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For and on behalf of
Bedford Developments Ltd.

**BEDFORD LOCAL PLAN 2040 –
DRAFT PLAN STRATEGY OPTIONS AND DRAFT POLICIES CONSULTATION**

Land off Memorial Lane, Felmersham – LPA Ref: 827

**Prepared by
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September 2021





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1.0 INTRODUCTION AND STRUCTURE OF REPRESENTATIONS

- 1.1 This representation has been prepared by **DLP Planning Ltd (DLP)** on behalf of **Bedfordia Developments Ltd (Bedfordia)** in response to the Bedford Local Plan 2040 – Draft Plan Strategy Options and Draft Policies (Regulation 18) Consultation.
- 1.2 This representation relates to Land off Memorial Lane, Felmersham. The site is located to the east of the village of Felmersham and covers an area of approximately 2.06 hectares, currently in agricultural use. The Neighbourhood Plan completed a pre-submission consultation in February 2021, with a timeline for the next stages to take place not yet confirmed. A Site plan identifying the site within its context is provided at Appendix 1.
- 1.3 DLP, on behalf of Bedfordia, welcomes the Council's decision to review and update the various elements of the extant development plan and provide for a new Local Plan document that will fully reflect the policies of the National Planning Policy Framework (the Framework) and provide for the up-to-date development needs of the Borough and its residents in a sustainable manner.
- 1.4 DLP wishes to make several comments on the consultation document as part of the background context to the representations submitted on the site itself.
- 1.5 This representation specifically addresses those elements of the Council's policy and development strategy consultation proposals that our client feels fail to support appropriate opportunities for growth across the settlement hierarchy and fail to support choice and flexibility in supply through provision for small sites. This representation should be read alongside other submissions relating to our client's wider interests that provide more detailed comments on the approach to the emerging Plan.
- 1.6 **Section 2.0** addresses specific comments on the Council's Preferred Strategy Options and Preferred Option Policy Proposals together with their supporting evidence.
- 1.7 **Section 3.0** discusses the suitability of our client's land for development following a review of the Council's Site Assessment Proforma.

2.0 BACKGROUND TO THE LOCAL PLAN REVIEW AND ITS RELATIONSHIP WITH NATIONAL POLICY AND OTHER MATERIAL CONSIDERATIONS

2.1 This section addresses the Council's Published Consultation Document.

Paragraphs 1.47-1.48 (Neighbourhood Planning) – Object

2.2 The Council's consultation document considers the role for development allocations to be identified in Neighbourhood Plans (as a result of the strategy in the Local Plan 2030) in the context of updates to the development strategy explored via the Preferred Options.

2.3 These representations identify that the consultation fundamentally fails to assess the role and ability of Neighbourhood Plans in meeting the requirements for sustainable development (including housing delivery) in the period to 2030 and beyond. The consultation proposals also provide no clarity on the impact of meeting additional requirements for growth in terms of whether the policies in 'made' Plans will remain in general conformity with the development strategy nor how further allocations might be provided for in an effective and positively prepared manner.

Reasoning

(i) Relationship with Delivery of the Area's Strategic Priorities

2.4 Paragraph 1.47 of the consultation proposals repeats the strategy outlined in Policy 4S of the adopted Local Plan. This does not confirm a realistic prospect that all 2,260 units will be delivered before 2030. There are outstanding objections to several of the emerging Neighbourhood Plans at Key Service Centres (in particular at Great Barford and recently at Sharnbrook).

2.5 At paragraph 1.48 the Borough Council only provides vague indications of where further engagement might take place with Parish Councils to meet additional requirements for growth where a range of suitable sites are identified.

2.6 This paragraph is inconsistent with the intentions for a stepped trajectory and the NPPG for reviewing NDPs (which should encourage early review when strategic policies have changed). That is an inevitable consequence of the development plan in Bedford given its current failure to address levels of growth in accordance with the standard method. The Borough Council's own evidence indicates the strong likelihood of sites where early delivery

can be prioritised. This does not demand that meeting increased requirements for growth should extend beyond 2030.

2.7 Paragraph 28 of the Framework reaffirms the role for Neighbourhood Plans in providing for non-strategic allocations. Paragraph 29 confirms this must be within the context of Neighbourhood Plans that do not promote less development than set out in adopted strategy policies (which in this case will be replaced in the Local Plan 2040). Paragraph 66 of the NPPF2021 outlines that strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. This is an important distinction from the 2012 version of the Framework. However, the Council's testing of options for the Local Plan 2040 rolls forward a 'one-size fits all' distribution of potential levels of growth in Key Service Centres, Rural Service Centres. The Council's options test no distribution of requirements to other defined settlements whatsoever, which continues to overlook opportunities for sustainable settlements such as Felmersham to make a commensurate contribution towards the increased needs for development in the period to 2030 and beyond.

2.8 This fundamentally fails to accord with the current requirements of national policy and guidance and, importantly, has currently precluded the Council from considering 'hybrid' alternatives to the spatial strategy that would allow appropriate levels of sustainable development to be prioritised across the settlement hierarchy.

(ii) Identification of Housing Requirements for Designated Neighbourhood Areas

2.9 The Council's proposed approach is contrary to paragraphs 66 and 67 of the Framework. Paragraph 66 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Council's suggestion of rolling forward the contribution from the scale and distribution of growth identified in Policy 4S of the LP2030 is **not justified** and **not positively prepared**.

2.10 This is an important component of national policy and guidance in terms of seeking to avoid conflict between existing and emerging Neighbourhood Plans and the strategic policies of the development plan. This should form part of positive discussions between qualifying bodies and the local planning authority, recognising the ability of Neighbourhood Plans to sustain and increase housing delivery. Any indicative requirement figure would take into

consideration relevant policies such as an existing or emerging spatial strategy, alongside the characteristics of the Neighbourhood Plan area and should minimise the risk of Neighbourhood Plan figures being superseded when new strategic policies are adopted (ID: 41-102-20190509).

2.11 The figures in Policy 4S of the LP2030 are a flawed basis for rolling forward potential requirements against which Neighbourhood Plans are prepared for the following reasons:

- The figures were determined arbitrarily, without reference to the OAN in place at the time or strategies for individual settlements;
- In any event the Council's OAN knowingly represented a significant shortfall against the Government's policy for calculating housing need, culminating in this immediate review;
- The figures are applicable only in the context of a foreshortened Plan period to 2030; and
- Figures are provided only for certain settlements, with no requirement indicated for levels of the settlement hierarchy below Rural Service Centres (despite these having been considered in earlier rounds of Plan-making for the LP2030).

2.12 It follows that the process for calculation of any indicative requirement would therefore materially and significantly exceed the evidence base for the LP2030 and the figures in Policy 4S. By extension this means that any evidence produced by groups preparing Plans (for example assessments of local rural housing needs and whether relating to settlements listed in Policy 4S or not such as in Felmersham) would need to be considered in the context of the overall result of the Standard Method to 2040.

2.13 Any impacts upon the evidence base for emerging Neighbourhood Plans must be read alongside PPG ID: 41-084-20190509, which answers the question 'when will it be necessary to review and update a Neighbourhood Plan' and states in relation to the above issues:

"There is no requirement to review or update a Neighbourhood Plan. However, policies in a Neighbourhood Plan may become out of date, for example if they conflict with policies in a Local Plan covering the neighbourhood area that is adopted after the making of the Neighbourhood Plan. In such cases, the more recent plan policy takes precedence."

Remedy

2.14 The solution to issues identified in these representations necessitates the Council complying with the requirements of paragraphs 66 and 67 of the Framework. In doing so, we consider that a 'hybrid' development strategy must remain supported throughout the Plan period,

including recognition of the contribution that this would make towards the shortfall against local housing need for the period 2020 to 2030 i.e., through ‘top up allocations’.

- 2.15 Outside of the approach to identification of a housing requirement for Key Service Centres and Rural Service Centres the Council should adopt a flexible approach to supporting development opportunities at other defined settlements such as Felmersham in order to sustain and enhance their role. This is necessary to reflect the longer-term Plan period to 2040 and that such settlements were omitted from provision towards the scale and distribution of growth required to support the LP2030.

Paragraphs 3.26 – 3.28 (Small Sites) –Object

- 2.16 The Council’s proposed approach to enabling the development of small sites as a source of flexibility in supply and to provide diversity within the construction sector is misconceived, inconsistent with national policy, ineffective and not justified. The Council is simply seeking to ignore the requirements at paragraph 69 of the Framework and undermine the government’s objectives to support *inter alia* SME builders, prosperous rural communities, and measures to address affordability.

Reasoning

- 2.17 The Council seeks to rely on evidence of past and expected future trends in windfall development in place of the requirement in national policy to identify, through the Development Plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare.
- 2.18 The reasoning for the approach in national policy is simple: the Development Plan is the most appropriate vehicle to set out positively prepared policies to support the delivery of small sites and enable small and medium developers (who often face the greatest barriers to entry in the sector) to secure implementable planning permissions more easily.
- 2.19 The Council’s own evidence in the Small Sites Topic Paper demonstrates a year-on-year fall in trends in the completion of small windfall sites against the Local Plan 2030 requirement of 970dpa. This is illustrative of issues affecting the sector. The Council must also be mindful of the fact that more recent policies in the Development Plan (particularly those within Neighbourhood Plans) provide a further barrier to bringing forward appropriate proposals on unidentified sites.

2.20 The evidence from past trends fails to support the Council's contention that windfall supply will provide for 10% of the higher requirement based on minimum annual local housing need for the period 2020 to 2040. The Council relies on expected future trends but the justification for its proposed approach fails for the following reasons:

- The Council's reference to extant commitments takes no account of any potential lapse rate or double-counting with assumptions of future supply
- Expected trends take no account of changes to Permitted Development Rights (including restrictions upon office-to-residential conversions and a reduction in the number of potentially suitable sites)
- Extant small-site commitments take no account of those that are effectively 'one-off' schemes that would not be accessible to the SME sector (e.g., backland plots or subdivision)
- The likely supply of small sites from Neighbourhood Plans, which is a tiny proportion of the 2,260 dwellings required from this source and illustrative of these Plans often focusing development on a limited number of challenging sites, is dwarfed by the resulting restrictions on additional growth.

Remedy

2.21 The Local Plan 2040 should offer substantially greater support for the delivery of small sites in rural areas. This advances the case for the strategic policies of the Local Plan 2040:

- Setting out indicative requirements for all settlements within the Borough's hierarchy (outside of Key Service Centres and Rural Service Centres) to encourage provision for appropriate levels of smaller-scale growth
- Proactively support the delivery of rural exception sites
- Proactively support suitable growth of those sites which are considered appropriate.
- Where Policy 4S of the Local Plan 2030 is superseded in terms of the scale and distribution of growth required at Key Service Centres and Rural Service Centres ensure that any increased need for development to be provided through reviews of Neighbourhood Plan also has regard to Framework paragraph 69

2.22 The opportunity for the Local Plan 2040 and any Neighbourhood Plans to be prepared taking a more flexible approach towards the requirements of national policy is supported in principle.

2.23 For example, where any allocations proposed would offer the opportunity for early delivery and the potential to introduce multiple developers to relevant sites it would be appropriate to treat the 1 hectare threshold pragmatically, recognising that the revised strategy will itself provide substantial opportunities for diversification.

2.24 While our client's land at Felmersham notionally exceeds the 1 hectare referred to in national policy the details summarised in Section 3 of these representations demonstrate suitable and

deliverable opportunities to make provision for development that would satisfy the policy criteria for growth on small sites.

Paragraphs 3.15 – 3.17 (Spatial Strategy Options) – Object

- 2.25 The emerging preferred options put forward by the Council continue to have an urban focus and the four variations all focus development on the urban area, A421 corridor, and existing and planned rail stations. This approach relies heavily on rail investment and also focuses growth to the south of the town, with very little growth planned to the north of the Borough.
- 2.26 Representations addressing our client’s interest elsewhere in the Borough endorse a ‘hybrid’ approach making provision for village-related development outside of the ‘east’ and ‘south’ corridor parishes. Reassessment of **Option 3c** provides an appropriate starting point for such an approach.
- 2.27 Within this strategy option the Council has applied arbitrary ‘one size fits all’ totals to Key Service Centres and Rural Service Centres but made no provision for a contribution towards the strategy totals from locations outside these settlements.
- 2.28 This is inconsistent with the approach to other strategy components where a more flexible approach is applied e.g., non-specific estimates of urban capacity. Utilisation of other appropriate sites would add flexibility to the strategy and reduce any of the harmful effects that the Council associates with testing non-specific levels of village-related growth. This includes incorporating defined settlements such as Felmersham within the testing of site options.

3.0 RESPONSE TO SITE ASSESSMENT PRO-FORMA (CALL FOR SITES ID 827)

Site Context and Description

- 3.1 The Bedfordia land ownership extends to approximately 2.06ha in size and lies within the built-up area of Felmersham adjacent to Memorial Lane and south of The Old Road.



Figure 1: Site Location (Appendix 1)

- 3.2 The site is largely undeveloped. It has no relevant planning history, although there is currently a children's playground located on the northernmost parcel or land fronting on to The Old Road. This falls outside of the land put forward within these submissions but is within Bedfordia's ownership and is currently let to the local community and is proposed to be retained as part of any development proposals.
- 3.3 The western boundary of the site adjoins the defined settlement envelope. The north of the site is adjacent to developments on The Old Road. The southern and eastern extents of the site are bounded by countryside.
- 3.4 Existing bus stops are located on The High Road, which is within close proximity of the site. The site also has connections to the A6 via Memorial Lane and Radwell Road. There are no constraints to accessing the site and no ransom strips as the land is within the single

ownership of Bedfordia.

- 3.5 To the north of the site is The Manor, a Grade II Listed Building. In addition, the Felmersham Conservation Area is adjacent to the site, with boundaries on Memorial Lane and The Old Road.
- 3.6 The site is approximately 300m from the River Great Ouse and the Environment Agency shows low risk of fluvial or surface water flooding. No contamination or pollution has been indicated on site. No hedgerows are present and there is only one tree on site and this tree is not subject to a Tree Preservation Order. There are no designated Public Rights of Way on site, although there is an undesignated pathway from Memorial Lane to the Pinchmill Primary School along the northern boundary of the site. The site is not located within any statutory designated areas, AONB, Local Nature Reserve, SSSI or Green Belt.
- 3.7 The site represents a sustainable location and is well located to local services, including Pinchmill Primary School and the play area which are adjacent to the site. The site is within walking distance of two bus stops, the village church (St Mary's Church) and the local public house (The Sun). The site also has excellent connectivity, being less than two miles from the A6 and within approximately 15-minute drive time to Bedford.

Proposed Development

- 3.8 The site provides an opportunity to deliver a carefully considered and sustainably located residential development, which is well located relative to the core of the village and existing services. This proposed site provides a sustainable location and is a natural extension to the village, which is well related to the existing pattern of built form as seen elsewhere in the village.
- 3.9 Whilst Felmersham is not identified for any housing growth in the emerging Local Plan, the Neighbourhood Plan which is being developed has an identified need of 13 dwellings. Having taken on board the feedback received from both the NP Group and local community during public consultation exercises for the Neighbourhood Plan and Local Plan, Bedfordia recognises that development of the western portion of their land holding, to deliver in the region of 10-12 dwellings which are a mix of sizes and tenures, plus overflow car parking for Pinchmill Primary School, is a pragmatic and proportionate option to help meet local needs up to 2030, and this is set out below in Figure 2 (Appendix 2).

3.10 Preparation of the Local Plan 2040 provides a further opportunity to consider the ability of these proposals to contribute towards needs in the period to 2030 or beyond.



Figure 2: 10 Dwelling Neighbourhood Plan Proposal (Appendix 2)

3.11 The proposed site would in principle be capable of accommodating one, or a combination of the following uses:

- Market housing;
- Affordable housing;
- Starter homes;
- Self/custom build plots;
- Additional car parking to serve Pinchmill Primary School;
- Potential new meeting hall for the village.

3.12 Any development would be designed to respect and strengthen the structure, form, and character of the village, integrating seamlessly into the existing settlement. In particular, special attention will be paid to design and construction materials to ensure the development respects the setting of nearby listed buildings and reflects and enhances the character of the Conservation Area.

3.13 A suitable dedicated vehicle access to the site could be achieved off Memorial Lane, with additional pedestrian access through to Pinchmill Primary School via the retention and enhanced of the existing footpath located along the northern boundary of the site. This would have the potential to greatly ease the congestion as it currently exists in The Old Road at school drop-off and pick-up times. To further mitigate congestion around pick-up times any

future development on the site would offer the potential for overflow parking for Pinchmill Primary School.

- 3.14 Allocation for self or custom build plots would allow the site to come forward at a pace that meets local need in the area, with the flexibility of price and design to suit local circumstances.
- 3.15 It is important to reiterate that the development proposals will retain and not impact upon the existing play area located to the on the northern portion of the site in the wider ownership of Bedfordia.
- 3.16 As a part of the development proposals there will be additional planting and the implementation of a landscaping buffer along the southern, western, and part of the eastern boundary.
- 3.17 However, in addition to the above the site put forward as part of the submissions to the Local Plan 2040 contains land to the east of the Layout Plan (Figure 2) as shown in Figure 1 at the beginning of this Report. The wider site could deliver up to 30 dwellings across the increased land area. This would not only meet the needs of Felmersham to 2030, but also assist in meeting the local housing needs up to 2040.

Response to Borough Council's Site Assessment Pro-Forma (Site ID: 827)

Site Assessment Criteria

- 3.18 We have reviewed the Council's assessment of the site and wish to make a number of comments below.

Impact on designated or non-designated heritage assets or their setting

- 3.19 The Council's site assessment proforma finds that the proposal has the potential to cause harm to heritage assets, which may range from low to high. There will be options to avoid, reduce or mitigate this harm and where sites have not been ruled out altogether for other reasons, further assessment will be undertaken to more fully explore impacts on significance and options for harm reduction and mitigation.
- 3.20 Potential constraints relating to the historic environment are widely relevant to most site options in Felmersham and are considered relatively less significant in the context of our client's land. There are no designated heritage assets within the site itself and the site is located outside of the Conservation Area. A sensitively designed scheme, subject to suitably worded policy criteria, would form the basis to secure acceptable outcomes, and could require suitable technical documentation to be submitted alongside development proposals on the site. The historic environment has been considered in the description of the proposals provided above.

Protected Species

- 3.21 The Council's assessment records a potential uncertain impact but recognises that the land is not within or adjacent areas of nature conservation importance.
- 3.22 As part of future development of the site it would be appropriate to seek preparation of an Ecological Impact Assessment comprising a Phase 1 Habitat Survey and assessment of potential site features supporting the presence of protected species.
- 3.23 This would be an appropriate basis assess the impact of the development proposal and set out mitigation measures required to ensure there is no net harm to ecological features and where possible identify any opportunities available for integrating ecological features within the development. It is anticipated that a number of ecological enhancements could be

provided as part of proposals, such as habitat piles, hedgehog tunnels, bat boxes, bird boxes and native planting and that delivery of these enhancements would lead to an overall Neutral to Minor Beneficial impact

Impact on Highways

- 3.24 The assessment identifies that the “*Access point to the site is feasible from Memorial Lane*” and “*No significant traffic issues in the vicinity and a development of this size is unlikely to cause significant impacts.*” This assessment then moves to suggest that access should be directly off Radwell Road, which could be achieved, but the Site Assessment appears confused on the suitability of the access and where this should be located. This could be clarified as part of additional technical work which could explore the suitability of both accesses directly onto Memorial Lane and Radwell Road, which would in turn support identification of a preferred option amongst the various suitable alternatives.




Appendix 1 Location Plan (Site Ref FEL01)



Source Google Maps

Site Boundary

0 50 100 m

CL EN Bedford a Deve opments L m ted	DATE 11 08 2020	OS REF 499486,257814	Drawn PMG	DLP PLANNING LIMITED 4 Abbey Court, Fraser Road, Priory Business Park Bedford, MK44 3WH † 0 234 832 740 f 0 234 83 266 e bedford@dipconsultants.co.uk Offices also at Bristol Cardiff East Midlands Leeds London Milton Keynes Rugby and Sheffield	 <small>dynamic development solutions™</small>
	SCALE 1:2500 @ A4	DRWG NO FEL 01	Checked WL		
	JOB NO BE5542	REV			
PROJEC BBC Loca P an 2030 Rev ew	DRWG LE Fe mersham Locat on P an				



Appendix 2 Neighbourhood Plan Development Proposal Leaflet

Land at Memorial Lane, Felmersham (Site 494)

Following the recent publication of the 'Issues and Options Consultation' for the emerging Felmersham and Radwell Neighbourhood Plan, locally based landowner Bedfordia Developments would like to clarify the proposals for their land at Memorial Lane in Felmersham.



Bedfordia responded to a request from the Neighbourhood Plan Group for land to be put forward for the delivery of up to a maximum 30 houses.

Bedfordia's previous proposal illustrated three size options with any single option to be taken forward if there was local support.

It is clear from the results of the questionnaire and public consultation event held in February 2018 that the community's preference is for smaller sites and Bedfordia are happy to support this.

Bedfordia have refined their proposals to offer land that could be developed to provide 10 new homes only, with an access taken off Memorial Lane. This proposal will also retain the current children's play area.



This proposal has many benefits, including:

- **Excellent location** next to Pinchmill Lower School and children's play area
- Provide an improved **additional access** to a **dedicated car park for the school** to reduce congestion and parking on The Old Road.
- Delivery of a **range of housing types and sizes** to meet local needs
- **Low density and attractive** housing
- Land is in **single ownership** of Bedfordia

The site has been referred to as 'Land at Old Road' (site 494), but the intention is now to refer to it as 'Land at Memorial Lane'.

If you would like this site to be included in the Neighbourhood Plan for development, you can respond to the Neighbourhood Plan consultation until **30th November 2018**. Details available here: <https://felmershamradwell.bedsparishes.gov.uk/neighbourhood-planning/>

If have any questions about the proposals for this site please contact bedford@dlpconsultants.co.uk





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