

Item No. 6

APPLICATION NUMBER	CB/18/02379/OUT
LOCATION	Land at Spinney Park and Spinney Pool, Billington Road, Leighton Buzzard, LU7 9HH
PROPOSAL	Outline Planning Permission - Proposed erection of not more than 150 dwellings, together with connecting access to Billington Road, all internal access roads, parking provision, turning areas, incidental open space and site landscaping.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Debbie Willcox
DATE REGISTERED	26 June 2018
EXPIRY DATE	25 September 2018
APPLICANT	Edwards Warehousing Limited
AGENT	The W. R Davidge Planning Practice
REASON FOR COMMITTEE TO DETERMINE	Major application that is a Departure from the Development Plan and has a Town Council Objection and is recommended for Approval
RECOMMENDED DECISION	Outline Application – Recommended for Approval

Reason for Recommendation:

The proposal would involve the loss of employment land within a designated Main Employment Area, contrary to Policy E1 of the South Bedfordshire Local Plan Review; however, that policy is considered to be out-of-date having regard to its lack of consistency with the NPPF. The larger part of the site has been unsuccessfully marketed for employment generating uses and evidence has been submitted suggesting that there is no reasonable or viable prospect of the site delivering an employment generating use on the site due to its location surrounded by residential properties. The proposal would deliver benefits in terms of strengthening the Council's housing land supply buffer on a brownfield, windfall site in a highly sustainable location, providing environmental benefits by removing an uncontrolled, 24/7 noisy use in close proximity to residential properties and providing physical works and financial contributions towards the Council's aspiration to upgrade footways and cycleways on Billington Road. The impact of the proposal on the character and appearance of the area is therefore considered to be positive and the proposal is considered to be acceptable in terms of highway safety and neighbouring amenity. Having regard to Paragraph 11 of the NPPF, it is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the scheme and therefore the proposal is considered to be acceptable.

Site Location:

The application site comprises two adjoining employment sites located on the west side of Billington Road in Leighton Buzzard. The Spinney Pool site is located to the north of the Spinney Park site.

The Spinney Pool site has a lawful B8 use, but is currently vacant and has been cleared of all buildings; it measures some 2.7 hectares. The furthest east part of the site has a similar ground level to the surroundings but the access then plunges down and the majority of the site lies some 6m lower than the surrounding land, with steep banks on the north, south and west boundaries.

The Spinney Park site is approximately 1.1 hectares in size and is currently in use under use class B8. It is broadly flat, with ground levels consistent with the surrounding land to the south, west and east. The site is long and narrow, with two buildings on the site and the rest of the site used for lorry parking.

Between the two sites, at the level of the Spinney Park site, runs public footpath nos. 44 and 16 Leighton Buzzard, which then turn south at the corner of the site and run along the western boundary of the Spinney Park site.

The application site lies within, but on the edge of a designated main employment area. To the north of the site is the new Central Bedfordshire College facility on Chartmoor Road, to the east is Billington Road and residential properties on the other side of the road. To the south is Homeways, a small site with a mixed use of residential and commercial, beyond which is residential properties, including the extra care facility at Greenfields. To the west is open space, beyond which lies the residential development on site 17A and Brickyard Quarry, which has a residential permission and is likely to start construction shortly.

The Application:

The application seeks outline planning permission with all matters reserved except for access for the residential development of the site for up to 150 dwellings, with associated roads, parking, open space and landscaping.

Two similar indicative layout plans have been submitted demonstrating how the site could accommodate 150 dwellings. Both plans show access being taken from a central point in the eastern boundary of the site onto Billington Road.

The indicative site layout plans show a relatively low density scheme of around 28 units per hectare on the Spinney Park site with a mix of detached and semi-detached houses with private gardens. The proposal for Spinney Pool is for a higher density development with a gross density of 43 dwellings per hectare. This is shown in four blocks of flats, of five or six storeys, surrounded by parking, landscaping, open space, a play area and a road network. A further three detached houses are shown on the eastern edge of the site.

The proposed four flat blocks would be arranged with Block A of six stories being positioned close to the western boundary, orientated facing west and east, with a landscaped area to the rear. Blocks B, C and D would be orientated north and south and staggered through the site. Blocks B and C would also have six stories, whilst Block D would be on a slightly higher ground level and would therefore have five stores. Each block would have undercroft parking on the ground floor

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making efficient use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-in' Sites

H3 Meeting Local Housing Needs

H4 Affordable Housing

E1 Main Employment Areas

R15 Retention of Public Rights of Way Network

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H2, H3 & R15 are still given significant weight. Policies H4, E1 and T10 are afforded less weight).

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

- Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development
- Policy H1: Housing Mix
- Policy H2: Housing Standards
- Policy H4: Affordable Housing
- Policy EMP2: Change of Use to Non-Employment Generating Use
- Policy T1: Mitigation of Transport Impacts on the Network
- Policy T2: Highway Safety & Design
- Policy T3: Parking
- Policy EE1 : Green Infrastructure
- Policy EE2: Enhancing biodiversity
- Policy EE12: Public Rights of Way
- Policy CC1 : Climate Change and Sustainability
- Policy CC3: Flood Risk Management
- Policy CC5: Sustainable Drainage
- Policy CC8: Pollution and Land Instability
- Policy HQ1: High Quality Development
- Policy HQ2: Planning Obligations and the Community Infrastructure Levy

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Affordable Housing Guidance Note for Central Bedfordshire (South Area) (September 2018)

Relevant Planning History:

Application Number	CB/17/04821/PPA
Description	Planning Performance Agreement for residential development of 100 - 200 units
Decision	N/A
Decision Date	N/A

Consultees:

Leighton-Linslade Council	Town	Resolved to Recommend to Central Bedfordshire Council that objection be made to application reference CB/18/02379/OUT (Land at Spinney Park and Spinney Pool) on the grounds that the proposed development was contrary to policy, as the land in question was designated as a Main Employment Area.
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Highways Officer	Minor comments on layout which can be addressed at reserved matters stage.
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The Transport Assessment is a fair representation of the existing scenario and the proposal. However, while the application states that there are historically over 700 movements in a day this has not been supported by evidence. The increase of trips to and from the site from 240 to 569 trips per day is therefore a little concerning.

For this kind of trip rate it would be expected that an improvement to the highway junction would be required. It is noted that the safety audit and report of current accidents recorded does not suggest that currently there is an issue of concern. However, it would be more appropriate to seek a contribution to mitigate against the issues raised within the safety audit and this would be reconstruction of the area subject to the movements of vehicles to and from this site which will be 43m in either direction. The construction costs of this section of road could be in the region of £410,000. There would also be a need to upgrade the bus stop provision and this may include the provision of real time information; bus shelters and kerbing. Again, the cost of this provision could be in the region of £40,000.

As observed in a recent meeting with the applicant; there will be a need to carry out improvements and cycleway provision either side of the junction as well as the junction itself.

There is also a need to extend the footway/cycleway from this point to the footway/cycleway along the south side of Chartmoor Road. Again, it would be more appropriate to seek a contribution as part of this provision. The current estimated cost of these works is £196,000 and I would seek a contribution of 20% which is £39,000. Please be aware that two conditions have been requested that (due to land ownership) must also be included in any permission granted.

Considering the size of the development and not completely understanding the state of the foundation of the carriageway and as a result degree of reconstruction required it is suggested that this development make a contribution towards the provision of these works. Further this contribution should be capped at £150,000 plus £39,000 as a contribution to the provision of the footway/cycleway.

With exception to the above, it is recommended that permission be allowed subject to standard highway conditions.

Pollution Team

In favour of the loss of the 24/7 storage and distribution use due to the close proximity of the site to consented and constructed housing schemes, including the Greenfields Extra Care facility.

However, the submitted noise report is inadequate and does not meet the requirements of the British Standard, the NPPF or the ProPG Guidance on Noise.

The report fails to demonstrate that the three houses at the front of the site can be adequately protected from road noise.

The report also fails to demonstrate that the properties along the Homeways site can be protected from noise from that site without using unconventional layouts for any properties along that boundary.

A condition is recommended to ensure that any Reserved Matters application includes a layout clearly supported by a noise assessment which meets the requirements of the above policies and guidance.

A condition is also recommended in respect of contaminated land.

Rights-of-Way Officer

The proposals seem acceptable but if the paths are to be diverted, a public path diversion order will have to be applied for (no application has been included as part of the outline application).

As no specification detail of the proposed footway/cycleway and the required Public Path Order Diversion Order has not been applied for, a Rights of Way Condition will be required.

Environment Agency

No comments.

Buckingham and River Ouzel Internal Drainage Board

Surface water drainage strategy acceptable in principle but requires revised calculations. Requests condition in respect of stormwater disposal design and construction proposals

Flood Risk Management Team	Outline planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the provided recommendations and planning conditions are secured.
Landscape Officer	No objection but lists several requirements for Reserved Matters stage.
Ecologist	No objection subject to imposition of recommended condition to provide net gains for biodiversity.
Local Plans Team	No objection.
Inward Investment	Object that the proposal would result in a loss of employment land and has not been marketed through the portal. Has enquiries from businesses who may find the sites suitable.
Police Architectural Liaison Officer	Raised concerns about undercroft parking. Recommended condition overcomes these concerns.
Bedfordshire Fire and Rescue	Requests condition for the provision of fire hydrants.
MANOP	Requests 35 units of mainstream housing to be suitable for older people
Housing Development Officer	Supports application as it provides 30% affordable housing.
Archaeologist	No archaeological constraint to development.
Education Officer	Requests contributions to deliver the additional school places that would be generated by the development.
Leisure Team	Requests contributions for leisure and playing pitch provision to meet the needs of future occupiers of the scheme. Requires the provision of two LAPs/LEAPS on the site.
Public Art Officer	Requests a condition requiring the reserved matters application to include a scheme for public art on the site.

Self-Build Officer	The proposed site has a potential to deliver serviced plots for self and custom housebuilders registered on the Central Bedfordshire's Self and Custom Build Register. The Council is operating the Register since April 2016 and will look to support applications for the delivery of serviced plots in suitable locations and where the need can be demonstrated.
Travel Plan Officer	A condition is requested for the provision of a travel plan.
Sustainable Growth Officer	A condition is required to provide energy and water efficiency in accordance with the requirements of Policy BE8 of the South Bedfordshire Local Plan Review.
Waste Services Team	A refuse strategy must be included at Reserved Matters stage. Developers have to pay for the supply / delivery of the bins.

Other Representations:

Buzzcycles

Whilst not in any way objecting to the principle of developing this brownfield site for residential use, the proposals at present make no mention of secure cycle storage contrary to Council policies. Such storage is essential for flats.

The design seems to lack permeability for walking & cycling to the north, west & south to give people access through to the town & across the overbridge over the by-pass to the planned new public greenspace contrary to the aims & objectives of the Ouzel Valley Park Cycle Town policy & aspirations to develop walking & cycling & so discourage unnecessary car use.

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highways and Rights-of-Way Considerations
5. Planning Contributions
6. Planning Balance
7. Other Considerations

Considerations

1. Principle of Development

- 1.1 The application site lies on the edge of, but within an area designated as a Main Employment Area in the South Bedfordshire Local Plan Review. That allocation is taken forward in the emerging Central Bedfordshire Local Plan. This application seeks to redevelop the site for residential use.
- 1.2 The two sites which make up the application site were submitted in the Call for Sites as part of the Local Plan preparation. Both sites passed stages 1, 2 and 3, however, they did not pass the site assessment process to be identified as suitable in the Strategic Housing Land Availability Assessment (SHLAA) 2018, as the SHLAA concluded that the sites were located on employment land and therefore could not be allocated as this was an authority approach taken in the assessment process.
- 1.3 Policy E1 of the South Bedfordshire Local Plan Review states "*Within Main Employment Areas, defined on the proposals map, planning permission will not be granted for uses other than B1, B2 or B8 of the Use Classes Order 1987.*"
- 1.4 Based on the age of the policy, and the conflict with the more flexible approach required by the NPPF, it is considered that policy E1 is out of date and can only be accorded limited weight.
- 1.5 Policy EMP2 of the submission version of the emerging Central Bedfordshire Local Plan is helpful as a direction of travel, however, at this time it only carries limited weight, based on the stage of preparation of the plan and the extent to which there are unresolved objections.
- 1.6 As such, paragraph 11(d) of the NPPF applies, which states:

For decision-taking this means:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 6 sets out the areas and assets which are protected by 11(d)i. and none of those apply to the application site.

1.7 As noted above, Policy EMP2 of the submission version of the Central Bedfordshire Local Plan does only carry limited weight, but is still helpful as a direction of travel. The policy states the following:

"Other than where permitted development allows, proposals for non-employment generating uses on identified employment land will only be considered where suitable and detailed evidence is submitted demonstrating that the following criteria can be met:

In relation to non-key sites:

- the site is not currently actively used for employment generating uses;*
- there is no reasonable or viable prospect of the site delivering an employment generating use;*
- a change of use will not detrimentally impact upon the deliverability of B1, B2 and B8 uses within the locality; and*
- the proposed use would not detrimentally impact upon existing surrounding land uses.*

In relation to allocated employment land and key sites, in addition to the above:

- the site has been comprehensively marketed for at least 6 months for the current employment generating uses as well as for alternative employment generating uses and has been promoted through the Council's Inward Investment Portal;*
- there is a local need for the proposed intended use; and*
- there are no strong economic reasons why the proposed intended use would be inappropriate.*

All proposals for non-employment generating uses should be in accordance with other relevant policies set out within the plan."

1.8 In this case, the application site comprises of two distinct sites; Spinney Pool and Spinney Park; and two separate marketing reports have been submitted with the application.

1.9 Spinney Pool has been vacant since Spring 2017, when Culina Logistics Ltd vacated the site; however it has been marketed though Kirkby Diamond and Andrew White & Co since July 2016, including through signboards displayed prominently at the front of the site and direct marketing by the agents, including to retained clients.

1.10 The submitted marketing report describes the buildings on site at that time as follows:

"The premises comprise of a mixture of accommodation, including high-bay warehousing and aged and obsolete low level cold storage units with the most

modern element of structure being at the road end of the site, in the most elevated position, where a wire guided high bay warehouse was sited."

- 1.11 Between July 2016 and August 2017 four expressions of interest were received, from Mini Clipper Logistics; Carlton Packaging; The Recycling Group and a local charity. In each case, the interest was not taken forward, with the exception of the charity, who made an offer based on terms that were described by the agent as "un-commercial with a high possibility of tenant failure." Reasons given for the failure of the other parties to make an offer included the repairs required to the historic roofs, the lack of yard space for HGV turning and parking, the angle of the slope around the site, the layout and differences in the heights of buildings, the overlooking by the Central Bedfordshire College site and the proximity of residential development.
- 1.12 The vacant buildings were then vandalised, suffering £50,000 - £100,000 worth of damage. The police advised the site owners to demolish the buildings on the site, which took place in late 2017 into early 2018.
- 1.13 The smaller of the two sites, Spinney Park, is currently occupied by Maritime Transport. The site is taken on a three year lease, which is due to expire on 1st April 2019, at which time Maritime Transport are relocating to a purpose built logistics facility closer to the motorway network. It is stated within the Spinney Park marketing report that Maritime Transport was only ever interested in short-term occupation of the site as they were pursuing other, purpose built facilities.
- 1.14 The Spinney Park site has not been re-marketed since 2015, however, the report, prepared by Kirkby Diamond, indicates that, in their opinion, it is unlikely that the site would be successfully marketed in the future for employment uses as a result of its proximity to residential properties to the south, east and west of the site. The report also identifies a number of recently refurbished or new, purpose built facilities that are either currently available or coming forward that have better connections to the strategic transport network and are in locations that are not constrained by the close proximity of residential development, which would provide significant competition to the application site.
- 1.15 Based on the evidence of the Spinney Pool marketing report, it is considered that sufficient marketing has been completed to demonstrate that it is unlikely that the site will come forward for employment generating purposes. Less evidence is available for the Spinney Park site, however, this is the smaller of the two sites, and lies between the Spinney Pool site and the residential development to the south. Any residential permission for the Spinney Pool site would further impact on the ability of the Spinney Park site to deliver employment generating uses.

- 1.16 The Council's Inward Investment Team has objected on the basis that there are two companies currently looking for appropriate sites within Leighton Buzzard, and that one or both of the sites may meet their needs. It is noted that one of the companies is Mini Clipper Ltd, who have already dismissed the Spinney Pool Site as being appropriate for their needs.
- 1.17 Consideration must be given to the impact of the proposal on the remainder of the designated Main Employment Area, which lies to the north and then curves around to the west of the two sites. To the immediate north of the sites is the Central Bedfordshire College on Chartmoor Road, which would not be prejudiced by the residential development on the application site as it does not have a 24 hour use or produce noise or emissions.
- 1.18 To the west of the college is a vacant area of land which abuts Brickyard Quarry. Brickyard Quarry was a strategic housing allocation within the South Bedfordshire Local Plan Review and has planning permission for 165 units. As such, any commercial development on the vacant site would have to be subject to strict controls on use class, hours of use and noise to protect future occupiers of the houses planned for Brickyard Quarry. It is therefore considered that the residential development of this site would not prejudice future development on the vacant area of land.
- 1.19 The rest of the designated Main Employment Area lies to the north of Chartmoor Road and to the north and west of Brickyard Quarry. It is considered to be of a sufficient distance to the application site that the proposed residential use would not have a prejudicial impact on the remaining Main Employment Area.
- 1.20 To the south of the Spinney Park site lies Homeways, a small site with a lawful mix of B8 and B2 uses and two residential properties. A noise report accompanies the application, however, it is not in compliance with the guidance that addresses such reports and is not sufficient to demonstrate that the layout shown on the indicative plan could be delivered, with residential properties backing onto the Homeways site. Notwithstanding this, a recent planning application for residential development on the other side of the Homeways site (Land at The Warren, CB/15/01764/FULL) has demonstrated that, subject to detailed layout of the houses, the noise from the site can be acceptably mitigated through a mixture of noise mitigation measures and design measures. As such, subject to a condition that any Reserved Matters layout is accompanied by a noise report in full accord with current guidance, demonstrating how the design of the scheme mitigates against noise pollution, including from the Homeways site, it is considered that the proposal would not prejudice the continued employment uses on the Homeways site.
- 1.21 The Environmental Health Officer has welcome the proposed change of use of the land to residential as it would reduce noise pollution to the residential

properties at The Warren, Site 17A (Roman Gate) and the Extra Care Facility at Greenfields as well as older and more established residential properties along Billington Road. Whilst the newer properties have noise attenuation measures in place, this does not wholly protect against noise pollution, particularly in outdoor spaces such as gardens and balconies. It is considered that the proposal would have an environmental benefit by removing the uncontrolled 24/7 distribution use from the application site in such close proximity to residential properties.

- 1.22 The proposal would also deliver up to 150 new homes, which would make a significant contribution to the Council's housing supply. Whilst the Council can currently demonstrate a 5.8 year housing supply, the proposal would represent a windfall site on brownfield land in a sustainable location that would strengthen the Council's buffer of its housing supply. This is a benefit that carries significant weight in favour of the scheme.
- 1.23 The NPPF states, within Section 5, that Local Planning Authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 1.24 Section 11 of the NPPF urges Local Planning Authorities to make as much use as possible of previously developed or brownfield land. It states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 1.25 Paragraph 120 of the NPPF states the following:
- "Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*
- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."*
- 1.26 Within the planning balance it must be determined how much weight should be given to the loss of employment land, and how much weight should be given to the identified benefits of the scheme. Only if the identified harm would significantly and demonstrably outweigh the benefits of the scheme should

planning permission be refused. That balancing exercise will be carried out within Section 6 of this report.

2. Impact on the Character and Appearance of the Area

- 2.1 The proposal would result in a change in the character of the two sites from industrial to residential. This would be consistent with surrounding residential development to the west, south and east and would have an environmental benefit to the residents of the surrounding development.
- 2.2 The indicative layout plans for Spinney Park show traditional detached and semi-detached houses with private gardens in a density and pattern of development which would be consistent with surrounding residential development. It is considered that the proposal for the Spinney Park site would not have any harmful impact on the character and appearance of the area.
- 2.3 The unusual topography and the depth of the Spinney Pool site provides an opportunity to secure high density development without having a harmful impact on the character and appearance of the area. The depth of the site would mean that blocks of six storeys would appear only some 3 storeys high as viewed from the surrounding land. Block D, which would sit on slightly higher ground, is proposed at five storeys. The principle of three storey development along Billington Road has already been accepted, as can be seen at the junction with Theedway and Kestrel Way and the junction with Johnson Drive and Clay Furlong.
- 2.4 The distribution of the flat blocks throughout the site as shown on the indicative layout plans is considered to be acceptable design. Block A would provide a termination point to the development, whilst its position with landscaping behind would prevent rooms in the western side of the block from being too overshadowed from the high bank to the west.
- 2.5 Blocks B, C and D have been shown as being staggered to ensure that the layout does not appear too regimented. Each block has surrounding landscaped amenity areas to provide communal areas for outdoor relaxation and to soften the visual impacts of the blocks and to help integrate them into their surroundings.
- 2.6 The proposed use of the ground floors of the blocks of flats for undercroft parking would be contrary to the Central Bedfordshire Design Guide, which seeks active frontages on the ground floor. However, the only alternative that would maintain the proposed density would be a significant increase in open car parking on the site, with a corresponding significant reduction in landscaping and amenity areas, which would represent an unacceptably poor quality design. A reduction in the density of development is considered to be contrary to Section 11 of the NPPF, which requires the efficient use of land and seeks to ensure that development makes optimal use of the potential of each

site. The unusual topography of the site provides a unique opportunity to deliver a significant number of homes that would be compliant with the Council's parking standards and provide a scheme of high quality design.

2.7 It is considered that natural surveillance would be provided at upper levels, and that the innovative use of materials, with opportunities for public art at ground floor levels, could ensure that the ground floor elevational treatment of the blocks is attractive and engaging. On balance, having regard to the alternatives, it is considered that the proposed undercroft parking would not prejudice the opportunity to secure a high quality scheme at Reserved Matters stage.

2.8 Whilst the proposed layout plans are only indicative, it is considered that a series of conditions controlling building heights on the separate parcels of the site would secure a high quality development that would be consistent with the prevailing character of the area.

2.9 The application is therefore considered to conform with Sections 11 and 12 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review, Policy HQ1 of the emerging Central Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

3. Neighbouring Amenity

3.1 As noted above, the primary impact on the amenity of residential neighbours would be the benefit of the loss of the unrestricted 24/7 distribution use of the two sites.

3.2 The indicative layouts have demonstrated how residential development can be accommodated on the site without having any detrimental impacts on the residential properties at The Warren, Greenfields or Homeways in terms of privacy, loss of light or the creation of a sense of overbearing. No other residential properties are located within close enough proximity of the boundaries of the site that the scheme would have an unacceptable impact on the amenity of their occupiers.

4. Highways and Rights-of-Way Considerations

4.1 The Highways Officer has not raised any concerns with the safety of the proposed access or the capacity of the highway network to accommodate the development. However, he has identified a need for highways improvements to allow the development to take place and is seeking a financial contribution from the developers towards the cost of the works.

4.2 The scheme would also allow the provision of a footway/cycleway across the front of the site, where there is currently no footway at all. The provision of footway/cycleways along the whole stretch of Billington Road is an aspiration

for the Council and the provision of the footway / cycleway across the front of the site, which is to be secured by condition, would be a benefit of the scheme.

- 4.3 The scheme would also deliver financial contributions of £39,000 towards the delivery of the footway / cycleway to either side of the site along Billington Road and linking to Chartmoor Road. Whilst the Highways Officer has requested a second condition for the provision of the footway / cycleway linking Billington Road and Chartmoor Road, this land lies outside the control of either the applicant or the Highway Authority and therefore the imposition of this second condition is not considered to meet the tests for conditions as it would not be reasonable.
- 4.4 The indicative plans show sufficient parking in accordance with the Council's standards. On the Spinney Pool site, this is achieved by undercroft parking on the ground floor of the residential blocks. The Architectural Liaison Officer raised concerns about the use of undercroft parking, but withdrew his concerns subject to the imposition of a condition.
- 4.5 The public footpaths which run along the boundary separating Spinney Park and Spinney Pool have been incorporated into the proposed indicative layout plans to ensure that they are retained on a similar line and enhanced. To secure this, a condition is recommended for a Rights-of-Way scheme to be submitted and approved in writing before the commencement of development on the Spinney Park site.
- 4.6 In response to the comments from Buzzcycles; the topography of the Spinney Pool site means that it is impossible to provide links from this site to the north, west or south as the banks are too steep. However, the public footpath that runs along the top of the southern bank, along the northern edge of Spinney Park will be retained and enhanced and provide connections to the network of paths and open space to the south.
- 4.7 A condition ensuring that the Reserved Matters application includes a cycle storage strategy is recommended.

5. Planning Contributions

- 5.1 Planning contributions are proposed to be secured, in accordance with the terms of the NPPF which states that any contribution must be:-
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development

The following will be secured by s106 planning agreement:-

- a formula based approach which, based on the indicative layout for scheme B would provide £966,716.74 towards the provision of places at nursery, lower, middle and upper schools;
- a formula based approach which, based on the proposed mix would provide £132,836 towards leisure facilities and £48,722 towards playing pitch provision;
- £150,0000 towards highway improvement and bus stop upgrades;
- £39,000 towards the cost of footway/cycleway connections on Billington Road and Chartmoor Road
- local area for children's play
- 30% affordable housing in accordance with CBC housing requirement

6. Planning Balance

- 6.1 The site lies within a designated Main Employment Area and the loss of the employment land weighs against the scheme. However, the current policy context is such that Policy E1 of the South Bedfordshire Local Plan Review is out of date and Policy EMP2 of the emerging Central Bedfordshire Local Plan currently carries only limited weight.
- 6.2 As such, Paragraph 11 of the NPPF requires permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.3 It is considered that, as part of the Framework, weight should still be given to the loss of designated employment land. This is strengthened by the views of the Council's Inward Investment Team that the sites could still be attractive to potential tenants and that there is a lack of immediately available sites within Leighton Buzzard.
- 6.4 However, weighing against that is the submission of the marketing report for Spinney Pool, which demonstrated a failure to secure a viable employment use of the site despite a period of over a year of marketing. This is in accordance with the emerging policy EMP2.
- 6.5 Also diminishing the weight that should be attributed to the loss of employment land is the opinion of the marketing agent that the close proximity of the sites to existing and consented residential properties significantly reduces the attractiveness of the two sites for potential tenants, as does the layout of the Spinney Park site. The reports provided by the marketing agent also note that the sites have been or will be vacated by three logistics companies in favour of purpose built modern logistics facilities with better connections to the motorway network. He highlights a number of alternative sites that currently exist, are in development or are planned for, which will increase competition, further reducing the viability of the two sites which form the application site.

- 6.6 It has also been demonstrated that, subject to the imposition of appropriate conditions, residential development can be delivered on the site without having a detrimental impact on other existing employment land within the area.
- 6.7 Having regard to all these factors, it is considered that only moderate weight can be placed on the loss of employment land.
- 6.8 Weighing strongly in favour of the scheme is the benefit of strengthening the Council's housing land supply buffer on a brownfield site in a sustainable location within an existing settlement as a windfall development. This would be in accordance with Section 5 and 11 of the NPPF.
- 6.9 A further benefit of the scheme would be the reduction in noise pollution, particularly in outside spaces, to occupiers of Greenfields, The Warren, Site 17A and other surrounding residential properties. Moderate weight is given to this benefit.
- 6.10 Another identified benefit of the scheme is the contribution it would make to the Council's aspirations to secure a footway / cycleway along the whole stretch of Billington Road. There is currently no footway at all along the front of the site (a distance of some 55m) and the scheme would deliver this footway/cycleway as well as providing financial contributions towards the wider footway / cycleway improvements. Moderate weight is attributed to this benefit of the scheme.
- 6.11 Within the planning balance, having regard to all factors, it is considered that the loss of employment land would not significantly and demonstrably outweigh the identified benefits of the scheme and as such planning permission should be granted in accordance with Paragraph 11 of the NPPF.

7. Other Considerations

7.1 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be APPROVED subject to the completion of a Section 106 Agreement and the following:

RECOMMENDED CONDITIONS

- 1 No development shall commence at the site until approval of the details of the appearance, landscaping, layout and scale of the**

development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

- 3 The buildings hereby permitted on the Spinney Park site shall not exceed two and a half storeys in height. The buildings hereby permitted on the Spinney Pool site shall not exceed six storeys in height.

Reason: To ensure that the character and visual appearance of the area is not adversely affected
(Policies BE8 & H2, SBLPR and Section 12, NPPF)

- 4 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Policies BE8 & H2, SBLPR and Section 12, NPPF)

- 5 **No development shall take place until details of the junction between the proposed estate road and Billington Road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that junction has been constructed in accordance with the approved details.**

**Reason: The condition must be discharged prior to commencement to ensure that ground works do not prejudice the geometry and location of the junction. The condition is imposed in order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
(Policy H2, SBLPR and Section 9, NPPF)**

- 6 The new access with Billington Road shall not be brought into use until details showing the closing of any existing accesses within the highway frontage of the land to be developed, which is not to be incorporated in the access hereby approved, have been submitted to and approved in writing by the Local Planning Authority and the accesses have been closed in accordance with the approved details.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Policy H2, SBLPR and Section 9, NPPF)

- 7 No dwelling shall be occupied until a scheme for the provision of a 3.0m wide footway/cycleway on the west side of Billington Road along the entire frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the resiting of any Statutory Undertakers equipment or street furniture as shall be required to provide an unobstructed footway. No dwelling shall be occupied until the footway/cycleway has been delivered in accordance with the approved scheme.

Reason: In the interests of road safety and pedestrian movement.
(Sections 8 and 9, NPPF)

- 8 **No development shall commence until, a scheme for the provision of public footpaths nos.16 Billington and 44 Leighton Buzzard has been submitted to and approved in writing by the Local Planning Authority to include:**

- **an application for the permanent diversion of public footpaths nos. 16 and 44 to the proposed new route**
- **details of the design of the proposed new route to include details of proposed width, surfacing, gradient and any landscaping/boundary treatments alongside (a cross section would be useful).**
- **details regarding any proposed temporary closure and alternative route provision of public footpaths nos. 16 and 44 whilst construction work is carried out. *(It should be remembered that the existing legal routes of the Public Footpaths must remain completely unaffected by development until the full legal process of diversion has been completed and there are no guarantees of success of diversion application proposals)***

The approved scheme shall be implemented in full thereafter.

Reasons: The condition must be discharged prior to commencement to ensure that construction works do not result in the unplanned closure or obstruction to the public rights-of-way. The condition is imposed in the interests of the amenity of pedestrians and other non motorised

**users and to ensure safety of users is not compromised by the traffic associated with the development.
(Policy R15, SBLPR and Section 8, NPPF)**

- 9 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Statement (July 2018) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed.**

**Reason: The condition must be discharged prior to commencement to ensure that any ground works do not prejudice the delivery of an acceptable surface water drainage scheme. The condition will ensure the approved system will function to a satisfactory minimum standard of operation and prevent the increased risk of flooding both on and off site, in accordance with Section 14 of the NPPF.
(Section 14, NPPF)**

- 10 No dwelling shall be occupied until a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and confirmation that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details has been submitted to and approved in writing by the Local Planning Authority. The system shall be maintained in accordance with the approved Maintenance and Management Plan thereafter.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.
(Section 14, NPPF)

- 11 Any reserved matters application shall include a comprehensive noise survey based on surrounding uses (including industrial, commercial and road noise) and a mitigation scheme designed to deal with the findings of the acoustic assessment, which should include information as to how the detailed design of the development has been informed by the findings of the acoustic assessment, as well as details of any additional mitigation measures that are found to be necessary. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and a validation report showing the scheme to be effective has been submitted to and approved in writing by the Local Planning Authority. The elements of the

approved mitigation scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that future occupiers of the development do not suffer from excessive noise and to ensure that the development does not prejudice the operation of any commercial sites within the vicinity of the application site. (Policies BE8 & H2, SBLPR and Section 15, NPPF)

12 **The development hereby permitted shall not commence until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:**

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The condition must be discharged prior to commencement to protect the health of construction workers as well as future occupiers

**of the site from any possible effects of contaminated land, in accordance with local planning policy.
(Section 15, NPPF)**

- 13 Any reserved matters application shall include a scheme for the design and ongoing management of any undercroft parking areas. The scheme shall include the following:
- undercroft parking area(s) shall be enclosed;
 - undercroft parking area(s) shall be well-lit;
 - access to undercroft parking area(s) shall be controlled; and
 - a camera system shall be in place.

The approved scheme shall be implemented in full thereafter.

Reason: To reduce the risk of crime and the fear of crime.
(Policy BE8, SBLPR and Sections 8 and 12, NPPF)

- 14 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of any of the dwellings hereby approved the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.**

**Reason: The condition must be pre-commencement to ensure that any ground works do not prejudice the appropriate siting of fire hydrants, in the interests of fire safety and providing safe and accessible developments.
(Section 12, NPPF)**

- 15 **No development shall take place (including ground works or site clearance) until a method statement for the erection of bird/bat boxes in buildings/structures and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:**
- a) purpose and objectives for the proposed works;**
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);**
 - c) extent and location of proposed works shown on appropriate scale maps and plans;**
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
 - e) persons responsible for implementing the works;**

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

**Reason: The condition must be discharged prior to commencement to ensure that site clearance works do not prejudice the habitats which currently exist on the site (specifically along the footpath corridor). The condition seeks to ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.
(Section 15, NPPF)**

16 Any reserved matters application shall include a Public Art Plan which shall include the following information:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Timescales for the installation of the Public Art
- Future care and maintenance.

The Public Art Plan shall be implemented in full and as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development represents high quality development and provides local distinctiveness.
(Policies BE8 & H2, SBLPR and Section 12, NPPF)

17 No part of the development shall be occupied until a full residential travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Predicted travel to and from the site and targets to reduce car use
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport
- Timetable for implementation of measures designed to promote travel choice
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority
- Details of provision of cycle parking in accordance with Council guidelines

- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include;
 - 1 Walking, cycling, public transport and rights of way information. Site specific travel and transport information
 - 2 Travel vouchers
 - 3 Details of relevant pedestrian, cycle and public transport routes to/ from and within the site
 - 4 Copies of relevant bus and rail timetables
- Details of the appointment of a travel plan co-ordinator

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network.
(Section 9, NPPF)

- 18 The landscaping details required to be submitted by condition 1 of this permission shall include details of hard and soft landscaping (including details of boundary treatments and any public amenity open space, and Local Areas of Play / Local Equipped Areas of Play) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.

The soft landscaping scheme, which will include ecological enhancement measures, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the landscaping areas. The landscaping areas, including public amenity open space and Local Areas of Play / Local Equipped Areas of Play shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread); measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

Reason: To ensure that the appearance of the development would be acceptable.

(Policies BE8 & H2, SBLPR and Sections 12 and 15, NPPF)

- 19 **No development shall commence at the site before a foul water strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Anglian Water. No dwellings shall be occupied before the strategy has been completed.**

Reason: To ensure that adequate foul drainage is provided and that existing and future land drainage needs are protected.

(Section 14, NPPF)

- 20 Any reserved matters application shall include a scheme for the secure storage of cycles on the site in accordance with the Council's standards. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

(Section 9, NPPF)

- 21 Any reserved matters application shall include vehicle parking and/or garaging in accordance with the Council's standards applicable at the time of submission. This shall include the provision of electric car charging points. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.

(Policy H2, SBLPR and Section 9, NPPF)

- 22 Any reserved matters application shall include a waste strategy scheme, to include details of all waste storage facilities, waste collection points and a scheme for the provision of all waste receptacles. The approved scheme shall be implemented in full before any of the dwellings hereby approved are first occupied and shall be retained thereafter.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 23 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar

gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.
(Policy BE8, SBLPR and Section 14, NPPF)

- 24 The development hereby approved shall comprise no more than 150 units.

Reason: For the avoidance of doubt

- 25 **No development shall take place until a Construction Management Plan detailing access arrangements for construction vehicles, on-site parking for construction workers, loading and unloading areas, materials storage areas, wheel cleaning arrangements and hours of construction work has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction Management Plan.**

**Reason: The condition must be discharged prior to the commencement of the construction phase in the interest of highway safety and to ensure a satisfactory standard of construction and layout for the development.
(Policies BE8 & H2, SBLPR and Section 9, NPPF)**

- 26 The development hereby permitted shall not be occupied or brought into use until the details of external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the safety and visual amenity of the site and its surrounding area.
(Policies BE8 & H2, SBLPR and Section 12, NPPF)

- 27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number 5123450/9 Rev H (insofar as it proposes the development access arrangements only).

Reason: To identify the approved plans and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
6. The applicant is advised that in order to comply with Conditions 5 and 7 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

7. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
8. In respect of condition 8, the applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:-
 1. An order made, confirmed and certified under the provisions of Section 257 of the Town and Country Planning Act 1990
 2. An order made, confirmed and certified under the provisions of the Highways Act 1980
 3. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a public right of way.
9. The Surface Water Drainage Scheme required by condition 9 must incorporate the following recommendations:

- For soakaways that are spaced less than 10m away from each other the following reductions should be made to the effective soakage area.

Soakaway Spacing m	10	8	6	4	2	1
Reduction in soakage area % per soakaway	0	12.5	25	37.5	50	50

Soakaways (2metres deep or less) should be 5 metres from any foundations and 2.5 metres from boundaries.

Deep bore soakaway (over 2 metres bgl) will require permission from the Environment Agency and a ground engineers report to assess acceptable distances from structures.

- Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central

Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

- To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

10. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - 2010".

11. In respect of condition 22, the applicant is advised as follows:

The Council's waste collection pattern for Leighton Buzzard is as follows:

- Week 1 - 1 x 240 litre residual waste wheelie bin,
- Week 2 - 1 x 240 litre recycling wheelie bin, 1 x 240 litre garden waste wheelie bin

Please note that there is a contribution to pay for the supply/delivery of the bins. Our current charges for this are:

240 - £25 +VAT per bin

360 - £35 + VAT per bin

660 - £250 + VAT per bin

1100 - £350 + VAT per bin

This must be paid prior to discharging the relevant condition. A purchase order must be raised for the quantity of bins required and sent to Waste Services quoting the relevant planning reference number. We will also require a map of the site detailing street names, plot and house numbers.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site (please see vehicle dimensions below). Typically, until roads are adopted or if the RCV is unable to manoeuvre around the site, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard-standing area needs to be provided for at least 2 wheelie bins per property. However, householders should not be expected to transport waste bins over a distance greater than 25m. Bins must not encroach on or cause a hazard or obstruction to the public highway. Waste

vehicles will reverse a maximum of 15m to the point of collection. If there are any parts of the development that are not accessible to the RCV, bin collection points will need to be provided.

If there are any flats as part of the development the following information applies. Communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore, we would provide 1100 litre, 660 litre or 360 litre bins to be collected weekly. Our waste collection crew will move communal bins a maximum of 10m from the bin store to the waste collection vehicle, providing there are suitable dropped kerbs. We will require confirmation of this prior to ordering any bins for the development.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area. A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. The crew are not expected to move the bins over any undulating, non-paved, uneven surface, or where the gradient is deemed excessive. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark. We would require a design layout to highlight where the bin store will be located.

Please also refer to the Design Guide as the Council will not be able to supply waste collections where the bin and access requirements do not meet our contractual provision, anything else differing to this will be incorporated as a condition.

<http://www.centralbedfordshire.gov.uk/planning/design/info.aspx>

Current Refuse Vehicle Dimensions

Eagle Elite 2 6x4 non-rear steer, 11.5m long

Overall Length	11.500m
Overall Width	2.530m
Overall Body height	3.756m
Min Body Ground Clearance	0.309m
Track Width	2.530m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	11.550m

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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