

Development Management Committee

Schedule Wednesday 9 April 2025, 9:30 AM — 5:00 PM BST

Venue Council Chamber, Priory House, Monks Walk, Chicksands, Shefford

Description To Chair and Members of the Committee: -

Cllr G Mackey (Chair)
Cllr R Hares (Vice-Chair)

Cllrs N Andrews, D Bligh, T Brown, S Clark, S Clinch, R Goodchild, J Gurney, K Pughe, R Wenham, T Wye and N Young.

Substitutes: K Collins, P Daniels, Y Farrell, A French, G Summerfield, H Townsend, H Whitaker, H Wightwick.

Notes for Participants Please note this meeting is not a hybrid meeting and anyone who has registered to speak, including residents, will need to attend the meeting in person.

A member of the public who wishes to speak or requires further information on this meeting should contact: committeemeetings@centralbedfordshire.gov.uk or call 0300 300 4974.

The Agenda numbers below do not necessarily represent the running order of the meeting. If you would like further information on the running order please contact Committee Services on the contact details above.

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Hard copies of the papers for this meeting are not routinely made available to those in attendance. Should you require a copy please download this from the Council website beforehand.

Agenda

1. Apologies for Absence 1

To receive apologies for absence and notification of substitute Members.

2. Minutes 2

To approve as a correct record the minutes of the meetings of the Development Management Committee held on 12 February 2025 and 12 March 2025. (Minutes to follow)

3. Members' Interests 3

To receive from Members any declarations of interest including membership of any Parish/Town Council consulted upon during the planning application process and the way in which any Member has cast their vote.

4. Chair's Announcements and Communications 4

To receive any announcements from the Chair and any matters of communication.

5. Petitions. 5

To receive petitions, in relation to Agenda Items 7 only, from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

6. Questions, Statements or Deputations

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To receive any questions, statements or deputations, in relation to Agenda Items 7 only, from members of the public in accordance with the Public Participation Procedure as set out in Part 4G of the Constitution.

Planning and Related Applications

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Prior to considering the planning applications contained in the following schedules, Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.

7. The determination of an application to divert part of Leighton Linlade Footpath No. 68 at Leighton Buzzard Railway Station.

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To determine whether an application made by Network Rail to divert part of Leighton Linlade Footpath No. 68 from its current route to an alternative alignment over the northern station footbridge should be approved and a public path diversion order made.

8. Planning Application No: CB/25/00530/FULL (Northhill)

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Address: Land adjacent to the The Grange, Grange Lane, Lower Caldecote, Biggleswade, Bedfordshire [Nearest Postcode: SG18 9AX]

Change of use of land for the formation of 7 residential Gypsy Traveller pitches (with 1 static caravan, 1 touring caravan and 1 dayroom per pitch).

Applicant: Mr Patrick Connors

9. Planning Application No: CB/24/02537/REG3 (Northhill) 60

Address: Northill Lower School, Bedford Road, Northill, Biggleswade, SG18 9AH.

New build hall with servery and storage, to be placed over existing informal play space. Reorganisation and alteration to parts of the existing school building with associated landscaping works.

Applicant: Central Bedfordshire Council.

10. Date of Next Meeting and Site Inspections 82

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on 9 April 2025 and the Site Inspections will be undertaken on 2 April 2025.

11. Late Sheet 83

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on 8 April 2025.

12. Exclusion of Press and Public 97

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

Exempt Appendix 98

13. The determination of an application to divert part of Leighton Linslade Footpath No. 68 at Leighton Buzzard Railway Station

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To receive the exempt appendices.

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Central Bedfordshire Council

09 April 2025

Development Management Committee

The determination of an application to divert part of Leighton Linslade Footpath No. 68 at Leighton Buzzard Railway Station

Responsible Director:

Lorna Carver - Director of Place and Communities - lorna.carver@centralbedfordshire.gov.uk

The following sections of this report are exempt:

Appendix B – Legal advice to the Council – exempted as legally privileged.

Purpose of this report

1. To determine whether an application made by Network Rail to divert part of Leighton Linslade Footpath No. 68 from its current route to an alternative alignment over the northern station footbridge should be approved and a public path diversion order made.

RECOMMENDATION

The Development Management Committee is asked to:

Refuse the application by Network Rail to divert part of Leighton Linslade Footpath No. 68 from its existing line (A-B on the plan at Appendix A) to a new route that would run over the northern station footbridge (A-C-D-E-F-G-H-J-B-K on the plan at Appendix A) under Section 119 of the Highways Act 1980 on the grounds that such a diversion would:

- (a) be substantially less convenient to the public in consequence of the diversion
- (b) have a significant detrimental effect on the public enjoyment of the path as a whole
- (c) not be expedient due to the risks to the Council from increased accident and maintenance liability, risk of interference in the public's right to use the diverted footpath, and the felling of three protected trees.

Executive Summary

2. On 5th May 2019 Network Rail contractors demolished the footbridge that carried Leighton Linslade Footpath No. 68 over the West Coast Mainline at Leighton Buzzard Station. Network Rail subsequently applied to divert the legal line of the footpath over the northernmost of the two station footbridges. Responses to a public engagement on the diversion proposal are generally negative for a range of reasons, which included a preference for using the southern footbridge (currently the temporary diversion route) or the reinstatement of the old footbridge.

3. External legal advice provided to the Council indicates that the diversion applied for would be substantially less convenient to the public and also less enjoyable to the public due to its circuitous and much longer route (283 metres as compared to 73 metres) and interactions with rail passengers. Additionally, there are implications for increased injury liability, difficulties with access for maintenance and additional maintenance liabilities, additional compensation costs and the possibility for interference of the right of way and its users by the franchise holder of the station. All of which would not make it expedient to confirm a diversion order.
4. The recommended refusal of the diversion application places an obligation on Network Rail to reinstate the original footbridge and also resurrects the Council's duty to assert and protect the public's right to use the existing line of the footpath – including, if necessary, taking legal action against Network Rail to restore the current footpath route.

Issues

5. Leighton Linslade Footpath No. 68 (“the footpath”) runs east-west across the West Coast Mainline at Leighton Buzzard Railway Station (between points A-B on the diversion plan at Appendix A). The footpath was carried over the four-track railway line and platforms below by a footbridge that had steps to either end. On 5th May 2019, contractors for Network Rail demolished the footbridge on the basis that it was structurally unsafe. The legal line of the footpath across the railway line has since been blocked by Network Rail erecting fencing at the eastern and western boundaries of the railway's land. A temporary, and periodically renewed, temporary traffic regulation order (“TTRO”) has imposed a closure of the footpath since early May 2019, with members of the public using an alternative diversion route which passes over the southernmost of the railway station's two passenger footbridges. The station itself is managed as a franchise by West Midlands Trains Ltd. (the train operating company, or “TOC”)
6. On 25 March 2022, Network Rail submitted an application to Central Bedfordshire Council (“the Council”) for a public path order to divert the footpath over the northern of the two station passenger footbridges (the line A-C-D-E-F-G-H-J-B on the diversion plan). New access points onto the station's platforms would be constructed as part of the works to accommodate the new route of the footpath (at points F and J).
7. During 2022 and 2023 Network Rail employed contractors to develop the designs required for constructing ramps for disabled pedestrian access to the eastern and western sides of the station. “Form B” designs were circulated in October 2023.
8. The Council sought external independent expert legal advice from Ruth Stockley of Kings Chambers as to various aspects of the Network Rail application. Excerpts from the advice received are included in the report below.

Description of Route(s)

Existing footpath

9. Leighton Linslade Footpath No. 68 runs westwards across Linslade recreation Ground from St. Barnabas' Church to the edge of the land owned by Network Rail for use as a station, see point A on the plan at Appendix A. At the western edge of the recreation ground the footpath ascended a flight of steps and passed over the station land, including over a two-level car park and across three platforms and two double

tracks comprising the West Coast Mainline. The footpath then descended another flight of steps to stop at its junction with an unadopted part of Southcourt Avenue which is also owned by Network Rail, point B on the plan at Appendix A. The length of footpath to be stopped up is approximately 73 metres.

10. The Definitive Statement for the footpath is excerpted below:

Parish	Path status	Path number	From:	To:	Description
Leighton-Linslade	FP	68	St Barnabas's Church	<u>Southcourt Avenue</u>	<p>The path is a Footpath It starts at OS GR SP 9122 2497 St. Barnabas's Church and extends in a generally westerly direction for approximately 122 metres to OS GR SP 9110 2495 where it meets Railtrack Footbridge No. 133 then continues in a generally westerly direction over the footbridge for approximately 73 metres to OS GR SP 9103 2494 where it has a junction with <u>Southcourt Avenue</u>, Leighton Linslade.</p> <p>Limitations and conditions The footpath is carried over the railway by means of a footbridge.</p>

Proposed footpath

11. The alternative route for Footpath No. 68 would start at point A on the plan at Appendix A and run northwards for approximately 20 metres along a narrow (approx. 2 metres wide) alleyway to point C before turning westwards to cross the access road to the southern station car park. There is a “zebra type” crossing here allowing walkers to reach point D. From point D the proposed footpath would turn northwards again to run for approximately 56 metres along the footway that passes in front of the main station entrance, and over the kinetic paving installed by the Council in early 2021, to point E. From point E the footpath would head westwards and southwards up a metal ramp to access the eastern platform at point F. The new footpath would then cross the platform and access the northern station footbridge at point G. The footpath would ascend a flight of steps to then turn westwards over the railway line and then turn southwards to descend a second flight of steps to alight on the western platform at point H. From point H the footpath would be fenced off from the main platform due to this platform having trains passing at high speed and would pass over a section of removable paving that would allow Network Rail contractors to inspect the cable runs beneath. The footpath would pass over a surfaced section of path (currently set to shrub planting) to access the northern corner of Southcourt Avenue at point J. From here, the footpath would run along the eastern footway of Southcourt Avenue for approximately 85 metres to point B. An additional spur would extend westwards from point B for approximately 8 metres to connect with the edge of the adopted section of Southcourt Avenue at point K on the plan at appendix A. The total length of new footpath would be approximately 283 metres, an increase in length of about 211 metres or 293%.

12. The works needed on the proposed new path would include:
- i. The installation of bollards at point C on the plan at appendix A to allow a step free access up to the level of the “zebra type” crossing.
 - ii. The felling of the three protected trees in the station community garden to enable the construction of a metal ramp between points E and G
 - iii. The resurfacing of the cable runs between points H and J
 - iv. The removal of shrubbery and fencing and the laying down of a suitable surface near point J
 - v. Potentially the re-surfacing of the footway between points J and K
 - vi. Signposting of the footpath throughout the station site.
13. The northern station footbridge was chosen as the diversion route as it would bring the public closer to the station lifts. However, the lifts attached to the northern footbridge would not be part of the diversion route and so the public would not have any right to use them, although this could be arranged as part of a permissive agreement with West Midlands Trains and Network Rail which is outside the scope of this report.
14. The footbridge which was demolished had a channel constructed on one side to facilitate the wheeling of bicycles over the footbridge. However, footpaths are for pedestrians only and so a bicycle is not considered a lawful accompaniment for a pedestrian. Consequently, no further consideration for cyclists is given in this report.

Legal and policy considerations

15. Network Rail’s application has been made under Section 119 of the Highways Act 1980 (hereafter “the 1980 Act”), which empowers the Council, as a local Highway Authority, to divert a public footpath, bridleway, or restricted byway, subject to all of the legal requirements being satisfied. The option to use alternative legislation, namely Section 119A of the 1980 Act, was explored as this relates directly to rail crossing diversions. However, Subsection 119A(1), excepted below, requires the footpath to cross at a level crossing and not via a bridge or tunnel. As the Definitive Statement for the footpath describes it as being carried over the railway by means of a bridge, this section cannot be used.

*(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath, bridleway or restricted byway in their area which crosses a railway, **otherwise than by tunnel or bridge**, should be diverted (whether on to land of the same or of another owner, lessee or occupier). (emphasis added)*

16. Consequently, the Council’s only recourse is to use Section 119 of the 1980 Act. The relevant tests of Section 119 are shown below:

To **make** an order

(1) Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or another owner, lessee or occupier), the council may, subject to subsection (2) below, by order

made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, —

- (a) *create, as from such a date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion, and*
- (b) *extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to be council requisite as aforesaid.*

An order under this section is referred to in this Act as a “public path diversion order”.

- (2) *A public path diversion order shall not alter a point of termination of the path or way—*
 - (a) *if that point is not on a highway, or*
 - (b) *(where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.*
- (3) *Where it appears to the council that work requires to be done to bring the new site of the footpath, bridleway or restricted byway into a fit condition for use by the public, the council shall—*
 - (a) *specify a date under subsection (1)(a) above, and*
 - (b) *provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.*
- (4) *(omitted)...*
- (5) *Before determining to make a public path diversion order on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—*
 - (a) *any compensation which may become payable under section 28 above as applied by section 121(2) below, or*
 - (b) *where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public, or*
 - (c) *where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.*
- (4) *A right of way created by a public path diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.*
- (5) *Before determining to make a public path diversion order [F6on the representations of an owner, lessee or occupier of land crossed by the path or*

way, the council may require him] to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

- (a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or
- (b) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public, or
- (c) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.

To **confirm** an order

- (6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right of way is so created and any land held with it,

So, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.

- (6A) The considerations to which—

- (a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and
- (b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way.

17. For the Council to **make** an Order to divert part of a path or way, it must be able to satisfy the various legislative tests. In considering the tests, the Council must consider the lack of a footbridge for Footpath No. 68 a temporary circumstance, as the bridge could be rebuilt, and consequently must weigh the legislative tests on the basis that the legal line is available for public use. This approach is supported by Defra's Rights of Way Circular 1/09, where it states at paragraph 5.25:

“Section 119 of the 1980 Act does not specifically entitle an authority to disregard temporary circumstances, including any buildings or structures preventing or diminishing the use of the existing way in considering whether or not to make an

*order and the consideration is equally not available to the body confirming the order. The Planning Inspectorate Advice Note 9 indicates that **in forming an opinion on whether the replacement route is not substantially less convenient to the public, a fair determination can only be made on the assumption that the existing route is available to the public to its full legal extent.*** (Emphasis added).

18. The first making test is whether it is expedient for the Council to make an order in the interests of the owner, occupier or the public. The proposed diversion is in the interest of the owner, Network Rail, as it would remove its obligation to construct another footbridge at a cost of possibly £1-3 million.
19. The presence of the station, with its platforms and stopping trains, means that there are no clear sight lines along the tracks to north and south. Consequently, Network Rail and the Council are in agreement that it would be unsafe to allow the public to cross the tracks via a level crossing, especially when there are bridges nearby. It would therefore be expedient, in the interests of Network Rail (as landowner), that a safe and secure route be established to cross the railway via a bridge.
20. Subsection 119(2) dictates that the termination point of a path shall not be altered if it is not on a highway. The western end of Footpath No. 68 terminates on an unadopted (private) section of Southcourt Avenue, although there is the potential to argue that over the last 120 years or so since the bridge has been in place public use of the short (7 metres) gap between points B and K has led to this being capable of being either deemed or inferred to have been dedicated as highway. However, as it stands, the termination point at point B cannot be altered, hence an addition onward spur of the footpath to connect to point K is proposed. The other termination point at point A connects with an unaffected section of Footpath No. 68 and would remain unaffected.
21. Whilst the proposed diversion is in the interest of the landowner (and applicant) Network Rail and would provide a safe alternative route for the public to cross the railway line, it is unlikely that it such a diversion order is “expedient” given the potential impacts on both rights of the public and the local highway authority as described below. Consequently, the legislative tests may not be fully met to allow a diversion order to be made unless the Council is willing to accept potential liabilities and restrictions that do not apply to the existing line of the footpath.
22. For the Council to **confirm** an order to divert part of a path or way, it must be able to satisfy the various legislative tests in Subsection 119(6); the first being whether it is expedient to make an order in the interest of the owner, occupier or of the public. Whilst it is acknowledged that the diversion of the footpath is in the financial interest of Network Rail, the issues relating to the wider question of expediency still remain.
23. The footpath must not be substantially less convenient to the public as a consequence of the diversion route. In this case the proposed diversion is some 211 metres (around 293%) longer than the current route. Furthermore, the current route is traffic free whilst the proposed diversion would cross the station car park access road. Only members of the public use the current route (or would if the bridge remained); members of the public using the proposed diversion route would have to share the route with possibly 450,000 passengers annually. Consequently, the proposed diversion route would be *substantially* less convenient and thus would fail this legislative test.
24. The Council, or Secretary of State for Environment, Food and Rural Affairs (if the order was opposed) also has to consider whether it is expedient to confirm the order having regard to *the diversion would have on public enjoyment of the path or way as a whole.*

Currently the route of Footpath No. 68 is a straight line which removes walkers from the train passengers and is a direct route. The proposed diversion would force walkers to share the station bridge and station forecourt with passengers. It should not be required for walkers to time their journey to avoid peak time rushes at the station. Consequently, the footpath would be less enjoyable as a consequence of the diversion and would fail this legislative test.

25. The Council also has to have regard to *the coming into operation of the order would have as respects other land served by the existing public right of way, and the effect that any new public right of way created by the order would have as respects the land over which the right of way is so created and any land held with it.* The land served by the existing footpath and footbridge is the recreation ground to the east and the residential areas to the west of the railway. The footpath diversion would increase the distance between these two areas and potentially restrict access, thus detrimentally effecting the lands served by the footpath. The proposed diversion route and the proposed works have the potential to impact on the business premises near point C according to one business owner at this location. Similarly, those residents living along or off Southcourt Avenue have raised a variety of concerns about increased disturbance caused by the public and passengers who would use the new station access. However, resident's concerns are outside of the scope of the Sub-section 119(6)(c) due to being in different ownership and should be disregarded for this section.
26. In considering *expediency* under Subsection 119(6), other aspects not stated explicitly in the legislation can be considered. This could include whether the diversion is financially and practicably acceptable to the Council, as the local highway authority. Network Rail, as the applicant, have agreed to defray costs of the application and claims for compensation. However, under an internal Network Rail scheme, called "*Station Changes*" any changes to a station that require additional expenditure by the franchise holder, in this case West Midlands Trains, will be reimbursed only for five years. West Midlands Trains has specified that additional CCTV and lighting would be required due to the footpath; Network Rail has indicated that the Council would be expected to contribute to these ongoing (and unquantified) costs after year five.
27. Prior to the original footbridge for Footpath No. 68 being demolished by Network Rail in May 2019, the footpath was used solely by members of the public (local residents) rather than by train passengers. Unfortunately, the Council does not know how many people used the footbridge annually before it was demolished. A safe estimate of the footfall for the footbridge would be somewhere in the range of 50 - 200 return journeys per day, equivalent to approximately 18,000 - 73,000 return journeys per year. West Midlands Trains, as the station franchise holder, has provided station footfall data as shown below for Leighton Buzzard station:

Leighton Buzzard Railway Station: Footfall by year (data from West Midlands Trains)									
2014	2015	2016	2017	2018	2019	2020	2021	2022	Average
1,719,464	1,780,835	1,842,216	1,898,139	1,854,103	1,903,568	1,872,973	Covid	915,851	1,723,394

The table above shows that pre-Covid-19 annual footfall was around 1,800,000 people annually for the period 2014-2020. Assuming half this number use a footbridge and there are two footbridges, this approximates to potentially 450,000 passengers using the diverted public footpath over the northern station bridge, an increase of between 475% and 2,550%. Unfortunately, West Midlands Trains has not been able to

provide accident numbers for passengers using the station. However, given the sizeable footfall, it is considered that at least some incidents would have occurred.

28. The Occupiers Liability Act 1984 outlines the duties and responsibilities of an owner or occupier to ensure that they keep their land/property safe for visitors and their liability should an accident happen. However, Sub-section 1(7) of the 1984 Act states:

1(7) No duty is owed by virtue of this section to persons using the highway, and this section does not affect any duty owed to such persons.

29. Consequently, with potentially almost half a million people using the diverted right of way the Council is concerned about the liability implications of so many more people (i.e. train passengers) using a highway (the diverted footpath through the station) and the potential financial effect from an elevated number of injury claims (e.g. slips, trips or falls).
30. The ramp linking the station forecourt with the eastern platform that Network Rail has proposed to install is of a metal temporary design which does not comply with the highways design requirements for a permanent highways structure, which require at least a 100-year service life. This is likely to lead to maintenance issues in the decades to come.
31. Should Footpath No. 68 be diverted over the northern station footbridge, the route would, under Section 36(2)(d) of the 1980 act become a highway maintainable at the public expense. Whilst not insurmountable, the maintenance of a footpath by the Council on Network Rail property, or conversely the interference of the highway by Network Rail staff for operational purposes, would pose a future legal problem.
32. Responses to a pre-order engagement with the public and stakeholders has also raised the issue of conflicts between the right of the public to use a highway and the controls imposed by Network Rail and West Midlands trains under the powers of the 2005 Railway Bylaws on the freedoms, access and conduct of persons on station premises. This could pose legal complications with regard to ticketing or barriers or unauthorised closure of the footpath by either Network Rail or the station franchise holder.
33. The Council has a duty under Section 29 of the 1980 Act to consider the effect of the diversion on the needs of agriculture or forestry and on the conservation of flora, fauna and geographical and physiological features. The proposed diversion would necessitate the felling of three protected trees within the station's community garden to facilitate the construction of a metal ramp to link the station forecourt with the eastern platform.
34. The Council also has a duty to consider the impact of the proposal on the aims of the Council's Rights of Way Improvement Plan, called the Outdoor Access Improvement Plan. The recommendations in this report would not have a material effect on the aims of the plan.
35. The proposed diversion would be substantially less convenient to the public, less enjoyable, and is likely to have a negative impact on the lands served by the current footpath. Consequently, the proposed diversion fails the legislative tests for confirming a diversion order under Section 119 of the 1980 Act. Additionally, there are issues around the potential increased injury liability, access restrictions, maintenance access and the impact of the diversion on residents that raises the question of whether it would be expedient for the Council to confirm the order. Moreover, Section 119 is a discretionary power; the Council is not bound to make any order because an

application for one has been received if it does not consider it appropriate, or expedient, to do so.

36. Paragraph 4.3.81 to Part 3E - *Scheme of Delegations to Directors and other Officers of the Central Bedfordshire Council Constitution* enables identified officers to make decisions on behalf of the Council and its committees in relation determining whether an order should be made to change the public rights of way network. This delegation is subject to *“consultation with the relevant ward Member, and subject to the Head of Traffic Management’s power to authorise the making of orders in respect of public rights of way applying only in so far as no significant objection has been made to the application, proposal or matter concerned.”*
37. Objections and representations to the proposed diversion have been received from the Town Council, West Midlands Trains (as occupier), and from local residents and businesses. As the recommendation is for refusal of the application, this could be carried out under delegated powers. However, due to the potentially significant implications associated with refusal of the application, this report has been put before the Council’s Development Management Committee for consideration.

Options for consideration

38. Should Network Rail’s application be refused, Network Rail could re-apply for a footpath diversion over the southern footbridge – this is currently the temporary diversion route in place as part of the temporary closure of the footpath. Whilst significantly more direct at approximately 146 metres long, compared to the 283 metres of the current proposal over the northern station bridge, a southern bridge diversion could still fail the confirmation tests of convenience and enjoyment for the same reasons and would also still have the same expediency issues relating to liability, maintenance and possible interference. It is therefore uncertain whether a southern bridge diversion order could be confirmed if opposed.
39. The Council has the legal option to instigate civil proceedings for public nuisance to seek an injunction against Network Rail to require it, at its own expense, to reinstate the footbridge to an acceptable standard. This is the advice and recommendation given by the independent legal expert. There is a time limitation of six years from the date of the offence (the demolition of the footbridge on 5th May 2019) for the Council to lodge an application to the Courts.
40. Having been given advance notice of the recommendations of this report, Network Rail undertook a feasibility study to construct a replacement footbridge for Footpath No. 68 in September 2024. The results of this study have yet to be shared with the Council.

Responses to stakeholder engagement

41. The proposed diversion was circulated to stakeholders, utility companies, nearby residents, user groups and the town council. The responses are included at Appendix C. A range of issues were raised which are summarised below:
- i. Length of diversion, circuitous route
 - ii. No cycle wheeling channel
 - iii. Diverted footpath goes over “kinetic pavement” which is unsuitable for frail walkers
 - iv. The western platform 1 route unsuitable due to high-speed trains
 - v. Build a new accessible bridge to replace the one demolished

- vi. Build a ramp up to south bridge and use this instead of the northern bridge
- vii. Use the southern footbridge as the diversion route
- viii. Use an old tunnel under the railway
- ix. Noise, privacy, security and disturbance from parked or waiting cars in Southcourt Avenue
- x. Rubbish in Southcourt Avenue blown over from the station
- xi. Not expedient
- xii. Concerns over works close to property boundaries (western platform)
- xiii. The felling of the protected trees
- xiv. Installation of bollards to protect footpath from parked cars near business units would obstruct access to business units
- xv. People would take the shorter path over the southern footbridge.

42. In response – whilst issues related to the cycle wheeling channel, rubbish and concerns over works are irrelevant to the diversion application, the majority of the issues relate to the tests of the 1980 Act and reflect the discussion in the Legal and Policy Considerations section above. Overall, the proposed diversion of the footpath over the northern footbridge was either opposed or not supported by most respondents.

Reasons for decision

43. The application by Network Rail to divert Footpath No. 68 over the northern station footbridge raises concerns over whether it would be expedient to do so due to potential costs arising from passenger liability claims, maintenance access issues, compensation claims from the station franchise holder, possible restrictions on public access over station premises and the likely detrimental impact it could have on those living in Southcourt Avenue and beyond. The proposed diversion does not meet the legislative tests to confirm a diversion order in that the diversion route would be substantially less convenient to the public and the path as a whole would be less enjoyable as a consequence of the diversion.

Council priorities

44. The recommendations meet the following aims of the Council's Strategic Plan (2024-2027):

- Be ambitious in our plans towards improving and maintaining the roads and travel network.
- Ensure that environmental, sustainability and climate resilience impact will be at the heart of all Council decision-making.
- Enable people to live active, healthy, and independent lives.

By ensuring that any changes to the public rights of way network are fit for purpose in that they are convenient and enjoyable and that any proposed works would avoid unnecessary destruction of trees or the environment. New routes need to facilitate active travel and provide access for all where at all possible.

Legal Implications

45. The Council has the discretionary power to make an order to divert Footpath No. 68. Given the responses from the public engagement, it is quite likely that any order would

be opposed. If the order is opposed by the local Town Council this would result in a public inquiry. The independent Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs would need to be satisfied that the order met the confirmation tests. Based on the issues raised in this report and on the independent legal advice obtained, it is likely that the order would not be confirmed.

46. The time taken for an Inspector to determine any opposed order and not confirm it would lie well beyond the six-year limitation for the Council taking any legal action (5th May 2025) and so any enforcement powers that the Council could utilise would be lost.
47. If the Council refuses to make an order, then it has a duty under Sub-section 130(1) of the 1980 Act to assert and protect the right of the public to use the footpath and to seek the reinstatement/replacement of the demolished footbridge. This is the expert legal advice that the Council has received.
48. If the Council fails to assert the right of the public then it can be held accountable, both in the Magistrates' Court under Section 130(A) of the 1980 Act and by the Local Government and Social Care Ombudsman.

Financial and Risk Implications

49. The Council cannot charge for any administration where no order is made. The table below shows the approximate costs of the application to date which have been borne by the Highways department out of budgets for 2022/23, 2023/4 and 2024/25 financial years. Should an order be made and opposed any costs associated with the making the order could be re-charged to the applicant. However, all the costs associated with dealing with an opposed order would be borne by the Highways department.

Activity	Cost
Council administration	£4000 (approx.)
Legal costs (internal and external)	£4,200 (approx.)
Total	£8,200 (approx.)
Likely costs should an order be made (but opposed and not confirmed)	
Order making and advertising costs	£800 (approx.) (paid by applicant)
Likely costs of a public hearing, including venue hire and external legal representation	£6,000(approx.)
Total	£15,000 (approx.)

50. The recommended refusal of Network Rail's application places a burden on Network Rail to restore the original line of the footpath and places a duty on the Council to exercise its powers under the 1980 Act to assert and protect the public's right to use the current legal line of the footpath. There is a risk that non-compliance by Network Rail or failure to act by the Council could result in one or both organisations ending up in court with associated financial and reputational risks.

Equalities and Fairness Implications

51. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics: age disability, gender, reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
52. The recommended refusal of the application, besides requiring Network Rail to provide a better solution than the one that has been applied for, would have no impact on any of the above considerations based on the presumption that no order would ultimately be confirmed. However, if an order was confirmed then disabled access would be constructed to the eastern and western platforms. However, this is an option that is already available for Network Rail to carry out without any reference to a public right of way.

Biodiversity and Sustainability Implications

53. Central Bedfordshire Council must play a pivotal role in evolving the attitude, practices and behaviour of residents and businesses to reach its goal of a sustainable society and will have to create a culture that allows local communities and industry to grow in a sustainable way, creating multiple benefits for all. The preservation and development of the local public rights of way network within blue- and greenspace environments directly contributes to this goal by providing a means for people to access the countryside for leisure, pleasure and to commute sustainably.
54. The refusal of the application would prevent the felling of three protected trees and would force Network Rail to provide a better solution for members of the public wishing to use Footpath No. 68 to cross the railway line.

Public Safety Implications

55. The Council has a statutory duty under the Crime and Disorder Act 1998 to consider the community safety implications that may result from making the decision set out in the report. This proposal is unlikely to have any detrimental impact on community safety as the legal line of the footpath would remain temporarily closed until Network Rail can provide a safe crossing of the railway line that meets the legislative requirements of the 1980 Act.

Conclusion and next steps

56. Network Rail demolished the footbridge that carried Leighton Linlade Footpath No. 68 over the East Coast Mainline in May 2019 on the basis that it was structurally unsafe. Network Rail has since applied to divert the footpath over the northern of the two station footbridges. However, the proposed diversion does not meet the legislative tests of Section 119 of the 1980 Act and so a diversion order could not be confirmed. Additionally, there are significant concerns over liability, maintenance and possible interference with the public right of way over the station premises to merit not making an order, which is a discretionary power of the Council.
57. Public engagement responses show that residents of Southcourt Avenue are opposed on the grounds of disturbance and loss of privacy and the Town Council and local other

organisations are opposed to using the northern station bridge, preferring either the southern station bridge or, preferably, the reinstatement of the original footbridge.

58. Refusal of the application will place an obligation on Network Rail to reinstate the original footbridge and also trigger the Council's duty to assert and protect the public's right to use the existing line of the footpath – including, if necessary, taking legal action against Network Rail to restore the current footpath route.
59. The next step, should the application be refused, would be for the Council to serve notice on Network Rail requiring it to set out a programme of works to reinstate the legal line of the footpath. Failing that, to begin legal proceedings before the expiry of the six-year limitation in May 2025 to compel Network Rail to undertake the required restoration works at its own cost.

Appendices

- Appendix A: Plan of proposed diversion
- Appendix B: EXEMPTED – Legal advice to the Council
- Appendix C: Responses to public engagement
- Appendix D: Photographs of routes

Report author:

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Proposed Diversion of Part of Leighton Buzzard Footpath No. 68

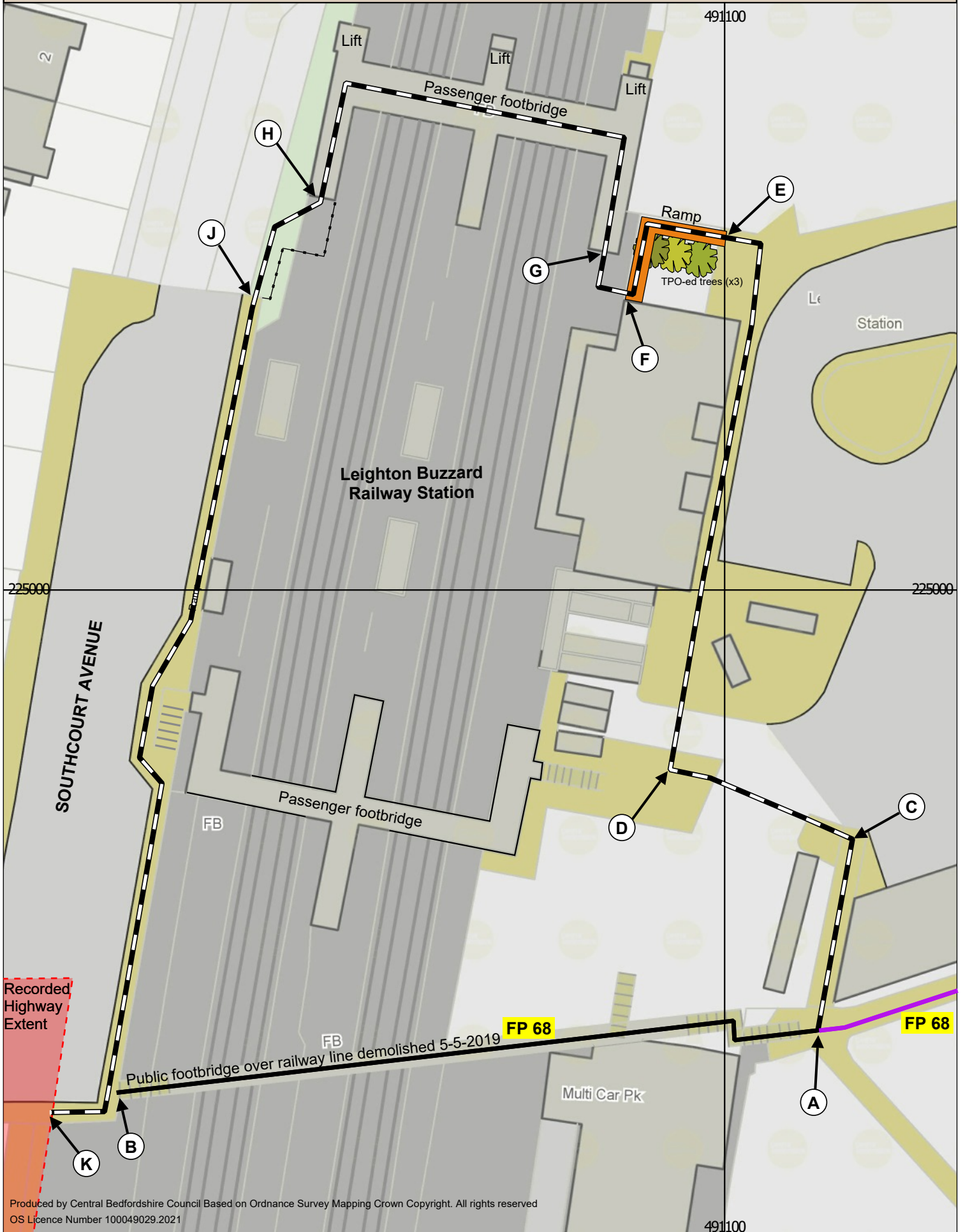


Footpath to be stopped up **—————** A - B (74m)

New footpath **- - - - -** A-C-D-E-F-G-H-J-K (280m)

Unaffected footpath **—————**

Scale 1 : 500@A4
Date : 10 June 2021
Drafted by AM



Appendix C

Representations to Leighton Linlade Footpath No. 68 diversion over northern station footbridge

Summary of issues raised:

- i. Length of diversion, circuitous route
- ii. No cycle wheeling channel
- iii. Diverted footpath goes over “kinetic pavement” which is unsuitable for frail walkers
- iv. The western platform 1 route unsuitable due to high-speed trains
- v. Build a new accessible bridge to replace the one demolished
- vi. Build a ramp up to south bridge and use this instead of the northern bridge
- vii. Use the southern footbridge as the diversion route
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- x. Rubbish in Southcourt Avenue blown over from the station
- xi. Not expedient
- xii. Concerns over works close to property boundaries (western platform)
- xiii. The felling of the protected trees
- xiv. Installation of bollards to protect footpath from parked cars near business units would obstruct access to business units
- xv. People would take the shorter path over the southern footbridge.

N.b. Individuals have been anonymised in the comments below.

Leighton Linlade Town Council

Can I begin by thanking you for consulting the Town Council in respects of the above matter. At its meeting held Wednesday 7th August 2024, the Town Council's Planning and Transport Committee carefully considered the proposed footpath diversion.

The Committee raised several concerns and agreed that the proposed route is tortuous requiring pedestrians to walk an unreasonable and excessive additional distance as part of the diversion. The proposed diversion would force pedestrians to walk over a “floating paving finish” (energy generating surface) which to the frail is disconcerting and represents a potential trip hazard.

Thereafter, pedestrians are forced round the side of the station and onto the southbound platform heading toward the northern footbridge which has several shortcomings. There is no cycle rail, and more concerning is the inability to alight the lift located on the western side platform. The reason being that the public footpath is to be fenced in on that platform forcing pedestrians to use the stairs only. This means that wheelchairs and buggy users as well as those not able to manage the stairs are disenfranchised from using a Public Footpath Route.

Whilst the Committee acknowledges the need for a definitive public footpath line to be agreed, the proposed use of the northern footbridge is wholly inadequate for the reasons set out above. It therefore urges the Rights of Way Team to work with Network Rail to find a workable solution.

West Midlands Trains

I would object to the cutting down of the 3 trees, as would the very vocal councillor for the area, they could run the ramp the other side of the carpark wall.

As long as the lifts are not classed as PROW as they do get locked out over the Christmas period etc and there is a exit off the platform 1 at point H – J so we do not have people using the fast line to walk along the platform we could agree.

That being said, the condition of moving forward with the PROW is that Network Rail refurbished the southern bridge, we have saved Network Rail a vast amount of money by them not having to replace the original bridge. As a company we should insist on them keep to the original agreement.

Best case scenario they use the southern bridge as PROW, which everyone currently uses. This would take away the need to make yet another entrance off the station and save the trees, and it's a shorter distance. The southern bridge would still need to be refurbished but would still be cheaper that using the northern bridge.

Leighton Buzzard Society

On behalf of The Leighton Buzzard Society I have to inform you that we object to this proposed diversion of FP 68 by Network Rail.

Our reasoning is as follows:

Using Platform 1 as part of the diversion route between points J & G on your CBC plan presents a problem. Any person with reduced mobility or with bicycles or prams will need to use the lifts on Platforms 1 & 4. In order to use the lift instead of the stairs at point H to gain access to the footbridge it is necessary to pass through the steel fence shown on the plan & then walk or push a cycle, pram or wheelchair along Platform 1 which has trains passing at up to 125 mph close to the lift entrance. This is extremely dangerous & beggars belief that Network Rail were prepared to suggest this as a viable route.

This is the main reason for our objecting to the proposed diversion.

We require the original route for FP 68 to be partially reinstated between the points A & B on the CBC plan but with FP 68 diverted onto the the southernmost station footbridge with the addition of access ramps at each extremity. This would be in our opinion a feasible & completely safe solution.

There is a long history of communication between Network Rail, the Leighton Buzzard Society & our former MP Andrew Selous on the matter of replacing FP 68.

The LBS & Leighton Ramblers have earlier protested to Network Rail at the withdrawal of the FP 68 & pressed for a reinstated replacement bridge with full access to all users.

With Cllr Victoria Harvey, a representative from the local branch of the Ramblers Association & myself as Transport Officer for The Leighton Buzzard Society, we had a site meeting with two Network Rail representatives on 7 June 2021 to discuss alternative ways of providing access by using the more recent northernmost footbridge at the station which had the advantage of having lifts. That would create problems as a a new 24/7 access would have to be provided from Southcourt Avenue to Platform 1 in order to use the northernmost footbridge. Plus Platform 1 has trains at a line speed of up to 125mph & we pointed this danger to the two Network Rail representatives who were from NR's community relations team. Since that time we have heard nothing from Network Rail regarding FP 68.

I had earlier put forward to Network Rail a scheme to use the southernmost footbridge of Leighton Buzzard Rail Station that dated from c. 1993. This would have entailed providing access ramps to the footbridge from Southcourt Avenue & the Linslade Recreation Ground.

Providing an access ramp between Southcourt Avenue & the footbridge would be relatively straightforward as it would be wholly on NR land adjacent to Platform 1. Providing the equivalent at the Linslade Recreation Ground end of the bridge would be more difficult but still feasible.

Network Rail have a programme called "Access for All" which is given much publicity & refers to methods used to either cross the railway at stations or at other locations which eliminates stairs & so literally provides safe access to all users wishing to cross a railway line & at all times.

Throughout the UK there are quite elaborate designs of modern footbridges crossing railway lines that exclude steps. Network Rail through its architects could devise an access ramp from the southernmost station footbridge to the Linslade Recreation Ground extremity of FP 68.

Network Rail have chosen to put forward a scheme that utilises the most recent footbridge at Leighton Buzzard Rail Station that is unduly circuitous & highly dangerous. They were warned against this at our meeting with them on 7 June 2021.

Concerned that Network Rail were not seemingly intent on reinstating the former footbridge that carried FP 68, Andrew Selous MP asked me for a briefing paper in November last year on the matter of replacing the footbridge carrying FP 68 as Network Rail appeared to be doing nothing. I pointed out that this was a longstanding access over the railway that pre-dated the coming of the railway in 1838. I like to think that my paper to Andrew might have had the desired effect on Network Rail to put forward this latest but impractical scheme.

Network Rail have opted for what would appear to be the easiest solution for them which is to re-route F68 via the northernmost footbridge at Leighton Buzzard Rail Station, the one with lifts & provide, albeit circuitously, accesses open 24/7 to Southcourt Avenue & the rail station forecourt. It takes no account of the danger facing users walking via Platform 1 to use the lift as they would be exposed to trains passing at speeds up to 125mph. This would appear to contradict the principles behind Network Rail's "Access for All" policy.

Central Bedfordshire Local Access Forum

The LAF's view was that the northern route was preferable given the gain of the disabled access to the station from Southcourt Av. which would be a major gain for those who need to use it to catch trains. The southern route would still be available as a permissive route.

CBC Councillors (x3)

#1 It's a long diversion but at least lifts are available for the disabled. Happy to proceed.

#2 Thanks so much for this. It is great as it fits with the plans and meetings with the Ramblers and local residents who were campaigning for Disability Access.

The key issue though is that we need a hard surface to access the lifts without going onto the platform by the fast trains. This needs to be to the west of the stairs as the lift doors are on the north side of the bridge. It is just grass there at the moment so should not be too difficult. We looked at the space with Network rail when we met there.

Also the station adoption group need to be contacted about this as it goes through what was the pocket park. The contact is XXXXXXXXXXXXX

Furthermore will the TPO trees be replaced by anything? Small shrubs, some other planting etc?

#3 This looks ok to me and will improve pedestrian safety

Local homeowners

I am responding to the above application dated 16th July 2024 and on behalf of myself and my neighbours at XXX - XXX Southcourt Avenue which are the chalet bungalows directly opposite the proposed diversion route showing on your map between point H and J. We have lived here for 26 and 50 years respectively.

Other neighbours I believe are to contact you with their concerns; however, some of them are elderly and this has been most daunting for them.

Whilst we object to this application as is, firstly, may we say that we are pleased to see at last that there is now street level access to the lifts; however, we raise concern over the privacy, traffic and noise impact this proposed access to the station will have so close to our homes.

We object to this application on three grounds: Privacy, noise and traffic congestion (to the entrance of Rockleigh Court).

We have not been able to view any Local Plan that cover these areas but believe that all of these will be addressed as part of the NPPF. We also raise concern about the hedgerow and trees along this section, which we believe you have been made aware of by my neighbour XXXX.

We have not been provided with an online reference to the application, Is it an actual planning application as we note that you are part of the Highways Assets Intelligence team? We are not able to see any other documentation other than your information letter and map. Is there any other documentation submitted as part of this application?

When the lift bridge was built right in front of our homes, we were led to believe that when the egress and access was sorted that it would be at the gates that are further along the pavement towards the original passenger footbridge as that is already there with an opening onto street level. It was even spoken about that the tunnel that goes under the tracks that was decommissioned could be reopened, so it is surprising to now see this access being proposed in front of our homes.

We read with interest your response to my neighbour XXXX, email dated 16th August 2024, following his representations to you on this application, where you have stated that *"You didn't think that the proposed footpath diversion would lead to a significant increase in privacy/security issues over the current level experience"*.

We very much challenge this comment and don't feel it appropriate for the LPA to consider such an application because you *"don't think it will have any impact"* without there being the evidence to support it and without the submission of a footfall and traffic count data.

The use of this corner of Southcourt Avenue WILL impact on numbers, 2,4,6,8, 8a and 10 where we have not had any impact previously.

Has a footfall count been undertaken as to users of the lift bridge and expected vehicle traffic in this location? We would be interested to view this data and feel that it is certainly something that should be submitted as part of the proposed application so that you, as the LPA have the facts before you, before making such a comment and before any approval is considered? I would have thought that this would have been a standard piece of supporting documentation that would be undertaken (if such data is to be submitted can it please be not be undertaken during the school holidays as there is a noticeable drop in traffic and footfall during these times and any such data should provide you with a true reflection of the impact this will have on the houses along this section).

Currently the path along Southcourt Avenue leading up to Point J is not used by **ANY** persons at all at any time (as can be seen by the moss growing on the pavement). Even those of us that live in Southcourt Avenue do not use this pavement as we use the road to walk on due to the pavements current poor state, design and the constant flooding that occurs whenever it rains.

There has **NEVER** been any persons waiting in this area for their pick up or drop off for the 26 years we have lived here. Should this go ahead, when people walk to the station through this proposed access and when people are waiting in this area for their lift they will then have a direct line of sight into our homes and we will have an increase in noise that we have never experienced before from both additional traffic at this section and noise from persons waiting like talking on their phones etc. It is also not only rail users or persons requiring level access that use the lift bridge and non-lift bridge as it is the main foot route from Linslade into the town, which is why I would have felt it necessary as part of this application to have a footfall count.

Many people gather at the bottom of the non-lift footbridge on Southcourt Avenue where my neighbours have said constantly feels compromises their privacy and where they experienced noise throughout the day and night, although they acknowledge that this is something that has occurred for some time but it is not something we further down Southcourt Avenue/ Rockleigh Court have ever experienced before.

We can already see what occurs further up by the non-lift footbridge where there is considerable litter and cigarette ends from people standing around waiting. Will appropriate bins and signage be provided, emptied and maintained.

You have used the terms 'diversion' is this going to be a temporary diversion or a permanent route?

In addition, the road is already in a very poor state of repair with large potholes due to that section being the main turning circle. Is this road going to be repaired and then maintained thereafter so that it doesn't remain as it is? Vehicles already have to swerve and drive 'off line' to avoid these holes.

This section of road from Point J on your map to the non-lift footbridge has a 20 minute limit waiting time with double yellow lines which have worn away, so often there are cars parked along the section without any enforcement or control. This additional access point is going to severely congest this area and one in which I consider is of a health and safety matter.

As you may know the proposed section of road leads directly into Rockleigh Court which is a private road where we already experience some traffic entering the private road to use it to turn round, (even though there are signs saying, 'no access and no turning'). We feel that this new access location so close to our entrance will only further encourage road users to use the private road as a turning point as their passengers will be coming out and standing right at this junction. This in turn will block our vehicle entrance to Rockleigh Court.

Has a barrier from the footpath to the road been considered to protect pedestrians, which would then lead people further along Southcourt Avenue away from the congestion and also prevent them from standing in this area compromising our privacy? This alone would likely prevent the issue I have raised.

If the access point is where the original gates are then this would avoid all of the issues we have raised. The Train Stop shelter that is along this section on the station side is not and has never been used by anyone, so I would have thought this could easily be removed to allow for the route to be directed along this section to the existing gates.

In relation to the matters of the hedgerow and tress on the side of Rockleigh Court, can you please obtain written reassurances from Network Rail that these will not be touched, removed or thinned out as these have been grown over a period of time to protect our privacy from persons standing on the platform.

May we propose that Network Rail re consider the access point to be where the existing gates are and that additional and well-maintained signage and yellow lines are implemented and enforced in this section of road.

Mindful of the above, we reiterate our points that we currently do not have **ANY** persons; using this section of footpath, **NO** persons standing around in this area looking into our homes, **NO** noise, limited congestion, **NO** litter or cigarette ends (apart from that blown down from the non-lift bridge, which we go and tidy up) so any changes to this section **WILL** have a significant and detrimental impact to us in our homes which we consider to be a material change of use of this section of Southcourt Avenue.

We would appreciate answers to the points I have raised above, specifically as to why the access already in place is not being proposed to be used and at the very least a footfall count of persons that use the bridge, not only from those that require level access such as mobility restrictions and those carrying heavy luggage but that of local people using the bridge as an access route into town, then you will have a true and factual account on the likely impact before making a decision.

Should you be minded to grant this application, can you please ensure that appropriate mitigation is proposed by the applicant and implemented to address matters of: road repairs, pedestrian barriers, noise signage and waste bins which at the very least address some of the concerns we have raised.

Local Homeowner

In principle I have do not have any objection, but it is difficult to see what is trying to be achieved here unless Network Rail are trying to isolate the footpath users from the station. I say this because if they are not then people will take the shortest route over the southern bridge to save approximately a 200-metre walk.

As a resident in the northern part of Southcourt Avenue this proposal will undoubtedly have an effect on us as more people will be exiting adjacent to our homes and allied to this there will be cars in the set down area at peak times to pick up the commuters.

I cannot see how the northern footbridge can be isolated from the station as it houses the lifts that provide access to the platforms for the less abled. This being the case why have the expense unless of course the main reason is that they are trying to provide a safe access for wheelchair users to Southcourt Avenue and therefore make all 4no platforms accessible.

Our main worry has always been the commuters leaving their cars in the set down area all day and ignoring the 20-minute waiting restriction. You will probably not know that several years ago we had a 4 year “battle” with Network Rail when we were inundated with cars parked end on all the way down South court Avenue and when other cars arrived at peak times to pick commuters, you simply could not get to our drives or into Rockleigh Court until the train had emptied. This situation finally got resolved by our Local MP who took the matter to the highest level of Network Rail and touch wood it has been pretty much a success since then.

With the above in mind, I would ask that you insist that Network Rail as part of the proposal ensure the double yellow lines are fully re-instated, 20 Minute waiting restriction signs are put back and are enforced.

They have security on the platforms all day and it must be fairly simple to suggest that they keep an eye on parking offenders as part of their roles.

Rockleigh Court Management Co. (manages the nearby Rockleigh Court flats)

Rockleigh Court boundary

The London North-western Railway runs parallel to the property and Rockleigh Court’s private approach road, garden and grounds border platform 1 of Leighton Buzzard Railway Station to the east. Rockleigh Court’s right-hand side entrance pillar boundary is shown in the photographs below and denoted at J on your layout plan.



RCMCL and LPL need written reassurances that the pillar, trees and shrubbery to the left of it within Rockleigh Court’s boundary and running from points J through to the lifts on platform one will be untouched on the Rockleigh Court side to the left of the proposed fenced pathway.

Historic problems with Network Rail and their contractors

In the late 1990s Network Rail contractors entered our property without authorisation or consultation and cleared shrubs and trees on our private land that had taken thirty years to reach maturity. Although RCMCL received some financial restitution, those trees and shrubs had to be replanted and it has taken over twenty years to achieve the same cover we had priorly. Those trees and shrubs act (to some degree) as a sound barrier against the noise of the trains, are a wind break and rather more aesthetically pleasing than a view of the railway bridge and railway line.

In March 2021 Network Rail embarked on tree clearance in our vicinity without first consulting local residents. When residents of Southcourt Road/Avenue complained, Network rail responded by organising an on-line “community event” but failed to inform residents until after the event, though several of us were priorly made aware of the event by word-of-mouth and attempted to log in without success. I logged a complaint with Network Rail who responded with a telephone call from XXXXXXXXXX (“community liaison”). I reiterated RCMCL’s concerns that historic clearance of trees and shrubs within Rockleigh Court’s private land might recur. I asked Network Rail to contact me before any work is done in our immediate vicinity.

XXXXXXXX said the work was essential to keep the track clear: I queried this because when standing on platform 1, there is no evidence that our trees / shrubs encroach onto the railway line and as the majority are evergreen, leaves being shed is irrelevant. Furthermore, professional, essential arboriculture work to the hedgerows and trees within and immediately outside Rockleigh Court was carried out In October 2020 by our regular garden maintenance team (Browns Landscape Solutions and this included the hedges running parallel with the railway being trimmed to an approximate height of 4.5 metres.

In September 2021 the residents of 2 & 4 Southcourt Avenue said they had received notification from XXXXXXX, Community Engagement Executive, that Network Rail plan to do “overgrowth” clearance work in the area during the early hours of the weekend of 17 – 19 September: this clearance would include some of our trees overhanging platform 1, though after recent inspection the “overhang” is insignificant and in no way causes a hazard to rail services.

Neither I nor other Rockleigh Court residents received a written or telephonic communication from Network Rail, despite XXXXXXX's earlier reassurances that 1 would be consulted before Network Rail commenced on any work in our vicinity.

Need for written assurances from Network Rail

Prior to any work on the proposed pathway extension RCMCL (and its ultimate landlord, Linslade Properties Limited) need a written assurance that ① no Network Rail employee or contractor will encroach on our private land or carry out any tree or shrub reduction on our land: and ② any reduction to our trees or shrubs “overhanging” the proposed pathway running parallel with platform one will be carried out only on Network Rail property and done in a careful, appropriate and sympathetic manner.

I will be taking “before” and “after” video footage of our trees / shrubs along the entire length of our property. Local residents will also be monitoring the work

Other concerns

1. A potential increase in volume of traffic collecting / dropping off station users immediately outside Rockleigh Court
2. An increase in users of the footpath contributing to late night noise and littering
3. Privacy issues for the occupants of the homes in Southcourt Avenue facing the path
4. Potential encroachment into Rockleigh Court's grounds
5. A need to protect the pillar from damage at point H of the layout plan

Drainage

6. The drain immediately outside Rockleigh Court denoted at J on your layout plan is inadequate to deal with the run-off of rainwater and consequently the whole area becomes submerged and overflows into Rockleigh Court, sometimes for up to a week. The lack of drainage is exacerbated by a build-up of debris, silt and litter (see photo below). My own management company paid to clear Network Rail's drainage gulley in September 2022 but it needs to be cleared regularly.



Litter

7. Rockleigh Court already has a problem with litter (plastic bottles, wrappers, half eaten food etc) discarded by irresponsible railway users blowing into Rockleigh Court, particularly if the prevailing wind direction is from the South or South-west. This litter is a constant menace and eyesore and will be exacerbated by increased usage along the new stretch of footpath. The Station's cleaning contractors don't pick up litter in this area so perhaps they are unaware it is Network Rail property and part of the Railway Station and should be included in their remit. Introducing a large litter bin might also go some way to reducing litter left on the ground.

Local user

While Network Rail's proposals now seem to me as an adult user of FP68 to offer an acceptable community benefit which balances the extra 200m for the diversion, there is a large body of users of the footpath who have little voice, would not gain from the community benefit and whose interests I consider would be adversely affected. I am referring to children, including those who use the footpath on their way to and from school.

As you know, there was a large expansion of Linslade from the mid-1960s. The routes from those housing estates towards the town run along Soulbury Road, Himley Green and the Rock Lane bridleway (i.e. the western continuation of the truncated Rock Lane). Those along Soulbury Road cross the railway at the Soulbury Road bridge. Those along Himley Green and Rock Lane bridleway either use the Wing Road underbridge (if they are heading for Linslade Middle or Cedars Upper) or the footbridge (if they are heading for Leighton Middle or Vandyke Upper). The footbridge is also used by children (usually with their parents) from central Linslade who attend Linslade Lower and those west of the railway using Linslade Recreation Ground.

The test in s.119 for a proposed diversion to be confirmed without an enquiry is that:

the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it, so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.

I consider that adding 200m to the route and running the route along station platforms and a station footbridge would have a significant effect on children. When the public footbridge was in use, they could cross the railway safely without interacting with railway users. Now they have to use the southern station footbridge and interact with railway users and their cars. The proposed diversion would worsen this, requiring them to use the northern station footbridge and parts of Platforms 1 and 4. The latter can become very busy during the morning rush hour, especially near the entrance. In normal railway use Platform 1 will be fenced off, but the gates do not have locks and trains pass through at 100 mph. Children messing around may end up dead or injured.

I expect the consequence of the proposed diversion to be that some young children lose the freedom to visit the recreation ground on their own. Children on their way to and from school will have 200m added to their journeys. That's 10% extra time to get to and from the middle and upper schools (more for younger children going to Linslade Lower; less to those going to Vandyke Upper).

There is also that word "expedient". It means "suitable to the circumstances of the case". That includes both the increased hazards to which users of the footpath would be exposed and Network Rail's failure over many years to maintain the old public footbridge. This led first to an attempt to stop up the path (rejected by a Planning Inspector after a Public Inquiry) and then, after further neglect, to the bridge's becoming a hazard and its subsequent removal and the temporary diversion of the footpath over the southern station footbridge.

For these reasons I consider that the proposed diversion needs to be assessed at a Public Inquiry. Given the Secretary of State's involvement, I have copied this email to the Rights of Way Team at the Planning Inspectorate. I have also copied it to my local Councillor, Victoria Harvey.

Local User

I write to support the proposed footpath diversion at Leighton Buzzard Railway Station. My only question is why the diversion could not be over the more Southerly Passenger Footbridge which would make the diversion shorter.

I support this diversion because forcing Network Rail to re-instate the original route via the old footbridge course would be a gross waste of public money and divert NR's resources from higher priority work. The diversion is over a well lit modern bridge much safer than the original route.

I am a frequent user of this footpath.

Local user

Waste of time and money - 275m instead of 75m - who is going to walk all that way, when there is a perfectly suitable passenger footbridge much nearer. Why didn't they use this one?

I am very disappointed to hear of the loss of three protected trees - they are protected for a reason. There is a biodiversity crisis in this country and for that reason, and the above the council and network rail are duty bound to preserve the mature trees we have left.

In short, I would object on the above basis.

Local User

It would appear that, by dividing the north footbridge in order to segregate railway ticket holders from pedestrians crossing the railway, those ticket holders with heavy luggage or with children's pushchairs will be unable to use the lift down to platform 3.

After waiting so long for the installation of lifts making the station accessible to all it would surely be a retrograde step to remove this facility from rail passengers.

Also, it would be sad to see the three trees taken out and it would be better if a way could be found to retain the trees

Local Business

I have reviewed the imaged you have sent, proposed placement and what affect it would have and am still of the opinion that the proposed works, especially the bollards would have significant impact to us.

I note that ref planning applications/19/01212/FULL for building extension works, a letter/consultation with John Lynch, Highways Officer dated 19th June 2019 makes note to a concern regarding both parking and turning circles, and that is at a time the station was much more quiet, and without any bollard proposals.

A meeting may be useful, please let me know if anything progresses and/or you would like to arrange at this early stage. I have spoken to the freeholder (as we are the leaseholder) who is happy to be involved in this to protect any future interests however is happy that I am expressing the same concerns they would be.

I am still of the belief that this would severely affect our right of access - I note within the title plan and the title register there is a register note dated 29th September 1950 made between (1) British Transport Commission (Vendor) and (2) Herbert Francis Rimington (Purchaser):

"TOGETHER with the right of way for the purchaser and his successors in title with or without motor cars motor lorries of other vehicles horses sheep and cattle over and along that portion of the vendors private roadway coloured brown on the said map or plan drawn hereon for the purpose of gaining access to or egress from the land hereby conveyed and the purchaser for himself and his successors in title hereby covenants with the vendors that no vehicle whatsoever shall be parked or allowed to stand upon the said private roadway and that the access and right of way enjoyed by the purchaser hereunder shall be exercised so as to cause no congestion to the general or ordinary user of the said private roadway by the vendors or their agents servants workmen or passenger or others authorised by the vendors RESERVING nevertheless unto the vendors the right to retain and use in perpetuity the culvert three feet in internal diameter passing through and under the land hereby conveyed between the points marked A and B on the said map or plan drawn hereon and the right of their agents servants workmen and others authorised by vendors with or without materials to enter upon the said land at all times for the purpose of inspecting maintaining or renewing the said culvert and the purchaser for himself and his successors in title hereby covenants that he will not discharge any drainage into the said culvert or do or permit to be done upon the said land anything likely to damage the said culvert or erect any buildings or erection therefor and will

indemnify the vendors from and against all actions proceedings costs losses expenses claims and demands arising out of non compliance with the covenants on his part herein contained" NOTE: The roadway coloured brown referred to is similarly tinted brown on the title plan. The boundary between the points A and B referred affects the Eastern boundary of the land in this title."

The proposed bollard placement sits within the brown marked area which this prohibits. Let me know if you would like a copy of this agreement or the title plan. I trust this is sufficient to make case for why the placement would cause both physical operational issues and breach the legal rights granted over the land.

I am not aware of any subsequent agreement removing this right or changing the use from private roadway to public highway but happy to be proven otherwise! Of course happy to negotiate with WMT/Network Rail and reach a compromise if necessary.

As discussed, our concerns would be obstruction of access and traffic management affecting availability to the building.

As we are a commercial vehicle operator we are heavily reliant on access/egress on the site, and so are the tenants in both other units. Any works that impede this greatly affects our business hence why am keen to engage as early as possible.

The bollards outside the lamppost that have been proposed to be installed also pose an issue to us, when exiting our site this serves as a turning area/exit point and vehicles often go on top of the existing marks, especially a 3.5t with a body conversion. Those bollards would run directly parallel to our boundary line so would mean our access is limited as currently we can have a vehicle in/out directly along that line. Often we are having to park our own vehicles there during the day as when another parks there it causes sheer chaos and we cannot get in/out, nevermind if there were bollards installed there (and then having vehicles still going in front of). Pickup/drop off for station customers continues to be a significant issue.

You may not be aware but there have been ongoing issues with parking at the site I am desperately trying to resolve with West Midlands Trains. We frequently have Network Rail and WMT contractors park on our site and damage vehicles, and have even had plant/machinery hired and delivered to our site where we have had to wait for a WMT/NR operator to move it off of our land. I am hoping over the coming weeks we are able to come to some sort of compromise with WMT.

Also forgive my ignorance on this – we moved in Jan 2020 so post the previous works!

Buzz Cycles

Buzzcycles would have preferred a ramped bridge on the same alignment as the old bridge.

The northern bridge is an acceptable alternative as it also delivers the community benefit of ramped access to Southcourt Avenue and access to the lifts for all users.

Three trees which have TPOs have been identified for removal. It isn't clear why these trees have to be removed and Buzzcycles encourages the applicant & the Council to explore ramp designs which leave the trees in place.

This isn't a perfect solution but one that delivers community benefit and maintains the PRoW.

Appendix D

Photographs of routes



Previous Victorian footbridge looking eastwards from point B.



Previous Victorian footbridge looking eastwards along the deck



Route of Footpath No. 68 now blocked off at point A (site of removed footbridge)



Looking southwards from point C towards point A



At point C where bollards would be installed to protect the slope from parking



Looking westwards from point C towards point D across station car park entrance



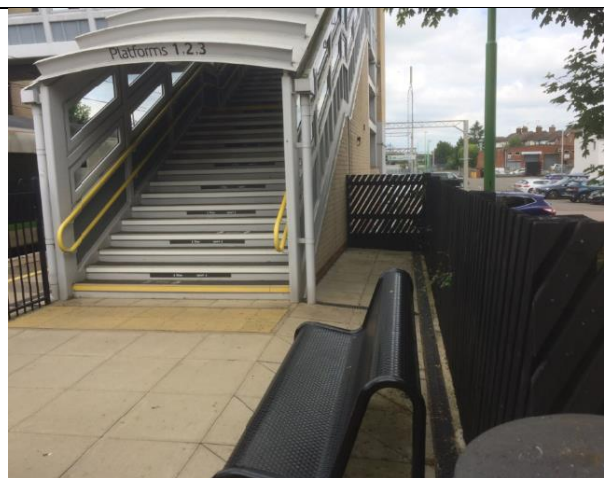
Looking northwards from point D to point E



The kinetic paving south of point E at station forecourt



At point E looking westwards past protected trees to point G across the station community garden



At point G looking at footbridge steps



Looking westwards along northern footbridge



At point H on fast line platform looking south-westwards to point J



Point J on Southcourt Avenue looking north-eastwards at the station's fencing



On Southcourt Avenue looking northwards towards point J from the entrance to the southern footbridge



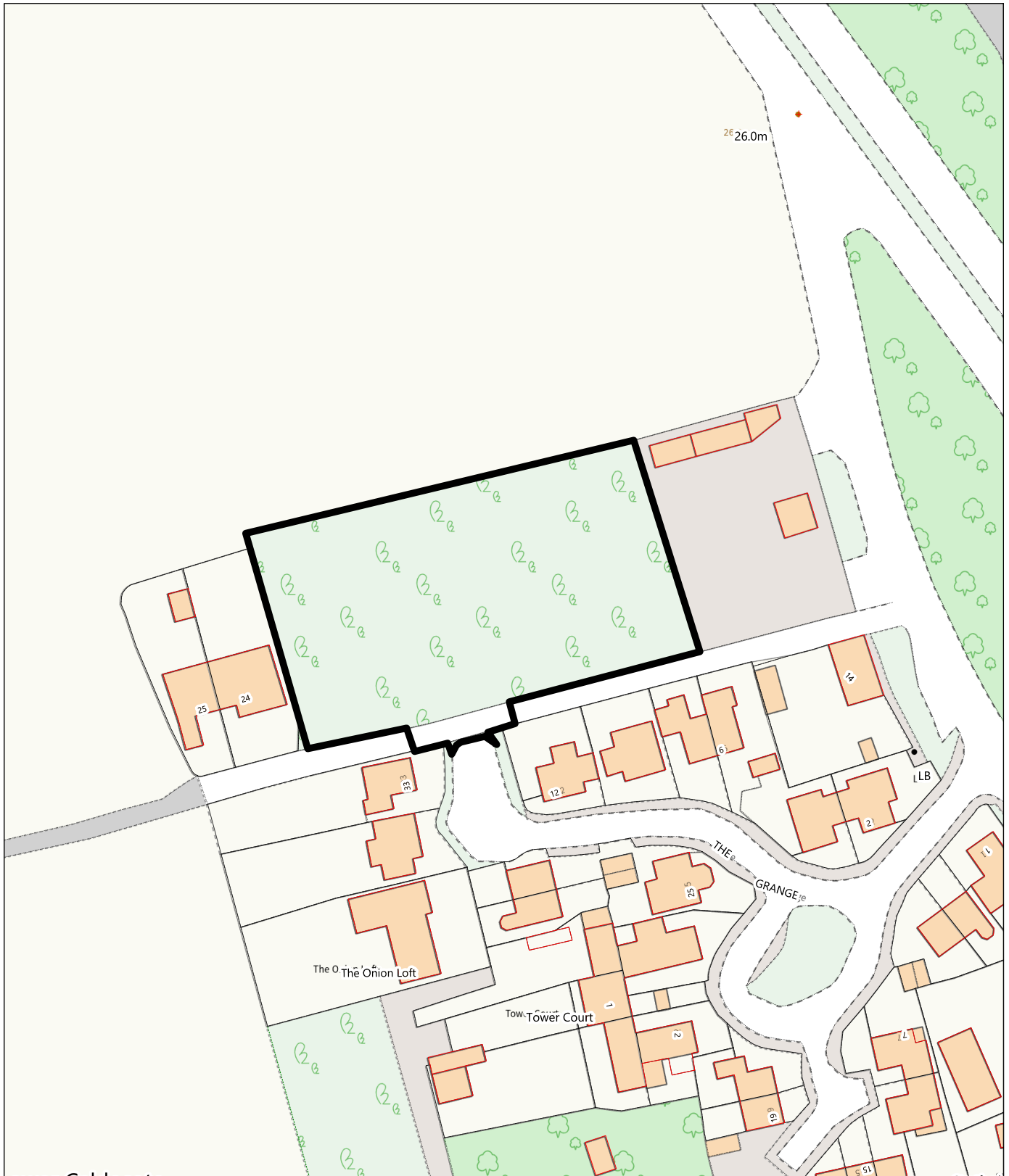
On Southcourt Avenue looking southwards from the entrance to the southern footbridge towards point B

8. Planning Application No:
CB/25/00530/FULL (Northill)

Address: Land adjacent to the The
Grange, Grange Lane, Lower Caldecote,
Biggleswade, Bedfordshire [Nearest
Postcode: SG18 9AX]

Change of use of land for the formation of
7 residential Gypsy Traveller pitches (with
1 static caravan, 1 touring caravan and 1
dayroom per pitch).

Applicant: Mr Patrick Connors



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application Number: CB/25/00530/FULL
	Date: 25:March:2025 Map Sheet No	
Scale: 1:1000	Land adjacent to The Grange, Grange Lane, Lower Caldecote, Biggleswade, Bedfordshire	

APPLICATION NUMBER	CB/25/00530/FULL
LOCATION	Land adjacent to The Grange, Grange Lane, Lower Caldecote, Biggleswade, Bedfordshire
PROPOSAL	Change of use of land for the formation of 7 residential Gypsy Traveller pitches (with 1 static caravan, 1 touring caravan and 1 dayroom per pitch).
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Daniels
CASE OFFICER	Eilis Edmonds
DATE REGISTERED	18 February 2025
EXPIRY DATE	15 April 2025
APPLICANT	Mr Patrick Connors
AGENT	Green Planning Studio
REASON FOR COMMITTEE TO DETERMINE	<p>Application called in by Ward Cllr Daniels on the following grounds:</p> <ul style="list-style-type: none"> - The development is contrary to Policies SP7, H7, EE4 and EE5 - Loss of amenity: The site lacks essential amenities and infrastructure - Over development: The development would increase the size of Lower Caldecote by 25% and would dominate the existing settled community which would present harm to the rural character of the area - Highways safety: The access via Grange Lane (FP11) raises concerns regarding safety for residents, emergency services and waste collection. Access into the site is unsatisfactory for towed vehicles and the exits for slower vehicles on the A1 is unsafe. There is a lack of safe walking routes to nearby facilities. - Parking: There is inadequate parking and the development will add to that - Impact on landscape: The development will affect the character and appearance of the surrounding landscape and would be highly visible from nearby road, footpaths and bridleways - The site is outside of the recognised settlement envelope and would represent an unsustainable development
RECOMMENDED DECISION	FULL - Recommended for Approval, subject to conditions
APPENDIX	None

Summary of Recommendation:

Following recent planning appeal decisions and changes to national planning policy, the Council is unable to demonstrate a 5 year supply of deliverable sites for those who meet the definition of Gypsy and Traveller as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS).

With regard to the expressed need within Paragraph 28 of the updated PPTS (December 2024) of applying the tilted balance, as set out in Paragraph 11(d) of the NPPF, the following assessment is made:

The proposed development would represent an intrusion into the countryside, where there would be a reliance on the private vehicle to access everyday services and facilities, due to its unsustainable location outside of a Settlement Envelope, in conflict with Policy SP7 of the Local Plan.

However, it is considered that no further harm has been demonstrated, subject to the inclusion of conditions. Furthermore, notwithstanding its location, there would be no conflict with Policy H7 of the Local Plan.

As such, having regard to the need to apply the tilted balance, whereby the Council cannot demonstrate a 5-year supply of deliverable sites, it is considered that the provision of 7 additional sites outweighs the identified harm with respect to the location of the site outside of a Settlement Envelope and the reliance on a private vehicle.

It is therefore recommended that planning permission be granted, subject to conditions.

Site Location:

The application site comprises a parcel of undeveloped agricultural land which lies in the open countryside, adjacent to a small residential hamlet, Lower Caldecote, to the west of the northbound carriage of the A1. A car sales garage lies to the east, and the residential hamlet lies to the west and south. Agricultural fields otherwise lie to the north and around the hamlet.

The Application:

The application seeks planning permission for the change of use of the land to provide 7 Gypsy and Traveller pitches, to comprise of 1 static caravan, 1 touring caravan and 1 dayroom per pitch. Access is proposed to be taken from a Right of Way which runs along the southern boundary of the site, Grange Lane. Access to the area is taken from a slip road from the A1.

RELEVANT POLICIES:

Central Bedfordshire Local Plan (CBLP) (Local Plan) (2021)

Policy SP2 – NPPF - Presumption in Favour of Sustainable Development

Policy SP7 – Windfall Development

Policy H7 – Assessing Planning Applications for Gypsy and Traveller Sites

Policy SP8 – Gypsy and Traveller, and Travelling Showpeople Pitch Requirement

Policy T2 – Highways Safety and Design

Policy T3 – Parking

Policy EE2 – Enhancing Biodiversity
 Policy EE4 – Trees, Woodlands and Hedgerows
 Policy EE5 – Landscape Character and Value
 Policy CC1 – Climate Change and Sustainability
 Policy CC3 – Flood Risk Management
 Policy CC5 – Sustainable Drainage
 Policy CC6 – Water Supply and Sewerage Infrastructure
 Policy CC8 – Pollution and Land Instability
 Policy HQ1 – High Quality Development

Northhill Neighbourhood Plan (NPP) (Neighbourhood Plan) (2019)

Policy NP8 – Flood Risk & Drainage Management
 Policy NP10 – Conserving & Improving the Environment
 Policy NP12 – Protecting Natural Habitats
 Policy NP13 – Improving the Green Infrastructure

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (August 2023)
 Parking Standards for New Developments (August 2023)
 Biodiversity Net Gain Guidance (March 2022)
 Sustainable Drainage Guidance (May 2015)
 Landscape Character Assessment (2015)
 Highways Construction Standards and Specifications Guidance (2019)
 Gypsy and Traveller Accommodation Assessment (2016)

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy for Traveller Sites (PPTS) (2024)

Relevant Planning History:

Application Number	CB/23/03727/FULL
Description	Change of use of land for the formation of 7 residential Gypsy Traveller pitches (with 1 static caravan, 1 touring caravan and 1 dayroom per pitch)
Decision	Full Application – Refused
Decision Date	09/12/2024

Application Number	CB/18/01946/OUT
Description	Outline planning application for 8no. Dwellings with all matters reserved except Access
Decision	Outline Application – Refused
Decision Date	11/09/2018
Appeal Decision	Appeal Dismissed
Appeal Decision Date	17/11/2021

Application Number	CB/18/02228/FULL
Description	The use of land for the stationing of caravans for residential purposes
Decision	Full Application – Refused
Decision Date	04/10/2018
Appeal Decision	Appeal Dismissed
Appeal Decision Date	17/11/2021

Application Number	CB/15/02583/OUT
Description	Outline Application for 8 No. dwellings with all matters reserved
Decision	Outline Application – Refused
Decision Date	15/01/2016
Appeal Decision	Appeal Dismissed
Appeal Decision Date	27/07/2017

Consultees:

Northhill Parish Council	<p>Objects to the development. There would be a substantial increase relative to the existing small community in the hamlet of Lower Caldecote, of 33% increase in dwellings, leading to an overdominance and strain on local infrastructure and services. Northhill Parish has experienced a disproportionately high number of new gypsy/traveller pitches compared to Central Bedfordshire as a whole. The development would adversely affect the character and appearance of the surrounding rural landscape, and would be highly visible from the A1 and nearby footpaths/bridleways. The site lacks amenities and infrastructure – concerns are raised as to electricity supply capacity and inadequate surface water drainage and flooding. There is an absence of services and facilities and no suitable arrangements for drainage, sanitation or utilities. The site is in an unsustainable location outside of any Settlement Envelope. There is no public transport options, with a reliance on private vehicles, and the use of The Grange could exacerbate the condition of the road. The access via Grange Lane (FP11) raises safety concerns with respect to residents, emergency services and waste collection. There would be net losses in biodiversity, there could be increases in light pollution and road noise and exhaust pollution would create a poor standard of amenity for future residents. The red-line plan shows the extent of land owned, which appears to go across a right of way into The Grange.</p>
Cllr Paul Daniels	<p>Has called in the application to Development Management Committee, with objections raised with respect to amenity, over development, highways safety grounds, parking, impacts on landscape and as the site lies in an unsustainable location outside of a settlement envelope</p>

Highways Officer	No objection, subject to conditions, following receipt of revised site plan which shows intervisibility at the access of the site, suitable parking and tracking for fire tender.
Private Sector Housing	No objection. If planning permission is granted, then the owner must apply for a Site Licence (Caravan Sites and Control of Development Act 1960). The site must comply with the Site License conditions.
Tree and Landscape Officer	No objection. The site is a grass field between two blocks of development. There is a hedge which borders the garage which appears to be retained, and there is proposed planting around the site. Details should be provided of proposed planting, and should be native hedging. The views onto the site would be mitigated by existing structures and additional planting.
Landscape Officer	Development would represent limited infill and would not cause harm to the rural character of the area. The proposed soft and hard landscape works are acceptable and will reflect and respect the local rural characteristics. The removal of the ornamental hedge to improve biodiversity upon the site is welcomed. Hard and soft landscaping should be conditions with a landscape maintenance and management plan. Boundary treatment is acceptable.
Ecology Officer	Further information required. The majority of the site comprises other neutral grassland, with ornamental hedgerow boundary present. A habitat pile is present on the site which comprises recently cleared trees. Compliance with the Preliminary Ecological Appraisal with respect to great crested newts, reptiles and avoiding bird nesting season, should be conditioned. The development would result in a loss of 85.99% loss in habitat units and a 489.57% gain in hedgerow units, and therefore the 10% gain in both unit types is not achieved. Queries are raised over whether the ditch should be accounted for in the BNG calculations, as to whether resultant grassland would be 'good' condition, and whether the proposed SuDS feature is correctly classified. Baseline values must be addressed at this stage. Off-setting will be required and can be secured via the statutory condition, however the applicant is encourage to provide further details at this stage. Officer note: An updated BNG calculation has been instructed and the position will be updated in the Late Sheet.
Rights of Way	A legal right of way footpath runs adjacent to the site, which defaults to 2m width. The footpath has bollards installed, which should remain in-site to ensure that the right of way is not used as the preferred route for entering and exiting the development. The proposed entrance is via The Grange and crossing the right of way. Appropriate signage and road marking should be installed by condition if the application is allowed, to alert pedestrians using the footpath. The plan indicated hedging on the southern boundary, which should be planted 0.5m back from the permitter so that it does not interfere with the right of way.

Pollution Officer	The site is exposed to noise to the A1 and premises having potential impact to the living environment with the pitch occupiers and outdoor amenity. It is possible that appropriately located, sufficient and dense close boarded fencing can provide protection, however this has not been demonstrated. A noise assessment should be submitted. A pre-commencement condition with respect to any external lighting should be included.
Archaeology Officer	No objection. The application includes an Archaeological Evaluation Report, which comprised excavation works and did not identify any archaeological remains within the development site. Therefore, the development will not have an impact on archaeological remains or on the significance of heritage assets with archaeological interest.
Bedford Group of Drainage Boards	No comment
Bedfordshire Police – Designing Out Crime Team	Supports the application in principle.
Anglian Water	The application is not relevant to Anglian Water – no comment.
National Highways	No objection

Other Representations:

Neighbours

At the time of writing, there have been 34 objections raised by neighbouring residents, which are summarised as follows:

- There is not enough infrastructure or amenities for further dwellings
- If Lower Caldecote expands the speed limit for the A1 will be lowered and it is dangerous to cross the A1 when traffic is slower
- The nearest services and facilities could not be accessed on foot
- Previous applications for dwellings have been refused
- The area is home to a diverse range of wildlife, and the environment will be negatively impacted
- Walking to Upper Caldecote school on foot, and with either young children or a pushchair would be very difficult and unpleasant
- There are no crossing points on the A1 and walking and cycling is very unsafe
- Overhead communication poles border the land
- The development would remove parking from The Grange due to the access
- There has been a recent surge in traffic joining the cross with the A1 with the closure of the crossover at Biggleswade Road – bollards have been destroyed where vehicles have not been able to initiate the gap or vehicles have been too wide

- The existing properties experience power cuts and blockages to the sewage system which will likely worsen with further development
- The entry onto the A1 is dangerous
- Introducing slow moving caravans onto a 60mph would be dangerous
- There is no public transport provision
- There is no legal access other than by foot on Footpath 11
- The access is not owned by the applicant
- The development will be dangerous for pedestrians on the right of way
- The Grange is not suitable for the level of through traffic and constant use
- The footpath is not suitable for heavy traffic
- There is not enough room for 2 cars to pass side-by-side and it would be dangerous to increase traffic
- Delivery vehicles find it hard to access the area and the development would worsen that
- Access for those with limited mobility using the road would be hazardous
- The 7 extra dwellings would dominate the 26 properties on The Grange; it would be a very large proportion of families to add to the existing population
- The plot has no utilities and adding a connection to the sewage system would cause serious problems - The land is designated as agricultural land
- The development would be out of keeping with the existing development
- The development would represent an overdevelopment and would be to the detriment of the character and appearance of the area
- There is insufficient manoeuvrability within the site
 - Proposed residents would be impacted by noise pollution
- Queries over who will maintain the roads in The Grange if it is damaged
- The proposed pedestrian bridge is no longer coming forward
- The site is outside of the Settlement Envelope and in the open countryside
- Gaining access from The Grange will cause problems for locals as the road is very narrow and the end of the cul-de-sac is currently used for parking
- The deeds for houses on The Grange excludes caravans from being parked on driveways
- Permission has previously been refused to convert a cottage from one dwelling to three, and for the provision of 5 dwellings at Kings Arms public house due an increase in population being undesirable
- The development will have an impact upon house prices

- The proposal would require the removal of an existing fence, grass and a gravel footpath which is maintained by residents
- Each pitch would require 2 vehicles as there is no safe crossing point across the A1
- The development would result in noise and disturbance
- There is nowhere for children to play
- There has been applications recently refused for further dwellings nearby
- The site has been known to be waterlogged
- Street lighting at the end of The Grange will not provide the extra illumination required
- The development will reduce on-street parking for existing residents and visitors
- There will be increased carbon emissions due to extra vehicle movements and emissions from heating
- There will be waste disposal issues
- Landscaping may not be planted or removed
- Existing trees have been removed and there's no evidence as to biodiversity net gains being provided on site
- The site is landlocked
- The development would dominate the settled community
- There will be no economic benefit arising from the development
- There is a lack of play space on the site, which may lead children to play on The Grange, leading to dangerous conditions
- Hedgerows will take time to grow, and if allowed to grow to a tall height will be a visual danger for users of the footpath
- The application would represent inappropriate development on the Green Belt or on Grade 1 agricultural land
- The Call for Sites was for Brownfield Sites and there is a Gypsy and Traveller survey commissions separately with no requirements to reassess until December 2028 – the pitch needs have not been defined, and therefore there could be an oversupply
- Northill has some 112 pitches against the last plan requirement
- The need for further pitches should not override the fundamental reasons previous applications have been refused
- The development will lead to a fire risk to surrounding homes, with no access for emergency services
- Other land outside of the parish should be allocated for pitches

Campaign for the Protection of Rural England (CPRE)

Objects to the development, on the grounds that:

- The development has not been included in the Local Plan
- The development is in conflict with Policies SP7, SP8, H5, H7, EE5 and T1 of the Local Plan and NP3 and NP5 of the Northhill Neighbourhood Plan
- The proposed development by its location and design would significantly harm the rural character and setting in the open countryside
- Residents would be reliant on cars to access amenities, including schools

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Gypsy & Traveller Provision
3. Impact on the Character and Appearance of the Area
4. Neighbouring Amenity / Amenity of Future Occupiers
5. Highway Considerations
6. Ecology / Biodiversity
7. Other Considerations

Considerations

1. Principle of Development

It is also a material planning consideration that permission was refused under LPA ref. CB/23/03727/FULL, for a development which reflects that which is now proposed. This previous application was refused on 2 grounds, those being:

1. The development, by reason of its siting in the open countryside outside of a recognised Settlement Envelope, would represent an unsustainable form of development, whereby there would be a reliance on the private vehicle to access everyday services and facilities, in conflict with Policies SP7 and H7 of the Central Bedfordshire Local Plan (2021), and Para 25 of the Planning Policy for Traveller Sites (PPTS, 2015).
2. Insufficient information has been provided to demonstrate that the site is capable of providing net gains in biodiversity, in conflict with Policy EE2 of the Central Bedfordshire Local Plan (2021) and the aims of Policy NP12 of the Northhill Neighbourhood Plan (2019).

Since the determination of the previous application (LPA ref. CB/23/03727/FULL) on 9 December 2024, a revised National Planning Policy Framework (NPPF) has been published, and amendments have been made to the Planning Policy for Traveller Sites (PPTS), including the definition of gypsies and travellers within Annex 1 and cross-reference to the 'tilted balance' of the NPPF where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites.

Furthermore, with respect to Biodiversity Net Gains, the previous application was submitted prior to the introduction of the mandatory requirements as set out under Schedule 7A of the Town and Country Planning Act. Accordingly the applicant can now purchase offsite credits, if required.

Policy SP7 sets out that Settlement Envelopes provide a distinction between settlements and the countryside. Outside of Settlement Envelopes the Council will recognise the intrinsic character and beauty of the countryside and only particular types of development will be permitted, which does not include Gypsy and Traveller developments.

Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) also sets out that when determining applications, Local Planning Authorities should very strictly limit traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

The site lies outside of any recognised Settlement Envelope. The nearest settlements to the site are Upper Caldecote and Biggleswade, which lie 6.5 km and 8 km from the site by private vehicle, as it not possible to access the southbound carriageway. Sandy lies over 3 km from the site by private vehicle. Whilst Upper Caldecote is accessible on foot over a distance of approx. 1km, via footpaths, those footpaths are unlit. As such, there will be a reliance on the private vehicle to access employment and everyday services and facilities. As such, the site cannot be said to be sited in a sustainable location.

The development, by reason of its siting in the open countryside, outside of a Settlement Envelope, would represent an unsustainable form of development which would be in conflict of Policy SP7 of the Local Plan and Paragraph 25 of the PPTS.

2. Gypsy and Traveller Provision

The proposed development seeks to provide 7 Gypsy and Traveller pitches, comprising of 7 static caravans and 7 tourer caravans, with a day room / amenity building in each pitch, associated parking spaces and small amenity areas.

The application has not included any indication on the status of the proposed occupiers or as to any personal circumstances. It has also not been specified whether the intended occupiers would meet the definition of a Gypsy and Traveller as set out in Annex 1 of Planning Policy for Traveller Sites (PPTS).

Paragraph 9 of the PPTS states that Local Planning Authorities should set pitch targets for Gypsies and Travellers as defined in Annex 1 of PPTS, address the likely permanent and transit site accommodation needs of Travellers in their area.

Policy H of PPTS refers to how applications for Traveller sites should be considered, whereby Paragraph 25 states that Local Planning Authorities should consider the existing level of local provision and need for sites, amongst other matters.

Policy SP8 of the Local Plan sets out that the Council has already approved a sufficient number of pitches to meet the Gypsy and Traveller accommodation need in Central Bedfordshire over the period 2015-2035 for the then PPTS 2015 definition Gypsies and Travellers i.e. 29 pitches. This was accepted by the Inspector during the examination of the Local Plan, whereby the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) was considered to be robust.

Since the base date of the GTAA (April 2016) the Authority has granted a net increase of 89 permanent pitches meeting the 2015/2023 definition for Gypsies and Travellers. This represents 60 pitches more than required by the Local Plan over the life of the plan period.

The revised PPTS, issued in parallel with the NPPF 2024, has amended the definition of 'Gypsies and travellers' at Annex 1. The result of this change is that the Council accepts from 13th December 2024, they are, in light of this change, unable to demonstrate a five-year supply of deliverable pitches. It does not change the position that the Council, through the 2021 adopted Local Plan, has delivered adequate pitches to meet the needs in Central Bedfordshire up to December 2024. In the circumstances that the Council cannot demonstrate a five-year supply of pitches the presumption in favour (the so-called tilted balance) pursuant to paragraph 11(d) of the NPPF is engaged.

Policy SP8 sets out that Windfall applications should be determined against Policy H7 and other relevant Policies of the Plan.

Policy H7 states that development proposals for sites for Gypsies and Travellers, including extensions to existing sites (which the proposal would effectively comprise), will be permitted where a number of criteria are met, in addition to other relevant Policies within the Local Plan. The criteria are as follows:

1. The scale of the site and the number of pitches would not dominate the nearest settled community and would not place undue pressure on local infrastructure when the proposal is considered alone or in combination with other nearby traveller sites;
2. The character and appearance of the wider landscape is not detrimentally affected;
3. Provides a good standard of amenity for all existing and future occupants of land and buildings;
4. Site design demonstrates that the pitches are of a sufficient size to accommodate trailers/caravans, parking, and storage and amenity space for the needs of the occupants;
5. Adequate schools, shops, healthcare, and other community facilities are within reasonable travelling distance;
6. Suitable arrangements can be made for drainage, sanitation and access to utilities; and
7. Proposals for mixed residential and business uses should have regard to the safety and amenity of the occupants and neighbouring residents.

Criteria 1, 2, 3, 4 and 6 will be considered elsewhere in this report.

With regard to criterion 5, as previously advised, the site is located away from the nearest settlements, as such, there will be a reliance on the private vehicle to access employment and everyday services and facilities. As such, the site cannot be said to be sited in a sustainable location. However, there is no definition as to what represents a 'reasonable distance', and it is noted that Sandy is 3km by road.

The wider site is for residential use only, and therefore there would be no conflict as set out in criterion 7. However, neighbouring amenity will otherwise be considered again later in this report.

3. Impact on the Character and Appearance of the Area

Policy HQ1 of the Local Plan sets out that developments should be of the highest possible quality and respond positively to their context, setting out criteria whereby proposals should enhance or reinforce local distinctiveness and relate well to the existing local surroundings, amongst other matters.

Policy EE5 of the Local Plan sets out that in order to safeguard the intrinsic character, scenic beauty and perceptual qualities of the landscape, such as tranquillity. All development proposals will need to have regard to the key characteristics and sensitivities of the site and its setting.

Regard is also had to criteria 1 and 2 of Policy H7 of the Local Plan, as previously set out.

Policies NP10, NP12 and NP13 of the Northill Neighbourhood Plan are also of relevance, which seek to conserve and enhance the rural character of the countryside.

It is a material planning consideration that during the consideration of the previous application, LPA ref. CB/18/02228/FULL, the Officer's report concluded that subject to further details on landscaping, the proposed development would not present unacceptable harm to the landscape character of the area. However, the decision included a refusal reason which set out that the development would dominate the existing settled community, resulting in harm to the rural character of the area.

In the determination of the associated appeal, the Inspector considered that the development would represent a limited increase in households, would not dominate the existing settlement and there was no evidence to suggest that the site would not integrate with the settled community over time. Accordingly, the Inspector advised that the development would not dominate the existing settled community or cause harm to the rural character of the area.

In terms of the provision of landscaping, it is noted that the existing site is bounded by hedgerows on the eastern and western boundaries. The proposed site plan shows the provision of additional planting, with the inclusion of a hedgerow on the northern and southern boundary, and trees dotted around the borders. These will go some way to assisting with softening the impact of the development upon the surrounding area, and increase ecological links with the neighbouring landscape features.

As such, it is not considered that there are conflicts with Policies HQ1 or EE5, or of criteria 1 and 2 of Policy H7 of the Local Plan. It is also considered that there is no conflict with the relevant parts of Policies NP10, NP12 and NP13 of the Northill Neighbourhood Plan.

4. Neighbour Amenity / Amenity of Future Occupiers

Policy HQ1 seeks to ensure that developments do not result in unacceptable adverse impacts upon nearby existing or permitted uses, including impacts on amenity, noise or air quality.

Policy CC8 sets out that development proposals which are likely to cause pollution or are likely to be exposed to unacceptable levels of pollution will be permitted where it can be demonstrated that those impacts can be mitigated.

Neighbour Amenity

The application site lies adjacent to a number of residential properties, including 24 Grange Lane to the west, and Nos 6-12 and 33 The Grange to the south.

Due to the site layout and separation distances, it is not considered that there would be unacceptable impacts with respect to a loss of privacy, overbearing impacts or a loss of light to these neighbouring occupiers. As the development would represent a change of use to provide 7 Gypsy and Traveller pitches, and would therefore be effectively in residential use, it is not considered that there would be any increases in activity which would result in unacceptable harm to neighbouring dwellings.

As such, it is considered that there is no conflict with Policy HQ1 in this regard. Amenity of Future Occupiers

The application site lies some 60m from the A1 northbound carriageway, and a car sales garage lies along the eastern boundary of the site.

The application has not included a noise report with respect to either the neighbouring use or noise arising from traffic.

It is noted that no objections have been raised in the previous considerations of the proposal by the LPA.

Nonetheless, it is recognised that the occupiers of the development could be impacted by these noise generating uses, and that caravans do not offer the same level of noise insulation as traditional built dwellings. As such, in the event that planning permission were to be granted, a pre-commencement condition would be required for the submission of a noise impact report and appropriate mitigation as necessary.

With respect to the layout of the site, regard is had to criteria 3, 4 and 6 of Policy H7 and also the comments provided by the Council's Private Sector Housing Officer, whereby it appears that the development accords with the relevant conditions of a Site License. There are also amenity areas either within the proposed pitches, or within the site.

As such, it is considered that subject to conditions, satisfactory levels of amenity could be afforded to potential future occupiers, and there would be no conflict with those criteria of Policy H7, Policy HQ1 or CC8, in that regard.

5. Highways Considerations

Policy T2 of the Local Plan states that proposals for new development must not have a detrimental effect on highway safety and patterns of movement, must provide appropriate access and have regard to the Council's standards.

Policy T3 of the Local Plan refers to the Council's parking standards set out in the Central Bedfordshire Council's Design Guide and Parking Strategy.

Access

The proposed development seeks to include an access from a private road and from a Right of Way, Footpath 11, which runs along the southern boundary of the site, before accessing The Grange, which is an adopted highway. The red-line location plan extends to the highway.

National Highways has not raised any objection, as the proposed development would not be accessed directly from the Strategic Road Network, the A1 carriageway.

The Highways Officer raised concerns regarding visibility splays onto the private access road, and also with respect to turning areas for a fire tender and for a refuse vehicle within the site.

A revised plan has been submitted, which shows indicative turning for a 8.5m fire tender, which appears to demonstrate that there is sufficient space for a fire tender to turn within the site with its current layout.

Details of the landscaping and boundary treatment on the southern boundary could be provided to demonstrate that the necessary visibility splays could be provided – given the width of the site, it is considered that this would be achievable.

With respect to refuse collection, a bin store has been shown adjacent to the access. Drag distances to The Grange would be under 15m, however private refuse collection could be utilised if necessary.

As such, it is considered that these matters could be addressed by way of condition.

No objections have been raised with respect to increased vehicular movements.

As such, subject to appropriate conditions were permission to be granted, it is not considered that there are any conflicts with Policy T2 of the Local Plan.

Parking

In terms of parking levels, a revised parking plan was received during the course of the application. There appears to be sufficient parking for two cars to park in each site, and circulation space within the wider site to ensure that cars would be able to enter and exit the site in a forward gear.

As such, it is not considered that there is a conflict with Policy T3 of the Local Plan. However, in the event that permission were to be granted, further details as to parking space locations should be secured.

Rights of Way

As noted, the proposed development would require access over a Footpath 11. The Rights of Way Officer has not objected, but has requested the inclusion of conditions, such as signage, to alert pedestrians using the footpath.

6. Ecology / Biodiversity

The provision of Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990. In accordance with the Act, developers must deliver a BNG of 10%. Where proposals are shown to be exempt from requiring a 10% BNG, the adopted Central Bedfordshire Local Plan also requires the provision of a net gain in biodiversity with Policy EE2.

Policy NP12 of the Northhill Neighbourhood Plan also sets out that development proposals which incur the loss or degradation of existing natural habitats will not be permitted unless an ecological survey is undertaken and mitigation measures to ensure the integrity of the habitat continues after the implementation of the development and appropriate management and aftercare is secured, and that development proposals should seek to protect, and where practical and viable, improve and enhance the natural environment.

A Preliminary Ecological Appraisal (PEA) has been submitted. The PEA sets out that precautionary working measures would be recommended for Great Crested Newts and reptiles, and that the bird nesting season should be avoided if any planting is removed. The Ecology Officer has raised no objection in this respect, subject to a condition for those precautionary measures to be followed.

BNG details have also been included, which demonstrate that there would be net losses of habitat. An updated calculation has been requested by the Ecology Officer but it is likely offsite mitigation would be required, and this can be secured via the mandatory Biodiversity Net Gain condition. It will also be necessary to include a condition for the submission of an Ecological Enhancement Scheme and for a 30 year maintenance and monitoring of the proposed biodiversity provisions on site.

Accordingly, subject to conditions, the development is capable of providing net gains in biodiversity, in accordance with Policy EE2 of the Local Plan and the aims of Policy NP12 of the Neighbourhood Plan.

7. Other Considerations

Flood Risk

The application site lies in Flood Zone 1 and is not at increased risk of surface water flooding. However, the development would result in increased areas of hardstanding, and therefore, in accordance with Policy CC5 of the Local Plan, a SuDS scheme would be required to ensure that development would not result in

increased flooding on or off site. In the event that planning permission were to be granted, a pre-commencement condition for the submission of drainage details would be required.

Human Rights and Equality Act issues

The application site is currently unoccupied, and there have been no personal circumstances provided with respect to any potential future occupiers of the proposed Gypsy and Traveller pitches. Whilst the cover letter advises that there will be children living on the site, no specific details have been provided with respect to this. Accordingly, it is not considered that there would be any relevant implications.

Other

There have been comments raised by neighbouring residents and these have been considered and have been addressed elsewhere in this report. However, it should be noted that the impact of development on house prices and house sales is not a material planning consideration. There are also comments which cannot be considered as part of this application due to their nature, and as they do not represent planning matters.

8. Conclusion

As previously set out, the Council consider that they cannot demonstrate a 5 year supply of deliverable sites for those who meet the Annex 1 PPTS definition. With regard to the expressed need within Paragraph 28 of the updated PPTS (December 2024) of applying the tilted balance, as set out in Para 11(d) of the NPPF, the following assessment is made:

The proposed development would represent an intrusion into the countryside, where there would be a reliance on the private vehicle to access everyday services and facilities, due to its unsustainable location outside of a Settlement Envelope.

However, it is considered that no further harm has been demonstrated, subject to the inclusion of conditions.

As such, having regard to the need to apply the tilted balance, whereby the Council cannot demonstrate a 5-year supply of deliverable sites, it is considered that the provision of 7 additional sites outweighs the identified harm with respect to the location of the site outside of a Settlement Envelope and the reliance on a private vehicle.

It is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

That Planning Permission be GRANTED subject to the following

conditions: RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence until a final detailed design of the surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100-year event (+40%CC), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of buildings on site whichever is the sooner. The discharge rate from the development will be limited to the equivalent greenfield 1 in 1-year rate, or an appropriate rate as agreed by the Local Planning Authority or IDB. The final detailed design shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be subsequently implemented and maintained as approved.

Reason: This matter is required prior to commencement to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with Policies CC3 to CC5 of the Local Plan (2021)

- 3 Prior to commencement of development, a tracking diagram shall be submitted to, and approved in writing by, the local planning authority. The diagram shall show an 11.5m long refuse collection vehicle entering the site in forward gear, turning, and leaving the site in forward gear. Amendments shall be made to the internal layout of the site as necessary to accommodate the manoeuvre and the approved turning space shall be kept clear of obstructions to turning vehicles for the perpetuity of the development.

Reason: To enable vehicles to draw off and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway in accordance with Policies HQ1 and T2 of the Central Bedfordshire Local Plan (2021). This matter is required prior to the commencement of development to enable any ensuing necessary changes to the proposed internal layout to be made.

- 4 Prior to the first use of the development, details of signage to be sited on the Right of Way (Footpath 11) to provide a warning of the vehicular access and crossing across the Right of Way, shall be submitted to and approved in writing by the Local Planning Authority. Any approved signage shall be erected prior to the first use of the development.

Reason: In the interest of safety of the users of the Right of Way, in accordance with Policy T2 of the Central Bedfordshire Local Plan (2021).

- 5 The development hereby approved shall not be occupied or brought into use until the junction between the proposed access and the highway (intersection with Grange Lane and The Grange), as shown indicatively on plan ref 15_674C_003 Revision D has been constructed in accordance with the approved details, amended as necessary by the technical and safety audit process, and opened to traffic. (See Informative Notes to the Applicant)

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway on Grange Lane, the public right of way and the proposed access road in accordance with Policy T2 of the Central Bedfordshire Local Plan (2021).

- 6 Intervisibility splays shall be provided at the crossroads to be formed by the intersection of Grange Lane with the site access and The Grange, before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of both the Grange Lane approaches from its junction with the channels formed by the extension of The Grange into the site, and 17m measured from the centre line of the two Grange Lane approaches along the line of the channels of the extension of The Grange into the site, as shown on plan ref 15_674C_003 Revision D. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility to ensure the protection of the users of the right of way (Footpath 11) the existing highway at Grange Lane and the proposed site access, in accordance with Policy T2 of the Central Bedfordshire Local Plan (2021).

- 7 Notwithstanding the submitted details, prior to the first use of the proposed development, an Ecological Enhancement Scheme, and Landscape Scheme shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- 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;
- f) details of initial aftercare and long-term maintenance.

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

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policies EE2 and EE4 of the Central Bedfordshire Local Plan (2021)

- 8 Prior to first use of the development hereby approved, a 30 year (or as amended by sub-paragraph (4) of paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990) Habitat Maintenance and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- how the habitat will be maintained
- who is responsible for creating or enhancing the habitats
- who is responsible for maintenance, management and monitoring

All maintenance and monitoring shall be carried out in accordance with the details provided.

Reason: To ensure the provision and maintenance of BNG in accordance with paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 and Policy EE2 of the Local Plan.

- 9 Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity and to protect the local environment, in accordance with Policies HQ1, EE3 and EE5 and CC8 of the Central Bedfordshire Local Plan (2021).

- 10 No caravan located on the site shall be occupied for residential purposes other than by those who meet the Annex 1 definition of 'gypsies and travellers' and any resident dependents, within the Planning Policy for Traveller Sites (PPTS).

Reason: To limit the use of the site to Gypsies and Travellers, as the proposal is justified on addressing a need for such accommodation, in accordance with Policy H7 of the Central Bedfordshire Local Plan 2021

- 11 For the avoidance of doubt, there shall be no more than 2 caravans, comprising 1 no static caravan and 1 no touring caravan, on each pitch stationed at any one time, and the layout shall accord with the approved plan 15_674C_003 Rev D.

Reason: To ensure the adequate amenity of future residents, to protect the amenity of local residents, to ensure the development would not impact upon the character and appearance of the open countryside, and to provide adequate space for vehicular parking, in accordance with Policies HQ1, H7, EE5 and T3 of the Central Bedfordshire Local Plan 2021

- 12 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to ensure appropriate development in the open countryside and to protect the amenities of local residents in accordance with Policies HQ1, H7, EE5 and CC8 of the Central Bedfordshire Local Plan 2021

- 13 The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety

- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of Grange Lane.

Reason: To enable vehicles to draw off the highway before the gates are opened

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any amendments thereto, the parking provision for the site as detailed on the approved plans shall not be used for any purpose other than as parking provision unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain adequate parking provision for the development hereby permitted without adversely affecting the convenience of site and road users.

- 16 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 17 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity (Section 15, NPPF)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15_674D_001; 15_674D_001 Rev P01; 15_674C_003 Rev D; 15_674D_005; 15_674D_006

Reason: To identify the approved plan/s and to avoid doubt.

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 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.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be **Central Bedfordshire Council**.

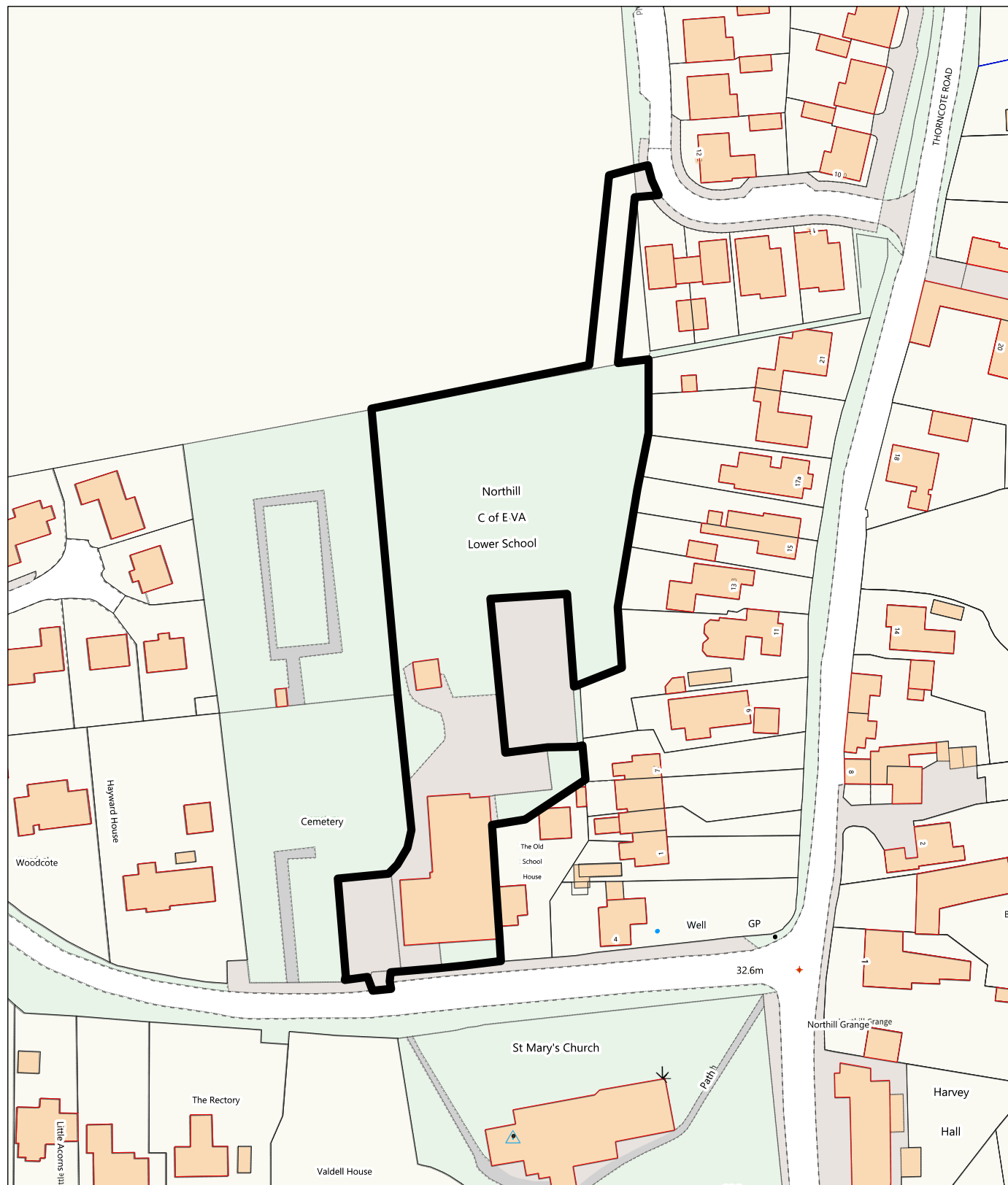
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

9. Planning Application No:
CB/24/02537/REG3 (Northhill)

Address: Northhill Lower School, Bedford Road, Northhill, Biggleswade, SG18 9AH.

New build hall with servery and storage, to be placed over existing informal play space. Reorganisation and alteration to parts of the existing school building with associated landscaping works.

Applicant: Central Bedfordshire Council.



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application Number: CB/24/02537/REG3
	Date: 25:March:2025 Map Sheet No	
Scale: 1:1250	Northill Lower School, Bedford Road, Northill, Biggleswade, SG18 9AH	

APPLICATION NUMBER	CB/24/02537/REG3
LOCATION	Northhill Lower School, Bedford Road, Northhill, Biggleswade, SG18 9AH
PROPOSAL	New build hall with servery and storage, to be placed over existing informal play space. Reorganisation and alteration to parts of the existing school building with associated landscaping works.
PARISH	Northhill
WARD	Northhill
WARD COUNCILLORS	Cllr Daniels
CASE OFFICER	Eilis Edmonds
DATE REGISTERED	30 August 2024
EXPIRY DATE	25 October 2024
APPLICANT	Central Bedfordshire Council
AGENT	SIP Rooms Ltd t/a Vertis
REASON FOR COMMITTEE TO DETERMINE	Regulation 3 Application with objections raised which cannot be overcome by way of condition
RECOMMENDED DECISION	REG3 - Recommended for Approval
APPENDIX	None

Summary of Recommendation:

The proposed development seeks to erect a single storey building, which would provide a school hall, kitchen and other associated facilities, to the rear of the existing school. Whilst not requiring planning permission in itself, the development would allow for the rearrangement of the existing school building to provide additional classrooms.

The development would assist with the transition of the school to a Primary School, as part of the Council's Schools for the Future Programme.

The development would result in a minor loss of playing field and hard surfaced playing area, however due to the siting of the existing Multi-Use Games Area and the size of the grassed area, it cannot be utilised for sports.

Following amendments to the siting of the proposed classroom, and the type of construction proposed, the development would not result in the loss of trees, and there would be no impacts to hedgerows. Furthermore, there would no longer be a requirement for a construction access to be taken from the north side of the site or from Goodwin Field.

At the time of drafting the report, comments on the revised Arboricultural Impact Assessment and Construction Traffic Management Plan (CTMP) are awaited from CBC Trees and CBC Highways. An update will follow in the Late Sheet.

Due to the geology of the land, where infiltration is not possible, the drainage scheme has followed the SuDS hierarchy, however it would result in surface water being held in attenuation tanks which would be discharged into the sewer system at rates higher than existing greenfield rates. Accordingly, there would be a conflict with Policy NP8 of the Northill Neighbourhood Plan. However, Anglian Water have advised that the sewerage system at present has available capacity for the flows outlined in the Drainage Strategy.

Whilst there is a conflict with Policy NP8 of the Neighbourhood Plan, it is considered that the SuDS hierarchy has been followed, and that options have been explored to reduce impacts upon the drainage network, and that there would be no unacceptable harm in terms of increased flood risk to the site or surrounding land as a result of the development.

As such, subject to conditions, it is considered that the development would be acceptable.

Site Location:

The application site comprises Northill School, which lies within the Settlement Envelope of Northill, which is designated as a Small Village. The existing site is occupied by a single storey building, a parking area, and grass and hard-surfaced playing area and a Multi-Use Games Area (MUGA).

The site lies adjacent to a number of residential dwellings, and the Northill Cemetery lies along the eastern boundary. Agricultural fields lie to the north.

The site lies partially within the Northill Conservation Area, and adjacent to a number of Listed Buildings, including the Grade I Listed St Mary's Church, which lies to the south.

The Application:

The application seeks planning permission for the erection of a single storey building, which would provide a school hall, kitchen, store rooms, a practical area and other facilities.

There would be an internal rearrangement of the existing school building, however those works in themselves would not require planning permission.

Amended plans have been received during the course of consideration of the application, whereby it is no longer proposed to provide a construction access from Goodwin Field to the north, and the siting, size, scale and design of the building has been amended.

RELEVANT POLICIES:**Central Bedfordshire Local Plan (2021)**

Policy SP2 – NPPF - Presumption in Favour of Sustainable Development
 Policy SP7 – Windfall Development
 Policy T2 – Highways Safety and Design
 Policy T3 – Parking
 Policy T5 – Ultra Low Emissions Vehicles
 Policy EE2 – Enhancing Biodiversity
 Policy EE4 – Trees, Woodlands and Hedgerows
 Policy EE5 – Landscape Character and Value
 Policy EE13 – Outdoor Sport, Leisure and Open Space
 Policy CC1 – Climate Change and Sustainability
 Policy CC5 – Sustainable Drainage
 Policy CC8 – Pollution and Land Instability
 Policy HQ1 – High Quality Development
 Policy HQ3 – Provision for Social & Community Infrastructure
 Policy HE1 – Archaeology and Scheduled Monuments
 Policy HE3 – Listed Buildings, Conservation Areas and Built Heritage

Northill Neighbourhood Plan (2021)

Policy NP8 – Flood Risk & Drainage Management
 Policy NP12 – Protecting Natural Habitats
 Policy NP18 – Listed Buildings & Buildings, Structures or Sites of Historic Worth
 Policy NP19 – Conservation Areas

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (2023)
 Parking Standards for New Developments (2023)
 Electrical Vehicle Charging: guidance for new developments (2022)
 Biodiversity Net Gain Guidance (2022)
 Sustainable Drainage SPD (2015)

National Planning Policy Framework (NPPF) (December 2024)**Relevant Planning History:**

Application Number	CB/24/01418/REG3
Description	Erection of single temporary mobile classroom and associated facilities
Decision	Withdrawn
Decision Date	08/07/2024

Application Number	CB/11/02984/VOC
Description	Variation of Condition: Formation of multi use games area with mesh fencing approved on planning permission MB/05/01313/FULL dated 20 October 2005. Application for removal of condition 4 for development to be used by pupils and staff of the school and variation of condition 5 for hours of use to 9am to 8.30pm Monday to Friday. The multi use games area shall only be used at weekends or public holidays following prior written agreement by the Local Planning Authority.
Decision	Variation of Condition – Granted
Decision Date	17/11/2011

Application Number	CB/09/05330/FULL
Description	Full: Erection of fitness trail on school playing field
Decision	Full Application – Granted
Decision Date	27/09/2009

Application Number	MB/08/02296/FULL
Description	Full: Replacement of existing flat-roof bay windows with new pitched-roof bay windows
Decision	Full Application – Granted
Decision Date	02/02/2009

Application Number	MB/05/01313/FULL
Description	Full: Formation of multi use games area with mesh fencing
Decision	Full Application – Granted
Decision Date	20/10/2005

Application Number	MB/05/00554/FULL
Description	Full: Formation of all weather surface multi use games area with mesh fencing
Decision	Full Application – Refused
Decision Date	12/05/2005

Application Number	MB/04/01945/FULL
Description	Full: Formation of all weather surface multi use games area including mesh fencing and floodlighting
Decision	Full Application – Refused
Decision Date	14/12/2004

Application Number	MB/04/00631/CC
Description	County Council: Erection of double garage for storage purposes
Decision	Regulation 3 – Granted
Decision Date	26/04/2004

Application Number	MB/99/00606/FULL
Description	Full: Erection of single storey rear extension and existing doorway bricked up extension of existing hard play area
Decision	Full Application – Granted
Decision Date	28/06/199

Application Number	MB/97/00835/CC
Description	County Council: Siting of single temporary classroom
Decision	Full Application – Granted
Decision Date	27/09/2009

Consultees:

Northhill Parish Council	Objects to the proposed development. The area already suffers from a lack of parking, and it is unclear where the additional spaces will be provided. The Parish Council have expressed concerns regarding the safety of children in the vicinity of 30mph speed limit zone outside the school, and the increase in the schools capacity would amplify existing risks. Concerns are raised with respect to construction traffic. The proposed pedestrian access from Goodwin Field is unsuitable and there is a lack of adequate detail. The proposed drainage solution fails to accord with Neighbourhood Plan Policy NP8, as it discharges water into the public sewer at 2lp/s. Anglian Water have acknowledged that the sewer system is overburdened during heavy rainfall and there are reports from residents experiencing sewage issues and sewage being discharged into local watercourses. If permission is granted, there is a request for the speed limit to be reduced to 20mph; confirmation regarding access from Goodwin Field; a guarantee regarding the remediation of the access from Goodwin Field; and conditions to minimise noise, dust and nuisance during construction.
Archaeology Officer	No objection, subject to the inclusion of a pre-commencement condition for a Written Scheme of Investigation (WSI) and for works to be implemented in accordance with that scheme. Officer note: A WSI has been provided. Condition will now be compliance.
Highways Officer	Updated comments are awaited following changes to the scheme and a revised Construction Traffic Management Plan. An update will be provided in the Late Sheet.
Ecology Officer	Updated comments are awaited following changes to the scheme and an updated BNG calculation. An update will be provided in the Late Sheet. No further bat surveys are required. Site works will not encroach on areas where bird nests have been present, however a precautionary approach should be taken if

	<p>trees cannot be removed outside of nesting season. Reptiles should not be impacted. The site is unlikely to support Great Crested Newts.</p> <p>There are some discrepancies between the baseline figures provided, however 10% net gains has not been achieved. Full details can be provided post-determination with the mandatory biodiversity gain plan submission. Any significant on-site biodiversity net gain measures may require monitoring, with a fee required by the Council. Off-site measures will need to be legally secured for the 30-year period and registered under Natural England. Alternatively, further planting could be provided to avoid the need for offsite measures.</p> <p>Conditions should be included for an Ecological Enhancement Scheme and for ecological mitigation measures to be carried out in accordance with the details provided.</p>
Landscape Officer	No objection. Comments have been provided with respect to planting.
Anglian Water	<p>Object to the development, as the preferred method of surface water disposal would be to a sustainable drainage system with connection to sewer seen as the last option. Infiltration is the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.</p> <p>The sewerage system has available capacity for the flows as shown on the proposed drainage plan.</p> <p>The proposed used and scale of the development meet the criteria for in-catchment movements. Consequently, it is anticipated that no new foul flows will be generated, as it is unlikely that individuals from outside the catchment area will travel to utilise the proposed facilities.</p> <p>Informatives are recommended with respect to assets close to or on the site and sewer adoption.</p>
Pollution Officer	No objection, subject to a condition regarding any ventilation plant or equipment associated with kitchen facilities no exceeding existing background noise levels.
Travel Plan Officer	Before the first use of the development, an updated Travel Plan shall be submitted and approved.
Tree and Landscape Officer	An updated Arboricultural Impact Assessment (AIA) has been submitted. An update will be provided in the Late Sheet.
Bedfordshire Fire and Rescue	The developer must provide a fire hydrant in line with section B, otherwise there is an objection to the development.
Historic England	Commented that they are not offering advice.

Other Representations:

Neighbours

There have been 7 comments with respect to the application, of which there are 2 objections, 4 in favour and 1 neutral comment received.

Supporting comments are summarised as follows:

- The development will benefit school children and enhance their learning environment
- The development will benefit the community
- The development will accelerate and build on the improvements which have been made to the school
- There is much needed capacity
- Consideration should be had to the replanting of trees which are to be removed
- Queries over whether the location of the bike storage is appropriate
- Consideration could be given to the reintroduction of more play facilities that have been removed (e.g. Mount Northill)

Comments raising objections are summarised as follows:

- Risk of flooding due to increased surface water flow from new building into local sewage network, causing downstream flooding
- Lack of capacity in Anglian Water sewage network, which the development would exacerbate
- The development will create a new access and parking difficulties in Goodwin Field
- Queries over whether the development is necessary, as the school is below Ofsted/CBC assessed capacity
- There is incorrect and ambiguous information submitted with respect to access from Goodwin Fields
- Queries over with the Goodwin Field access is solely for construction, where construction vehicles will be parked and whether there would be a permanent pedestrian access
- The hedgerow on the northern perimeter should be reinstated after construction
- Confirmation should be provided with respect to any damage to Goodwin Field due to construction

The neutral comment is summarised as follows:

- Improvements need to be correctly managed and implemented so as to avoid unwanted detrimental impacts on other members of the community and local residents
- The proposed materials are not in keeping with the Conservation Area

- An increase in pupils will lead to uncontrolled parking and increased vehicle movements
- Uncontrolled parking will cause further damage to adjacent footpaths, verges, hedges and the wall which surround the church grounds
- The school is in a 30mph zone and increased parking and vehicle movements is likely to raise the potential for serious road traffic accidents in the vicinity
- There are inadequate sightlines for pedestrians crossing the road
- Currently cars are parked on blind bends and turn in driveways during pick-up/drop-off which creates dangers which will increase with further vehicular movements
- If permission is granted, it should be ensured that the applicant installs, controls, maintains and monitors adequate traffic, parking and delivery plans, including controls on surrounding roads to not be utilised for parking
- The WCs and kitchen will lead to increases in foul water drainage load
- There will be additional noise due to additional pupils
- There should be appropriate mitigation on any extraction equipment
- The catering kitchen will lead to additional deliveries being made to the school and additional waste and rubbish, with associated vermin and bins being left on the footpath

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Trees and Landscape / Ecology
4. The Historic Environment
5. Neighbouring Amenity
6. Highway Considerations
7. Other Considerations

Considerations

1. Principle of Development

- 1.1 The site lies within the Settlement Envelope of Northill, which is identified within the pre-ambles to Policy SP7 of the Local Plan as being a Small Village. Policy SP7 sets out that within Settlement Envelopes of Small Villages, development will be limited to infill development, small-scale

employment uses and community facilities. Policy HQ3 of the Local Plan sets out that proposals for new social and community facilities within Settlement Envelopes will be supported where they comply with the policies of the Local Plan.

- 1.2 As such, the proposed development is acceptable, in principle.

Impact upon the school

- 1.3 It is understood that Northill School is currently operating as a Primary School, however there are currently no Year 6 pupils within the school, as the school transitions to a Primary School from a Lower School as part of the Council's Schools for the Future Programme, which seeks to adopt a 2 tier system across the area. The school has been able to utilise the existing accommodation in the 2024/25 academic year for Year 4 pupils which moved into Year 5, however there is not sufficient accommodation for Year 6 pupils. The current Planned Admission Numbers is 75, however there is understood to be 59 pupils at school as recently as September 2024, according to the latest Ofsted inspection.
- 1.4 The proposed development would provide a school hall, kitchen, practical space and other associated facilities. The provision of the hall building would facilitate the rearrangement of the existing school building, to provide additional classroom space.
- 1.5 The classroom would be sited mostly on a mixture of existing hard standing, and an area of grassed playing field. The area of playing field to be lost could not be used as a sport pitch, due its size and the siting of the existing MUGA. As such, it is considered that the partial loss of the playing field is acceptable and would not conflict with Policy EE13 of the Local Plan or Para 103 of the NPPF.

2. Impact on the Character and Appearance of the Area

- 2.1 The existing site comprises an extended single storey school building, with a mixture of flat roof and pitched roofs. The surrounding area comprises a mix of 1.5 storey and two storey dwellings of both pre-war and post-war construction. The old School House lies immediately adjacent to the school, and comprises a dual pitched, two storey brick building, and the Grade I Listed church lies to the south. The school site is otherwise bordered by residential development, Northill Cemetery and agricultural fields.
- 2.2 The proposed building would be sited beyond the northern elevation of the existing school, between the western boundary and the existing Multi-Use Games Area. The building is shown to have a flat roof, however the roof includes a step-down, whereby the hall would be served by a taller section of the building. The tallest part of the building would be approximately 5.4m tall, which would be 50cm taller than the tallest part of the existing school building. However, neighbouring dwellings project to a greater height, including School House which lies on the eastern elevation of the existing school building, which measures 8.3m tall.

- 2.3 The proposed construction materials are shown to comprise red cedar cladding, upon red engineering bricks to damp proof course level, and with anthracite windows and doors.
- 2.4 The building will be confined within the existing school site, and views to the building will be limited from the public realm, due to the siting of the development behind the existing school building, the cemetery which lies on the western boundary and vegetation which is proposed to be retained. There are also a mix of different materials in surrounding development, including the red and buff bricks, stone, render and black weatherboarding. It is considered the use of timber cladding will be suitable in this environment, and will soften the appearance of the building.
- 2.5 As such, it is not considered that there would be undue harm on the character and appearance of the surrounding area, in accordance with Policies HQ1 and EE5 of the Local Plan. Derailed consideration of the impacts upon designated heritage assets are set out below in Section 4.

3. Trees and Landscape / Ecology

Trees and Landscape

- 3.1 Policy EE4 of the Local Plan states that development proposals will be permitted where trees are protected and retained. Or where any removal of trees or hedgerows required to accommodate development is justified and lost assets are replaced within the development with appropriate planting of equivalent scale and character.
- 3.2 The proposed building was relocated during the course of the application, with an aim to reduce the impacts on existing trees. The building would, however, lie within the Root Protection Area and crown of a Category B tree, with protection measures proposed in an Arboricultural Impact Assessment (AIA). This updated AIA is currently being reviewed by the Tree Officer and updates will be in the Late Sheet.

Ecology

- 3.3 The provision of Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990. In accordance with the Act, developers must deliver a BNG of 10%. Where proposals are shown to be exempt from requiring a 10% BNG, the adopted Central Bedfordshire Local Plan also requires the provision of a net gain in biodiversity with Policy EE2.
- 3.4 Policy NP12 of the Northhill Neighbourhood Plan sets out that proposals which incur the loss of existing natural habitats will not be permitted unless ecological surveys are undertaken and mitigation measures provided, and development proposals should seek to protect, and where possible, improve and enhance the natural environment.

- 3.5 The proposed development would not result in harm to protected species or habitats.
- 3.6 It should be noted that the siting of the building has been amended during the course of the application, with the proposal no longer resulting in the loss of trees. The building would now be sited on a mix of modified grassland used as playing field and hardstanding, whereby there would be little in the way of ecological value. Following changes to the scheme, an updated AIA and BNG Calculation have been received and updated comments are awaited from the Ecologist.
- 3.7 With the proposed revisions, it is considered likely that on-site BNG provisions should be sufficient, however if off-site is required, then this could be secured by way of the mandatory biodiversity net gain permission.
- 3.8 As a result, the development would provide a BNG which complies with Schedule 7A of the Town and Country Planning Act 1990, the NPPF and Policy EE2 of the adopted Local Plan and Policy NP12 of the Northill Neighbourhood Plan.

4. Historic Environment

- 4.1 Part of the application site lies within Northill Conservation Area and an Archaeological Notifiable Area. However, the siting of the built development would lie outside of the boundaries. Nonetheless, it is necessary to consider whether there would be any impact upon the setting of the Conservation Area and on archaeological remains. Furthermore, it is noted that the site lies adjacent to a number of Listed Buildings, including Grade I Listed St Mary's Church, and Grade II Listed Well Cottage, 6, 8, 10 & 12 Thorncote Road, and the Old Rectory.
- 4.2 A Heritage Statement was submitted as part of the application.
- 4.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings section 66 of the act states that all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 4.4 Pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, planning decisions must also give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development
- 4.5 Policy HE3 seeks to preserve, sustain and enhance the special character, significance, appearance and/or special architectural or historical interest of heritage assets, and the setting of heritage assets. The policy objectives are supported by Section 16 of the NPPF.

- 4.6 Policies NP18 and NP19 of the Northill Neighbourhood Plan set out that development which may affect heritage assets must pay particular regard to the need to conserve and/or enhance their settings, and preserve or enhance the character of the Conservation Area.

Conservation Area

- 4.7 There would be minimal visibility of the proposed building from the public realm, due to its siting behind the existing school building and trees and other vegetation which are proposed to be retained on the western boundary of the site, the single storey nature of the building, and the choice of materials. It is considered that there would be no harm to the setting of the Northill Conservation Area.

Listed Buildings

- 4.8 The Heritage Statement submitted with the application has considered that the application site lies within the setting of the Grade I Listed Church, St Marys, and the wider setting of Grade II Listed The Old Rectory, Well Cottage, and 1, 3, 5 and 7 Thorncote Road, however the school building has no historic functional relationship with the church or these neighbouring dwellings and the site makes a neutral contribution to their setting.
- 4.9 However, due to the siting of the proposed building, there would be little to no visibility from the public realm or from locations where there could be intervisibility of the proposed development and the Listed Buildings. It therefore considered that there would be no impact upon the setting of or significance of these heritage assets.

Archaeology

- 4.10 The development site lies within the core of the medieval village of Northill, and therefore the site is considered to have the potential to produce heritage assets with archaeological interest.
- 4.11 As such, a Written Scheme of Investigation has been submitted to ensure there are no unacceptable impacts on any archaeological remains. Subject to a suitably worded condition, there would be no conflict with Policy HE1 of the Local Plan or Section 16 of the NPPF.

5. Neighbouring Amenity

- 5.1 The proposed hall building would be sited approximately 20m or more from the boundary of the nearest neighbours to the south, The Old School House (and its associated Annexe) and 7 Thorncote Road. The existing Multi Use Games Area and school playground would be sited between the hall building and these neighbouring dwellings. Due to the single storey nature of the building, and its siting within the site, it is not considered that there would be any overbearing impacts, loss of light, or loss of privacy arising from the development.

- 5.2 Given that the land is already used as part of the school playground and playing field, and that there would be up to 15 additional pupils, it is not considered that there would be any unacceptable increases in noise.
- 5.3 Concerns have been raised by neighbours as to any possible extraction or ventilation associated with the kitchen. The Pollution Officer has recommended the inclusion of a condition to ensure that any extraction would not exceed existing background levels.
- 5.4 Accordingly, subject to a condition with respect to any extraction unit, it is considered that the development would accord with Policies HQ1 and CC8 of the Local Plan.

6. Highways Considerations

- 6.1 The information submitted with the application outlines that the existing school has a Pupil Admission Number of 15, meaning that the capacity of the school will increase from 75 to 105. However, it is noted that the school is currently operating under capacity, whereby in 2023/24 there were 45 pupils enrolled and in 2024/25, when Year 5s remained at the school, there were 59 pupils at the school. The existing school has a total of 9 staff, which includes 4 full-time teachers, and the proposed development would require 1 additional full-time teacher.
- 6.2 The Transport Statement advises that the current car park allows for 9 cars to park on site, with space for an additional car to park. However, this appears to rely on double-parking/tandem parking.
- 6.3 A parking beat survey was provided, which appears to suggest there could be a requirement of up to a total of 38 vehicles during pick-up and drop-off periods at the school. This would be provided with a mix of on-street and off-street parking, with a need for 15 off-street spaces during the drop-off period and 20 during the pick-up period. An agreement has been reached between the pub landlord at The Crown and the school, to allow for parking to occur during these periods for the required spaces. Due to the distance to The Crown, this is considered to provide a suitable Park and Stride site, and the Travel Plan should encourage the use of this provision.
- 6.4 Other mitigation measures are proposed, to include additional Wigs-Wags, the provision of a dropped kerb and uncontrolled pedestrian crossing across Bedford Road and increases in footway widths.
- 6.5 Concerns were raised by Highways with respect to how construction would occur, as the development originally proposed to use an access from Goodwin Field, however there was no formal agreement in place to utilise this private access. As such, amended details have been submitted, with an alternative construction method, which would allow construction to be undertaken from the front of the school.
- 6.6 Subject to these conditions, it is considered that there would be no unacceptable harm to the highway network, in accordance with Policies T2 and T3 of the Local Plan.

7. Other Considerations

Sustainability / Climate Change

- 7.1 The proposed classroom building would be constructed to current Building Regulation standards. However, the amended plans provided with the application no longer show the provision of a PV solar array. The applicant has therefore sought to include the provision of air source heat pumps, and these are shown on the submitted plans. A pre-occupation condition will be included for the provision of a verification report as to the sustainability measures introduced. Subject to this condition, it is not considered that there is a conflict with Policy CC1 of the Local Plan.
- 7.2 The proposed development does not include the provision of parking spaces on the site, however there would be an additional staff member. With regard to the Council's Vehicle Charging SPD, it would be necessary for the provision of 1 vehicle charging points, which could be provided to serve the existing parking for the school. A condition will be included for the submission of details, to ensure that there would be no unacceptable impacts upon the character of the area.

Drainage

- 7.3 Policy CC5 of the Local Plan sets out that developments that result in increases in hard standing areas will be required to use SuDS to reduce surface runoff to reduce flood risk through the reduction in discharge rates and volumes to pre-development levels for previously developed sites or reduce discharge rates and volumes for greenfield sites.
- 7.4 Policy NP8 of the Northill Neighbourhood Plan sets out that development should be designed so as to not increase flood risk and that effective drainage should be provided which complies with established guidelines including use of SuDS to ensure no net increase in run off. Surface water discharge to a public surface sewer should be seen as a last resort and if necessary must not exceed the green field rate.
- 7.5 The site is not at risk of increased flood risk from surface water and lies within Flood Zone 1.
- 7.6 A Drainage Strategy was submitted with the application, however due to changes to the siting of the proposed school building an amended strategy would be required to relocate the proposed attenuation tank. Nonetheless, the drainage strategy seeks to manage surface water runoff for up to and including the 1 in 100 year event (+40%CC).
- 7.7 Northill Parish Council and residents have raised concerns with respect to foul water and surface water run-off, with reference also made to Policy NP8 of the Northill Neighbourhood Plan.

- 7.8 It is noted that Anglian Water have removed their objection with respect to foul water, as it is anticipated that no new foul flows will be generated, as it is unlikely that individuals from outside the catchment area will travel to utilise the facilities. However, they have commented that it would be preferred that regard was had to the SuDS hierarchy, with SuDS utilised, with infiltration as the preferred option, followed by discharge to a water course, and a connection to the sewer system being the last option.
- 7.9 The Drainage Strategy outlines that it is not possible to use other measures except for rainwater harvesting via water butts and the use of underground attenuation storage tanks, as the geology of the land means that infiltration is not possible and basins, ponds and wetlands would be a hazard to young children. The existing infiltration rates were found to be 0.27 l/s, and it is proposed that the attenuation tanks would limit discharge rates to 2 l/s. The Strategy outlines that due to the existing shallow sewers, the surface water drainage will need to be pumped, and it would not be possible to achieve 0.27 l/s. Any other hardstanding is proposed to be permeable.
- 7.10 As such, whilst there is a conflict with Policy NP8 of the Neighbourhood Plan, as the Strategy would exceed the greenfield rate, it is considered that the SuDS hierarchy has been followed, and that options have been explored to reduce impacts upon the drainage network, and that there would be no unacceptable harm in terms of increased flood risk to the site or surrounding land as a result of the development.

Human Rights and Equality Act issues:

- 7.11 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.

Other

- 7.12 The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites and an Environmental Code of Practice to minimise the impact of development of existing trees, landscape features and biodiversity. Conditions shall be included for development to be carried out in accordance with these Codes of Practice.

8. Conclusion

- 8.1 The development would assist with the conversion of the school to a Primary School as part of the Schools for the Future project and would provide enhanced facilities to the school. No harm has been found with respect to impacts upon the character and appearance of the area, or to the setting or significance of Heritage Assets.
- 8.2 Following amendments to the application, there would be no loss of trees, and net gains in biodiversity can be secured by way of condition, with a preference to secure onsite provision due to the amendments which have been made over the course of the consideration of the application.

- 8.3 Concerns raised with respect to construction access from Goodwin Field have been overcome by the change to the methods of construction and routes of construction traffic, and Highways are satisfied that sufficient parking can be provided either on-street or off-street, and there are highways mitigation measures proposed to assist with alleviating pressures and providing suitable routes for Park and Stride.
- 8.4 Whilst there is a conflict with Policy NP8 of the Northill Neighbourhood Plan, Anglian Water have advised that the sewerage system at present has available capacity for the limited flows outlined in the Drainage Strategy. It is considered that the SuDS hierarchy has been followed, and that options have been explored to reduce impacts upon the drainage network, and that there would be no unacceptable harm in terms of increased flood risk to the site or surrounding land as a result of the development, subject to condition.
- 8.5 As such, it is recommended that permission be granted, subject to conditions.

Recommendation:

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Part A: The development shall only be implemented in full accordance with the approved archaeological WSI prepared by Albion Archaeology (dated 20 March 2025)

Part B: This condition shall only be fully discharged when:
 - all elements of the archaeological fieldwork have been completed and the date of completion has been confirmed in writing by the Local Planning Authority.
 - a final archaeological report or if appropriate a Post Excavation Assessment report and an Updated Project Design has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 18 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority
 - the post-excavation analysis as specified in the approved Updated Project Design (if one is prepared) has been completed.
 - the preparation of the site archives (including the completion of the archive report) for deposition at stores approved by the Local Planning Authority has been undertaken and confirmed in writing by the Local Planning Authority. For the digital archive this will include confirmation of the intention to deposit with a CoreTrustSeal certified repository dedicated to storing archaeological archives.

- the publication report text has been prepared for submission to either a recognised archaeological journal, as a standalone monograph or the Historic Environment Record and this has been confirmed in writing by the Local Planning Authority.

Unless otherwise agreed in advance in writing by the Local Planning Authority, items 3, 4 and 5 of Part B of this condition shall be completed within 2 years of the archaeological fieldwork date of completion. Should the project not warrant the production of a Post Excavation Assessment report, an Updated Project Design and a publication text, Item 5 can be completed on the approval of the final archaeological report.

Reason: In line with Policy HE1 of the Central Bedfordshire Local Plan 2015-2035 (adopted July 2021) and the NPPF to investigate and record any archaeological remains affected by the development, to safeguard the long-term future of the archive and to make the record of all the work publicly available.

- 3 **Prior to the commencement of development, a Tree Protection Method Statement shall be submitted to and approved in writing by the Local Planning Authority, and works shall be carried out in accordance with those details.**

Reason: In the interest of amenity and biodiversity, in accordance with Policies EE2, EE4 and EE5 of the Central Bedfordshire Council Local Plan (2021).

- 4 Prior to any works above slab level, an Ecological Enhancement Strategy (EES) for the creation of new wildlife features and a soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The content shall be informed by the Preliminary Ecological Appraisal and 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;
- f) details of initial aftercare and long-term maintenance.

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

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policies EE2 and EE4 of the Central Bedfordshire Local Plan (2021)

- 5 No use of the proposed development shall occur until the developer has formally submitted in writing to the Local Planning Authority 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 that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, to prevent the increased risk of flooding both on and off site, in accordance with Policy CC5 of the Central Bedfordshire Local Plan (2021).

- 6 Prior to the first use of any part of the development, details of a 1 or more electrical vehicle charging points, including siting and design, shall be submitted to and approved in writing by the Local Planning Authority. They shall be installed in accordance with those details prior the first use of any part of the development.

Reason: In the interest of amenity, to ensure that there would be no harmful impact upon the character and appearance area or the Northhill Conservation Area, and to promote sustainable transport methods, in accordance with Policies HQ1, HE2 and T5 of the Central Bedfordshire Local Plan (2021).

- 7 Prior to the first use of the proposed development, an updated Travel Plan shall be prepared, submitted and approved by the Local Planning Authority. The plan shall contain details of:

- plans for the establishment of a working group involving the school, parents and representatives of the local community
- pupil travel patterns and barriers to sustainable travel
- measures to encourage and promote sustainable travel and transport for journeys to and from school
- an action plan detailing targets
- a timetable for implementing appropriate measures and plans for annual monitoring and review
- measures to manage the car parking on and off-site

All measures agreed therein shall be undertaken in accordance with the approved Plan. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval) to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport, in accordance with Policy T2 of the Central Bedfordshire Local Plan (2021).

- 8 All ecological mitigation measures shall be carried out in accordance with the details contained in the August 2024 Preliminary Ecological Appraisal.

Reason: To ensure that works are ecologically sensitive and do not result in adverse impacts to protected species, in accordance with Policy EE3 of the Central Bedfordshire Local Plan (2021).

- 9 Prior to the first use of the proposed classroom building, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall confirm that the measures to address climate change and sustainability have been implemented in full.

Reason: In the interests of sustainability and to ensure that the proposed development increases its resilience to the impacts of climate change in accordance with Policy CC1 of the Central Bedfordshire Local Plan (2021).

- 10 Prior to first occupation of the development hereby approved, a 30 year (or as amended by sub-paragraph (4) of paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990) Habitat Maintenance and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- how the habitat will be maintained
- who is responsible for creating or enhancing the habitats
- who is responsible for maintenance, management and monitoring

All maintenance and monitoring shall be carried out in accordance with the details provided.

Reason: To ensure the provision and maintenance of BNG in accordance with paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 and Policy EE2 of the Local Plan.

- 11 The external materials of the building hereby permitted shall be carried out in accordance with those shown on plan ref. HALL elevations Rev I, unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the surrounding area and Northill Conservation Area, in accordance with Policies HQ1 and HE2 of the Central Bedfordshire Local Plan (2021).

- 12 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity (Section 15, NPPF)

- 13 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site and Location Plans (A3) Rev I; NLS-SBA-XX-XX-DR-A-711 Rev P1; NLS-SBA-XX-XX-DR-A-708 Rev P1; HALL elevations Rev I; HALL roof plan Rev I; HALL 3D massing Rev I; HALL floor plan Rev I; Tree Constraints Plan (A3) Rev I

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

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 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.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be **Central Bedfordshire Council**.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

10. Date of Next Meeting and Site Inspections

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on 9 April 2025 and the Site Inspections will be undertaken on 2 April 2025.

11. Late Sheet

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on 8 April 2025.

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE 09/04/2025

Item 07 - Linslade Footpath No. 68 at Leighton Buzzard Railway Station

Additional Consultation / Publicity Responses

Response #1 (Received 31 March 2025)

I write in **support** of this application.

Reason: I am aware that the footpath diversion is separate from the **mobility access** issue to the station from Southcourt Road, Linslade.

However I am concerned that if the Network Rail application to divert the closed footpath along to the lifts over the bridge is refused, this will **impact on** its plans to open the access gate/improve mobility access to the lift along Platform 1.

It surely makes sense to address both issues in practical terms (engineering work etc) at the same time- economically?

Response#2 (Received 1 April 2025)

I'm extremely disappointed to see the recommendation to refuse the application by Network Rail to divert part of Leighton Linslade Footpath No.68, as on the agenda for the Development Management Committee on 9th April.

I understand that Network Rail have an obligation to reinstate the previously demolished footbridge, however in this instance this feels disproportionate given the two other footbridges that exist. The references to taking legal action against Network Rail to restore the current footpath route seem unnecessary, when a simple low-cost solution is all that is required.

The council's legal advice states that the diversion applied for would be substantially less convenient to the public. This is partially true, but in reality the vast majority of users would, as they do today, use the more convenient southern footbridge as they do today which runs at an alignment not dis-similar to the previously demolished footbridge. This route works well in providing access from Southcott Avenue to both the station and towards Linslade Recreation Ground for passengers and for local users.

The western access to the station does not have step-free access.

I live in western Linslade and have two small children. We regularly use the train station, both as passengers and for pedestrian access to the town centre and Linslade Recreation Ground. The current situation of carrying a loaded buggy up some stairs and down the same number of stairs to end up on the same level to access the lifts on platform 1 is both impractical and dangerous. The alternative to this is walking an additional 10-15 minutes via Soulbury Road. This often means that we simply don't use the train to Milton Keynes for example, and drive instead.

I have often helped other parents and the disabled up the stairs on the western side

of the station, when attempting this solo would have been dangerous.

Section 14 of your report states:

"The footbridge which was demolished had a channel constructed on one side to facilitate the wheeling of bicycles over the footbridge. However, footpaths are for pedestrians only and so a bicycle is not considered a lawful accompaniment for a pedestrian. Consequently, no further consideration for cyclists is given in this report."

This statement appears to be in direct conflict with all three aims in the Council's Strategic Plan (as per section 44).

There are also references in the report to increased injury liability with the proposals. I struggle to see how that assessment has been made, given the proposed step-free access, against the current situation.

I'm also astounded that Network Rail have had to go as far as producing a feasibility study for a replacement footbridge on advance notice of the conclusions of this report (section 40). Assuming this would be a like-for-like replacement for the removed footbridge, this would be a huge waste of funds given that two perfectly good footbridges currently exist over a relatively small station, one with lifts.

I'm very disappointed to see the lack of cooperation and pragmatism in the approach - this is a fantastic opportunity to install step-free access to both the station and a step-free crossing of the railway for the general public, at no expense to the council. It feels like no consideration whatsoever has been given to creating a step-free access in this process which I find frustrating.

Recognising that no solution is perfect given the site constraints, surely the most appropriate and pragmatic solution for all stakeholders is creating a safe access from the western side of the station to the platform 1 lift to enable step-free access for all.

I strongly urge you to reconsider.

CBC Response to comments

Thank you for your e-mail which you have copied to councillors and your MP.

You've made a number of comments on my report which I have addressed below.

[Link to 9th April Committee agenda](#)

Network Rail, as the owner of the footbridge which carried Footpath No. 68 over the railway line, was under a duty to maintain the structural integrity of the bridge. Sadly, this was not done, and the footbridge was considered structurally unsafe by Network Rail and was consequently demolished by them in May 2019. (See Para. 5 of my report)

The proposed diversion of Footpath No. 68 to run over the northern station footbridge is, under the tests of S.119 of the Highways Act 1980 – which is the legislation for diverting a public footpath, considered to be substantially less convenient to the public compared to the current route. You write that *"...the vast majority of users would, as they do today, use the more convenient southern footbridge as they do today..."* which demonstrates the point; the northern footbridge route is so substantially less convenient to users that they use an alternative route (see Paras. 11, 23 and 24 of my report). The route of the southern footbridge is not

the subject of the diversion application and so cannot be considered when deciding whether the footpath should be diverted over the northern station footbridge.

You are correct in that the railway station does not have step-free access from its western side (Southcourt Avenue). This is something that local ward members and your MP have been engaged in conversation with Network Rail over for some time. However, the provision of step-free access from the west is a separate issue to the diversion of the footpath, although the two issues are not necessarily mutually exclusive; however, where legally possible, it would make sense to combine the two accesses. Step-free access to the western side of the station is completely within the day-to-day operational means of Network Rail and the franchise owner of the station, West Midlands Trains, irrespective of what happens with the footpath.

With regard to the wheeling channel for bicycles that was in place on the now demolished footbridge, a public footpath is a right of way for pedestrians – not cyclists. Consequently, when considering the legality of access, the Council cannot consider cycle access (see Para. 14 of my report); although if this can be included as *additional* access benefit without prejudicing pedestrian access this would be something the Council would support as part of any active travel scheme. Cycle access is, however, something that the Council cannot force upon Network Rail or the station franchise holder, which would be the case were the footpath to be diverted over the northern station footbridge and connecting platforms – hence the comments in the report.

The Council, in considering whether it is expedient to confirm a diversion order can consider additional issues, including compensation costs, and insurance and maintenance liabilities; these have all been addressed at Paras. 26-33 of my report.

Response from correspondent (7-4-2025)

Many thanks for your detailed response, it is most helpful.

I understand that the subject of the footpath diversion and step-free access are separate issues with various legal challenges with multiple stakeholders, though urge consideration that these are certainly not mutually exclusive and offer an opportunity for cooperation to deliver a solution that works for all parties.

Thank you as well for extracting my comments for the committee papers, I look forward to hearing more about this issue soon.

Response#3 (Received 1 April 2025)

I have read your detailed report to the CBC Development Management Committee for their April 9 meeting.

You and your CBC colleagues have done a thorough job in researching the legal background of this situation to reach the recommendation to CBC to refuse Network Rail's application for a permanent diversion of Leighton Linslade FP no. 68. You have summarised the present juncture that we are at in an admittedly complex legal situation admirably.

Much effort was undertaken by our former MP Andrew Selous on behalf of our community in an effort to achieve progress with Network Rail on reinstating FP 68

over the West Coast Mainline adjacent to Leighton Buzzard Railway Station. I have therefore copied in our present MP Alex Mayer so that she is aware of CBC's proposed action.

I note the following options in the report and your notice of Network Rail's preliminary response:

39. The Council has the legal option to instigate civil proceedings for public nuisance to seek an injunction against Network Rail to require it, at its own expense, to reinstate the footbridge to an acceptable standard. This is the advice and recommendation given by the independent legal expert. There is a time limitation of six years from the date of the offence (the demolition of the footbridge on 5th May 2019) for the Council to lodge an application to the Courts.
40. Having been given advance notice of the recommendations of this report, Network Rail undertook a feasibility study to construct a replacement footbridge for Footpath No. 68 in September 2024. The results of this study have yet to be shared with the Council.

Your report concludes:

58. Refusal of the application will place an obligation on Network Rail to reinstate the original footbridge and also trigger the Council's duty to assert and protect the public's right to use the existing line of the footpath – including, if necessary, taking legal action against Network Rail to restore the current footpath route.
59. The next step, should the application be refused, would be for the Council to serve notice on Network Rail requiring it to set out a programme of works to reinstate the legal line of the footpath. Failing that, to begin legal proceedings before the expiry of the six-year limitation in May 2025 to compel Network Rail to undertake the required restoration works at its own cost.

My hope is that the right eventual outcome will be that Network Rail is accept that they have to reinstate a footbridge to carry FP 68.

For the Leighton Buzzard Society

Response#4 (Received 31 March 2025)

I was very pleased to see that the recommendation is to refuse the application. That is much better than I had expected. Some aspects of the analysis intrigued me, such as the responsibilities which the Council assumes by agreeing to the diversion of the footpath across the bridge. It really is a poisoned chalice. Those would apply equally to a diversion across the southern footbridge unless (and I consider this to be a real possibility) Network Rail proposed to remove the stairs down to the platforms. There would remain the issue about crossing the vehicular route to the car parks, but this could be overcome by extending the bridge so that the eastern stairs descended to the original starting point. As the really expensive activity is bridging the railway line, I suspect that this would cost much less than a completely new footbridge.

You may know that before the new station was built in 1989-1992, access from one side of the railway to the other was only possible by the public footbridge or the tunnel from the station building to platform 1 (with stairs to platforms 2-3 and platform 4). I don't recall the station building having ever been closed (that would

only have happened in the early hours when no trains ran), but in principle British Rail could close it. Dedicating the southern footbridge to the public footpath would thus return the status of the crossings to the pre-1992 position: a public footpath across the railway which is disjoint from railway users; and a separate crossing within railway premises for use by rail passengers.

I looked into the origins of the path and when the footbridge was built. The evidence is fragmentary, but it looks to have been part of the works associated with quadrupling of the tracks in the late 1850s. The original Leighton station lay between Old Road and Soulbury Road (early trains were short: Euston's platforms were 60m long; I expect Leighton's were too). Trains were also infrequent: one train every 2 hours in each direction at the start.

By the 1850s traffic had increased enormously and the trains were bigger. To accommodate larger and more frequent services, a new station with longer platforms was built to the south of Old Road. The level crossing at Old Road was closed, along with the section of highway from its west end to the start of Rock Lane. Springfield Road was constructed to provide vehicular access between Southcott Road/Rock Lane and Soulbury Road. The footbridge appears to have been constructed at this time. It is shown on the excerpt below of the 6" OS map surveyed in 1879.



To my mind the route on foot from Southcott to Leighton ran along Southcott Road (now Southcourt Avenue) until the road bent to the left while the path proceeded straight on, across what became the railway line and through the fields to the junction of Wing Road, Old Road and Canal Road. Most of the path to the east of the railway survives until it gets to Bethel Chapel on New Road, after which the 19th-century road system dominates.

While I understand that you are using what has been recorded on definitive maps, I suggest that the 1879 survey provides compelling evidence of the existence of a continuous right of way from Southcott to Leighton uninterrupted by a 6m gap to the west of the railway.

Response#5 (Received 2 April 2025)

I would like to voice my support for Network Rail's application to divert the Right of Way footpath 68 at Leighton Buzzard station.

This planning application would be a low-impact way to dramatically improve access for everybody on the Southcourt Road side.

In my view as a user of the station the additional foot traffic on the existing stepped footbridge would not be of concern.

My only concern is the loss of the three trees: I would ask that at least three trees are planted somewhere else locally where trees are missing from the street scene.

The view of some councillors that the money that would be needed for reinstating the footbridge would be better spent elsewhere is absolutely sound.

I would also like to echo Cllr Harvey's suggestion that this would be a good opportunity to improve the station frontage with better space allocation for foot traffic to make it safer, and to make it *feel* safer.

I think this is a good opportunity for progress that we should not miss.

Response#6 (Received 3 April 2025)

I can understand CBC's reservations about the above proposal from Network Rail, especially as the issue of the legal obligation to replace the footpath has become complicated by the need for mobility access from Southcourt Road.

Having said that I would urgently request CBC to reconsider the plan from Network Rail as there is a massive opportunity here to include a clear safe pedestrian and disabled access from Southcourt Road.

I have lived in Southcourt Avenue for 45 years and the footbridge is used much more now than years ago. It is used to access the station, access into the town of Leighton Buzzard, school children accessing the various local schools, walkers, cyclists and those visiting the parks on the southern side of the railway line - I use the footbridge most days & would dispute the footfall figures in your report.

Seeing people with luggage, children, toddlers, baby buggies and bikes struggling up and down the steps is totally unacceptable in this day and age. As for the lack of provision for wheelchair users, it's also totally, totally unacceptable.

A very sensible option would be to reopen and redesign the gate from Southcourt Road. Then provide a safe and very secure footpath with high fencing, possibly enclosed, for further security, along Platform 1. This would enable safe and inclusive access for all station users and pedestrians. Those needing to use the lift would also have easier access. A sloping ramp down from the new bridge at the north end of the station, accessed through the Pocket Garden, would also be a great benefit.

Please consider these suggestions carefully and accept the offer from Network Rail. The footpath is a legal requirement and if Network Rail is willing to spend money on replacing the footpath, this is a positive budget opportunity for CBC to and create a much needed and safe access for ALL users of the footpath.

CBC response to comments

The issue of the diversion of public Footpath No. 68 and the lack of disabled access to the station from Southcourt Avenue are separate matters but are not necessarily mutually exclusive ones. Network Rail and West Midlands Trains, as the station franchise holders, can provide disabled access whenever they wish; but they have chosen not to do so. The diversion of Footpath No. 68 is a different matter, being one that needs to meet the criteria laid out in S.119 of the Highways Act 1980. Unfortunately, the proposed northern footbridge route does not meet the legal tests as outlined in the committee report; [please see link to 9th April Committee agenda](#).

The access gate which gives pedestrian and disabled access from Southcourt Avenue to the adjacent platform could be opened up. You write that you use the footbridge most days; if you're coming from Southcourt Avenue, that would be the southern bridge, rather than the northern bridge over which the footpath is proposed to be diverted. The footfall figures I have used are based on West Midlands Trains' footfall figures of approx. 2 million users annually; with my assumption that half of the passengers will cross to another platform and, as there are two bridges, half of these will use the northern footbridge – hence my estimate of just under half a million people annually using the proposed footpath. I visited the station yesterday outside of the rush hour and it was very quiet, but it is apparently very busy during rush hour.

The provision of a usable footpath *is* a legal requirement, however, the Council is constrained by the law (the Highways Act 1980) as to what it can and cannot do when diverting the footpath. The provision of step-free access to Southcourt Avenue is a separate matter; this is down to Network Rail to resolve – albeit probably with a good deal of encouragement from the Council.

I will include your anonymised comments in the committee's papers so that the committee members can see them before coming to a decision on whether to approve Network Rail's application.

Item 08 - CB/25/00530/FULL - Land adjacent to The Grange, Grange Lane, Lower Caldecote, Biggleswade, Bedfordshire

Additional Consultation / Publicity Responses

Ecology Officer - 04.04.2025

No objection. Clarification has been provided with respect to the ditch adjacent to the site, which will not be impacted through the proposals, and therefore the BNG baseline provided is valid. The remaining clarifications can be addressed through the discharge of the statutory BNG condition. A condition for the submission of an LEMP/landscaping condition should be included which covers the 30 year BNG period.

Neighbour responses:

2 additional objections have been received, however there are no further comments made which have not previously been raised as outlined in the neighbour comments included in the Officer Committee report.

Queries have also been made with respect to ownership of Grange Lane and The Grange, and as to foul water sewage treatment.

Additional Comments

With regard to the additional queries raised, I make the following comments:

The Grange is an adopted Highway. Grange Lane, whilst not adopted by Highways, does form a right of way which is a 'highway' for which Central Bedfordshire Highways are responsible. Grange Lane is otherwise unregistered and the applicant has advised that they have rights of access over the lane.

The application form has indicated that the means of foul sewerage disposal is via a package treatment plant. The Environment Agency is responsible for granting permits for the use of package treatment plants and septic tanks, and this matter would be covered by other legislation. Condition 2 has otherwise been amended to include reference to any additional water arising from foul sewerage treatment, to ensure that the development does not result in increased risks of flooding on or off-site.

Additional / Amended Conditions / Reasons

Amendment of Condition 2:

No development shall commence until a final detailed design of the surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100-year event (+40%CC) and any water arising from on-site foul sewerage treatment, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to

the first use of the development. The discharge rate from the development will be limited to the equivalent greenfield 1 in 1-year rate, or an appropriate rate as agreed by the Local Planning Authority or IDB. The final detailed design shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be subsequently implemented and maintained as approved.

Reason: To ensure that the development does not result in increased risk of flooding both on and off site and that approved system will function to a satisfactory minimum standard of operation and maintenance, in accordance with Policies CC3 to CC5 of the Local Plan (2021)

Additional condition:

Prior to the first use of the development hereby permitted, a noise impact assessment shall be submitted to the Local Planning Authority for approval to demonstrate that occupiers will not be unduly harmfully impacted by noise arising from neighbouring uses or road noise. Approved details, including for example noise barrier or other means of attenuating noise, shall be implemented prior to the use of the pitches and thereafter be permanently retained.

Reason: To ensure the adequate amenities of future residents, in accordance with Policy CC8 of the Central Bedfordshire Local Plan 2021

Additional informatives:

The applicant is advised that in order to comply with the conditions related to highways and access works related to 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. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail highwaysagreements@centralbedfordshire.gov.uk

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 by contacting the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301. The applicant is advised that the storage of materials associated with the construction of this development should take place within the site and not extend into or within the public highway without authorisation from the highway authority. If necessary, the applicant should contact the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 830

Item 09 - CB/24/02537/REG3 - Northill Lower School, Bedford Road, Northill, Biggleswade, SG18 9AH

Additional Consultation / Publicity Responses

Highways Officer

03.04.2025

The applicant team have now submitted a further update to the Construction Traffic Management Plan (CTMP), and based upon the information submitted no objections are raised. Suggest the inclusion of a condition for adherence to the latest copy of the CTMP.

25.03.2025

Access to the site is proposed to remain as currently the case. The layout of the site in itself would not result in substantive changes with regards to highways matters, however details of scooter and cycle parking should be provided. Pedestrian improvements are to be provided and are supported in principle - a condition for further details are required. There would be an increase in parking demand, however the additional predicted demand of 15 spaces in the AM and 20 spaces in the PM peaks can be accommodated either within the Crown public house car park or on street. A condition should be included for further details of construction traffic management, as concerns are raised as to construction activities, parking and loading occurring within the carpark without overspill onto Bedford Road.

Tree Officer 07.04.2025

No objection. The impact on the Category B tree T1 is unlikely to affect the overall health of the tree. The protection methods provided appear to be suitable. Conditions should be included for works to be carried out in accordance with section 9.4 of SJ1549-J1-R1 report.

Ecology Officer 07.04.2025

No objection. The previous concerns regarding the removal of Category B trees is resolved and all trees will be retained on site and protected from development. The updated BNG metrics and plan show that the scheme would result in 10.99% net gains in habitat units and 80.18% in hedgerow units, and the mandatory BNG has therefore been achieved on site. It is recommended that the trees planted are native species. Conditions are required for a habitat management and maintenance plan, in accordance with the biodiversity gain plan; for works to be carried out in accordance with the recommendations in the ecological appraisal; and for the submission of an ecological enhancement plan for the creation of wildlife features.

Additional Comments

None

10

Additional / Amended Conditions / Reasons

Replacement of Condition 3:

The works hereby permitted shall be carried out in full accordance with the tree protection methods as set out in Section 9.4 of SJ1549-J1-R1 report.

Addition of the following Conditions:

11) Prior to any part of the development hereby permitted being first brought into use, details of the off-site highways works, including those detailed indicatively on plan ref SK01 Rev A pages 1 and 2 (Appendix B of the Response to Highways Comments) shall be submitted to, and approved in writing by, the local Planning Authority. For the avoidance of doubt, and unless otherwise agreed in writing, the submission of details should also include (in addition to the works shown on the indicative plans):

- School crossing amber warning lights on the approaches to the school on Bedford Road, Ickwell Road, and Thorncote Road, subject to the identification of suitable locations.
- The introduction of part time, advisory 20mph signs (to be associated with school peak periods), the locations to be agreed with the Local Highway Authority.
- A refresh and update of school signage and road markings.
- The marking out of parking bays on the initial (public highway) section of access to the Crown Public House.
- Appropriate drainage and lighting (if required).
- A Stage 1 Safety Audit and Designers response.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed development and to facilitate sustainable access to and from the site, in accordance with Policies T2 and T3 of the Central Bedfordshire Local Plan (2021).

12) Prior to any part of the development being brought into use, the works agreed under condition 11, amended as necessary by the detailed design, technical audit, and safety audit processes, shall be completed and fully opened for use.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed development and to facilitate sustainable access to and from the site, in accordance with Policy T2 of the Central Bedfordshire Local Plan (2021).

13) Prior to any part of the development hereby permitted being first brought into use, the applicant shall liaise with the travel plan co-ordinator to provide details for adequate secure and covered cycle parking, storage and accessible parking to be provided on the site for the staff and pupils, the approved details shall be implemented prior to the development being brought into use and maintained for that use thereafter.

Reason: To ensure the provision of adequate cycle parking to meet the needs of users of the proposed development in the interests of encouraging the use of sustainable modes of transport, in accordance with Policies T2 and T3 of the Central Bedfordshire Local Plan (2021).

14) Unless otherwise agreed in writing, the construction of the site shall be carried out in full accordance with the submitted Construction Traffic Management Plan (dated 02/04/25).

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and to protect the amenity of existing residents, in accordance with Policies T2 and CC8 of the Central Bedfordshire Local Plan (2021).

15) Notwithstanding the demolition of the existing garage building, no other development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC) for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the sewage undertaker. The final detailed design shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented as approved. Any variation to the connections and controls indicated on the approved details which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.

Reason: To prevent the increased risk of flooding both on and off site, in accordance with Policies CC3 and CC5 of the Central Bedfordshire Local Plan (2021) and Policy NP8 of the Northill Neighbourhood Plan

Re-number conditions 11-14

Inclusion of informatives:

1) The applicant is advised that the works required under conditions 1 and 2 would require the approval of the Council as Highway Authority, including the appropriate checking and review process and that no works should take place within the highway without the express permission of the Highway Authority.

2) 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 by contacting The Street Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8301 or e-mail: streetworks@centralbedfordshire.gov.uk

3) The applicant is advised that parking for contractor's vehicles and the storage of materials and deliveries associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact The Street

Works Co-ordinator, Central Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8301. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of demolition/construction of the development hereby approved

12. Exclusion of Press and Public

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following items of business on the grounds that the consideration of the items is likely to involve the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

Exempt Appendix

13. The determination of an application to divert part of Leighton Linslade Footpath No. 68 at Leighton Buzzard Railway Station

To receive the exempt appendices.

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