demonstrated.

*[The principle of the development is dealt with in section 1 below.]*

In addition the conclusions of the Transport Assessment that there are no highway reasons why this proposal should not be permitted can command no credibility.

*[The Highways Development Control Officer has reviewed the transport assessment and associated documents and raises no objection to the application.]*

The lack of employment creation potential will lead to commuting. Adverse impact on the tourist attraction that is the narrow gauge railway and on the setting and environment of Eggington.

*[The impact on the narrow gauge railway is discussed in section 8 below.]*

Public Protection

No objection in principle but requests conditions to deal with land contamination, internal noise levels and external noise from plant.

Rights of Way

No comment.

English Heritage

No comment, the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Office of Rail Regulation

The Office of Rail Regulation is the health and safety regulator for all railways over 350mm in gauge in the UK and

hence we regulate Leighton Buzzard Narrow Gauge Railway. It is in this context I offer my comments on railway related safety issues.

No objection in principle, but some detailed points should be considered.

I note the proposed access road across the railway from Vandyke Road into the development site. I agree that a bridge is by far the preferred method for the access road to cross the railway. I would suggest that the bridge parapets and approaches are designed to DMRB standards to ensure that any errant vehicles are prevented from going onto the railway formation.

The north east corner of the site has the junction of Shenley Hill Road and Vandyke Road. This junction and the at-grade level crossing with the railway on the western arm of the junction has long been a problematic site with a history of both collisions and near misses. The Rail Accident Investigation Branch conducted an investigation into one such incident that occurred on 25 March 2007. There has been another near miss recently on 20 July 2011. I am concerned that this development has the potential to increase traffic levels on Shenley Hill Road and increase the risk of collisions at the level crossing. It is not clear to me from an initial review of the planning documents whether there are any proposals for junction control changes at the intersection of Shenley Hill Road and Vandyke Road. It is important that this junction is properly managed and an appropriate level of controls applied relative to the road and rail traffic usage and location conditions. The proposals appear to suggest in places that the junction with Shenley Hill Road would be closed to vehicles at this location: I would strongly support this option.

Although the narrow gauge railway travels at a relatively low speed it still takes a train a finite time to stop. For this reason it is important that adequate boundaries are maintained along the route of the railway. This does not necessarily mean that there has to be a fence; dense planting, ditches or other methods can all be used to ensure that pedestrians do not cross onto the railway formation. It is also a legal requirement under regulation 3 of the Railway Safety (Miscellaneous Provisions) Regulations 1997 that "unauthorised access" to railway infrastructure is prevented. If there is a need to accommodate pedestrian desire lines then this should be done at specific locations with properly laid out pedestrian crossing points where there is good visibility between the users and the train crew.

Sport England

Sport England included this application reference in their response to the associated outline application for the site, CB/11/01937/OUT, and do not make any specific comment on the road proposals.

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 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.

We refer you to the standing advice issued by Natural England concerning Badgers.

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.

*[Officer note: 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 licence from Natural England.]*

Leighton Buzzard  
Narrow Gauge Railway

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 imperiled 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 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.]*

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.

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/places/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.

*[This comment relates to the outline application.]*

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, new fencing erected and the translocation process has commenced. All works are being undertaken under a license from Natural England.]*

## **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Suitability of the design of the road and layout
3. Assessment of junctions with Heath Road and Vandyke Road
4. Appearance of the road
5. Parking Provision
6. Foul and Surface Water Drainage
7. Pumping Station
8. Narrow Gauge Railway - alignment & bridge
9. Impact on residential amenity
10. Phasing
11. Highway Impacts
  
12. Section 106 Agreement

## **Considerations**

### **1. Principle of Development**

The application site is within the Green Belt and therefore only certain types of development should be permitted. Engineering operations are however stated in the NPPF at paragraph 90 as being appropriate within the Green Belt providing they do not harm openness. In addition the link road is identified in policy 62 of the Development Strategy for Central Bedfordshire and the Framework Plan for the site as essential infrastructure. The residential development of the site as a whole cannot progress without the provision of the link road.

A full assessment of the principle of development in relation to the residential development the proposed road would serve is contained within the report on application CB/11/01937/OUT elsewhere on this agenda.

The principle of the proposal within the Green Belt is therefore considered acceptable, subject to other considerations set out below.

### **2. Suitability of the design of the road and layout**

#### **Horizontal Alignment**

A fundamental concern raised by officers and central to the changes made to the proposed plan is that of the horizontal alignment of the road. Concerns focussed on the alignment being too straight relative to the other section of the link road on the Clipstone Park site. An alignment with more bends would contribute to a package of measures as advocated in Manual for Streets 1 and 2

for speed reduction to keep the speed on the road within the intended limits of 20 or 30 mph.

Another concern was that the straighter alignment was less suited to the character of the existing town. The overarching intention is that the urban extension should have a common overall identity while containing distinct character areas.

In response to the concerns the alignment of the link road has been amended and a number of bends have been introduced with relatively small radii to enhance their role in speed reduction. It is well established that drivers slow down where there is limited forward visibility. The more frequent bends also help to create a consistent pattern with the other part of the link road.

The link road would have the character of a tree-lined boulevard. The cross-section of the road would be as follows:

- 3m wide shared footway/cycleway
- 2m wide grassed verge with trees
- 7.3 wide carriageway
- 2m wide grassed verge with trees
- 3m wide shared footway/cycleway.

This approach will be taken on the link road from Heath Road to the western mini-roundabout and from the eastern mini-roundabout to the western tangent point of the bend at the base of Shenley Hill, the area between would be the local centre and would be different in character. From that point, down to Vandyke Road, the cross-section will exclude the 2m verge and trees because of the limitations of the viaduct and in order to allow views to Shenley Hill.

The original junction with Vandyke Road consisted of a "T-junction", a further change has been made to the junction of the link road with Vandyke Road in order to co-ordinate with the road alignment on Clipstone Park and facilitate management of traffic along Vandyke Road. The revised junction has the link road curving to meet the link road within the Clipstone Park site with a side road providing access from the eastern side to and from Vandyke Road.

Selected loops of road in proximity to the local centre and school would also be widened to 7.3m enabling cars to drive "round the block" rather than trying to turn in the road or reverse onto another street. The accesses to these wider streets are shown on the plans to be approved.

One of the core functions of these 7.3m wide streets is to accommodate parking by creating informal, multi-functional use of the highway. More detail regarding on-street parking is set out in section 5 below which addresses parking provision.

Access to the employment land would be provided from the link road and the junction is shown on the submitted plans.

The Highway Development Control Officer confirms that the alignment has been designed to a standard detailed in Manual for Streets 2 which is also supported in the Authority's Design Guide.

### **Link to the Forticrete site (Heath Meadows)**

To the south of the Chamberlains Barn application site lies a recent development of housing on land formerly known as the Forticrete site and now known as Heath Meadows. A 3m wide footway/cycleway link has been shown between the application site and the Forticrete site. The aim of the link is to allow greater choice in movement and shorter, more convenient links for pedestrians and cyclists. Any potential security issues are considered to be outweighed by the benefits of better links.

The legal agreement for the Forticrete site requires the provision of the cycleway/footway link.

### **Bus Stops**

The Design and Access Statement addendum sets out that the proposal includes two sets of bus stops to achieve the 400m benchmark, which requires that all houses should be within 400m of a bus stop. One set of stops is located in the local centre, the other at the junction with the route to the east that connects with Shenley Hill Road. Bus stops will be on each side of the link road. Bus stop bays will be half width.

The provision of a bus stop on each side of the link road is intended to allow for more flexibility in accommodating bus services (allowing for 2-way operation) and to ensure that there are bus stops within 400m of all properties. The intention of the half-width bays is to allow buses to re-enter traffic with ease, maintain footway width for pedestrians, avoid over-wide carriageways and to contribute to speed reduction, forcing motorists to stop behind buses as advocated in Manual for Streets 1 and 2.

The Highway Development Control Officer confirms that this approach is acceptable and that a detailed plan showing the exact location of the bus stops has been requested from the applicant.

## **3. Assessment of junctions with Heath Road and Vandyke Road**

### **Heath Road junction**

A new junction between the proposed link road and Heath Road would take the form of a 4-arm junction with traffic signals. The north and south arms would be formed by Heath Road with the western arm formed by the existing Greenhill and the eastern arm being the new link road, currently the access to Chamberlains Barn quarry.

Alternative options were explored in relation to the Heath Road junction but were discounted on safety audit grounds. The proposed junction is considered to be most appropriate in terms of traffic movements as well as pedestrian and cyclist safety.

The Highway Development Control Officer highlights that there is a 2 lane approach from the new link road with one right and straight on lane, with the

other left into town. This has only a length of 6 cars (30m) and it is considered that this should be extended. The central island is too far forward and would hamper the free flow of larger vehicles and for that reason should be amended slightly.

The approach from town is 2 lanes with the nearside lane being only 2.75m wide. Considering that this will be used by cyclists this lane should be widened at the expense of the right turn lane.

The approach from Heath and Reach is narrowed down by hatching to 2.65m, this is too narrow and should be widened to 3.0m

These alterations will be insignificant to the layout of the junction but will greatly aid its performance.

An amended plan has been requested from the applicant to address these minor amendments.

### **Vandyke Road junction**

A new junction would also be formed between the link road and Vandyke Road. The link road would take priority and the existing Vandyke Road would be accessed by turning off the link road. The link road would at this point join with the part of the link road within the Clipstone Park development to create the full link road from Heath Road to Stanbridge Road. A commitment has been made by both parties that whichever arrives at the junction point first, they will ensure that an appropriate area of land is available for the two roads to be joined together. In the case of this application this will need to be secured by a condition with the requirement to submit a scheme showing the land which would be available to the other party if necessary. The issue will also be included within the s106 agreements in relation to this application and the outline planning applications, CB/11/01937/OUT and CB/11/02827/OUT.

The Highway Development Control Officer comments that there are two options for this junction layout where it shows one diverting Vandyke Road to a new priority junction with a right turn lane from there on the new link road ties into the existing Vandyke Road on a 70m radius bend. This option will be used if this part of the link road is constructed and arrives at Vandyke Road ahead of the part of the link road within Clipstone Park.

The alternative is similar but rather than tie into Vandyke Road it remains relatively straight and continues on its alignment with the future link road proposed by the neighbouring application (Clipstone Park).

The Highway Development Control Officer confirms that the layouts are acceptable.

### **Other junctions**

There is also a simple junction between the link road and a proposed new road linking to Shenley Hill Road. The Highways Development Control Officer confirms that the location of this junction is shown in the correct location and

considered to be acceptable.

#### **4. Appearance of the road**

##### **Design of the road through the local centre (including lower school)**

Changes were sought to the plans in order to reduce speed and create a more hospitable and welcoming environment for pedestrians and cyclists as well as vulnerable users of the public highway, particularly around the proposed school and local centre. The design objective was to balance what are termed the "link" and "place" functions of the public highway. The link function is movement to, from and through the area. The place function is the range of other activities that the public highway accommodates in creating a vibrant, healthy and safe place to live and an active centre for the local community.

The agreed approach and now reflected in the plans to the redesign of the centre included the following main principles:

- create a widened street space that has a distinct space and identity as a central place.
- create an environment that promotes reduced vehicle speeds.
- maintain a clear distinction between vehicle space and pedestrian space with the use of kerbs and where necessary limited use of bollards.
- create safe, easy and direct crossings.

The road within the immediate vicinity of the local centre has been widened to create an elongated triangular space physically defined by the school to the south and the local centre to the north. The new arrangement centralises the space between the school and the local centre building giving it better physical definition.

The Highway Development Control Officer comments that the location of the bus stops need further consideration, there are minor changes needed to the mini roundabouts and the surface materials need to be of high quality. An amended plan has been requested to deal with the changes.

##### **Surface Treatment of the Local Centre (including lower school)**

The link road should have a distinct surface treatment in terms of the material and colour to help identify the local centre, contribute to the package of measures for speed reduction and signal to drivers the change in speed limit (in addition to signage). The proposal is for a wide zone corresponding to the change in speed limit from 30mph to 20mph and an inner core area emphasising the pedestrian connection across the link road between the school and the shop.

The wider zone would be terminated on either end by a mini roundabout. The primary function of the roundabouts would be to manage traffic speed and turning manoeuvres into and out of the residential areas to the north and south. The aim of these measures is to contribute to a safe environment for pedestrians and cyclists by keeping vehicle speeds down and managing turning manoeuvres without creating large spaces visually dominated by highway

design features. It is considered that the use of mini-roundabouts is the most appropriate method and suitable for a new-build site.

### **Pedestrian Crossing in the Local Centre (including lower school)**

Within the local centre crossing points would be raised zebra crossings of at least 3 metres. The raised zebra crossings would result in road users experiencing a number of "up/down", "up/down" crossings, this is preferable in road safety terms to a single raised table. The creation of safe environments for pedestrians would be achieved by the use of kerbs and contrasting materials.

The raised area on the western side of the local centre, linking the school and the shop, is proposed to be wider than the crossing to the eastern side because of its proximity to junctions and the desire line across the link road. The raised area would also help slow vehicles turning on to and off of the link road and highlight the presence of pedestrians.

The aim of the crossing treatments is to create a safe and secure environment for pedestrians. Raised crossings allow for inclusive mobility, give more priority to the pedestrian and help slow down vehicles.

### **Frontage building and layout principles**

Defining the street spaces with active edges and a strong sense of physical enclosure by building houses directly along the back edge of the pavement is an important part of the package of measures to help reduce speeds along the link road and are focussed around the local centre.

### **Verges and Tree Planting**

Outside of the local centre area the 7.3m wide road would along the majority of its length be bounded by a 2m wide grassed verge incorporating tree planting. This approach should give the road the appearance of one serving a residential area rather than a "bypass". The detail of the exact location and species of tree will be secured by condition.

## **5. Parking Provision**

### **On-street parking bays**

Parking bays would in most cases be identified/marked out by design. If parking is on one side only it should alternate sides in order to help with speed reduction. The speed limit for the link road would be 30mph except for the local centre (school safety zone) which would be 20mph.

The aim is to create streets which are safe and not obstructed or cluttered by parked cars. It is assumed that people will want to park on the street in locations that are convenient to their destination/front door and allow the car to be visible from the house. A 7.3m wide carriageway allows 2 cars to pass safely even if there is a car parked on the carriageway, this also helps to avoid footway parking and obstruction of emergency vehicles.

Parking on both sides of the street would not be allowed without the provision of additional carriageway space. It is also assumed that on-street parking spaces would not be dedicated (i.e. allocated for any particular property) and would be available for the use of non-residents. The flexibility allows for more efficient use of the spaces and reduces parking clutter and obstruction.

### **School parking**

It has been agreed that in line with LTP that there should be no identified school drop-off zone or any parking/stopping in front of the school on the link road. The space in front of the school should be a "school safety zone" with parking and stopping restricted by both design and designation (no stopping order) as appropriate. The zone would also have a distinct surface treatment and no centre line markings.

Accommodation of cars for children drive to school should be by informal parking on side streets. In order to achieve this several loops off the link road will be identified and designed with a 7.3m wide carriageway. School staff parking is to be off-street within the school site.

The aim of removing parking/drop-off from in front of the school site along the link road is to create a safe environment for pedestrians. It is assumed that the provision of any "official" drop-off/parking space would attract parents to drive children to school and there would never be sufficient provision leading to clutter of cars, irresponsible parking/driving resulting in a dangerous environment for pedestrians.

It is assumed that use of the "informal" parking provided by local streets will be self-limiting because people will realise there is a limited number of spaces. The benefits of this approach are considered to outweigh any potential problems of competition for spaces, inconvenience for residents or cluttering of loop streets.

The Highway Development Control Officer confirms that he is in favour of the promotion of the non-provision of parking outside schools but the promotion of safe on street parking in side roads with these roads being able to promote the free flow of traffic without the need for that traffic to turn.

### **Local Centre parking**

Parking for the local shop should be off-street with capacity to enter and exit in a forward gear. Staff parking would be to the rear of the shops. The total amount of off-street parking is in line with current parking standards, taking into account the underlying principle of multi-purpose informal use of the carriageway on the link road and surrounding streets.

The proposed amount of retail floorspace is approximately 400m<sup>2</sup>. The standards set out in the Local Transport Plan requires 1 space per 35sqm of retail space (for areas less than 1,000m<sup>2</sup>). This gives a requirement of 12 spaces, which is accommodated within the proposed off-street area.

## **Country Park car parking**

It is proposed to include 4 on-street parking spaces on the north side of the link road west of the main entrance to the country park. Off-street parking for the Country Park is to be relocated to the southern part of the Park with access off the link road. As requested by Countryside Access Services the parking area would accommodate 30 cars. This provision would replace the previous proposal for a car park off Shenley Hill Road.

The aim in relocating the car parking is to ensure better surveillance and security of the space by locating the car park in a less isolated position. The aim of limiting on-street spaces is to ensure people use the off-street parking and avoid clutter and congestion.

## **Allotment car parking**

The Design and Access Statement addendum sets out that the proposal includes 4 on-street parking spaces on the north side of the link road adjacent to the allotment area at the eastern end of the link road. Off-street parking for the allotments will be located within the northern part of the allotment land sharing the access for the pumping station. The aim is to provide a mix of convenient parking for the allotments. The parking is not however shown on the plans and an amended plan has been requested to address this point.

## **6. Foul and Surface Water Drainage**

Surface water across the whole site would be attenuated by measures such as detention basins, swales and ponds, these measures would also control the rate at which water would be discharged 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.

A central detention basin is proposed to provide a total of 30,000m<sup>3</sup> of storage. The basin would include permanently wet ponds, a retention basin and wetland areas. The basin would be clay lined with a gravity outfall sewer discharging flows into the existing watercourse, upstream of the Heath Road culvert. The outfall would be fitted with a flow control device to limit the rate of discharge to the water course. A green corridor running east from the basin would serve as a drainage swale as well as habitat and amenity.

Petrol and oil interceptors and reed bed filters would be used to intercept pollutants and to maintain and enhance water quality.

Construction of paved areas, surface water sewers and outfalls to serve new development would increase the impermeable area within each natural catchment and increase the rates of surface water run-off draining from the site to local watercourses. The impact of this is potentially significantly adverse, sustainable drainage measures will therefore be required to mitigate the impact and reduce the risk of flooding downstream.

The detention basin would be located within an area called Broomhills in the design and access statement. The design and access statement sets out that the concept for the area is to maintain and enhance the strong wooded and

natural character of the area. The area could become a significant asset providing a tranquil, multifunctional environment accommodating storm water balancing, habitat and accessible green space. The focal point of the area would be the central, permanently wet basin and rising ground to the west. It is considered that the area would be well landscaped and would be an attractive area within the site.

Foul sewerage for the development on the western part of the site would be dealt with by a pumping station near the Broomhills basin with a rising main to Heath Road and the Linslade sewage treatment works. The eastern part of the site would drain south to the Stanbridgeford works.

## **7. Pumping Station**

The pumping station is proposed to be located to the south west of the detention basin in the western part of the application site at the end of a cul-de-sac.

The pumping station consists of a kiosk, wet well and valve chamber with a hardstanding for tanker access on the front part of the site with 6 storage tanks on the rear part of the site. The storage tanks would be 3m in diameter and 7m deep. The pumping station is proposed to be enclosed by 2m high green paladin fencing.

The indicative drawings in the design and access statement show the pumping station well screened by trees on its northern and western sides. Screening in the form of trees would also be proposed to the south of the site, although this would only be partial screening as the vehicular access to the site would be from the south. The eastern side of the pumping station appears to be less well-screened. A condition requiring a landscaping scheme for the road, detention basin, pumping station etc will be attached to any permission granted.

The illustrative layout shows public open space to the north and west of the pumping station; access to the site with allotments beyond to the south and housing to the east. The housing would be at least 15 metres from the pumping station and it is considered that subject to an appropriate planting scheme the equipment can be adequately screened to minimise its impact. There would be sufficient space within the application site to provide such landscaping.

## **8. Narrow Gauge Railway - alignment and bridge**

The importance of the Leighton Buzzard Narrow Gauge Railway was identified from the beginning of masterplanning this site. All of the current crossings are at-grade, however the existing at-grade crossing at Shenley Hill crossroads has been the subject of collisions and near-misses. The Office of Rail Regulation in commenting on this application highlight the dangerous nature of the Shenley Hill crossing and would strongly support the closure of one arm of the crossroads. At-grade crossings carry an inherent risk and therefore the best solution is either a bridge or tunnel to carry the railway.

The alignment of the link road has been modified because of the need to change the alignment of the Narrow Gauge Railway to accommodate a grade separated crossing. The link road would remain at grade, i.e. at existing ground level, with the Narrow Gauge Railway being lowered to run under the road through a proposed tunnel.

A safety concern was raised with the initial proposal because of the proximity of the junction just north-west of the crossing. It was judged by the safety audit team that the junction was too close to the viaduct carrying the link road over the proposed tunnel. In response the junction was moved north-west.

The Highway Development Control Officer has confirmed that the bridge is acceptable but will need to be subject to technical checking.

The Office of Rail Regulation has been consulted on the application and the response received is set out above. They have no objection to the proposals but highlight the need to provide suitable barriers on the bridge to prevent vehicles leaving the road being able to fall onto the railway. It is considered that the barriers proposed, which comprise a highway safety barrier and then the brick built bridge, would be suitable for this purpose. The ORR also set out that a suitable barrier needs to prevent pedestrian access to the tracks of the railway. The provision of a barrier in the vicinity of the bridge can be the subject of a condition attached to any permission granted and would need to be in place prior to the occupation of dwellings. Fencing or barriers in other areas along the track would be outside the scope of this application but will be addressed in CB/11/01937/OUT.

The Leighton Buzzard Narrow Gauge Railway (LBNGR) responded to consultation on the application and raise a number of concerns about maintenance of the tracks under the railway, that any landscaping is appropriate and would not lead to leaves on the line and other associated concerns. It is considered that the proposed arrangement would provide access for maintenance and that landscaping would be controlled by condition.

The bridge would incorporate an arched tunnel for the railway. The bridge would be finished in brick, the details of which have not been provided, but can be secured by condition. Overall it is of traditional appearance which would be appropriate within the new development.

The wider impact on the LBNGR as a result of the residential development is considered in the report on planning application CB/11/01937/OUT, Chamberlains Barn, considered elsewhere on this agenda.

## **9. Impact on Residential Amenity**

The Environmental Statement addresses issues such as noise, vibration and air pollution. The conclusions of the Environmental Statement on these issues are considered below.

### **Noise and Vibration**

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

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.

A strip of land approximately 100m wide adjacent to Vandyke Road would have a noise level 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.

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.

CBC officers take a more cautious view of the likely impacts and advise that there should be a condition to require a Construction Management Plan, this could be the same plan as that that would be secured in relation to the wider development of the site, CB/11/01937/OUT.

### **Air Pollution**

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.

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.

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.

Overall the development would have a negligible to neutral impact on air quality however appropriate measures to minimise dust etc would be included within the construction management plan.

### **Privacy**

Whilst the proposed link road and the associated development would bring development and activity into areas near existing dwellings where it does not currently exist it is not considered that this in itself would adversely impact on the privacy of residents.

The link road would be nearest to properties located on Chamberlains Gardens, Heath Road and the Heath Meadows development. The new junction with Heath Road would be in the same location as the access to the quarry site is currently. There is a wide woodland belt between the link road and existing residential properties at Chamberlains Gardens which is 20m wide and would be woodland. Other existing residential development would have new dwellings

between them and the link road.

It is considered that the distance between the proposed road and the existing dwellings along with the landscaping and other measures such as construction management plan would prevent any adverse impact on the privacy of existing residents.

## **10. Phasing of Delivery**

The applicant has set out that it is anticipated that construction of the first phase of development, including earthworks, the initial section of the ELR from Heath Road, strategic infrastructure works and the first phase of residential development would be completed within two years of permission being granted.

In line with the original masterplan, phasing of the development ensures that the ELR would be connected to Vandyke Road in phase 2. This would, therefore, enable residents to access the A5 via Vandyke Road and Mile Tree Road thereby reducing the impact of development traffic on Heath Road and in Heath & Reach village centre.

Completion of the ELR from Heath Road through to Stanbridge Road (during Phase 3) at the southern end of Clipstone Park would help to route development traffic around the east of the town, rather than impacting upon the junctions within the town centre.

The construction of the A5-M1 link (a two-lane dual carriageway running east from the A5 north of Dunstable to join the M1 at a new Junction 11a); currently proposed to commence construction in 2014/15, would help to provide relief to the A5 in the long term. It is also anticipated that this would help reduce the amount of through traffic passing through Heath & Reach to access the A5 at Woburn Road or Eastern Way.

The number of dwellings permitted to be occupied prior to the completion of each phase of the link road would be controlled through the s106 agreement. There would also need to be control over the number of dwellings permitted to be occupied prior to the part of the link road within Clipstone Park being provided.

## **11. Highway Impacts**

A number of objectors have raised concern about the impact of the proposal on existing roads and the overall impact of the connected development on traffic congestion in the town as a whole. The impact of the development as a whole on traffic congestion has not been addressed in this report, as this application only relates to a part of the link road.

The applicants have set out the following with regard to the concerns raised with regard to potential traffic impact on Heath and Reach.

### **“Existing movements**

Chamberlains Barn Quarry, which until recently has been operational on the site has consent for the extraction of minerals, with access into the site via the

existing access along Heath Road. As part of this consent, a total of 100 HGV loads per day are permitted (CB/11/01863/MU). In other words, up to 200 two-way HGV trips can be made through the centre of Heath & Reach to travel between the site and the A5.

In addition to the consented movements for CBQ, New Trees Quarry located on Shenley Hill Road has a similar consent, allowing a maximum of 100 loads per day (200 two-way trips) (Planning Permission 26/1969). Access into the site is obtained via Shenley Hill Road.

Hours of operation for both quarry sites are limited to 0700-1900 Monday to Friday and 0700-1300 on Saturdays. No operations are permitted to take place on Sundays or Public Holidays.

Based upon the permitted movements for both CB and New Trees Quarry, there is currently potential for up to 200 HGV movements (400 two-way trips) to be made through Heath & Reach per day (0700-1900).

### **Potential movements**

As part of the Outline Planning Application for the proposed development at CBQ and Full Planning Application for the Eastern Link Road (ELR) between Heath Road and Vandyke Road, the existing quarry access will be replaced by a signalised junction, with pedestrian and cycle crossings on all approaches.

Upon commencement of the proposed development, a proportion of existing HGV movements will be required by agreement to only enter/exit the Chamberlains Barn site to the north via the consented haul road onto Shenley Hill Road. As a result, whilst it is proposed to retain the right for some quarry traffic to use Heath & Reach there will not be a cumulative increase in HGV movements through the centre of Heath & Reach as a result of the two activities (quarry traffic and construction traffic).

*[Officer note: Planning permission exists for a haul road to be constructed from the northern part of Chamberlains Barn to Shenley Hill Road. Traffic would pass straight across Shenley Hill Road into New Trees Quarry and would then travel to the processing plant at Double Arches through the quarry site. This provides a route for minerals traffic which would be off the highway.]*

This existing quarry traffic for the two quarry sites will be partly replaced by construction traffic connected with the first phase of the development which will access the site via Heath Road. This first phase will include construction of the initial section of the ELR, plus the first residential properties. The following table identifies the number of HGV movements related to development of the Southern Leighton Buzzard development to the south of the town. These flows have been recorded as part of the Annual Travel Plan Monitoring whilst construction is underway and, therefore, provides a robust example of anticipated HGV movements associated with the proposed development.

	House Occupations (per year)	HGV Movements		
		Daily (0700-1900)	AM Peak (0800-0900)	PM Peak (1700-1800)
<b>2010</b>	57 occupations	49	7	2
<b>2011</b>	75 occupations	90	14	5
<b>2012</b>	143 occupations	97	8	2
<b>2013</b>	129 occupations	86	13	3

**Table 3.1 - HGV Movements entering the Southern Leighton Buzzard Development over 12 hours (0700-1900)**

As Table 3.1 illustrates, total HGV movements for the development are significantly lower than the existing permitted HGV movements associated with the two operational quarries (CB & New Trees). It is anticipated that a similar build programme to the SLB development will be implemented at CB. It is, therefore, not unreasonable to conclude that a similar number of HGV movements would be generated.

As the above table also indicates, peak hour trips (AM & PM) will be relatively low and, therefore, will not have a detrimental impact on vehicle movements along Heath Road or highway safety.”

## **12. Section 106 Agreement**

A Section 106 Agreement will be required for this planning permission to link the phasing and delivery of the road to the other planning permission at East of Leighton Linslade including the delivery of an acceptable standard of road at an appropriate time; the linkage to Vandyke Road/Clipstone Park link road; and the cessation of the use of the access to any mineral workings at Chamberlains Barn at an appropriate time and the bringing forward of an access to Shenley Hill Road.

### **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 The development hereby approved shall be commenced within five years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not

continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the bridge hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the bridge in the interests of the visual amenities of the locality.**

**(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)**

- 3 **No development shall take place in any phase of the development until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development within that phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.**

**(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policies 43 and 58, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)**

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected to prevent unauthorised access to the narrow gauge railway. The boundary treatment shall be completed in accordance with the approved scheme before any dwellings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 5 **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 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 44 of the Development Strategy for Central Bedfordshire revised pre-submission version May 2014.)**

**6 No development shall commence until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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.

7 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), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central

## **Bedfordshire revised pre-submission version May 2014.**

- 8 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), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3723.001 rev C – Link Road and Infrastructure Application – Planning application boundary, 3723.002 revA – Heath Rd Junction Access Scheme Layout, 3723.003 revA – Vandyke Rd Junction Access Scheme Layout, 3723.004 revA – Road 1 (Link/Spine Rd) Layout and Profile Sheet 1, 3723.005 revA - Road 1 (Link/Spine Rd) Layout and Profile Sheet 2, 3723.006 revA - Road 1 (Link/Spine Rd) Layout and Profile Sheet 3, 3723.007 revA - Road 1 (Link/Spine Rd) Layout and Profile Sheet 4, 3723.008 revA - Road 1 (Link/Spine Rd) Layout and Profile Sheet 5, 3723.009 revA - Road 1 (Link/Spine Rd) Layout and Profile Sheet 6, 3723.015revA – Road 1 (link/spine road) Typical Road Construction Details, 3723.016revA – Diverted NGR Scheme and Drainage Layout, 3723.017revA – Diverted NGR vertical profile, 3723.018revA – Diverted NGR Tunnel Sections, 3723.019 – FW and SW Drainage Strategy, 3723.020 – Detention basin and SW outfall, 3723.021 – FW pumping station general arrangement, 3723.SK16revA – Vandyke Junction Access Alternative Layout (Phase 1 AWEL).

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. 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).
2. 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.

### 3. **Environment Agency - Flood Risk Informatives**

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

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

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. Environment Agency - General Informatives

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.

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](http://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.

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

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

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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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