

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
will be filmed.\***



**please ask for** Helen Bell  
**direct line** 0300 300 4040  
**date** 9 July 2015

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 22 July 2015 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Clrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, A D Brown,  
Mrs S Clark, K M Collins, S Dixon, E Ghent, K Janes, R W Johnstone, T Nicols,  
I Shingler and J N Young

[Named Substitutes:

D Bowater, Mrs C F Chapman MBE, I Dalgarno, Ms A M W Graham,  
Ms C Maudlin, P Smith and B J Spurr]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

**N.B. The running order of this agenda can change at the Chairman's  
discretion. Items may not, therefore, be considered in the order listed.**

**\*This meeting may be filmed by the Council for live and/or subsequent broadcast online at**

**<http://www.centralbedfordshire.gov.uk/modgov/ieListMeetings.aspx?Committeeld=631>.**

**You can view previous meetings there starting from May 2015.**

**At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed by the Council. The footage will be on the Council's website for six months. A copy of it will also be retained in accordance with the Council's data retention policy. The images and sound recording may be used for training purposes within the Council.**

**By entering the Chamber you are deemed to have consented to being filmed by the Council, including during any representation you might make, and to the possible use of the images and sound recordings made by the Council for webcasting and/or training purposes.**

**Phones and other equipment may also be used to film, audio record, tweet or blog from this meeting by an individual Council member or a member of the public. No part of the meeting room is exempt from public filming unless the meeting resolves to go into exempt session. The use of images or recordings arising from this is not under the Council's control.**

# AGENDA

## Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 24 June 2015.

(previously circulated)

4. **Members' Interests**

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

## REPORT

Item	Subject	Page Nos.
5	<b>Planning Enforcement cases where formal action has been taken</b>	7 - 14

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider  
the planning applications contained in the  
following schedules:**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<p><b>Planning Application No. CB/15/00297/OUT</b></p> <p><b>Address :</b> Land West of Bidwell (Houghton Regis North Site 2), Houghton Regis</p> <p>Outline 'hybrid' planning application with details of main access routes, primary road network and associated drainage in detail only and layout in outline with details of landscaping, appearance and scale reserved for later determination. Development to comprise: Up to 1,850 residential (C3) dwellings (including affordable housing), 2FE Primary School (D1), employment land (Use Classes B1 [a-c], B2 &amp; B8), local centre comprising retail (A1, A2, A3, A4 &amp; A5) and community/leisure uses (D1 &amp; D2), layout of public open spaces including sports pitches and changing rooms, natural wildlife areas and all associated works and operations including engineering operations and earthworks.</p> <p><b>Applicant :</b> Bidwell West Consortium</p>	15 - 158
7	<p><b>Planning Application No. CB/15/01928/REG3</b></p> <p><b>Address :</b> Land at Thorn Turn, Thorn Road, Houghton Regis</p> <p>Outline application: B1, B2 &amp; B8 employment with associated infrastructure and ancillary works. All matters reserved except means of access.</p> <p><b>Applicant :</b> CBC Assets</p>	159 - 240
8	<p><b>Planning Application No. CB/14/04048/FULL</b></p> <p><b>Address :</b> Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG</p> <p>Demolition of all existing buildings and dwellings. Erection of 116 dwellings and a 70 bedroom care home with access, parking, open space and ancillary works.</p> <p><b>Applicant :</b> Lochailort Stotfold Ltd</p>	241 - 270

- 9      **Planning Application No. CB/15/01355/OUT**      271 - 284
- Address :** Land East of Hitchin Road South of 159 Hitchin Road, Stotfold Hitchin SG5 4JH
- Outline Application: new lower school (All matters reserved).
- Applicant :** Lochailort Stotfold Ltd
- 10      **Planning Application No. CB/15/01111/FULL**      285 - 304
- Address :** Larkwood Ltd, Bedford Road, Aspley Guise, Milton Keynes MK17 8DJ
- Part demolition of existing buildings, erection of 10 dwellings and retention of existing office building on site frontage.
- Applicant :** RBC Property Developments Ltd
- 11      **Planning Application No. CB/15/01454/MW**      305 - 326
- Address :** Mount Pleasant Golf Course, Station Road, Lower Stondon, Henlow SG16 6JL
- 9 hole extension to existing golf course through the importation of inert waste, incorporating landscaping works and water harvesting system.
- Applicant :** Edward Landor Associates
- 12      **Planning Application No. CB/15/01095/FULL**      327 - 336
- Address :** Hillside, Chalk Hill, Houghton Regis
- Change of use from private dwelling to HMO
- Applicant :** Mr Peter Wright

**Address :** Leighton United Football Club, Stanbridge Road,  
Tilsworth LU8 9PL

Installation comprising 1no. 17.5m Column A Mast, 3no antennas, 2no. 0.6m dia dishes, 6no. cabinets and ancillary equipment thereto, enclosed within 2.2m high chainlink fence around 5x7m compound, with 1no. meter cabinet within fenceline.

**Applicant :** EE Ltd

14 **Site Inspection Appointment(s)**

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections will be undertaken on Monday 17 August 2015.

---

**Meeting:** Development Management Committee  
**Date:** 22<sup>nd</sup> July 2015  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

---

**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



## Planning Enforcement formal action (DM Committee 22nd July 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger. MK44 3RA	Enforcement Notice 4 - change of use of land and grain store building to storage of materials and vehicles for haulage business	20-Nov-13	20-Dec-13	20-Jan-14	Appeal dismissed	12-Apr-15		Compliance required by 5/4/15. Following site inspection 22/4/15 legal advice taken and land owner contacted. Site check due to be carried out on 24/6/15 deferred until mid July to enable the land owner to attend.
2	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Direct action to be taken
3	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed - high court challenge submitted	27-Sep-14	Not complied	Prosecution case being progressed. Counsels advice sought. Direct action possibility being investigated. Next Court Hearing on 28 July 2015
4	Woodstock Cottage, 44 High Street, Flitton, MK44 5DY	Listed Building Urgent Works Notice - works to Listed Building	04-Feb-14	11-Feb-14	31-Mar-15		31/05/2015		Notice has been complied with.
5	Hawthorns, Leighton Road, Eggington, Leighton Buzzard, LU7 9NE	Enforcement Notice, change of use to a mixed use of agriculture and the sale and storage of motor vehicles	7-Jul-14	8-Aug-14	10-Oct-14	Appeal submitted 7/8/14			Planning Inspectors site visit carried out on 29/06/15. Await outcome of appeal.
6	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal submitted 01/12/14			Await outcome of appeal
7	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Occupied temporarily, await outcome of appeal for Kingswood Nursery - Hearing held on 18/12/14

Planning Enforcement formal action (DM Committee 22nd July 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
8	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and levelling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal dismissed 19/7/13		Part complied	Work has commenced on the final phase of compliance with the requirements of the notice and should be completed by the end of June.
9	The Pine Corner, 141 High Street North, Dunstable, LU6 1JW	S215 Notice - untidy land	30-Oct-14	30-Nov-14	30-Jan-15				Redevelopment has commenced but details of discharge of conditions not submitted - to be followed up.
10	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				Notice not complied with.. Further visits to assess next steps.
11	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice - Without planning permission alterations and extensions to create a new dwelling.	16-Aug-13	16-Aug-13	16-Oct-13	Joint Planning & Enforcement Appeal submitted.		Enforcement Appeal quashed.	Enforcement notice appeal considered with planning appeal CB/13/01746 for retrospective permission for the extension works carried out. Notice quashed and planning appeal allowed. CBC successfully challenged reasoning in PINS decision letter. PINS to reconsider the appeals. Await outcome of reconsidered appeals.
12	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15		02-Jun-15		Compliance period extended to enable the site owners to demonstrate that the future use of the site is solely to be a nursery.
13	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Costs of direct action to be obtained, await joint site visit.

## Planning Enforcement formal action (DM Committee 22nd July 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
14	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice - Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15				Letter sent from legal to request compliance or prosecution action will follow for failing to comply with the Breach of Condition notice.
15	Land at Motorcycle track, south of, Billington Road, Stanbridge	Breach of Condition Notice - No more than 7 motorcycles shall use the track at anyone time	09-Apr-14	09-Apr-14	09-May-14				Application received to increase height of bund as required by recent permission.
16	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed	Aug-15		Appeals dismissed. Compliance periods of two months unchanged. Check compliance August 2015.
17	Land at 19a High Street South, Dunstable. LU6 3RZ	Enforcement Notice - Change of use offices to bedsits	20-Jan-14	20-Feb-14	20-Aug-14				Enforcement Notice superseded by planning permission, however no request to discharge conditions this is being followed up.
18	Land at Long Lake Meadow, High Road, Seddington, Sandy,SG19 1NU	Enforcement Notice - change of use of the land to a gypsy and traveller site and unauthorised creation of hardstanding	06-Mar-14	06-Apr-13	06-Jun-14	Appeal split decision	05-Nov-14	Not complied	Lawful caravan area for up to 5 caravans defined. Hardstanding area in field required to be removed now shown to be retained in association with proposed stable development (CB/15/00859/FULL) granted conditional approval on 30/06/15.
19	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal submitted 30/6/15			Appeal received, further action held in abeyance pending outcome of appeal.
20	5A - 5B King Street, Houghton Regis, LU5 5DS	Breach of Condition Notice - scheme for the parking of vehicles on the site	13-Mar-15	13-Mar-15	13-Apr-15				Agent in discussion with DC Highways re revised parking scheme.

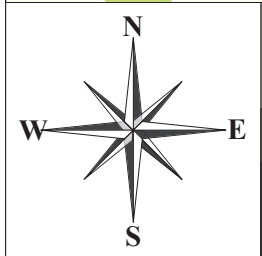
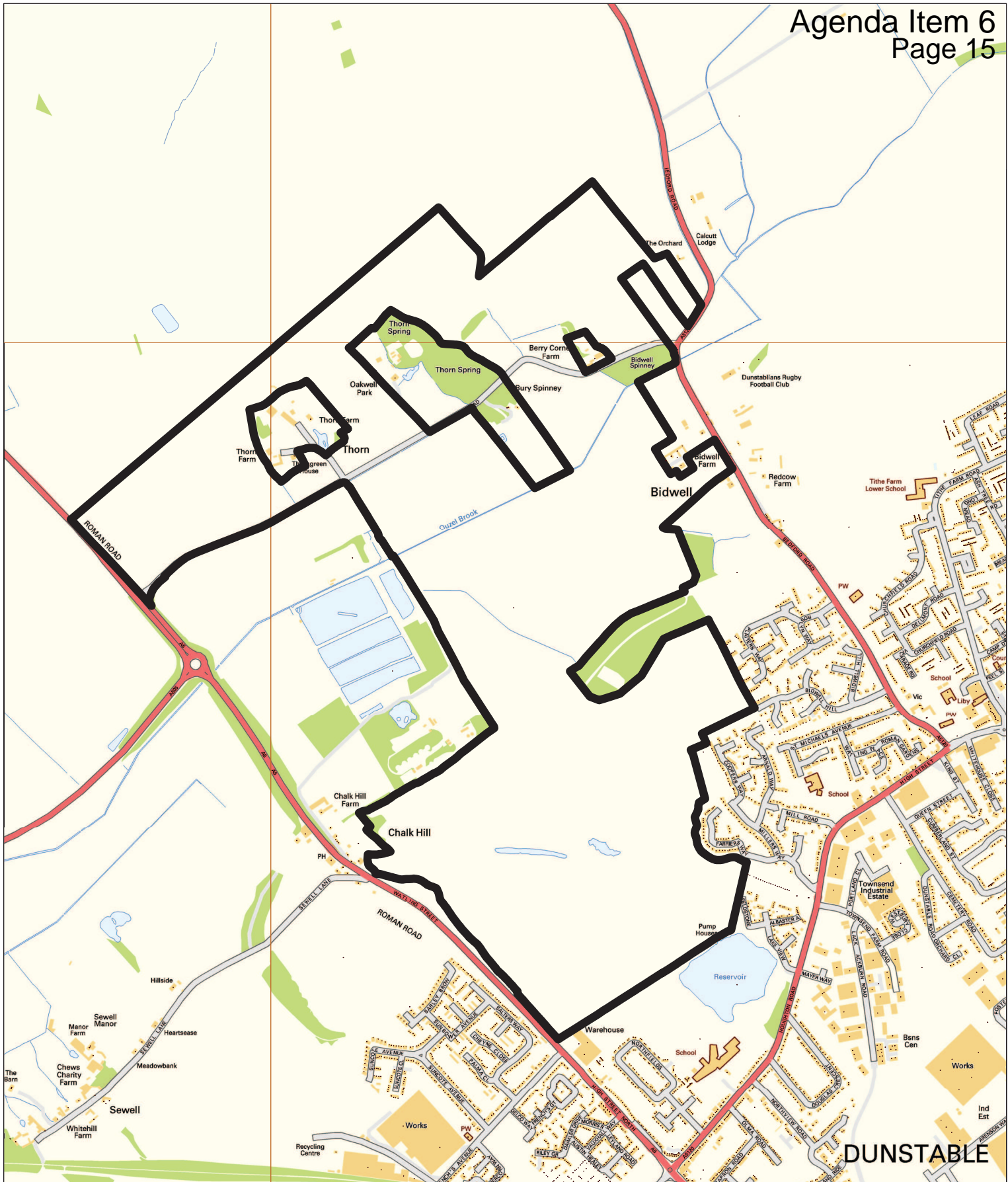
Planning Enforcement formal action (DM Committee 22nd July 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	105 High Street South, Dunstable, LU6 3SQ	Enforcement Notice - the erection of a second storey rear extension	13-Aug-14	13-Sep-14	13-Dec-14	Appeal dismissed	28-Jul-15		Appeal dismissed, inappropriate materials. Removal of second storey of rear extension required to be carried out by 28/7/15
22	Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15	Appeal dismissed	08-Nov-15		Appeal dismissed, Tree Replacement Notice upheld with compliance date of 08/11/2015.
23	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Check compliance 30/08/15
24	23 Birds Hill, Heath and Reach, Leighton Buzzard, LU7 0AQ	Untidy Land - S215	21-May-15	22-Jun-15	22-Aug-15				Section 215 Notice with compliance date of 22/08/2015
25	6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal dismissed	27-Oct-15		Change of use appeal dismissed. Time period for compliance extended to 6 months until the end of October 2015.
26	25 High Street, Sandy, SG19 1AG	Enforcement Notice - the installation of roller shutters	13-Aug-14	12-Sep-14	12-Oct-14	Appeal submitted 11/09 joint appeal with Planning			Retention of roller shutters application CB/14/01750/Full refused. Await outcome of joint appeal.
27	Land at 1 Wing Road, Linslade, LU7 2NG	Section 215 notice - untidy land and buildings	29-Apr-15	29-May-15	29-Aug-15				Section 215 Notice served requiring them to demolish the remainder of the existing building on the site. Date for compliance is 29/08/2015

## Planning Enforcement formal action (DM Committee 22nd July 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
28	5 Fen End, Stotfold, SG5 4BA	Breach of Condition Notice - Non Compliance with Condition 3, attached to planning application CB/13/02896/Full - noise mitigation scheme	12-Mar-15	12-Mar-15	18-May-15				Operator to relocate main joinery machines to other more suitable premises and remove boiler flue by mid July 2015. Enforcement Notice for the unauthorised change of use from B1 to B2 use has taken effect. Environmental Health continue to be in negotiation with the operators appointed noise consultants.
29	Land at Asda Store, Church Street, Biggleswade, SG18 0JS	Breach of condition notice - Hours of delivery	10-Oct-14	10-Oct-14	10-Nov-14				Further complaint regarding delivery of trolleys, awaiting decision from legal as to whether this breaches the notice.
30	Land to the rear of, 197 Hitchin Road, Arlesey, SG15 6SE	Breach of Condition Notice - Condition 1 not complied with - attached to planning permission 12/03535- use of land as a caravan site by any persons other than gypsies and travellers.	05-Dec-14	05-Dec-14	05-Jan-15				Breach of condition notice to be served in relation to the number of static caravans being exceeded.
31	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Discuss with legal the possibility of Compulsory Purchase.
32	6 Bedford Road, Moggerhanger, MK44 3RR	Enforcement Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Dec-14	10-Jan-2015 & 10-Feb-2015	Appeal submitted 03/12/14			Await outcome of appeal.
33	Land at 28 Royce Close, Dunstable, LU6 2NT	Enforcement Notice - Construction of a raised terrace and fence.	10-Nov-14	10-Dec-14	10-Feb-15				Planning permission granted for revised scheme. Alterations to be completed by 30/09/15.

This page is intentionally left blank



© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 07:July:2015  
 Grid Ref: 500639; 224318

Application No.  
 CB/15/00297/OUT

Scale: 1:15000

Land West of Bidwell (Houghton Regis North Site 2)  
 Houghton Regis

This page is intentionally left blank



**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/15/00297/OUT</b>
<b>LOCATION</b>	<b>Land West of Bidwell (Houghton Regis North Site 2) Houghton Regis</b>
<b>PROPOSAL</b>	<b>Outline 'hybrid' planning application with details of main access routes, primary road network and associated drainage in detail only and layout in outline with details of landscaping, appearance and scale reserved for later determination. Development to comprise: Up to 1,850 residential (C3) dwellings (including affordable housing), 2FE Primary School (D1), employment land (Use Classes B1 [a-c], B2 &amp; B8), local centre comprising retail (A1, A2, A3, A4 &amp; A5) and community/leisure uses (D1 &amp; D2), layout of public open spaces including sports pitches and changing rooms, natural wildlife area and all associated works and operations including engineering operations and earthworks</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>26 January 2015</b>
<b>EXPIRY DATE</b>	<b>18 May 2015</b>
<b>APPLICANT</b>	<b>Bidwell West Consortium</b>
<b>AGENT</b>	<b>DLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan and Town Council objection to a major application</b>
<b>RECOMMENDED DECISION</b>	<b>That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to conditions.</b>

**Summary of Recommendation**

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land within the historic landscape setting of the Thorn Spring Scheduled Monument. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

Having regard to the urgent housing and economic need for growth within the area; the significant contribution which the development would make towards the urgent housing and employment need in the area; the significant contribution which the development would make in supporting the delivery of a sustainable urban extension including the provision 30% affordable housing and support for essential infrastructure and services within the wider growth area; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

Subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

**Site Location:**

The site is located wholly within the designated Green Belt. It comprises a 166.1Ha parcel of predominantly arable farmland and the former Houghton Regis Chalk Quarry. The land lies north west of the existing settlement boundary of Houghton Regis which forms a major conurbation with the adjoining urban areas of Dunstable and Luton.

The site is broadly contained by the A5 Watling Street to the west, the A5120 Bedford Road to the east and the route of the consented A5-M1 link road which is to form the northern Dunstable bypass between the A5 and the M1 motorway. This link road is due to open in Spring 2017. To the east of the existing Houghton Regis settlement area, the Woodside link road is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and the Woodside Industrial Estate. The Woodside link road is planned to open in Spring 2017 to provide traffic from the industrial estate with an attractive alternative route in order to gain access to the national motorway network and reduce local congestion, for example, within the centre of Dunstable.

To the west, the land is bordered by the existing Anglian Water foul water treatment facility, undeveloped land and a shooting range at Thorn Turn. A number of existing residential properties and businesses at Chalk Hill, Dunstable also lie to the west, at the A5. To the south, the former chalk quarry is adjacent to All Saints Academy secondary school, and residential areas at Northfields and Lake View / Tillia Park. Existing housing at Farriers Way, Millers Way, St Michaels Avenue, Bidwell Hill, Plaiters Way and the adjoining streets lie to the south east. Houghton Regis Primary School is located to the south east at St Michaels Avenue and High Street, Houghton Regis. The application site is adjacent to existing housing at Bidwell to the east and further north, along Bedford Road. The Dunstablians Rugby Football Club is located east of Bedford Road.

The site is traversed by Thorn Road between Bedford Road at Bidwell Spinney and the A5 where the existing junction is to be reconfigured as part of the consented A5-M1link road roundabout junction.

The Ouzel Brook water course runs broadly east-west across the site. The brook comprises an agricultural drainage ditch with steeply banked sides managed by the Buckingham and River Ouzel Internal Drainage Board (IDB). Land immediately north and south of the brook is designated as Flood Zones 2 and 3 (medium and high flood risk).

The application site is predominantly within a broad vale which follows the Ouzel Brook corridor. The northern part of the site forms part of a low lying, flat, open landscape but south of the brook the land slopes up the north west aspect of a prominent scarp slope that separates the vale from the former quarry. To the east, the built development within the existing settlement area is visible above the cliffs of the quarry pit. The former quarry area is designated as Houghton Regis Marl Pits Site of Special Scientific Interest (SSSI) and County Wildlife Site (CWS). The Wildlife Trust are responsible for ongoing conservation management of the former quarry as a publically accessible wildlife site. Blue Waters Wood and public open space at Plaiters Way are located outside of the site but lie immediately to the east.

A number of individual land parcels north and south of Thorn Road do not form part of the application site. These include Thorn Spring Scheduled Ancient Monument (SAM) and County Wildlife Site (CWS) which comprises a mediaeval moated site enclosed within a dense woodbank. The Grade II listed Old Red Lion Public House and Red Cow Farm House are located at Bidwell to the east.

There are a number of definitive rights of way throughout the site. Existing east-west rights of way include Public Footpath No. 1 (FP1) which crosses the former quarry between the A5 and Houghton Road; Public Footpath No. 31 between Blue Waters Wood and the A5 at Chalk Hill (route of the Chiltern Way); Public Footpath Nos. 10 and 57 (FP57 and 10) between Bedford Road at Bidwell and Thorn Road. Existing north south routes include Public Footpath Nos. 3, 4 and 40 (route of the Icknield Way) which runs from the Plaiters Way area, east of Blue Waters Wood and north of Thorn Road; and Public Bridleway No. 49 (BW49) which crosses the western part of the site at Thorn Road.

Houghton Regis Town Centre, incorporating local shopping, medical and community facilities at Bedford Square and All Saints Church, is located to the south east. Morrisons supermarket is located immediately to the west of the Town Centre.

The site forms part of the proposed North Houghton Regis Strategic Allocation (HRN), as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. The land forms the greater part of Site 2 of the proposed allocation. The greater part of Site 1, known as HRN1, lies immediately to the east of Bedford Road and benefits from outline planning permission for up to 5,150 dwellings and up to 202,500 sqm of additional development. Planning permission has also recently been granted (March 2015) for the development of land east of Bedford Road for 169 dwellings and land west of Bedford Road for up to 62 dwellings.

## **The Application:**

### Overview and Scope:

Planning permission is sought for mixed use development comprising up to 1,850 dwellings; a 2FE Primary School; employment development (Use Classes B1, B2 & B8); a local centre comprising retail, commercial, community and leisure development (Use Classes A1, A2, A3, A4, A5, D1& D2); public open space including sports pitches and changing rooms; natural wildlife areas; and all associated works and operations including engineering operations and earthworks.

The proposal is made as an outline 'hybrid' application seeking approval of matters relating to means of access and site layout with detailed permission in respect of the primary road network and drainage. Matters relating to appearance, landscaping and scale reserved for subsequent approval.

### Access and Road Network

Strategic access to the larger HRN development is to be obtained from the A5-M1 link road and its new Junction 11a with the M1 motorway to the east. The application site itself is to be accessed via Thorn Road which, at its western end will be realigned as part of the consented A5-M1 junction with the A5. At the eastern end of Thorn Road a new roundabout is proposed to replace the existing priority junction onto Bedford Road. Two new main roads into the development are proposed south of Thorn Road. A number of alterations are proposed to the intervening section of Thorn Road to provide for this and ensure this part of Thorn Road would become a secondary route with new footways and a reduced carriageway width to discourage through traffic. To the south of the Ouzel Brook, the new main roads would converge into a single road serving the southern-most development parcels. An additional access is proposed to serve housing parcels adjacent to Bedford Road, to the south of Bidwell Farm Barns.

### Residential Development

The housing development areas are proposed to the north and south of Thorn Road and to the east of the new main roads. At the northern end of the site the housing areas would be built out at a density of 35-40 dwellings per hectare (dph). South of the Ouzel Brook housing density would range between 30-35dph. The parcels proposed in the area around Bidwell and at the higher ground levels adjacent to existing housing at Farriers Way, Millers Way, St Michaels Avenue, Bidwell Hill and Plaiters Way would be built at a low housing density of 25-30dph. The proposal would provide for on-site affordable housing at 30% of the total residential provision of which 63% comprise affordable rent and 37% would comprise intermediate tenures.

### Additional Development

The proposed 2FE lower school and local centre land parcels are to be located south of Thorn Road. A 2ha employment area is proposed immediately adjacent to the A5-M1 link road junction with the A5 and accessed from Thorn Road.

### Public Open Space

In the western part of the site, to the south of the Ouzel Brook, formal parks and gardens, formal play provision and public sports pitches are proposed. Within the southern part of the site, the former quarry and chalk grass land areas immediately adjacent to this are to be retained as informal open space and a wildlife site. A network of informal green corridors or linear parks are proposed throughout the site

to accommodate key non-vehicular access routes.

Drainage

The Ouzel Brook is proposed to be retained in its present form. A number of surface water attenuation areas are to be created along of the brook corridor and north of Thorn Road. The surface water is to be conveyed from the proposed development parcels to the attenuation areas by piped drainage and open swale.

Land Use Areas

The proposed land uses are quantified as follows.

<b>Area:</b>	<b>Quantum (ha)</b>
Total Site Area	166.1
Developable Area (All Parcels)	59.196
POS Total Area	102.17
<b>Breakdown:</b>	<b>Quantum (ha)</b>
Residential (Parcels) Developable Area	52.047
Employment (Parcel) Developable Area	2.000
Local Centre (Parcel) Developable Area	2.113
School (Parcel) Developable Area	3.036
Formal Park Area	1.82
Playing fields Area	6.79
Informal Green Corridors (Linear Parks)	28.859
Natural Wildlife Areas	15.65
Former Quarry	49.05
Primary Road Network	4.753
<b><u>Total</u></b>	<b><u>166.1</u></b>

Public Consultation

In addition to consultation undertaken by the Council in connection with this application, various consultation exercises on the proposals were undertaken by the applicant prior to the submission of the planning application:

- A public consultation event was held by the applicant at All Saints Academy in Houghton Regis on Friday 28th March 2014 and Saturday 29th March 2014.
- Distribution of information leaflets to approximately 630 properties in the immediate vicinity of the application site;
- Display of publicity posters in various public venues within the Houghton Regis area;
- A dedicated website for the public consultation of the proposals.
- A number of meetings with residents and local interest groups.

Those participating in the public consultation were invited to complete feedback forms. The outcomes of the consultation exercises are set out within the Statement of Community Involvement submitted in support of the application.

Application Documents

The following has been submitted in support of the application:

- Parameter Plans in respect of land use, open space, landscape, movement, access, building height and density
- Proposed highway plans
- Proposed drainage plans
- Design and Access Statement (January 2015)
- Planning Statement (January 2015)
- Statement of Very Special Circumstances (January 2015)
- Housing Statement (January 2015)
- Retail Assessment (January 2015)
- Building Services Engineering: Utilities Statement (December 2014)
- Drainage Strategy Report (January 2015)
- Topographical Plans (February 2014)
- Illustrative Masterplan (January 2015)
- Landscape Masterplan (October 2014)
- Open Space Parcels (October 2014)
- Statement of Community Involvement
- Bidwell West Design Code (January 2015)
- Proposed Heads of Terms – Section 106 Agreement (January 2015)

Additionally the application is supported by a full Environmental Statement (ES), the scope and content of which is broadly consistent with the Council's formal scoping opinion issued on 13 August 2013 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The technical documentation within the ES is set out in the following chapters:

- Introduction and Non Technical Summary
- Process and Methodology
- Site and Surrounding Environment
- Proposal Description
- Policy Context
- Ecology
- Ground Conditions
- Heritage and Archaeology
- Landscape and Visual Assessment
- Noise and Vibration
- Transport
- Air Quality
- Water and Flood Risk
- Sustainability and Energy
- Socio Economic Effects
- Agricultural Land
- Cumulative Effects
- Summary and Conclusion

### Scheme Amendments

Following initial consultation on the proposal, the application has been subject to amendment in June 2015 and the revised application has been subject to further consultation. The main amendments to the proposal as submitted are as follows:

- Removal of the wildlife warden accommodation previously proposed within the southern part of the site.
- Revisions to the Design Code and plans. The revisions seek to improve the

route and setting of rights of way within the site, better protect the setting of heritage assets and existing residential areas, including Bidwell, and minimise landscape impacts associated with development on the higher ground levels within the southern part of the site.

- Revisions to the drainage proposals to increase the extent of swale provision. An amended Drainage Statement provides an assessment of drainage options in support of the proposal.
- A revised Transport Assessment to reflect the highway capacity work undertaken on behalf of CBC Transport Strategy.
- An addendum Ground Conditions report providing an assessment of the risks associated with human burials within the site in connection with a cemetery use as requested by Houghton Regis Town Council.
- An addendum Ecology report providing clarification in respect of matters raised by CBC Ecology.
- An addendum Noise and Air Quality report providing clarification in respect of matters raised by CBC Public Protection.
- An addendum Heritage statement providing further assessment regarding the impact on Thorn Spring SAM and improved mitigation proposals in respect of this.
- An addendum Landscape and Visual Impact Assessment providing further assessment regarding landscape impacts and improved mitigation proposals in respect of this.
- An Outline Waste Audit.
- An Outline Public Art Strategy.

The fixed elements of the 'hybrid' proposal are embodied within the documents forming part of the June 2015 submission pack which are submitted for approval. These are as follows:

- Parameter Plan 1: Land Use, Open Space and Landscape - Revised
- Parameter Plan 2a: Vehicular Movement and Access – Revised
- Parameter Plan 2b: Pedestrian Movement and Access – Revised
- Parameter Plan 3: Buildings Height – Revised
- Parameter Plan 4: Residential Density – Revised
- Site-wide Masterplan
- Revised Design Code
- Outline Public Art Strategy
- Outline Waste Audit
- Revised highway plans
- Revised drainage plans and Drainage Strategy Report

## Executive Summary

- (i) **The application seeks planning permission for mixed use development comprising up to 1,850 dwellings; a 2FE Primary School; employment development (Use Classes B1, B2 & B8); a local centre comprising retail, commercial, community and leisure development (Use Classes A1, A2, A3, A4, A5, D1& D2). The proposals would provide for public open space including sports pitches and changing rooms; natural wildlife areas and all associated works and operations including engineering operations and earthworks. The development**

**was subject to an Environmental Impact Assessment**

- (ii) The representations received from statutory and non-statutory consultees and interested parties raise a number of technical issues, concerns and a limited number of objections.**
- (iii) In assessing the proposals, it is considered that limited weight should be given to a number of the current adopted Development Plan policies, due to its age. However some policies are compliant with the National Planning Policy Framework and should therefore be afforded significant weight. There will be harm to the Green Belt caused by the development but there are very special circumstances that are to be taken into account. The site's current Green Belt designation requires the application to be referred to the Secretary of State for his consideration before a planning permission can be issued.**
- (iv) An Environmental Statement has been produced of a substantial nature which identifies a number of environmental impacts that will require mitigation both during the construction period and after the development has been completed. None of the impacts are sufficiently substantial either by themselves or cumulatively to the extent that they cannot be mitigated in a satisfactory way.**
- (v) It is recommended that, planning permission be granted subject to the prior consultation of the Secretary of State, the completion of a prior Section 106 Agreement and the conditions as set out as part of this report.**

#### **General Introduction and Planning Context:**

The application site is located outside of any established settlement boundary and is washed over by the Green Belt. The site has been identified as a suitable location for mixed use development and is subject to a strategic allocation, as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. There are several reasons why the site is proposed to be allocated for development at this time.

Housing, employment and other development needs within Central Bedfordshire derive substantially from those settlements in the southern part of the Council area. Evidence suggests that whilst some development can take place within the existing urban areas, the total amount of land available is well below that needed to meet Central Bedfordshire's objectively assessed need. If Luton's unmet housing needs are added, then the shortfall increases. The Council has undertaken considerable work in connection with the Sustainability Appraisal to assess possible alternative sites which might be better suited to meet local planning needs, especially in relation to future housing and employment requirements, and none has been identified that is better than land north of Houghton Regis. The new A5-M1 link road will provide a defensible boundary restricting growth to the north. The existing boundaries of the A5 and M1 will contain the development from spreading east and west. These boundaries would ensure that neighbouring towns do not merge with one another, namely Houghton Regis, Charlton and Toddington. The site is identified as suitable to allocate in line with the exceptional circumstances set out in



the Green Belt Technical Paper forming part of the wider Strategic Site Assessment Process and the technical evidence which informs the Development Strategy.

This report is structured to assist the Committee in reaching a clear and lawful decision, taking into account all of the matters that it must, specifically the information contained within the Environment Statement which accompanies the planning application.

The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework sets out this requirement:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”* (para. 2)

The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)

Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.

## **RELEVANT POLICIES:**

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

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

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

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review Policies (SBLPR) (2004)**

Policy SD1: Sustainability Keynote Policy

Policy NE10: Diversifying the Use of Agricultural Land

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments  
Policy T13: Safeguarding the Routes of Proposed Roads  
Policy H3: Meeting Local Housing Needs  
Policy H4: Providing Affordable Housing  
Policy R3: Proposed Areas of New Urban Open Space in Houghton Regis  
Policy R10: Children's Play Area Standard  
Policy R11: Provision of New Urban Open Space in New Residential Developments  
Policy R14: Protection and Improvement of Recreational Facilities in the Countryside  
Policy R15: Retention of Public Rights of Way Network  
Policy R16: Control of Sport and Formal Recreational Facilities in the Countryside

*The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, NE10, BE8, T13, R14, R15 and R16 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.*

#### **Minerals and Waste Local Plan (2005)**

Policy W4: Waste minimisation and management of waste at source  
Policy GE25: Buffer zones

#### **Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)**

Policy WSP2: Strategic Waste Management Sites (relates to adjoining land at Thorn Turn)  
Policy WSP5: Including waste management in new built development

#### **Emerging Development Strategy for Central Bedfordshire (DSCB) (2014)**

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Growth Strategy  
Policy 3: Green Belt  
Policy 6: Employment Land  
Policy 7: Employment Sites and Uses  
Policy 11: Town Centre Uses  
Policy 14: Town Centre Development  
Policy 19: Planning Obligations and the Community Infrastructure Levy  
Policy 20: Next Generation Broadband  
Policy 21: Provision for Social and Community Infrastructure  
Policy 22: Leisure and open space provision  
Policy 23: Public Rights of Way  
Policy 24: Accessibility and Connectivity  
Policy 25: Functioning of the Network  
Policy 26: Travel Plans  
Policy 27: Parking  
Policy 28: Transport Assessments  
Policy 29: Housing Provision  
Policy 30: Housing Mix  
Policy 31: Support an Ageing Population  
Policy 32: Lifetime Homes  
Policy 34: Affordable Housing

Policy 36: Development in the Green Belt  
Policy 43: High Quality Development  
Policy 44: Protection from Environmental Pollution  
Policy 45: The Historic Environment  
Policy 46: Renewable and low carbon energy development  
Policy 47: Resource Efficiency  
Policy 48: Adaptation  
Policy 49: Mitigating Flood Risk  
Policy 50: Development in the Countryside  
Policy 56: Green Infrastructure  
Policy 57: Biodiversity and Geodiversity  
Policy 58: Landscape  
Policy 59: Woodlands, Trees and Hedgerows  
Policy 60: Houghton Regis North Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

**Luton and Southern Central Bedfordshire Joint Core Strategy** - adopted by CBC Executive for Development Management purposes on 23 September 2011.

### **Supplementary Planning Guidance**

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Leisure Strategy - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Central Bedfordshire Retail Study (2012) and Retail Study Addendum (2013)

Central Bedfordshire Council Employment & Economic Study (2012)

**Planning History**

The following application relates to neighbouring land which also forms part of the proposed North Houghton Regis Strategic Allocation:

CB/12/03613/OUT Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1) dated 02/06/2014.

Luton Borough Council was granted permission to apply for Judicial Review in respect of this decision. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The subsequent appeal against this Judgement was dismissed in a further Court Judgement dated 20/05/2015.

CB/14/003047/OUT Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis. Outline planning permission (March 2015).

CB/14/03056/FULL Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure and open space on land east of Bedford Road, Houghton Regis. Full planning permission (March 2015).

CB/15/01626/MW Full application for development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.

Under consideration.

CB/15/01627/MW Full application for development of a winter maintenance depot (including salt storage barn, outdoor salt mixing area & stabling for gritting vehicles), highways depot (including stores area and vehicle maintenance shed, together with storage for vehicles and spares and vehicles associated with the Council's landscaping function), office block, overnight parking for highways maintenance and transport passenger fleet vehicles, staff car/cycle parking, operational yards,

lighting, fencing, drainage, landscaping and new access road from Thorn Road.

Under consideration.

CB/15/01928/REG3 Outline application for B1 B2 B8 employment with associated infrastructure and ancillary works. All matters reserved except means of access.

Under consideration. Included on the same Committee agenda.

## Consultation Responses

Houghton Regis Town  
Council

13/03/2015:

Object on the following grounds:

1. The site is in the Green Belt. As the Development Strategy has not progressed and tested for soundness it should not be relied on as the basis for major development in the Green Belt.
2. The proposal fails to adequately respond to the guidance and provisions of the Houghton Regis (North) Framework Plan.
3. The proposals depart significantly from the Framework Plan proposals that access to the site would be via a road running from adjacent to Miller's Way to Thorn Road. As a result of these departures and the granting of planning permission for two further developments in the vicinity, there will be numerous access points within a short section of Bedford Road. The proposed increase in highway capacity shown in the Framework Plan will not be provided, so all north-south movements will have to be accommodated on Bedford Road on its current alignment.
4. The amount of allotment provision proposed (0.75Ha) is not in accordance with the standards set out within the Development Strategy and would not be within a 10 minute walk of all dwellings as required under the Development Strategy.
5. It is not clear in the application if the provision of formal recreation space meets, as a minimum, the standard set out at Appendix 6 of the Development Strategy. Furthermore, the space allocation is of an irregular shape, which tends to restrict the range of sports for which pitches can be provided.
6. There is no provision for a cemetery. The submission Development Strategy set a standard for cemetery provision of 2.03 burial plots per 1,000 of population, presumably per annum. Although this was changed post submission (November 2014) it has not been consulted on and

therefore has little weight. As no cemetery provision has been made in HRN1 and none is proposed in HRN2, then the overall shortfall could be in the order of 35 burial plots per annum for the urban extension alone. This level of provision should be made, as a minimum, as part of the new development on HRN2.

7. HRTC reserves the right to comment further on cemetery provision as and when reports from its cemetery consultant are received.

Additional comments:

- a. The changing facilities, community centre, school and open space are separated by a road and water course. As these facilities are mutually supportive to each other, it is felt that it would make better sense not to have these barriers between them. Consideration should be given to an alternative road layout that would overcome this.
- b. Community facilities need to be up and running as soon as possible after people begin to move in. Alternative options can be considered, such as use of school space, retail units, house, etc., should the community building not be available early.
- c. HRTC reiterates its desire that all open spaces, outside of Access and Public Rights of Way, and community facilities be transferred to it on the basis that it is a democratically elected statutory body. Delivery of management and maintenance would be considered on a site by site basis being determined by the nature and purpose of each site and options would include, particularly for countryside recreation sites, partnership delivery with the voluntary and community sector.

20/04/2015:

- Houghton Regis Town Council has submitted a preliminary Ground Water Audit providing an assessment of ground conditions and the potential for cemetery uses within the site.
- The Audit identifies two areas of land within the proposed open space areas which the Town Council consider have the potential to be suitable for use as a cemetery to meet the established need for additional cemetery provision within Houghton Regis. The preferred locations identified are immediately south of the Ouzel Brook and north of Blue Waters Wood.
- The Audit provides a desk top assessment of ground conditions based on existing borehole data and a description of the site's hydrology. It is stated that water levels are likely to lie within 4-8m of the

ground surface. Whilst the site does not lie within a designated Source Protection Zone, it is within an area identified as a major aquifer with high (urban) soil leaching potential. Major aquifers have strategic significance for water resources as they often support large abstractions for the public water supply and contribute to the base-flow of streams and rivers.

- The Audit provides an assessment of potential pollutant pathways and categorises a cemetery use in these locations and presenting a Moderate to High risk due to high burial numbers likely to occur (approximately 30 per annum).
- It is stated that site-specific information would be needed for a detailed assessment of vulnerability at a given location.
- Permission is requested for the Town Council to undertake site investigations within the site in order to pursue this future land use with the Environment Agency.

01/07/2015:

Object. The proposed amendments do not meet the Town Council's previous objections. In addition, the amendments to the application have brought about further objections, as follows.

1. Object to the reduction in playing pitches from eight to seven.
2. Object to the proposed deletion of the Wildlife Warden Building from the application description, plans and drawings as originally submitted, without any valid reason.

Dunstable Town  
Council

25/02/2015:  
No objection

Toddington Parish  
Council

19/02/2015 & 26/06/2015:  
Proposal noted.

Sundon Parish Council

22/06/2015:

- Given the Planning Inspector's letter in relation to the Development Strategy and the outcome of the Court hearing on 16 June 2015 concerning the Council's application for Judicial Review, the Council does not have an approved Development Strategy.
- National planning policy within the NPPF states that Green Belt boundaries should be established within a Local Plan. Inappropriate development within the Green Belt should not be approved except in very special circumstances.
- Council policy does not explain what very special

circumstances justify building within the Green Belt.

- Planning permission should be refused on the grounds that the development is inappropriate and because of the scale and cumulative impact of the developments in the area.
- The approval of individual planning applications for Houghton Regis North sites is unwelcome as they represent the incremental implementation of this Strategic Allocation without proper consideration of the cumulative economic, environmental, and social impacts.

Luton Borough Council 27/02/2015:

- Object strongly.
- There are extensive, unresolved objections to the Development Strategy. In particular, CBC has failed to cooperate with its neighbours on strategic, cross-boundary matters including housing need and Green Belt reviews.
- LBC is concerned that the low level of affordable housing guaranteed from the development fundamentally undermines any justification for the scheme at this time and alternatives need to be considered.

*[OFFICER NOTE: The level of affordable housing provision is addressed in relation to policy requirements and in the context of a potential S106 Legal Agreement as part of this report. The development would provide for 30% affordable housing of the total residential development.]*

- CBC is urged to consider the cumulative impacts of HRN1 and HRN2. Without this, a raft of negative impacts could be overlooked (transport, environmental etc.) and not mitigated appropriately.
- The Transport Assessment for the application uses the work undertaken for HRN1 as a starting point but does not address the transport impacts beyond the site. The impact on the roads and junctions identified by LBC in its formal response to the HRN1 application needs to be considered (Leagrave High Street / Lewsey Road; Leagrave High Street / Pastures Way; Sundon Road / Sundon Park Road; and Toddington Road).
- LBC request a more positive and on-going dialogue regarding transport issues.

*[OFFICER NOTE: Issues of cumulative impacts are addressed as part of the comments of CBC Highways Development Management and in the context of the Environmental Impact Assessment regulations as part of this report.]*



### Green Belt

- CBC should treat paragraph 83 of the NPPF as a compelling and overriding basis for refusing the application as premature.
- Concerns are raised the proposal does not constitute very special circumstances. The only circumstance put forward by the applicant which is relevant to HRN2 in planning terms is meeting unmet housing demand.
- Reference is made to the Ministerial Statement dated 1 July 2013 concerning inappropriate development in the Green Belt.
- The development falls significantly short of meeting objectively assessed needs, particularly as it may only support up to 10% affordable housing.
- There are no mechanisms in place to facilitate access to affordable housing by people of Luton.
- The contribution towards meeting unmet housing demand does not therefore represent very special circumstances.
- Other circumstances put forward in the application are misleading or irrelevant to HRN2.

*[OFFICER NOTE: Green Belt considerations such as the very special circumstances test are addressed as part of the detailed assessments contained within Section 5 of this report.]*

### Highway Concerns

- The Transport Assessment does not cover sustainable transport adequately. Separate strategies for walking, cycling and public transport should be developed. The proposed mode share targets should be more ambitious.
- Off-site mitigation measures should be required to encourage cycling between the site and Houghton Regis Town Centre and national cycle network route 6.
- The proposed 30 minute bus frequency is not sufficiently attractive. This should be addressed in the context of bus services for HRN1 and the wider network. An extension to the guided busway service (and related park and ride scheme) needs to be an inherent part of the development. A bus only link from the south east corner of the site to the Marl Lakes development could facilitate this.
- The Transport Assessment refers to a liftshare scheme. Use of the existing liftshare scheme would be better.  
The definitions of beneficial and adverse affects in the Environmental Statement are concerning and at odds with DfT guidance on Transport Assessments.
- The Environmental Statement should stress the

need for a construction travel plan.

- No mention is made of CBC's design guidance which recommends avoiding excessive use of cul-de-sacs, which is inconsistent with the layout referred to in the Transport Assessment.

*[OFFICER NOTE: Transport and highway considerations are addressed as part of the comments of CBC Transport Strategy and CBC Highways Development Management and in the context of the adopted Development Plan, the NPPF and other policy documents material to this application.]*

#### Premature

- In light of the recent Inspector's letter regarding the Development Strategy, HRN1 and HRN2 can no longer be portrayed as delivering what is about to come forward in the development plan. Any application of this nature is premature.

*[OFFICER NOTE: Matters relating to prematurity are addressed as part of the assessment provided within Section 5 of this report.]*

Milton Keynes Council

02/02/2015:

Consultation acknowledged.

CBC Local Planning  
and Housing

16/03/2015:

- The site sits within the Houghton Regis North Strategic Site Allocation (HRN). It is currently located within the Green Belt.
- Planning permission has been granted for the development of HRN Site 1.
- The withdrawn Joint Core Strategy identified land between the A5 and M1 to the North of Houghton Regis as a strategic allocation for a residential-led mixed-use development. Although the plan was withdrawn, it was not because of any disagreement between the joint Councils regarding this site. Its removal from the Green Belt and its allocation for a mixed-use development was supported by both Councils.
- The emerging Development Strategy re-affirms the Houghton Regis North allocation for the development for an urban extension of Houghton Regis to meet urgent housing need and its subsequent removal from the Green Belt (DSCB Policy 60).
- In the decision-making process for granting planning permission for HRN Site 1, the harm to the Green Belt was discussed at length. This was due to the immediate housing and economic need for the area identified now and over the next 20 years; that, since 2001 the application site had been

identified as suitable for removal from the Green Belt for residential-led mixed use development; and the development would contribute towards the costs of the A5-M1 link road. It was considered that the harm arising from the development was outweighed by the very special circumstances in support of the proposal.

- As the current application also needs to demonstrate that very special circumstances exist to justify the development in the Green Belt and that the proposals conform to the adopted Houghton Regis North Framework Plan, which guides the development of the wider allocation.
- The application site sits within the context of the consented A5-M1 link road, HRN Site 1 and two other consent housing developments at Bedford Road. It is thus considered that the impact to the Green Belt would be less severe than if the development were proposed in isolation.
- The 'very special circumstances' set out within the Planning Statement are similar to those considered in support of HRN Site 1.
- In summary, these include: The development makes a significant contribution to meeting the urgent need to meet the immediate housing and economic need for the area.
- The application site has historically been allocated for development within successive plans since 2001. The application site is identified in the emerging Development Strategy for allocation and removal from the Green Belt for development for an urban extension to meet the urgent need. The development proposal is compliant with the Houghton Regis North Framework Plan. The development has identified the requirement to contribute towards the costs of the necessary infrastructure which will generate a substantial amount of economic benefit to the wider area. Had the withdrawn Core Strategy been adopted, the application site would have been allocated for residential development and removed from the Green Belt.
- Taken collectively, together with the relationship with the neighbouring consented development, it is considered that very special circumstances may exist which outweighs the harm to the Green Belt.
- The Houghton Regis (North) Framework plan is a high-level strategic document that identifies the indicative location of infrastructure and land uses. The aim of the Framework Plan is to ensure that planning applications demonstrate how the vision for Houghton Regis North will be achieved.

- The western end of the growth area (the current application site) is more challenging to develop with an existing foul water treatment works, steep topography, a scheduled monument, areas of ecological interest and areas of flood risk. As such the Framework Plan diagram identifies the site as predominantly residential and green open space. There is also a centrally located local centre/community hub and a new primary school. An employment area is located to the south east of the A5-M1 link road junction. The proposed development is in general conformity with the adopted Framework Plan.
- The Framework Plan identifies a sizeable allocation of employment in the north west corner of the site as one of three key employment areas. It is located at a key site access and is envisaged to form a commercial gateway. It is considered that given the capacity for other employment development in the allocation area, the overall provision of employment land in this area is sufficient to meet the requirements for this area to be a key employment area.
- The application site is located near to Bidwell, which itself is not covered by the framework plan. Bidwell itself has an identity and character that needs to be retained and protected. The proposed development should therefore respect this character. The proposed development provides minimal separation from Bidwell through a small belt of tree planting and the relationship between the new development and Bidwell is not clear. The Bidwell West Design Code and detailed planning applications will need to show this relationship and show how the design of the development near Bidwell will enhance and maintain the character of Bidwell.
- The proposed development accords with the adopted Framework Plan and contributes to the aims and objectives of this Plan.

CBC Countryside  
Access

27/02/2015:

- Countryside access and green infrastructure proposals would require high quality linkages of rights of way and access corridors; new cycleways and walkways connecting to local facilities and to neighbouring areas; and contributions towards priority green infrastructure projects in the area.
- No clear SuDs design or maintenance arrangements as part of the open space are provided. It is suggested that the open space areas

are to be privately maintained.

- At this early stage, it has not been clarified who will maintain open space, green corridors, play areas and SuDs and maintenance arrangements are not provided.
- It is not considered that the development fits the criteria for the Countryside Access Service to maintain in the future.

30/06/2015:

- Clarification will be required regarding surfacing specification and landscape buffering / woodland planting and in relation to maintenance responsibilities.
- The provision of open space is well provided for.

CBC Rights of Way

02/03/2015:

- Reference is made to DSCB Policy 23 and the requirement for developments to protect, enhance, promote and improve the rights of way network.
- As the application is in outline, further details will be required in order to satisfy this expectation. A lot of the existing rights of way are identified as part of the indicative pedestrian network plan, but not all.
- It is recommended that a rights of way scheme including design proposals, diversions, temporary closure and alternative route provision be secured by condition.
- It is requested that Rights of Way Officers be consulted on any future landscaping proposals which could impact of rights of way routes. Consideration must be given to how Sustainable Drainage Systems, utilities infrastructure and tree protection measures may affect the provision of rights of way. It is noted that Public Footpath No. 40 (the Icknield Way) appears to be affected by tree protection barriers as detailed on the proposed tree protection plan.
- It is likely that temporary rights of way diversions will be necessary. Parcel specific CEMPs are welcomed and should detail such diversions. The length of temporary closures should be kept to a minimum.
- The concept of multi-functional green corridors is welcomed but should be well designed with good width paths, well overlooked.
- The east-west links within the development seem to be protected but the north-south links are less clear. Public Footpaths No. 4 and 40 (the Icknield Way) do not run within a clear, direct corridor, north of Public Footpath No. 57.
- The rights of way routes for the north east part of

the site seem less considered. Concern is raised that Public Footpaths Nos. 40 and 13 and their link with the A5/M1 bridge and crossing have not been adequately accommodated. Ideally the Icknield Way should remain a direct route set within an attractive green corridor, continuing the line of Public Footpath No. 3. A 3 metre wide footway/cycleway within a 15 metre green corridor would be preferred.

- The provision of a Pegasus crossing to Thorn Road at Public Bridleway 49 and connecting to the A5/M1 bridge is very welcome. However the bridleway appears to be restricted by two attenuation ponds north of Thorn Road. Whilst the Design Code document suggests a 3 metre bridleway width, a 4 metre width would be required to meet CBC standards.
- The proposed Pegasus crossing does not appear to be addressed within the Transport Assessment. Further information regarding the Icknield Way crossing of Thorn Road and pedestrian access between HRN1 and HRN2 across Bedford Road (from the Thorn Road junction with Bedford Road to the new open space envisioned to the north east as part of HRN1).
- The proposals for the partial downgrading of Thorn Road to provide a safer, more convenient walking environment are welcomed but concern is raised that this will not be feasible in the event that land at Bury Spinney (south of Thorn Road) is brought forward for development.
- The proposed heads of terms document refers to improvements and extensions to a number of footpaths, cycleways, and bridleways (FP3, FP4/10, BW12, A5 to FP31) but does not propose details of these. This will need to be agreed.
- It is unclear what enhancements would be provided to Public Footpath Nos. 4 and 10 as there is already a substantial concrete track to Blue Waters Woodland. Similarly, Public Footpath No. 31 is restricted by the narrow width of the path and the land within the applicants' control.
- Further detail is required regarding a suitable crossing to the A5 at the Sewell Greenway and this will need to be agreed as part of the rights of way scheme.
- Part of Public Footpath No. 3 passes over land outside of the applicants' control. Therefore contributions will be expected for the enhancement of this part of the route.
- Rights of Way Officers have received several comments from members of the public regarding

the poor state of Public Footpath No. 1, which runs east-west across the southern part of the site (the quarry area). Enhancements to this route would be expected.

- Future management and maintenance arrangements and costs for all of the open space, access routes and green corridors will need to be agreed. Details of specific responsibilities and management arrangements for each parcel will be needed.
- It is suggested that the timing of access route provision should be secured by condition to ensure rights of way are delivered at the appropriate stage. This could take the form of the similar landscaping implementation condition recommended within the Planning Statement.

02/07/2015:

- Previous comments regarding FP40/Icknield Way have been taken account of in revisions to the application. Ideally this should remain a useable direct route even if this incorporates footways of estate roads and there is an alternative green corridor route.
- A link between FP13 and FP40 Public Footpath should ideally be provided. FP13 appears to remain along estate roads rather than through a green corridor.
- Concern is raised that walking and cycling connections between HRN1 and HRN2 need to be delivered.
- Clarification will be required as to the relationship between drainage features and rights of way routes and their widths, particularly north of Thorn Road where routes pass between drainage features.
- The Design Code does not specify the width and specification of rights of way routes. Reference is made to some surfacing materials which may not be appropriate in some parts of the site. Clear information will be required regarding this along with management and maintenance responsibilities.
- All public rights of way must be overlooked and not enclosed by close board fencing or landscaping.
- Various detailed aspirations regarding the specification, width and setting of rights of way areas are set out with reference to the proposed character areas.
- The Outline Public Art Plan seems to suggest renaming the Icknield Way as the Blue Waters Way. Whilst it is appreciated that this document in conceptual, renaming this important promoted route

would not be supported.

- Detailed rights of way proposals will be required in line with local standards together with environmental controls by way of CEMPs.

CBC Leisure

13/02/2015:

Children's Play

- The Heads of Terms proposes 5 LEAPs, 1 NEAP and a MUGA. More details of the locations and accessibility of these sites will be required to ensure appropriate distribution and accessibility for all parts of the development.

Allotments

- Three sites are identified with indicative locations shown. More detailed discussions will be required to finalise the requirements for these.

Formal open space - Sports Pitches

- The provision of the central sports facility (6.79ha of playing field area) reflects previous discussions and should provide the sporting space / facilities required by the Leisure Strategy to serve the demand generated by the development (pavilion comprising 4 changing rooms, referees room and car park). The pitch mix shown is indicative however, this is fine until an adopting body is established and the age-pitch requirements are confirmed.
- The pitch site location is a sloping one which would require land-forming to create pitches with appropriate levels. Landscape colleagues have expressed concern re land-forming in this location. A detailed scheme is required to identify how the pitches can be appropriately provided and landscaping requirements met. *[OFFICER NOTE: Further clarification in respect of this is provided as part of the June 2015 scheme amendments which demonstrate minimal land forming would be required to create the proposed sports pitches].*
- The central location of the sport site means that it should provide an element of green connectivity across the site which will support residents' use of it on foot/cycle.

Heads of Terms

- A financial contribution towards public open space maintenance and sports pitch maintenance is identified.
- The Town Council should be included in the consideration of bodies to adopt formal open space.

01/07/2015:



- Path crossing part of the playing field area has been removed as requested.
- Playing pitch mix should be regarded as 'indicative'. The whole of the area identified for on-site sports should be prepared for this.
- Various technical points are raised regarding the manner in which various open space typologies and play areas are presented phasing plan, the land use parameter plan and site wide masterplan. *[OFFICER NOTE: These matters could be satisfactorily resolved through the S106 Legal Agreement.]*
- Text within the Design Code document supports as natural setting for the allotment provision which does not represent the nature of a formal allotment site or its needs in terms of fencing, hard surfaced parking, paths, and the potential for sheds.
- Reference within the Design Code to water play is welcomed but would give rise to a higher degree of maintenance, surveillance and safety considerations in design.
- Bound gravel, rather than unbound gravel would be required in play areas with water or where grass cutting takes place.
- The play area within the Park View character area would be set within a connected green space.

CBC Green  
Infrastructure

27/02/2015:

- Concern is raised regarding the extent of housing proposed in the 'Blue Waters Knoll' or 'Bidwell Heights' areas which would be highly visible and forms part of an important green infrastructure link between Blue Waters Wood, the quarry and the proposed wildlife area. The justification of the location of the residential development should not be taken as a given and should be demonstrated by the application.
- The proposed playing pitches would be within an area of sloping ground and would require ground remodelling. Further information regarding the level of land forming required should be provided.
- The Ickneild Way is an important, promoted access route. Whilst the diversion of this route may be appropriate, this should be driven by access needs and the route should be designed as a positive feature, set within an attractive green corridor.
- Concern is raised regarding the access corridor crossing Thorn Road at the western end of the site which passes between two attenuation ponds. This would need to be designed sensitively to provide a safe and attractive route.
- The ecological considerations which have informed

the design of the Ouzel Brook corridor are noted. However major elements of the original vision for the brook corridor have been lost. Within this corridor there are opportunities for multiple benefits. The access route appears to be indirect and fragmented. There appears to be no information regarding how ecological and access connectivity will be maintained across the road crossings. Concerns are raised regarding the design of the ponds in terms of biodiversity and surface water management considerations.

- The design of the surface water management system falls short of expectations raised by the applicants at the public consultation stage and when assessed against CBC's Sustainable Drainage SPD. The drainage proposal is essentially a fragmented pipe and pond solution which appears to have been developed in isolation to other disciplines and is therefore unacceptable.
- The proposed S106 contributions towards the Wildlife Trust warden building needs to be negotiated with the Local Planning Authority to ensure it is provided in addition to rather than instead of other priorities.
- It is noted that there is no reference to drainage adoption within the proposed S106 Heads of Terms and it is unclear whether the applicant has been proactive in progressing negotiations with other organisations outside of CBC regarding drainage adoption.
- There is no consideration within the Heads of Terms for other green infrastructure assets within the area which would be affected by the development which will also require financial contributions.

02/07/2015:

- Previous concerns raised above remain.
- CBC has provided information to the effect that, in principle, swales would be adoptable, subject to broad design criteria.
- The applicant has stressed that Anglian Water is happy to adopt the proposed system with piped drainage. However it is unclear whether more extensive swale drainage has been discussed with Anglian Water.
- The application does not demonstrate a piped system is necessary of the grounds of adoptability such that the proposal is appropriate in terms of drainage policy.
- Further consideration should be given to integrating SuDS within the residential parcels needs to take

place before the proposal is in line with CBC's SuDS policy.

- The use of the existing drainage ditch (between Blue Waters Wood and the Ouzel Brook) for conveyance of surface water should be fully explored.
- landscape and open space proposals should be linked to the SuDS strategy, the design of the Ouzel Brook to integrate roads and paths and the design of the attenuation basins and woodlands should be enhanced to deliver water storage, conveyance and treatment, as well as to enhance visual amenity.

#### CBC Landscape

08/04/2015:

- The general principle of development is accepted. Serious concerns are raised regarding layout and design elements including development at elevated ground levels and the visual and wider landscape impacts of this on character and settings; and principles and detail provided in Design Codes (January 2015) relating to landscape.
- Development of housing parcels 5a and 5b on exposed elevations would be highly visible especially from views from elevated, rural landscapes to the north. Concerns are raised regarding the degree of impact of change on landscape character, visual impact.
- The submitted Landscape and Visual Impact Assessment (LVIA) acknowledges the South Bedfordshire Landscape Character Assessment (SBLCA) but not the degree of sensitivity of parts of the local landscape character areas.
- The application site is located within the broader landscape context of the distinctive south Bedfordshire chalk escarpment - a 'tiered' landscape system with a series of distinctive elevated scarps and skylines stepping down to rolling chalk farmland and framing the Eaton Bray clay vale before rising up the Toddington Hockcliffe clay hills to the north. This striking series of chalk escarpment is especially appreciated when viewed from the north looking south and encourages an understanding of geology and wider landscape character.
- The Dunstable Downs and Totternhoe chalk escarpment to the south and the Toddington Hockcliffe Clay Hill to the north form prominent backdrops to the Eaton Bray Clay Vale. The LVIA describes the SBLCA as recording landscape character sensitivity of moderate sensitivity and visual sensitivity as moderate but does not

acknowledge that the visibility of the vale from wider elevated landscapes increases overall visual sensitivity.

- The LVIA describes the southern extent of the application site within the Totternhoe Chalk Escarpment with moderate landscape character sensitivity to change highlighted but does not highlight the visual sensitivity of the chalk escarpment as assessed as high visual sensitivity to change.
- The visual sensitivity of the Totternhoe-Dunstable Downs Rolling Chalk Farmland character area is not adequately acknowledged.
- The LVIA refers to the finer grain Chalk Arc Landscape Character Assessment.
- As described in the Chalk Arc LCA and LVIA the 'Chalk Hill Escarpment' character area and 'Houghton Regis Chalk Quarry forms the southern extent of the application site and interfaces with existing development at 'Roslyn Way Post War Suburban' and 'Millers Way Contemporary Development' to the east. The Chalk Hill and Escarpment Houghton Regis Chalk Quarry character areas are assessed as medium to high sensitivity to change.
- Perimeter buildings on the western edge are prominent in views from the chalk quarry but structure planting is maturing to assist in screening views to development. Perimeter properties at Coopers Way back on to the chalk escarpment with edge partially screened by mature vegetation.
- The Chalk Arc LCA advises 'any change associated with development would be highly visible; the need to maintain openness of the escarpment, prevent further development on the ridgeline' and advice that 'development has reached the crest and any further development would encroach in to open landscape and would be highly visible in distant views'.
- The S Beds LCA specifically advises that future growth needs to take into account the high sensitivities of the scarps and skylines.
- The LVIA provides a number of agreed landscape viewpoints. An appraisal of the viewpoints is provided which serves to support the concerns raised. A number of points of clarification are raised. It is requested that additional information is provided to address these including a copy of the masterplan with contours and site sections to demonstrate land levels; inclusion of the proposed wildlife warden accommodation within photomontages; consideration of cumulative

impacts including lighting impacts.

- The illustrative masterplan (January 2015) appears to show more tree planting than the landscape masterplan (January 2015). There appears minimal tree planting within the public realm to try to assist in softening the visual impact of built form. Trees as shown within private gardens / within private control cannot be guaranteed to be retained.
- The proposed tree planting palettes for residential areas do not include tree species or types that will provide significant canopies to assist in integrating development visually.
- The landscape masterplan (January 2015) does not provide information on design and how A5-M1 Link landscape proposals are to be integrated with the employment area and the character and amenity of the 'northern linear park'.
- The boundary treatment with the Sewage Treatment Works and wider area development area beyond the western site boundary does not appear to include sufficient planting or landscape mitigation.
- Indicative locations for play provision within development parcels are shown but accessible, informal green space within development parcels would also enhance the public realm, visual amenity and avert additional pressure on green edges and ecological corridors.
- The Design Code (January 2015) does not define landscape character areas and treatment of green corridors.
- Concern is raised regarding the proposed drainage strategy (January 2015) which utilises piped elements in favour of naturalised SuDs features and does not maximum opportunities for SuDs.
- The proposed green corridors as detailed in the Design Code (January 2015) are intended as multifunctional spaces but appear to focus primarily on access routes.
- More detail is needed regarding the treatment of edges of built development and interfaces with highways / public realm, public open spaces and green corridors.
- The Illustrative Master Plan and Landscape Master plan (January 2015) show some lengths of street tree planting but the species, types and densities of trees shown are unlikely to create 'leafy boulevards'. The suggested street tree planting along the main streets is a real positive landscape / placemaking feature but more design detail needs to be included in the Design Code.
- Phasing details of landscaping elements would be

required.

02/07/2015:

- The additional assessments including cumulative impact of A5-M1 Link and Thorn Turn development parcels are welcomed. CBC Landscape are in general agreement with these.
- The removal of the proposed warden accommodation on the Houghton Quarry northern edge is welcomed.
- Concerns are raised regarding the landscape impacts associated with housing development at higher ground levels within the southern part of the site. The visual impacts of the existing development at Roslyn, Millers and Farriers Way should not be replicated.
- Within the winter months, the capacity of deciduous structural planting to screen this development would be reduced. Notwithstanding structural planting outside of the development parcels, there is no significant structural planting shown within these development parcels. This would assist in breaking up the housing areas.

CBC Ecology

02/03/2015:

- The proposed drainage scheme which shows offline ponds along the Ouzel Brook corridor is welcomed. However the provision of offline ponds to intercept runoff water which previously would have been directly received by the ditch from Blue Waters Woodland could be detrimental to aquatic habitats in this part of the site.
- It is noted that the submitted ecological surveys were undertaken in 2012 and would have been consider 'valid' for two years. However the key ecological receptors are identified and it is unlikely that the identified impacts would have altered significantly. It is noted that aquatic surveys were disrupted by numerous high water events and it is unclear what subsequent surveys were undertaken. It is inevitable that updated surveys will be required.
- It is noted that the crossing of the Ouzel Brook corridor will be require and consideration is given to minimising any fragmentation of habitat along the brook with mitigation to reduce lighting impacts. This is welcomed.
- The Environmental Statement highlights the need to avoid the use of gully pots in the interests of reducing the risk to amphibians. An alternative will need to be included within the CEMP.
- It has been satisfied that appropriate measures would be put in place to allow the issue of

mitigation licenses with respect to Dormice habitats.

- Advance planting should take place to ensure habitat creation is underway and this is to be detailed in the CEMP.
- A main badger sett and a number of subsidiary setts have been identified. Suitable separation from construction works (30m buffer) will need to be secured as part of the CEMP.
- A lighting scheme would need to be agreed to minimise impacts on ecological receptors.
- The retention of the existing Ouzel Brook corridor with 30m buffer free from development is welcomed.
- All important hedgerows should be retained and none should be included within the curtilage of dwellings in the future.
- There would be a significant impact on the habitats of ground nesting birds which cannot be resolved through mitigation but there are opportunities for habitat enhancements for other bird species. Habitat provision within the allotments should be considered.
- The provision of a community orchard was previously considered but is not proposed.
- Residential development adjacent to Blue Waters Wood is not appropriate. The value of the ecological woodland is acknowledged. The Environmental Statement refers to opportunities to provide connectivity between the woodland and the quarry and the need to minimise lighting as a potential disturbance to woodland habitats. This would indicate a preference to avoid development adjacent to the wood.
- The ecologic receptors have been adequately addressed and mitigation proposed.
- Alternative recreation areas would be welcomed to minimise pressure on sensitive sites.
- The use of an Ecological Mitigation Strategy, CEMP and Habitat Management Plan will ensure the development minimises ecological impacts, identifies protected species requirements and delivers a net gain in biodiversity. A monitoring system to assess the success of these would be essential.

02/07/2015:

The following points within the ES Ecology Addendum are notes and agreed.

- Ecological surveys will be repeated and updated as part of future planning submissions in order to ensure that the assessments made are based on

appropriately up-to-date data to ensure best practice and legislative compliance.

- Lighting, timing of works, a biodiversity management plan, design of drainage systems and additional survey works would be secured by future conditions including the use of a Construction Environment Management Plan to ensure that the ecological receptors are protected.
- The option of a badger tunnel have been considered but having regard to the ecological impacts of installing permanent fencing to guide badgers through the tunnel, it is concluded that an underpass would not be justified or required.
- The Revised Landscape Framework Plan identifies community orchards and areas of fruit tree planting which is welcomed.
- It is disappointing that the housing parcel adjacent to Blue Waters Woodland has not been omitted given the ecological value of the woodland and the aspiration to provide connectivity in the woodland habitat.

CBC Tree and  
Landscape

18/03/2015:

No objection subject to conditions to ensure the development adheres to the submitted tree constraints plans; secure the submission of an arboricultural method statement; and secure the implementation of tree protection measures.

CBC Housing  
Development

30/06/2015:

- 30% affordable housing or 555 affordable units would be expected.
- The Strategic Housing Market Assessment (SHMA) indicates a required tenure split from developments meeting the affordable threshold being 63% affordable rent and 37% intermediate tenure. This would equate to 350 affordable rent units and 205 units of intermediate tenure from this proposed development.
- Policy 34 of the emerging Development Strategy does allow for a lower percentage of affordable housing in special circumstances if known viability issues preventing a fully policy compliant scheme are demonstrated by a submitted financial appraisal to the Council. This will determine a viable percentage of affordable housing which can be delivered onsite.
- The units should be dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness.
- All units should meet the HCA design and quality standards.



CBC Public Protection

31/03/2015:

Noise from Thorn Road, and Bedford Road

Assessments of noise impact from traffic in Thorn Road and Bedford Road were conducted at a distance of 15m from the carriageway. The conclusions of these assessments are that the noise levels internally within the dwellings can be adequately controlled through the use of suitable glazing and provision of alternative ventilation to meet Building Regulation Standards. Any scheme therefore being effectively designed to give residents an element of choice in terms of exposure to traffic noise.

In terms of the garden areas the predicted levels significantly exceed the Council's standards that will not be adequately mitigated by the use of for example a 1.8m high close-boarded garden fence. Therefore in order to minimise noise exposure careful consideration will need to be given to the layout and orientation of the dwellings with gardens most probably at the rear of the properties to allow them to act as a noise barrier and protect such areas.

The applicant should note this requirement and ideally undertake preliminary work to determine how significant an impact this may have on those parcels of land fronting Thorn & Bedford Road. Undertaking such feasibility or options appraisal work now will provide the Planning Authority with the ideal design solution and will form an integral part of the design for such sub areas.

Each sub area should be subject to a condition requesting that noise standards (as specified by the World Health Organisation and BS8233) be achieved and validated once the development has been completed. Given the similarity of these positions to existing housing this is considered an acceptable solution to managing noise from Thorn and Bedford Road.

Noise from M1/A5 Link Road

Initial assessments conclude at a distance of 40m from the carriageway that some form of mitigation will be required both to the building facade and garden boundaries. There are other options discussed which include the provision of a bund or fence up to 3.5m. It is unknown what treatments are already planned for in terms of the M1-A5 link.

However, careful consideration needs to be given to this location prior to the application being determined in order to influence and finalise the design for these individual sub plots. Having liaised with the Planning Officer it is understood that the green buffer zone is characterised as

a linear park and a sensitive edge to the development in terms of visual impacts. It is therefore understood that it may not be appropriate to use barriers.

Therefore it is asked that the applicant consider these areas in greater detail, provide an indication of the preferred solution and allow for this in the design for each sub area. Once again each sub area will be expected to be subject to the imposition of a suitable noise condition and validation tests once the development is completed.

#### Noise from the sewage treatment works

Noise from foul water works requires some further detailed consideration as whilst monitoring was conducted in this area it was specific to identify any noise from the facility. This would require an appropriate assessment in accordance with BS4142 ahead of the detailed application.

#### Noise from B1-B8 Use Classes and Local Centre

There is no detailed provision of information with regards to the potential for noise generation from the industrial and commercial land uses. It is therefore asked that detailed consideration is given to each of these areas and preliminary indicative layouts provided and incorporated into any design for each of these areas for consideration ahead of the application being determined.

Control of noise in such areas can be mitigated by careful layout and positioning of specific uses. Each of the sub areas will be expected to be subjected to detail condition at either the outline or detailed planning stage but the greater information that is provided at these stages the less restrictive these conditions are likely to be. Conditions are likely to include restrictions on deliveries, opening hours, plant and equipment etc.

#### Odour

The most significant source of odour in the form of the foul water works in the opinion of Public Protection has been dealt through the preparation of an atmospheric dispersion model and the adoption of a cordon sanitaire.

This model was completed by Anglian Water who own and manage the facility and therefore its accuracy should not be questionable. Likewise all sensitive land uses are outside the agreed 1.5ou/m<sup>3</sup> (odour units) contour, a quantitative threshold beyond which it is reasonable to assume that there will be no unacceptable risk of loss of amenity when modelling. To clarify an odour threshold concentration of 1 OuE m<sup>-3</sup> is the level at which an odour is detectable by 50% of screened panellists.

The current exception to the cordon sanitaire is the placement of sports and football pitches which given the expected use patterns and likely exposure scenarios are not expected to result in significant exposure to odour providing that use is infrequent etc.

The only exception to this is the wildlife warden unit provided as part of the wildlife unit which is within the 1.5 odour contour and is therefore likely to be subjected to odours which may be to future occupiers detriment. It is therefore recommended that this is repositioned outside the affected area although understanding the need for this building its positioning outside the 3.0 OuE m<sup>-3</sup> would be considered satisfactory. However, in such a position the facility would be expected to be exposed to regular and persistent odours likely to affect amenity but not to such a level that this authority at a later stage could take action to resolve under its current 'Statutory Nuisance' powers.

The other area which will need consideration is the provision of any extract systems to any A3-A5 uses within the community area. Such will be subject to detailed condition at either outline or detailed stage but once again careful thought to this now may prevent difficult compromises.

#### Air Quality

From the technical reports submitted it is not considered that air quality will need to be considered further and therefore will not be a material planning consideration in terms of making a determination.

#### S106 Contributions

I understand S106 contributions were secured in connection with HRN1 for the monitoring of air quality and noise. In the determination of HRN1, it was considered that the layout, positioning, level of detail, and proximity to the M1-A5 link road and Woodside Link which gave rise to the potential for future noise and air quality issues in connection with HRN1 and necessitated contributions towards future monitoring.

Having regard to the details of the proposals for HRN2 and its relationship to the local network, noise and air quality monitoring will not be required.

#### Construction Management Plan

The applicant should be mindful that Public Protection will recommend that a construction management plan be required as part of any permission granted to deal with potential environmental risks arising from the construction phase. Its composition will most likely be an overarching plan submitted at detailed stage which requires

subsequent adoption by each of the sub areas as and when they brought forward for development.

CBC Contaminated  
Land

20/02/2015:

Requests additional ground gas monitoring, remediation and protection is secured by condition in line with the recommendations within the Environmental Statement.

CBC Sustainable  
Drainage

20/02/2015:

- Management of residual flood risk should be further demonstrated by the proposed drainage strategy, with regard to safe exceedance storage areas or flow routes being provided in the case of exceedance or system failure. Information should also be provided on:

(1) Whether exceedance flows will remain on site and whether depths/velocity of any ponded water in the 1 in 100 +climate change event will be safe.

(2) How flows will be routed away from vulnerable buildings/properties.

- Further details should be provided on the use of an appropriate treatment strategy for surface water management, that will ensure:

(1) Sediment is trapped and retained on site in accessible and maintainable areas.

(2) A sufficient number of drainage components being provided in series prior to discharge.

- It is expressed in the council's SuDS SPD that runoff be managed at or close to the surface, wherever possible. With regards to the Drainage Strategy report's recommendation that "local level changes be sought to ensure minimum cover for proposed oversized pipes and flow control devices", it has not been demonstrated that the council's preference for surface water conveyance between SuDS features has been considered before choosing to use underground pipe work.

- A discharge rate of 3l/s/ha is proposed for the site. The EAs 'Rainfall runoff management for developments report (SC030219)' recommends a rate of 5l/s as a minimum because there is a high risk of blockage on any orifice that is smaller. The risk and management of blockages has not been addressed by the proposal, and operating and maintenance requirements of the drainage system should be adequately defined.

- There is no evidence provided that the discharge rate has been accepted by any other relevant body (IDB, Water company, highways Authority). This should be demonstrated to the council. Adoption of features should be fully explored with these agencies also.

- The potential for aesthetic appeal and ecological potential of the design should be maximised wherever possible through the provision of drainage.

02/07/2015:

- The proposal is to provide on-site storm water detention in a series of 8 ponds along the green corridor of the Ouzel Brook and to the north of the site. The ponds will be dry with provision of treatment before water outfalls into the brook, with reed-beds provided for additional filtration.
- The pipes will be adopted by Anglian water with the ponds being adopted by the Internal Drainage Board, a private management company, CBC or Anglian water subject to further requirements being met.
- The proposal would make use of sustainable drainage systems for the management of run-off water. Further information will be required to demonstrate that relevant standards of operation are appropriate.
- Correspondence between the Council and the IDB indicates that they are willing to determine this at the detailed design stage to ensure compliance with their bylaws and consenting process.
- Maintenance arrangements for each component of the drainage system will need to be confirmed.
- Any loss of habitat as a result on design requirements of the adopting body should be compensated.
- Permeable pavements should be considered in the final design to provide treatment and storage upstream of the attenuation features.
- Treatment could also be provided by utilising the existing drainage ditch (between Blue Waters Woodland and Ouzel Brook). i.e. the use of an alternative flow control could be used and re-profiling of the ditch to ensure adequate flow.
- It is recommended that final drainage details be secured by condition.

CBC Sustainable  
Growth

13/02/2015:

- Issues of sustainability and energy are considered in the Environmental Statement and the Energy Statement.
- The Statement outlines the fabric first approach to achieve energy efficiency and states that this approach is expected to allow for betterment of the fabric standard to meet or exceed the 2016 carbon compliance requirements.
- The statement recognises importance of buildings'

orientation both in residential and commercial development; high thermal mass to reduce temperature variations and need for winter heating and summer cooling; use of green corridors and water attenuation on site to aid air movement through the development and summer cooling.

- The landscaping section of the Energy Statement proposes use of evergreen trees to control solar glare. However as evergreen trees block sunlight during the winter months when solar gain is desirable within dwellings the use of deciduous trees is suggested to provide shading in the summer when it is needed and allow access of light and heat into dwellings in winter months when it is beneficial.
- Potential suitable renewable energy solutions have been identified, but specific energy strategy will be provided at the later application stage.
- It is also suggested that for commercial development a BREEAM pre-assessment will be provided at detailed planning application stage.
- Reference is made to DSCB Policies 47 and 60 but no specific proposals have been provided to show how the policies requirements would be met.
- Recommend the following planning conditions:
  - (1) 10% energy demand of the development to be delivered from renewable or low carbon sources
  - (2) Water efficiency to achieve water standard of 110 litres (including 5 litres for external use) per person per day;
  - (3) All buildings with a floor area above 1000m<sup>2</sup> to be certified to BREEAM Excellent standard.

ArtReach – CBC public  
art consultant

08/03/2015:

- Public Art is mentioned in Section 6.4 of the Design code for Bidwell West amounting to 3 paragraphs of text. There is no other reference to Public Art in the application documents and no mention of how it is to be integrated into the development.
- In the Council's draft Public Art Strategy for Houghton Regis it is recommended that an outline Public Art Plan be produced by the developer for agreement with the Council as part of the outline planning application. This ensures that the developer recognises their obligation to produce a comprehensive Public Art Plan as part of a detailed planning application.
- It is recommended that Design Code be amended to provide text linking with an Outline Public Art Plan and art strategies for the site.

22/06/2015:

- The developer has submitted a positive outline

Public Art Plan.

- The Plan has a strong theme of Historic Houghton Regis, as well as a stated commitment to community involvement and commercial/non-commercial partnerships.
- The planned public arts trails are an effective means of drawing on the rich history and heritage of the area, and offering opportunities for communities to input into the public art commissioning process.
- There is confused terminology in the Plan which is referred to as an outline Public Art Plan (probably the best definition), but then sometimes as a Public Art Strategy Plan or as a Framework Public Art Plan.
- It is not clear how the development phasing relates to the three trails described in the Plan. It would be useful if this was clarified.
- The Outline Plan does not provide detail around key milestones set in the context of the phasing of the development. It is important that an approach to public art commissioning for each phase is described so there can be certainty that time scales are appropriate and assurance that public art is fully integrated into the development.
- There is no indication of resources to be allocated to the delivery of public art. It is important that these resources are committed to by the developer.

CBC Minerals and  
Waste

16/03/2015:

- The description of the Development Plan does not mention the saved policies in the Adopted Bedfordshire Minerals and Waste Local Plan (2005) or the more recently adopted (2014) Minerals and Waste Local – Strategic Sites and Policies.
- There is no mention of the site specific designation at Thorn Turn for waste management uses.
- There is no mention of the Supplementary Planning Document – Managing Waste in New Developments.
- The submitted ES is considered deficient as it does not provide information estimating the amount of waste at both the construction and operational phase or information on the use of natural resources such as construction materials. There were no measures identified to prevent, reduce and where possible offset any significant effects of these unassessed effects on the environment.
- A waste audit for the construction and operational phase of the development is required.
- There is an existing major foul water treatment works and a proposed waste management facility

close by. No assessment of the potential impacts of these developments on the proposed development which would allow a proper consideration of buffer zones as required by Policy GE25 especially with respect to traffic and odour.

- The proposed Design Code has had limited regard to waste management issues generated by the development. Concerns are raised regarding the design parameters for bin storage and collection arrangements. New NHBC Foundation guidance identifies and illustrates good practice where space for domestic waste and recycling storage has been integrated unobtrusively within a variety of housing developments.

17/06/2015:

The applicant appears to have addressed the previous matters raised and recognised the need to prepare detailed waste audits at the reserved matters stage. Subject to this being conditioned, no further comments.

CBC Archaeology

03/07/2015:

- The proposed development site contains extensive and regionally significant remains of the development of the landscape from the later prehistoric to post-medieval periods. In particular there are substantial remains of an Iron Age and Roman agricultural landscape containing remains of settlements and land division. These are heritage assets with archaeological interest as defined by the NPPF, their significance is enhanced by their relationship to wider contemporary landscapes that have been identified in the surrounding area.
- Construction work for the development will have a negative and irreversible impact on the site's archaeological resources, resulting in a loss of significance to the heritage assets with archaeological interest.
- The mitigation for this impact proposed in the Environmental Statement: archaeological investigation, recording, analysis and publication in line with the requirements of the NPPF, is acceptable.
- The development is within the setting of a number of designated heritage assets with archaeological interest in the wider landscape, in particular the proposed development site surrounds the Thorn Spring Moat Scheduled Monument. There will be an impact on the setting of these assets and consequently on their significance, but this does not represent substantial harm.
- Archaeological investigations undertaken as a



consequence of this development, if permitted, will provide important opportunities for public outreach and engagement with the site's historic environment in a variety of ways including public art, appropriate displays in the Local Centre and heritage trails. Archaeology can also provide the foundation for creating a sense of place and identity for the new settlement.

- In order to secure appropriate mitigation for the effects of the proposed development on archaeological remains and on the significance of the heritage assets they represent and to secure the public dissemination of the results of the investigations appropriate conditions should be attached to any planning permission granted.

Place Services (CBC's  
Urban Design  
Consultant)

17/06/2015:

- CBC has appointed external design expertise to supplement its in-house planning team to review and advise on the Design Codes.
- The Revised Design Code (June 2015) is submitted in response to previous design advice.
- Introduction and Site-wide Masterplan – A great improvement; much more succinct, relevant and clear in the visions of the development and the key influences running through the design code document. The updated master plan has a greater level of clarity in relation to Bidwell Village.
- Site-wide Design Codes – An improvement, with a focus on the strategic plans supplemented with focused detailed content rather than general comments and repetitive images. I have suggested some minor amends – to the regulating plan, sections and the street typology table.
- Character Area Coding – Much more succinct and relevant; some of the precedent images included are queried however the pages are organised in a more useful way. There is an improved edge treatment to Bidwell Heights area, overlooking the SSSI. Minor the issues are raised relating to the clarity of the cross sections and the resolution of printed documents. *[OFFICER NOTE: A revised version of the Design Code has subsequently been submitted to address these issues of clarity.]*

CBC Waste Services

03/07/2015:

- On street visitor parking should be controlled to prevent obstruction refuse vehicles within the carriageway. It is recommended that this be controlled by condition *[OFFICER NOTE: Subsequent detailed planning and highway submissions will need to demonstrate suitable*

*highway design and parking proposals in accordance with the Design Code and CBC standards. A condition will not therefore be required.]*

- All roads should otherwise be designed to accommodate refuse vehicles.
- Refuse collection points would need to be identified for properties with private driveways.
- The requirement for mini recycling (bring bank) should be addressed in future correspondence with the developer of the site.
- Litter and dog bin provision should be provided with the agreement of Waste Services and Environmental Services.

CBC Integrated  
Transport

16/02/2015:

The following **mitigation measures** are to be provided:

- Vehicular access directly off Bedford Road and Thorn Turn.
- Thorn Road reconfigured with a reduced width and new footways to discourage through traffic.
- Local centre and school centrally located to promote accessibility
- Majority of the site to be 20 mph.
- A51020 / Bedford Road to have speed limit reduced to 30 mph towards Houghton Regis.
- T junction provided onto A5120 / Bedford Road from the eastern parcel at Bidwell village. New bus stops in the vicinity and bus cages on carriageway, these to be secured by way of S278.
- New main roads will have a carriageway width of 7.5 m. Others will be 6.2m.
- Bus stops on the new main road.
- Footway/cycleway is to be provided either side of main road.
- Cycle parking according to CBC standard for both residential and commercial properties and primary destinations.
- Pedestrian connection integrated with the surrounding area – connectivity maintained by utilising existing ROW network.
- A framework travel plan

#### Rights of Way

- FP3 would need to be upgraded through on-site enhancements and a contribution towards off-site upgrades.
- Connectivity to HRN1 needs to be established for pedestrians and in particular cyclists. A crossing at the A5120 / Bedford Road would be required.
- Specification details for FP4/10 and footways along

the A5120 would be required.

- On-site upgrades to FP31 and off-site enhancements of this route to connect with NCN6 at Sewell would be required.

#### Public Transport

- The public transport manager will need to consider the approaches proposed and the required contributions

#### Highway Impact

- Highways Development Management will need to consider the access arrangements from the A5/Thorn Road roundabout and the need for any contribution.
- Clarification will be required as to the design of the area outside of the school and local centre which will need to be 20mph; the nature of crossings within the site; and downgrading of the central section of Thorn Road.

#### Framework Travel Plan

- The delivery of the smarter choice measures will be provided by CBC as part of their travel choices project. This is an extension of the LSTF funded programme extending it beyond the existing urban area to incorporate areas of growth and new development encouraging sustainable travel.
- This remains an important part of sustaining the traffic mitigation brought through the delivery of the A5-M1 link road which in itself has created the capacity for the growth of which this application is part.
- Financial contributions towards this will be required.

01/07/2015:

- Provision of an increased number of crossings to support the pedestrian and cycleway network as proposed is supported.
- Detailed road design should support a school safety zone approach to highway measures outside the school. Appropriate crossing markings and cycle routes should support this.
- The position of the bus stops in the area around the local centre and school should be looked at in the context of Road Safety Audits.
- The provision of a signalised crossing on the Bridleway crossing Thorn Road is supported.
- There is a requirement for non-vehicular connectivity with HRN1 including a crossing.
- Public footpaths and shared footways/cycleways should be of a sufficient width to avoid conflict

between different types of users. Cycle priority measures should be accommodated where shared use routes cross side roads.

- Public transport infrastructure and strategies should be designed to meet the requirements of the public transport manager.
- The proposals to 'downgrade' the central section of Thorn Road is supported subject to detailed matters.

CBC Highways  
Development  
Management

13/05/2015 and 01/07/2015:

Scope of Assessment

The scope of assessment for the submitted Transport Assessment was agreed with this office in advance during pre-application discussions. The emphasis of utilising existing baseline work and data as prescribed within the assessment for the HRN1 application was agreed and supported by this office.

Development Policies and Principles

The submitted Transport Assessment covers the current baseline conditions and a future Assessment year of 2031. This is supported and consistent with CBC's Development Strategy and the HRN 1 planning application.

With regards to national policy compliance, in highways and traffic terms, the submitted Transport Assessment has considered The National Planning Policy Framework (NPPF), Planning Practice Guidance, DfT Circular 02/2013, Manual for Streets (MfS) and Manual for Streets 2 (MfS2), to which the proposal accords well in highways and traffic terms.

With regards to local policy compliance, the submitted Transport Assessment has considered the Central Bedfordshire Local Transport Plan 3, the Luton Local Transport Plan 3, the South Bedfordshire Local Plan, the endorsed Luton and southern central Bedfordshire Joint Core Strategy, the draft Development Strategy for Central Bedfordshire, Supplementary Planning Document: Design in Central Bedfordshire, Supplementary Planning Document: Houghton Regis Town Centre Masterplan and the Houghton Regis North Framework Plan, to which the proposal accords well in highways and traffic terms.

The submitted Transport Assessment highlights the planned highways schemes of the A5-M1 link road and the Woodside link road connection and confirms that this infrastructure is required in order to support this proposed development.

Existing localised travel patterns have been determined by an interrogation of the 2011 census data, particularly travel to work mode share for the local residential population. This approach is supported.

Personal Injury accident data for the Transport Assessment's highway network of interest has been obtained for the most recent 5 year period (being October 2008 – September 2013) – This approach is supported.

This office is satisfied that there are no localised specific accident trends occurring within the study area that are likely to be exacerbated by the proposed development. Due to the outline nature of the proposal, the submitted Transport Assessment states that car parking will be provided in accordance with CBC standards. This is supported and will be expected as a requirement.

#### Site Access Arrangements (Principles)

Strategically, access to the site will be drawn from the proposed A5-M1 link road and specific site access is to be taken directly from Thorn Road which will run through the development site. The principle of the proposed access strategy is supported by this office.

#### Proposed Highway Layouts

**Drawing No: N-BE1362-3T-09** Simple priority junction (eastern land parcel/A5120 Bedford Road) – Junction conforms to the guidance given within CBC's adopted Design Guide for Main Streets. Junction Kerb Radii must conform to 6.0m. Drawing should illustrate this and also confirm the ability to achieve a vehicular visibility splay of 2.4m x 43m (acceptance subject to Stage 1 RSA). (01/07/2015 - Amended drawings received – Junction Geometry supported.)

**Drawing No: N-BE1362-3T-06** Thorn Road to become secondary road within confines of the site – Highway layout conforms to the guidance given within CBC's adopted Design Guide for Access Streets. A minimum verge width of 2.0m must be ensured to accommodate suitable highway landscaping requirements. Ability to achieve adequate vehicular visibility splays for residential access of 2.4m x 25m should be illustrated upon the drawings. (01/07/2015 - Amended drawings received – Junction Geometry supported. Clarification provided with regards to the length of the 2.0m verge provided due to land constraint issues and downgrading of the highway accepted and supported.)

**Drawing NOs: N-BE1362-3T-07 and N-BE1362-3T-08** Shared footway and cycle widths are sufficient and supported for this location. Ability to achieve adequate

vehicular visibility splays for residential access of 2.4m x 43m should be illustrated upon the drawings. (01/07/2015 - Amended drawings received – Junction Geometry supported.)

**Drawing NOs: N-BE1362-3T-02 and N-BE1362-3T-04 and N-BE1362-3T-05** 2.0m wide parallel parking bays are insufficient. In accordance with CBC's adopted Design Guide, for Main and Access Streets, on-street parallel parking bays must be a minimum of 2.4m and 2.2m in width respectively.

Submitted drawings should also illustrate the achievability of 2.4m x 43m vehicular visibility splays. (01/07/2015 - Amended drawings received – Junction Geometry supported. Parking bays to be dealt with under detailed design as part of any S.278/S.38 process. This is acceptable. A suitably worded condition may be required.)  
*[OFFICER NOTE: This would be controlled through S106 Legal Agreement and under S278/S38 highways processes]*

**Drawing No: N-BE1362-3T-01** Junction conforms to the guidance given within CBC's adopted Design Guide. Submitted drawings should also illustrate the achievability of 2.4m x 43m vehicular visibility splays. (01/07/2015 - Amended drawings received – Junction Geometry supported.)

**Drawing No: N-BE1362-3T-03** Although a minimum Inscribed Circle Diameter for the proposed roundabout of 36m is adequate, is this figure accurate? The Design is broadly in line with DMRB TD16/07 (acceptance subject to Stage 1 RSA). (01/07/2015 - Amended drawings received ICD of 42m – Junction Geometry supported.)

#### Proposed Pedestrian Connections

CBC's PROW Officer should be consulted for their views. No conflicts between HDM and the required PROW and crossing enhancements information provided internally.

#### Sustainable Transport Impacts

With regards to walking and cycling impacts, much of the requisite detail will be bought forward in a number of reserved matters applications, should any outline planning consent be granted for this application. Notwithstanding this, the submitted Transport Assessment provides information regarding broad principle desire lines for walking and cycling which would seem appropriate and would seem to be safeguarded for illustrative purposes.

The site as a whole is expected to generate in the region of 1500 walking trips in the AM peak and around 900 during the PM peak, associated with the local centre and

primary school elements. In addition, walking trips associated with newly created public transport demand is expected to be in the region of 236 trips during the AM peak and 177 trips during the PM peak. In line with this, public transport demand (bus passengers) associated with the total development site is expected to be in the region of 206 trips (87 inbound/67 outbound) during the AM peak and 153 trips (87 inbound/66 outbound) during the PM peak. An appropriate financial contribution would be required for a new bus service serving the site which would form part of any Section 106 agreement in association with any planning permission granted.

#### Travel Plan

The submitted Transport Assessment details the associated Travel Plan submitted with the application, as such, the Council's Sustainable Transport Officer should be consulted for their views on the proposal.

#### Trip Generation – General

With regards to trip generation, the Transport Assessment has not taken into account any measures that will be utilised to encourage more sustainable means of Travel such as the Travel Plan. Therefore the submitted Transport Assessment is considered robust in this regard.

#### Trip Generation – Residential Trip Rates

Despite a mix of housing types, the TRICS database has been interrogated for privately owned houses only. This is considered a robust approach and is supported.

The submitted Transport Assessment states that the housing trip rates as utilised for the HRN1 application are still valid, although the trip rates used for that application now fall outside of the TRICS default cut-off date of the 1st January 2005. Although this may be the case, this office requests that the applicant submit a more up to date TRICS dataset in order to provide a sensitivity test for comparison. (01/07/2015 - Updated TRICS dataset provided and is acceptable and supported.)

This office agrees with the principle of reutilising the agreed trip rates from HRN1 subject to the provision of that test. (01/07/2015 - Acceptable.)

The expected trip rates are as follows:

AM Peak Hour (0800-0900) – In 390 Out 860 Total 1250  
PM Peak Hour (1700-1800) – In 564 Out 400 Total 964

Regardless of the above, the full TRICS data outputs should be provided as an appropriate appendix to this transport assessment. (01/07/2015 - Sensitivity test of up to date rates now included and the above rates accepted.)

Trip Generation – Employment Trip Rates (Office Element)

In line with the above, the full TRICS data outputs should be provided as an appropriate appendix to this transport assessment.

The expected trip rates are as follows:

AM Peak Hour (0800-0900) – In 71 Out 9 Total 80

PM Peak Hour (1700-1800) – In 9 Out 74 Total 83

(01/07/2015 - Sensitivity test of up to date rates now included and the above rates accepted.)

Trip Generation – Employment Trip Rates (Warehousing Element)

In line with the above, the full TRICS data outputs should be provided as an appropriate appendix to this transport assessment.

The expected trip rates are as follows:

AM Peak Hour (0800-0900) – In 2 Out 2 Total 4

PM Peak Hour (1700-1800) – In 1 Out 3 Total 4

(01/07/2015 - Sensitivity test of up to date rates now included and the above rates accepted.)

Trip Generation – Primary School Trip Rates

A “first principles” approach has been utilised for the estimation of trip rates for the primary school element in line with DfT guidance. The parameters are robust and the resultant trip rate and expressed methodology is considered to be robust and is supported.

The expected trip rates are as follows:

AM Peak Hour (0800-0900) – In 134 Out 97 Total 231

PM Peak Hour (1700-1800) – In 12 Out 19 Total 31

Trip Generation – Local Centre Trip Rates

The methodology utilised for the TRICS database interrogation is supported by this office and the TRICS output contained within the submitted Transport Assessment is considered acceptable and is supported.

The expected trip rates are as follows:

AM Peak Hour (0800-0900) – In 70 Out 69 Total 139

PM Peak Hour (1700-1800) – In 61 Out 65 Total 126

Mode Share and Multi-Modal TRIP Generation

Mode share data has been obtained in accordance with the criteria set out within the approved HRN1 application – This is supported and considered satisfactory.



Baseline Traffic Data and Cumulative Impact Assessment

Baseline traffic data is not included within the submitted Transport Assessment due to the modelling methodology utilising the baseline data from the assessment provided for the HRN 1 application in 2012 and granted approval in 2013.

With regards to cumulative impact, the baseline traffic data utilises the agreed SATURN highway assignment model (CBLTM) as undertaken for the HRN1 application. There is however a discrepancy in terms of quantum of development tested under the “Cumulative Assessment Site 2 (CA2)” in the HRN 1 application and the quantum of development proposed within this application. As such this requires clarification from the application team.

It is anticipated that this discrepancy will be dealt with within the additional update to the SATURN and VISSM modelling for the 2026 and 2031 development scenarios. Nonetheless, this office is satisfied that the cumulative impacts of both the HRN 1 application and HRN 2 submission have/are being adequately covered and assessed.

The application team have confirmed that they are awaiting the results of the further modelling and as such this cannot be assessed presently by this office. This is a key factor for the determination of this application. It is expected that this will be submitted in the form of an addendum or supplementary Transport Assessment.

It is important to note that (amongst other issues that have been covered above) Luton Borough Council have submitted an objection response to this application with regards to the application failing to assess the cumulative highway impact of both the HRN 1 development and the HRN 2 submission and that a number of junctions upon the wider highway network should be considered. These include the junctions of Leagrave High Street/Lewsey Road; Leagrave High Street/Pastures Way; Sundon Road/Sundon Park Road; and Toddington Road. The submitted Transport Assessment confirms that additional modelling for the 2026 and 2031 scenarios is being undertaken (see above) and it has been confirmed that the wider CBLTM assignment model covers these junctions upon the wider highway network.

Until the additional modelling has been undertaken, the submitted Transport Assessment considers the existing SATURN assignment flows in order to assess highway impact. This approach is supported by this office (CBLTM 2031 Test 9) which includes for a 2031 assessment year including all committed development and highway network

improvements in place). The flows have been adjusted to reflect the development composition and trip rates as discussed in Chapter 5 of the submitted Transport Assessment. (This office assumes that this covers our concerns with regards to development quantum discrepancy (as detailed above), however this requires clarification/confirmation.

The submitted Transport therefore considers the following junctions:

- Bedford Road/Thorn Road Proposed Roundabout;
- Proposed Bedford Road T-Junction; and
- The two T-Junctions where Thorn Road interacts with the new Internal Highway.

With regards to the potential future capacity issue identified by CBC occurring on the northbound A5 approach to the proposed A5-M1 link road roundabout with the A5 Watling Road, the submitted Transport Assessment takes into account the potentially identified new link road from the A5/A505 roundabout that will provide an additional arm to the south east and provide direct access to CBC owned land.

The latest results of the VISSIM modelling for this scenario illustrate that the additional arm will alleviate a large proportion of the identified queueing that would occur on the northbound approach to the new A5-M1 link road during the 2031 cumulative impact scenario. This office understands that this VISSIM model is presently being updated.

CBC has identified this proposed measure as a significant positive impact for the future year's scenario and the applicant for this proposal has agreed to provide a financial contribution to help secure its provision.

The submitted Transport Assessment considers that the VISSIM modelling results however are overly robust given the changes to the proposed build trajectory for HRN1 and 2. Given this, it considers that there will now be a significant degree of capacity available in the 2031 future year scenario. As such, it states that a mechanism has been agreed to enable the implementation of the proposed link road such that it will be put into place before any localised capacity issues arise. Officers from Strategic Transport will need to assess and comment specifically upon this issue.

Thorn Road/A5120 Bedford Road – Simple Priority Junction to 3-arm Roundabout

The existing simple priority junction has been tested for the 2031 + Development scenario using PICADY (Priority Intersection CApacity and DelaY) micro simulation software.

Assessment confirms that the junction would operate well above theoretical capacity limits with a Max RFC (Maximum Ratio of Flow to Capacity) of 2.147 (214.7%) and a MaxQ (Maximum Vehicular Queue length) of 286 pcus (Passenger Car Units) occurring on the Thorn Road (West) arm of the junction during the AM peak hour (0800-0900).

The application proposes the reconfiguration of the junction to a 3-arm roundabout. The proposed roundabout configuration has been tested using ARCADY (Assessment of Roundabout CApacity and DelaY) micro simulation software.

Assessment confirms a significantly improved situation with a Max RFC of 0.974 and an associated MaxQ of 18 pcus.

This illustrates the proposed configuration to operate below its theoretical capacity limit, however it is above an RFC of 0.85 at which point a junction can be operating inefficiently. Further clarification from the applicant is required regarding the demonstration of the acceptability of these modelling results.

(01/07/2015 - Further clarification provided and accepted, with regards to the best and optimum solution being provided based upon land constraints and the nil detriment outcome. This is supported.)

#### A5120 Bedford Road/Proposed Site Access

A new simple priority junction is proposed as part of this application in order to provide residential access to the eastern portion of the site from the A5120 Bedford Road.

PICADY assessment confirms that the junction will operate well within theoretical capacity limits with a Max RFC of 0.109 and associated MaxQ of less than 1 pcu occurring on the Bedford Road (North) to Bedford Road (South) arm of the junction during the AM peak hour.

#### Thorn Road/Proposed Main Road 4-arm Roundabout

A newly constructed 4-arm roundabout is proposed as part of this proposal between Thorn Road and the easternmost new main road.

ARCADY assessment confirms that the junction is expected to operated well within theoretical capacity limits

with a Max RFC of 0.448 and an associated MaxQ of less than 1 pcu occurring on the Site Access (North) arm of the junction during the AM peak hour.

Thorn Road/Proposed Main Road Simple Priority Junction

A new simple priority junction is proposed as part of this application between Thorn Road and the westernmost main road. This priority junction will serve access to the proposed local centre and primary school elements of the development.

PICADY assessment confirms that the junction is expected to operate well within its theoretical capacity limits with a Max RFC of 0.313 and associated MaxQ of less than 1 pcu occurring on the Thorn Road (Northeast) arm of the junction during the PM peak hour.

Due to this access serving the local centre and primary school, this office requests that a further PICADY run is undertaken for the school peak hours in order to provide a sensitivity test for its proposed operation.

The PICADY and ARCADY models have been validated by this office.

(01/07/2015 - The additional modelling has been provided and this office confirms that the junction will operate with adequate capacity. This is supported.)

Highway Safety

This office notes that the submitted Transport Assessment has investigated the most recent 5-year Personal Injury Accident Data covering Thorn Road, appropriate elements of the A5 and the A5120.

The investigation has highlighted what it describes as “noticeable clusters” occurring around the A5 Watling Street/A505 roundabout junction, the A5/Thorn Road priority junction and the A5120 Bedford Road/Thorn Road junction. It also identifies “smaller clusters” at bends within Thorn Road and the A5120 Bedford Road.

The overall conclusion that the various highway improvements will lead to safer highway environment may be correct, however this office considers the submitted Transport Assessment’s review of the highway safety issues to be inadequate. A full assessment of the causation factors for the existing accident record for the highway network of interest is required and an appropriate demonstration of how this is likely to be improved and not exacerbated should be illustrated.

(01/07/2015 - The further assessment has been provided.

This office offers no objections in this regard.)

This office also notes that no Stage 1 Road Safety Audits have been supplied with the proposed junction options. In order to adequately assess the options, this office expects full Stage 1 RSA's to be undertaken at this stage (and associated Designer's Responses included where appropriate) to be submitted for review. (01/07/2015 - This is still outstanding, the submitted Transport Addendum confirms that these are still being undertaken and will be submitted for review in due course.) *[OFFICER NOTE: The applicant provided the requested RSAs and Officers are seeking the advice of CBC Highways Development Management in relation to these.]*

#### Design Code Review – Street Hierarchy

**Street Types:** Where a primary or secondary route is passing shared and community facilities, we will require footways to be a minimum of 3.5m in width as opposed to 2.0m.

Where a primary or secondary route is passing shared and community facilities, we will require shared footway/cycleways to be a minimum of 4.5m as opposed to 3.0m.

As opposed to the proposed Design Code, bus routes are applicable to secondary routes.

The Design Speed Limits for Residential, Shared Surface, Mews and Lanes should be 15mph as opposed to 20mph. For Primary and Secondary routes, on-street parallel parking bays are required at 2.4m x 6.0m as opposed to 2.0m x 6.0m. For Residential, Shared Surface, Mews and Lanes, 2.2m x 6.0m will be required.

Direct Access to properties from Secondary routes would require assessment on a case by case basis. Secondary Routes under CBC's adopted Design Guidance come under the jurisdiction requirements of Main Streets.

The Design Code will also need to include for the following items:

- Traffic Calming measures types to be included for review; (01/07/2015 - Still outstanding.)
- Refuse and Service Delivery Vehicle types and appropriate junction radii; (01/07/2015 - Still outstanding.)
- Forward Visibility Requirements for all estate roads (Primary and Secondary Routes – 45m, Local Access – 25m, all other internal routes – 17m)
- Maximum Highway Gradients (Primary and

Secondary Routes – 1:17, Local Access Streets – 1:12, all other internal routes – 1:12), 6% and 8% respectively;

- Kerb Heights (Main Streets – 125mm [185mm at bus stops] Secondary Routes – less than 100mm [185mm at bus stops], all other routes – less than 50mm).

(01/07/2015 - Other than items 1 and 2 above, the Design Code has been altered to the above requirements and is supported.) *[OFFICER NOTE: Items 1 and 2 are to be dealt with in future both through formal highway adoption/approval processes and further planning submissions in accordance with CBC standards and design requirements.]*

In line with the above and without prejudice, this office raises no objections to the principle of this proposal subject to the provisions detailed above.

CBC Transport Strategy 12/06/2015:

- 1.1 The Transport Strategy Team has considered the cumulative impact of this development plus others in the North Houghton Regis area in terms of their impact on the local highway network, and the mitigation considered necessary to make the proposals acceptable in planning terms.

## **2. The Transport Modelling Process**

- 2.1 Central Bedfordshire Council commissioned AECOM to utilise the Central Bedfordshire Strategic Transport Model and undertake supporting VISSIM micro-simulation modelling to produce a series of reports which assessed various future scenarios associated with the HRN2 and Thorn Turn applications.

- 2.2 A phased approach was adopted to understand firstly the impacts of the developments, and secondly the mitigation measures which are deemed necessary to alleviate the impacts the modelling has identified.

- 2.3 Three distinct pieces of work were undertaken as follows:

- **Phase 1:** Highlighted the cumulative impacts of all growth in the south of Central Bedfordshire with the A5-M1 Link, new M1 J11a and Woodside Link all in place.
- **Phase 2:** As Phase 1 but with a revised design of M1 J11a to alleviate problems

modelled to arise at the junction in future year's scenarios, as identified in the Phase 1 evaluation.

- **Phase 3:** An assessment of appropriate mitigation measures to address the impacts of the HRN2 and Thorn Turn developments identified in Phase 2.

### **3. Phase 1 – Assumptions, Issues and Outcomes**

3.1 The modelling work highlighted that the HRN2 and Thorn Turn developments would not have a detrimental impact upon the operation of the road network in 2021 and 2026 'am' and 'pm' peak periods.

3.2 It could be interpreted from the reporting that this was predominantly as a result of the inability of M1 J11a to release demand onto the A5-M1 Link, with delays experienced on the southbound slip road onto M1 J11a as a result.

3.3 Congestion was identified on the A5120 Bedford Road in a southbound direction towards Houghton Regis and in a northbound direction towards Toddington at the junction with the new A5-M1 Link.

3.4 It is on the basis of this report that Highways England have stated that they have no objection to the developments coming forward.

### **4. Phase 2 – Assumptions, Issues and Outcomes**

4.1 The second report incorporated a new enhanced capacity M1 J11a, designed to alleviate the delays and congestion experienced to occur in the 2021 and 2026 analysis.

4.2 The design of the enhanced capacity junction forms one solution to the problems experienced at the junction but no assessment has been undertaken to establish whether or not it is the most effective or preferred solution.

4.3 This enhanced capacity junction will only be provided as part of the development of the Land North of Luton site allocation in the Development Strategy.

4.4 The consequences of releasing demand at the

junction are significant. In the 2021 and 2026 'am' and 'pm' scenarios, both the Strategic Road Network (SRN) and the local road network experience delays as a consequence of the HRN2 and Thorn Turn developments and other growth assumptions in the south of the authority.

4.5 Journey time delays are particularly apparent on:

- A5 (northbound towards junction with A5-M1 Link)
- A505 (eastbound towards junction with A5, as a result of queuing along the A5)
- A5120 (southbound towards junction with A5-M1 Link)
- A5120 (northbound (towards junction with A5-M1 Link)

4.6 As a consequence of these findings it was determined that work was required to identify mitigation to alleviate the impacts on the network.

## **5. Phase 3a – Identification of Mitigation**

5.1 The third report detailed three alternative approaches to mitigating the impact of the HRN2 and Thorn Turn developments focusing upon:

- A highways based solution,
- Smarter choices interventions, and
- A combination of the above.

5.2 From the analysis undertaken by AECOM, it was determined that a highways based solution which comprised signalisation at the A5/A5-M1 Link roundabout and at the A5120/A5-M1 Link roundabout, together with the application of smarter choices measures would provide sufficient mitigation to alleviate delays in the 2021 'am' and 'pm' peak periods.

5.3 Whilst delays would reduce on the local road network as a result of this mitigation, delays on the A5-M1 Link would increase at both junctions, although, within an 'acceptable' range in the view of AECOM.

5.4 Highways England expressed only mild support for this intervention in terms of the impact on their network in 2021, at a meeting on 21 May 2015.



**6. Phase 3b – Identification of Mitigation in 2026**

- 6.1 Despite the relative success of the signalisation intervention in the 2021 scenario, in the 2026 ‘am’ and ‘pm’ peak period scenarios, the level of delays on the network were considered to be significant and the proposed mitigation combining both the signalisation of the roundabouts and the introduction of smarter choices measures, insufficient to cater for the increase level of demand on the network.
- 6.2 These findings resulted in the Transport Strategy Team requesting AECOM to further consider the measures required to fully mitigate the impact of the HRN2 and Thorn Turn developments, in the context of wider growth in the south Central Bedfordshire area.
- 6.3 Two options were explored as part of this further work – an enhanced signalisation option and a Grade Separated Junction (GSJ) option.
- 6.4 The GSJ option was soon dismissed as the costs this would incur would be prohibitive to the scheme. However the option which encompassed an enhancement to the original signalisation approach was demonstrated to alleviate delays on the network with all signals clearing within a single green phase, a threshold deemed acceptable by the authority.
- 6.5 Whilst endorsement for this mitigation is still to be sought from Highways England, the authority is confident that the intervention will provide the necessary management of the network to accommodate the increase in trips the HRN2 and Thorn Turn sites will generate.
- 6.6 Subsequently a sensitivity test was undertaken with a further 10% demand factored into the model, and this also demonstrated the network performing at acceptable levels.
- 6.7 Finally, the modelling work identified the extent to which the developments were reliant on the Woodside Link scheme. Some 4% of all northbound trips on the Woodside Link in peak periods were identified to have a destination within HRN2 / Thorn Turn.

**7. Position of Highways England (formerly the Highways Agency)**

- 7.1 Following receipt of the modelling reports into the impact on the highways network and a meeting between AECOM, Central Bedfordshire Council and HE on Thursday 21 May 2015, HE has issued no objection to the Bidwell West planning application and makes no request for mitigation from the Bidwell West development.
- 7.2 Highways England has issued correspondence stating that they do not object to the developments at Thorn Turn in respect of the highways depot, waste facility or commercial development.
- 7.3 This is on the basis that having reviewed the AECOM reports, HE consider that they do not demonstrate the congestion problems identified are specifically as a result of the HRN2 and Thorn Turn developments, but cumulative impacts as a consequence of as yet further uncommitted development to the North of Luton.
- 7.4 HE have stated that they can not take uncommitted development into the equation when assessing the impact of a given applications and hence have considered HRN2 and Thorn Turn on their own merits. These conclusions reflect the findings of the Phase 1 Report produced by AECOM and issued on 31 October 2014.
- 7.5 Given that the uncommitted development to the north of Luton is associated with the enhanced capacity M1 J11a it is evident that the HRN2 and Thorn Turn developments do not result in undue congestion on the network and that there is sufficient capacity for these sites to come forward.

## **8. Addressing the Impact of Development**

- 8.1 Whilst the position of Highways England is understandable, Central Bedfordshire Council and the Transport Strategy Team need to take a more strategic approach and consider the totality of growth envisaged within the authority in the period up till 2026, including the north of Luton development and associated infrastructure improvements at M1 J11a.
- 8.2 It is the opinion of the Transport Strategy Team therefore that the HRN2 and Thorn Turn developments will contribute towards a cumulative impact of growth in the area and give rise to unacceptable congestion as demonstrated in the

2026 scenario testing.

- 8.3 As a result of this, it is felt to be reasonable and equitable to secure funding to alleviate the impact on the A5, A505 and A5120 in particular, whilst also contributing to the Woodside Link scheme, and providing dedicated funding for sustainable travel improvements.

## 9. Cost of Mitigation

- 9.1 Given the above areas of mitigation identified as being necessary to facilitate the development at HRN2 and Thorn Turn a contribution of **£5,000,000** is deemed to be appropriate to secure from the **Bidwell West** development through the S106 Agreement process.

CBC Transport Strategy  
– Travel Plans

- A Framework Travel Plan has been provided.
- Contributions towards implementation of travel measures will be required and this should be referred to in more detail in future revisions of travel plans.
- It is proposed that CBC will oversee the implementation of travel plan measures.
- An appraisal of the Framework Travel Plan is provided. Any final Travel Plan will need to provide further clarification in respect of measures to promote sustainable travel across the Houghton Regis North development area; working arrangements, working groups, bicycle user groups, etc.; sustainable routes to nearby railway stations; an action plan regarding when/ how targets will be revised and on what basis; and implementation and timescales.

Highways England  
(formerly Highways  
Agency)

21/05/2015 & 24/06/2015:  
No objection.

Environment Agency

27/02/2015:

- The modelling report provided within the Environmental Statement has been reviewed and is fit for purpose.
- It is proposed that all surface water would be discharged to the River Ouzel at a rate of 3l/s/ha through suitable flow control. Attenuation will be provided in ponds with capacity to store run-off from rainfall events up to and including 1 in 100 year events including allowance for climate change (30%).
- The River Ouzel is within the jurisdiction of the

Internal Drainage Board, whose prior approval will be required.

- Prior to any planning permission, the proposed discharge rate should be checked. Given the size of the development and the potential increase in downstream flood risk, the proposed discharge rate should be checked for sensitivity against other methodologies to ensure this is an accurate representation of greenfield rates. The discharge rate should be based on the positively drained areas only to avoid double counting.
- Further consideration should be given to the incorporation of Sustainable Drainage Systems at this stage to be agreed following further investigations.
- Subject to this, planning permission could be granted with conditions to protect and prevent the pollution of controlled waters and secure a scheme of surface water disposal.

#### Other Comments

- Otter Spraint was recorded by the EA in the Ouzel Brook corridor in February 2015 suggesting that the brook provides an important wildlife corridor for otters.
- The presence of otters suggests fish are likely to be present. EA surveys undertaken in Eaton Bray in May 2013 showed large numbers of dace, gudgeon and other minor fish species. A fish population and invertebrates survey should be carried out to assess the ecological status of the brook. It is essential that the wildlife corridor is maintained to protect important wildlife habitats.
- Whilst the sewerage undertaker has to accept foul flows from any development that has gained planning permission, this Environmental Statement should firstly demonstrate that the proposed development is worthy of planning permission and should therefore identify all significant environmental effects, including any secondary or indirect effects.
- The Environmental Statement should include confirmation that there is sufficient capacity within the sewers in the immediate vicinity but also elsewhere in the sewerage network including the Sewage Treatment Works (STW). It should also confirm that an increased discharge from the STW would not compromise compliance with environmental legislation (principally the Water Framework Directive).
- Concerns are raised that the ES does not

effectively quantify sensitivity receptors with reference to the Ouzel Brook. It is noted that the Luton Water Cycle Strategy has been produced for CBC in support of the Development Strategy and this demonstrates the development can be accommodated at the STW.

- Whilst no objections are raised on water quality grounds, the developer is encouraged to continue to work with Anglian Water to ensure foul drainage infrastructure is delivered ahead of the site being occupied.
- There is no mention of waste or resource efficiency in the Environmental Statement. As a minimum there should be consideration of the waste hierarchy and the promotion of waste prevention measures. A Materials Management Plan is encouraged.
- The water resources strategy is considered to be adequate but could be improved by providing a firmer commitment to usage targets and more detail around the measures proposed to reduce water use.

Buckingham and River  
Ouzel Internal Drainage  
Board

05/03/2015:

- The principles set out in the Environmental Statement (discharge rate of 3l/s/ha to proposed attenuation ponds to store run-off from rainfall events up to and including 1 in 100 year events including allowance for climate change) are acceptable.
- The Board's consent would be required to discharge into to the Ouzel Brook and for any proposed works falling within 9 metres of the watercourse.
- Recommends planning permission be granted subject to conditions requiring approval of the applicant's storm water and construction proposals before commencements of development.

Affinity Water

13/02/2015:

- The site is located within an EA defined Source Protection Zone corresponding to Periwinkle Lane Pumping Station in Dunstable. This is a public water supply comprising Chalk abstraction boreholes operated by Affinity Water.
- Construction and operation should be carried out in accordance with the relevant British Standards and Best Management Practices, thereby reducing groundwater pollution risk.
- Construction works may exacerbate existing pollution. If pollution is found appropriate monitoring and remediation methods would need to be

undertaken.

English Heritage

27/02/2015:

- The proposal will impact on a number of designated heritage assets. Inadequate consideration has been given to the Thorn Spring Scheduled Monument (the moated site and woodbank). Concerns are raised regarding the setting of the Monument and further consideration should be given to its significance and the mitigation strategy in accordance with the principles of the NPPF.
- It is agreed that there would be minor impacts on the setting of the Grade II listed buildings to the north east of the site (The Old Red Lion Public House and Red Cow Farm House). The implementation of the proposed mitigation strategy including landscaping is encouraged.
- The Monument is located within a historically open, agricultural landscape. This contributes to its significance.
- There has been some erosion of the historic character of the landscape due to visual and noise intrusion from the adjacent road. Further urbanisation of the surrounding area would be harmful to the setting of the monument.
- Although the level of harm to the significance of the Monument would be less than substantial, under the NPPF, clear and convincing evidence that the development would bring public benefits that outweigh this harm would be required.
- The proposed 'buffer zone' around the Monument is noted. However a more substantial boundary to the woodland and better integration of the Monument within the green infrastructure strategy are needed.
- Consideration should be given to opportunities for future maintenance, enhancement and improved understanding of the Monument.

Natural England

05/03/2015:

SSSI No objection – with conditions

- This application includes Houghton Regis Marl Pits Site of Special Scientific Interest (SSSI). However Natural England is satisfied that there is not likely to be an adverse effect on this site subject to appropriate conditions
- The Environmental Statement identifies that mitigation is required to avoid an impact to Houghton Regis Marl Pits SSSI from increased recreational pressure. It is proposed that this would be provided through a combination of habitat management, access management and public

engagement. This mitigation would cover the entire quarry including the parts designated as SSSI and County Wildlife Site.

- Mitigation would also include the provision of an area of informal open space to the north of the quarry within the built development zones.
- The application does not currently include detailed prescriptions for how this mitigation would be delivered and therefore it is essential that an Ecological Management Plan be agreed through a planning condition to fully describe the measures necessary to ensure condition of the SSSI is maintained and where possible improved. Such a management plan will need to include the whole of the quarry (including areas of County Wildlife Site as well as SSSI) and it would be strongly beneficial for the plan to include all proposed areas of informal open space across the application site.
- Satisfactory soft landscape proposals would need to be provided for the informal open space areas. The mitigation identified in the ES includes the use of these informal open space areas to reduce recreational pressure on habitats within the quarry so they will need to be appropriately designed at the detailed stage so as to offer an attractive alternative to recreational use of the quarry.

#### Other advice

- Local Planning Authority should assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity); local landscape character; and local or national biodiversity priority habitats and species.
- Natural England standing advice is available to aid the Local Planning Authority in the consideration of the impacts on protected species.
- It appears that the proposed development comprises approximately 115 ha of agricultural land, including 95 ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
- It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc). In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

- The developer should use an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

02/07/2015:

The previous advice of Natural England can be relied upon. The need for an Ecological Management Plan to be secured by condition is reiterated.

The Wildlife Trust

10/03/2015:

- The ecological considerations set out within the ES are noted and the proposed mitigation seems well thought out.
- It is noted that some ecological survey work dates from 2012. This will need to be updated at various stages to inform detailed planning proposals.
- The proposals will retain many of the natural features of the site and provide vital connectivity in support of the protected species on site including badgers, bats and otters. It is important that these links are maintained and not encroached upon by the development.
- Harvest Mouse habitats were observed on site adjacent to the Ouzel Brook in March 2015. Harvest Mice are a species of principal importance and need to be taken into consideration as part of management arrangements for the natural areas of the site. Otter Spraints of various ages were also observed adjacent to the brook. The proposals for the brook corridor including balancing ponds could create the right conditions for both species and support other habitats.
- It is noted an important hedgerow runs along the length of the Ouzel Brook. Some re-profiling of hedgerows in other areas is worthwhile considering to create a more varied habitat.
- The proposed wildlife warden building is welcomed as this would support the management of the wildlife site and provide a focus for public interaction with the wildlife area. The details of its precise siting, structure and use will need to be the subject of further discussion along with access and security considerations as, in its present location, the building is to some degree isolated. *[OFFICER NOTE: This element of the proposal has now been removed from the application following initial consultation in light of concerns regarding the location, use of the building and its landscape and visual impact. This matter is addressed in greater detail below].*



- It is noted that the Planning Statement states the delivery of aspects of the scheme will be subject to negotiation with the Council and discussions would involve affordable housing and scheme viability. Whilst the project must be economically viable, the project must also be viable from an ecological perspective.
- It is unclear how green infrastructure would be phased. In 2011, funding for the rehabilitation of the former quarry wildlife site was delivered in connection with the neighbouring Bovis homes housing development at Tilia Park. This has resulted in a significant reduction in anti-social use of the site. It is important that this improvement is maintained. It is hoped that the major areas of open space not associated with any housing parcel will be put in place at the start of the development with ongoing management funding.

26/06/2015:

- It is disappointing that the wildlife warden building has been omitted from the application. Objection is raised to this change.
- Discussions regarding ongoing management and conservation of the former quarry wildlife area have been ongoing for a number of years. A local hub is essential to provide a base for the site management team including staff and volunteers; the storage of the site management tools and equipment; and form a focus for the community to educate them about the importance of the local wildlife and as a meeting point for community engagement.
- Ideally the warden accommodation would provide a home for a warden providing out of hours cover for accidents and emergency and to provide enhanced levels of security.
- The building could be carefully designed to minimise its landscape and visual impact.
- The building was proposed as a feature of the overall management of the natural areas rather than just an adjunct to the chalk pit.
- It is disappointing that public art is not envisioned within the former quarry.
- The concerns previously raised regarding the phased delivery of major open space areas is reiterated.

NHS England

09/04/2015 & 23/04/2015:

- The proposed development would result in circa 4,440 new registrations.

- Houghton Regis Medical Centre is the closest GP practice to the site. The existing medical centre is already deemed constrained at 27.35 patients per sqm, in excess of the 20 patients per sqm over the NHS England accepted capacity for the area.
- Financial contributions are sought to support this practice.

National Grid

03/02/2015 and 02/07/2015:  
No Objection.

Anglian Water

18/03/2015:

- There are Anglian Water assets within or close to the development. It is recommended that this and related legislative requirements should be noted as part of an informative attached to any planning permission on the site.
- The adjacent foul water treatment facility has the potential to result in odour nuisance and loss of amenity to sensitively located property. The development must provide effective distance between the treatment works and sensitive accommodation on the basis of an odour dispersion model.
- The foul drainage from the development would be within the catchment of the adjoining foul water treatment facility which has capacity to accept these flows.
- A drainage strategy should be secured by condition to address flood risk.
- The Environment Agency should be consulted in relation to surface water strategy and flood risk.
- The consent of Anglian Water will be required for the discharge to a public sewer from employment and commercial premises. An informative to this effect is recommended.
- A condition to secure a foul drainage strategy for the development is recommended.

02/04/2015:

- An Odour Emission Survey Report (July 2013) has been prepared by Anglian Water.
- We are satisfied that this report does not need to be reviewed in the context of this planning application.
- The proposed open space will be exposed to odours up to 5 OUE/m<sup>3</sup> based upon the findings of the above report. However given our experience of similar facilities being located in proximity to water recycling centres elsewhere we consider that the potential risk from odours is acceptable.
- The proposed open space are likely to include

landscaping therefore the adjacent foul water treatment facility could potentially be screened from the proposed development which could reduce odour risk.

- The report prepared by Anglian Water includes the following recommendation: 'the layout of the residential element of the proposed development is designed so as to ensure habitable buildings and associated high amenity areas, such as gardens are positioned outside of the modelled contour for the 1.5 OUE/m<sup>3</sup> contour.'
- Therefore Anglian Water would have no objection to this planning application in relation to potential odour risk assuming that sensitive development such as residential areas, residential gardens and the school is located outside of the 1.5 OUE/m<sup>3</sup> contour.

Sport England

26/02/2015:

- No objection to the scale of outdoor sports facility provision proposed.
- Object to the lack of provision for rugby union pitches and the indicative layout of the playing fields.
- Objection to the lack of proposals for indoor sports provision.

*[OFFICER NOTE: Following initial consultation under the application, Officers have agreed amendments to the proposal which would allow for off site contributions towards local rugby facilities at the Dunstablians Rugby Union Football Club. A financial contribution towards indoor sports provision is proposed, as agreed with CBC Leisure. The final layout of the proposed playing fields is to be resolved as part of subsequent detailed submissions].*

Bedfordshire Police

27/02/2015:

There would not appear to be sufficient detail within the Design and Access Statement to usefully comment on community safety.

Bedfordshire Fire &  
Rescue Service

17/06/2015:

- The Utilities Statement is provided as part of the application. This states that the water main providing water to the existing housing is of insufficient capacity to provide a water supply to the proposed development. A new supply will be installed as part of the new proposed A5/M1 link road. A new low pressure main would be installed around the site with connections to each dwelling. All services would be below ground.
- No reference is made to hydrants for the purpose of

firefighting which will need to be secured for the development.

Central Bedfordshire  
and Luton Local Access  
Forum

01/07/2015:

- Concern is raised regarding developments within the growth area progressing in a piecemeal way meaning proposals may be viewed in isolation.
- The proposed access corridor along the Ouzel Brook is welcome. This should be co-ordinated with the similar access corridor proposed for HRN1 and link with FP57 which should be upgraded. Consideration should be given to extending the bridleway through this corridor.
- It is noted the application does not detail proposals for a crossing of Bedford Road to HRN1.
- A Pegasus crossing should be provided on the bridleway at Thorn Farm. Consideration should be given to routing the bridleway alongside Thorn Road, rather than through the development areas.
- Improved off-road access from this site to the west, towards Sewell would be welcomed.
- In the interests of safe cycle and buggy/pushchair friendly off-road access to Houghton Regis Town Centre, an opportunity exists to link the Ouzel Brook green corridor and Farriers Way (leading to Millers Way) with an (almost) completely off road cycle/footpath.
- The inclusion of green space for community use is welcomed. It is noted that a substantial area of the green space within the proposals is a SSSI managed by an external agency (the Wildlife Trust), primarily for the benefit of wildlife and in accordance with that agencies aims and objectives. The remaining areas should be managed primarily for the benefit of the community by an agency that is democratically accountable to that community.

Royal Society for the  
Protection of Birds

26/02/2015:

- The development presents an excellent opportunity for a high quality outcome in integrating development with nature conservation and amenity opportunities.
- The potential for house sparrows and swifts in the area has been identified. Both species have dramatically declined in recent years. It is strongly recommended that nesting/roosting places be incorporated within buildings throughout the development. Detailed advice regarding best practice installation is given.
- All boundary treatments should ensure site permeability for wildlife such as hedgehogs, reptiles and amphibians. Gulley pots should be avoided as

these are harmful to amphibian habitats.

- A full Sustainable Drainage Scheme should be encouraged with an emphasis on source control and conveyance through permeable surfaces, kerb-side rain gardens, tree pits, filter strips and swales. This should be an integral part of the attractiveness of the public open space and provide wildlife opportunities.
- Biodiverse green roof opportunities should be explored.
- New landscaping should be in keeping with existing landscape and ecological features. Existing habitat types such as chalk grassland should be extended.
- A long term, integrated ecological and landscape management plan for the site should be secured.

The Chiltern Society

16/02/2015:

- The Society expresses its opposition to the development.
- The Society is opposed in principle to any development within the Green Belt as new housing should be provided on Brownfield sites.
- The proposal is contrary to the principles of the NPPF as it would result in the loss of good agricultural land in the Green Belt. The development would not satisfy exceptional circumstances under the NPPF.
- Whilst the regeneration of the disused quarry pit would greatly benefit the community, the development would result in a considerable loss of recreational amenity for walkers on footpaths which cross the site including the Icknield Way and Chiltern Way.
- The proposals for these two footpaths are noted.
- It is requested that the application be refused and the Society is consulted on any change to the proposals.

30/06/2015:

- FP4, forming part of the Chiltern Way, should be retained and realigned to fit with the development rather than being removed and replaced by an informal path.
- Retention of FP47 is welcomed, it should be extended a few metres to connect with FP57.
- Bridleway 27 to Thorn Farm is not shown as it is outside of the application site. This will be a good link from FP56 to FP26.
- Other than concerns regarding FP4, the proposal is welcomed given the proposed protection for the route of the Chiltern Way, alternatives for the

deleted FP47 and improved access planned north/south across green space.

Canal and River Trust

09/02/2015 & 18/06/2015:  
No comment.

Voluntary and  
Community Action

03/03/2015:

- Objection. The proposal does not comply with national and local planning policy in respect of social and community infrastructure.
- It is recommended that this is addressed by way of planning obligations and conditions.
- Reference is made to DSCB Policy 21 and its supporting text which concerns Provision for Social and Community Infrastructure.
- Reference is made to the Council's 2009 Planning Obligations SPD which anticipates interim/permanent community facilities being required for large housing schemes.
- Objection is raised to the layout of the proposed school, local centre and sports facilities and specifically the relationship between these and the proposed road network. Concern is raised this would result in road safety danger. It is requested that strong consideration be given to these being co-located rather than being separated by a new road to encourage shared use.
- The application does not state when the proposed community centre would be provided. Objection is therefore raised to the phasing and timing of the development.
- If the community centre would not be provided prior to the first occupation on the development, the developer must be required to provide interim community facilities.
- It is understood that the community land would be provided by the developer free of charge with a cash contribution towards construction. This must cover the cost of building and maintaining the facility.
- Objection is raised on the grounds that the size of the proposed community facility is not defined. This should accord with Sport England community and village hall standards.
- It is calculated that the development will result in 25 new community groups and 1,154 new volunteers. It is essential that permanent/interim community facilities are available from the start of the new development to support community workers in welcoming new residents, providing information and advice, and promote and facilitate community development with local partners and community

leaders.

- Various terms are recommended to ensure the proper provision of community facilities for the development through S106 Legal Agreement or planning condition.

National Air Traffic  
Services

16/06/2015:  
No objection.

National Planning  
Casework Unit

10/02/2015:  
Receipt of Environment Statement acknowledge. No further comment.

### Other Representations

Barton Willmore on  
behalf of the Houghton  
Regis Development  
Consortium (for HRN1)

10/03/2015:

We have undertaken an initial review of the documents submitted in support of the application. We understand that whilst a Transport Assessment has been prepared, the applicants and CBC are undertaking further transport modelling and analysis. We understand that this is to be submitted to CBC formally, as part of the application, at a later date (to be confirmed). As such, whilst we may have comments to make in respect of the HRN2 application, we will await the further submission before making formal comments.

01/07/2015:

We are in the process of reviewing the documentation submitted. We are in dialogue with transport officers regarding the Transport Assessment, and its Addendum, and are hoping to obtain some further information from them in the near future in order to facilitate our review of the application. We are also still reviewing other aspects of the recent submission.

David Lock Associates  
for on behalf of Trenport  
Investments Ltd. and  
Cemex, (promoters of  
land north-west of  
Dunstable)

11/03/2015:

- Object.
- The applicant contends that very special circumstances exist to justify the grant of planning permission in the Green Belt. However under Government Policy unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development within the Green Belt.
- The applicant relies upon a wider range of considerations than unmet housing need including the derailment of two emerging local plans that proposed the site’s allocation. This is not

considered “very special”. The site’s allocation is not yet endorsed by an independent examiner but remains the subject of weighty objections.

- The site is peppered with significant physical and environmental constraints. The geography prevents effective integration with Houghton Regis and subdivides the proposed development areas into small, isolated and fragmented parcels which would not result in a sustainable form of development. The proposal attempts to integrate with Houghton Regis by including an enclave of development to the south of Blue Waters Wood but this does not reflect the sensitivity of the landscape character in this location. The proposals are clumsy in terms of their relationship with Bidwell, failing to respect its character and assets.
- The principle of development of the site should be considered through the Local Plan process rather than via this planning application.
- The permission for HRN1 does not set a precedent for the grant of planning permission on this site. The required “very special circumstances” for the HRN1 permission were largely due to its delivery of the A5-M1 link road. The current application would not deliver any equivalent infrastructure.
- It is considered that the applicant’s Planning Statement contains a number of typographical and factual errors relative to its explanation of planning policy considerations.
- Permission should not be granted for the application. Any approval should await the required thorough and independent examination of the principle of the area’s development and removal from the Green Belt.

26/06/2015:

- It is considered that a contribution towards the Woodside link road would be unlikely to meet the statutory tests for planning obligations. The geographical and functional relationships between the site and the Woodside link road mean that the tests of necessity, directness and reasonableness would not be met.
- The Council has committed to underwrite the cost of the Woodside Link Road by resolution of the Executive on 31st March 2015. The Executive report contained no reference to the possibility of a contribution from the Bidwell West application inferring that it was recognised that such a contribution would be unlikely to meet the statutory tests for planning obligations.
- The Council should place no weight on this



contribution in the consideration of very special circumstances.

- The proposal holds a superficial attraction of filling in a tract of land which will be contained by the forthcoming A5-M1 Link but this is at a high environmental price which should be examined through the plan-making process.

Local group of churches, including the Diocese and Methodist Circuit

11/03/2015:

- We are pleased to find reference in the Community Involvement Summary to our earlier discussions regarding developing and managing a community centre on the site. Concern is raised regarding the proposal to provide 0.3Ha of community land as part of the local centre. Previously 0.5Ha had been envisioned. If the 0.3Ha proposed is to include parking, this would be inadequate.
- Concern is raised regarding the configuration of the school, local centre and playing fields which would be separated by the main road and a watercourse which would mitigate natural interaction between them. Co-location produces benefits around parking, increased use of the community centre and leisure facilities, enabling children and parents to easily and safely transition from one activity to another.
- We would like to be able to develop community activities from the outset and believe that it is important that this is achieved. We would welcome clarification of an early release of land, a clear commitment from the developer to financially contribute to the building costs of a centre and the provision of a temporary community facility while the main centre is being constructed.
- We are keen to be involved in the initial welcome of new residents and would be interested in a partnership to develop outreach activities to extend the centre's activities into the new community in the initial years until voluntary activity is properly established.

02/07/2015:

- Pleased to note that the proposed site for the community centre is 0.5 of a hectare although would be concerned if this was encroached on severely by parking.
- Welcome the provision of a separate building for the community facility in the revised plan
- Would like reassurance that it will be possible to work on the final local centre layout to improve the inter-relationship/co-location of the community, education, residential and retail facilities to

maximise benefit to all.

- These should be situated together on the same side of the road but recognise there are physical limitations to the site which may constrain this. It is recognised that the plan is seeking to mitigate the barrier the road will create through a range of traffic calming measures.
- Would like to see provision for a wider variety of sports to be provided i.e. to reach beyond football to a more diverse usage. The changing rooms currently remain located alongside the pitches but could be helpfully included and managed in the centre if there was closer proximity.

Bidwell Farmhouse,  
Bedford Road

19/03/2015:

- The submitted Design Code is intended to influence final design and layout. There are a number of issues with the Design Code as submitted in relation to the proposals for C4 Bidwell Mews character area which is proposed adjacent to Bidwell. It is requested that the applicant substantially rewrite the Design Code in conjunction with input from residents.
- Bidwell Farmhouse and the neighbouring dwellings are served by a private access drive within the ownership of the applicant. Residents benefit from access rights over this private drive. Residents are concerned to ensure the private drive is not used in connection with the development. It has been requested by residents that the private drive be conveyed to householders rather than retained by the applicant in connection with the proposed development.
- The proposed development will change the context within which Bidwell Farmhouse and the neighbouring barn dwellings sits, giving rise to safety and privacy implications for existing residents which may need to be addressed at a cost to householders. It is expected that developers will recognise this mitigation cost and enter into discussion with existing residents regarding this. It is expected that the Council will support residents in this discussion.
- Whilst no objection is raised to the overall HRN2 development, it is considered that the Council should make strong statements now about these points of concern and the overall cumulative effect on the lives of neighbouring residents to protect the interests and quality of life of householders.
- Concern is raised that the planning proposals within the wider site are not consistent with the guidelines

within the Houghton Regis (North) Framework Plan as consulted on with residents. The Council should avoid a piecemeal approach.

- Together with other housing developments, the proposal would give rise to increased traffic on Bedford Road.
- The development should provide common utilities infrastructure for the areas including mains sewerage for existing residents, gas and high-speed broadband.
- The housing developments should be designed to integrate sympathetically with the existing dwellings including Bidwell Farmhouse and the neighbouring properties in respect of property aspects, building spacings and character.

Barker Parry Town  
Planning on behalf of  
residents of Bidwell  
Farm Barns and Bidwell  
Farmhouse

19/05/2015:

- Residents have followed emerging policy and note the application is made in advance of the Development Plan being formally adopted.
- Green Belt policy and the need for very special circumstances are acknowledged.
- Concern is raised that Design Code elements could pre-empt subsequent reserved matters and that the Design Code forewarns what could be anticipated.
- The land around Bidwell is excluded from the Houghton Regis (North) Framework Plan. This is not reflected in the current application which shows development in this area, accessed via Bedford Road.
- The Regulating Plan and character area coding forming part of the Design Code (January 2015) does not provide clarity regarding the design aspirations for the area around Bidwell Farm or sufficiently acknowledge the relationship between the development and Bidwell Farm.
- Insofar as it relates to Bidwell Farm, the Design Code (January 2015) is unsatisfactory and strong objections are raised.

02/07/2015:

- Notwithstanding the scheme amendments, there is no explicit reference to the Bidwell Farm complex or previous representations regarding this in the text of the Design Code document.
- The amended proposals show a wider swathe of open space to the west of Bidwell Farm, single sided development to the south and a continuous band of landscaped space around the perimeter of the barns and farmhouse. The distance from the farmhouse garden wall to the edge of the adoptable highway is annotated "25m".

- Further clarification will be required as to the extent of separation between new housing and the Bidwell Farm complex and whether the 25m separation would include a new access road and front gardens. If this is to include front gardens and the access road, this would not be appropriate, reasonable or acceptable.
- Clarification regarding allowable building heights in the area around Bidwell Farm.
- The proposed amendments are welcomed but further clarity in these respects will be required.

Optimis Consulting on behalf of landowners with the Bidwell area, east of the application site

02/07/2015:

Optimis are discussing the submitted plans and their client's land with the applicant.

Keepers Cottage, Bedford Road, Houghton Regis

20/02/2015:

- Object to the proposed access onto Bedford Road, opposite Keepers Cottage, which would increase noise, dust, light and risk of accident.
- Object to any further development which would increase footfall along Bedford Road where the footway is narrow and forces pedestrians to cross on a blind corner.

106 Plaiters Way

13/02/2015:

- Concern regarding the level of building work proposed within Houghton Regis.
- Concern there is no mention of medical facilities and schools.
- Concern regarding traffic impacts.
- Concern regarding the impacts on wildlife habitats.
- It is questioned whether the number of houses proposed are needed.

67 Bidwell Hill, Houghton Regis

19/02/2015:

- Object to the loss of countryside and on traffic impact grounds.

122 Bidwell Hill, Houghton Regis

20/02/2015:

- Object to the loss of Green Belt and open space which will impact on wildlife and residents due to loss of daylight, noise and air pollution.
- Concerns are raised regarding traffic impacts and the loss of local identity.

26 Dunstable Road, Houghton Regis

10/02/2015:

- Houghton Regis Town Council intend to provide

additional cemetery space in the area and had proposed the use of the existing recreational ground at Orchard Close for this.

- The Orchard Close site is subject to legal covenants preventing this use and strong local objection against a cemetery in this location.
- It is questioned whether the application will provide for a cemetery as no cemetery use was provided for as part of HRN1.

53 Garden Hedge,  
Leighton Buzzard

04/02/2015:

- Objection due to the impact on local landscape and site of wildlife interest.
- Particular concern is raised regarding the visual and landscape impacts of housing proposed at higher ground levels adjacent to Houghton Regis Quarry SSSI and on Thorn Spring CWS and Ancient Monument.

161 Cemetery Road,  
Houghton Regis

25/06/2015:

- Object to the removal of the wildlife warden accommodation from the application.
- This is not fully explained in the application.
- Landscape impacts could be resolved through design and landscaping in the context of the proposed housing areas.
- The scale and nature of the proposed development and ecological importance of the wildlife area fully justify the need for a wildlife warden building.
- Alternative locations for the building could be considered.

100 Westminster  
Gardens, Houghton  
Regis

05/02/2015:

- The Co-op has closed and the Tesco Express is due to close. This should be considered in the retail assessment.

25/02/2015:

- Development at four and five storeys should be considered to free up more land for cemeteries and open space.

25/02/2015:

- There is an urgent need for a new cemetery in Houghton Regis. It is suggested that this be provided within the proposed open space on this site. Developers should provide funding to investigate the potential for this. The main road within the site should be provided at an early stage to provide access to a cemetery.

15/06/2015:

Objections are raised on the following grounds.

- No cemetery is proposed.
- The relationship between the rifle range and school.

*[OFFICER NOTE: An existing rifle range facility is located several hundred metres to the west of the application site on land at Thorn Turn which is within the ownership of Central Bedfordshire Council. This site is subject to a separate development proposal for employment uses. This application is presently under consideration and included on the same Committee agenda. The education land parcel forming part of the outline 'hybrid' application for Bidwell West (HRN2) is proposed to be transferred to Central Bedfordshire Council. Accordingly both land uses would be within the control of the Council. Having regard to health and safety precautions associated with the rifle range with respect to the existing public rights of way network around the site and users of new development now proposed around the site it is considered that the risks to current and new users are considered to be low.]*

- Developer contributions towards the Woodside link road could impact on funding for play equipment, doctors surgeries and schools.

The following comments are made.

- FP11 seems a pointless path. It was thought that this had been removed.
- It is surprising there is no plan to straighten out the road between Thorn Spring and Bidwell Spinney.
- A road near the edge of the quarry should not provide for opportunities for fly tipping in the quarry.
- The footpaths suggested for removal should be agreed.
- The number of road crossings shown to be provided within the site is queried.
- An alternative name should be adopted for the Park View Crescent character areas as there is already a Park View Close in Luton.

### **Determining Issues**

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

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

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

1. Compliance with the Adopted Development Plan for the Area

2. Compliance with the National Planning Policy Framework
3. The weight applied to, and compliance with, the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to, and compliance with, the emerging Development Strategy for Central Bedfordshire
5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Environmental Impact Assessment: Issues arising and their mitigation
  - a. Ecology
  - b. Ground Conditions
  - c. Heritage and Archaeology
  - d. Landscape and Visual Assessment
  - e. Noise and Vibration
  - f. Transport
  - g. Air Quality
  - h. Water and Flood Risk
  - i. Sustainability and Energy
  - j. Socio Economic Effects
  - k. Agricultural Land
  - l. Cumulative Effects
  - m. Other issues
7. Issues
  - a. Transport and highways
  - b. Design concept, density, housing mix and type
  - c. Leisure, open space provision, green infrastructure
  - d. Utilities infrastructure
8. Other matters
9. The Requirement for Planning Conditions
10. The Requirements for Planning Obligations
11. Conclusion

## Considerations

### **1. Compliance with the Adopted Development Plan for the Area**

- 1.1 The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The National Planning Policy Framework sets out this requirement:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” (para. 2)*

1.3 The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.” (para. 12)*

1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.

1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).

1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.

1.7 Policy NE10 sets out the Council’s adopted policy in respect of the change of use of agricultural land which will be considered favourably provided the development is appropriate to the rural area; compatible with Green Belt Policies; has no adverse impact on nature conservation or protected areas; does not result in the loss of the best and most versatile agricultural land; and has no significant adverse impact on the transport network or landscape. Having regard to the detailed assessments set out below, it is considered that the proposal would not have an unacceptable impact on the transport network or landscape and local character. The proposal would support the ecological interest and long term conservation management of the adjoining wildlife areas and provide for suitable mitigation measures to address the ecological impacts arising. The development would conflict with current Green Belt policy. The proposal relates to a total of 115.2ha of agricultural land. Of this, a total of 95.3ha is categorised as the best and most versatile agricultural land (Sub-Grade 3a – Good). In these respects the proposal would be in conflict with SBLPR Policy NE10. This conflict must be considered in the context of the wider benefits arising from the



development which are addressed in depth within the assessment of very special circumstances in support of the proposal as set out below.

- 1.8 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted parameter plans, Design Code and supporting documentation it is considered that the proposed development is capable of achieving delivering high quality development through subsequent detailed planning stages. The application is therefore considered in compliance with Policy BE8.
- 1.9 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.10 Policy T13 relates to the protection of highway safeguarding areas as defined on the proposals map for the SBLPR 2004. This includes the general location and route of the consented A5-M1 link road which adjoins the northern boundary of the site. The proposal would not compromise delivery of the consented link road and is not in conflict with Policy T13.
- 1.11 Policies H3 and H4 set out the terms of the provision of housing to meet the needs of the elderly, single and other small households and affordable housing. The proportion of one or two bedroom dwellings should not be less than 33% unless this proportion would not be compatible with the site and its surroundings. Affordable housing provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 1.12 These policies were established before substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a general requirement for a mix of housing types, tenure and sizes in order to meet the needs of all sections of the community based on local needs, conditions and evidence, rather than a fixed proportion of smaller dwellings. There is a current requirement for 30% of the development for affordable housing purposes. Therefore Policies H3 and H4 are therefore considered to be out-of-date and it is recommended that limited weight is afforded to them in respect of housing mix and the indicative affordable housing target.
- 1.13 Policy R3 sets out a number of urban open space allocations. These include land adjacent to Plaiters Way which provides informal recreation and play provision (2.02Ha). This existing public open space is located outside of the application site, immediately to the east and would not be compromised by the proposed development. A 3.62Ha parcel of land to the west of Bidwell

Hill is also allocated for use as informal open space under Policy R3. This land falls wholly within the application site. Notwithstanding the 2004 policy allocation, this site has remained in use as arable agricultural land. The policy allocation was not carried forward as part of the subsequent withdrawn Joint Core Strategy. The emerging Development Strategy for Central Bedfordshire now proposes the allocation of the wider site for a strategic development to include a network of green infrastructure in support of the existing urban area, the strategic allocation and the wider countryside. For these reasons, little weight is applied to Policy R3 in relation to the open space allocation at Bidwell Hill. The application sets out land use proposals for significant areas of accessible open space of various types to be provided as part of the comprehensive development scheme for the wider site and this is assessed in relation to national planning policy and emerging local policy below.

- 1.14 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. The standards set out in the Central Bedfordshire Leisure Strategy, which was adopted as technical guidance for Development Management purposes in March 2014, supersede previous requirements set within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished.
- 1.15 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. The policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing rights of way, opportunities for enhancements to the network and new pedestrian and cycle connections which can be provided in connection with the development to improve recreational access to the countryside. The proposal therefore complies with the requirements of Policy R14.
- 1.16 Policy R15 seeks the retention of the existing public rights of way. There are a number of established public rights of way around the site. Additional and improved footways and cycleways can be provided in connection with the development and financial contributions towards the enhancement of routes outside of the application site can be secured by Legal Agreement to meet the policy aims of Policy R15.
- 1.17 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. Detailed waste management schemes and financial contributions towards the provision of waste services for the site can be secured in connection with the development. The development would provide for suitable separation and buffering from the adjoining sewerage treatment facility and specific designation of land at Thorn Turn for waste management uses in line with Policy GE25 of the 2005 Minerals and Waste Local Plan. The proposed does not therefore conflict with the aims of the Minerals and Waste Local Plans.

## **2. Compliance with the National Planning Policy Framework**

- 2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.
- 2.2 **Building a strong, competitive economy**  
The development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for the Houghton Regis area.
- 2.3 **Ensuring the vitality of town centres**  
The proposed development would include approximately 2,000 sq m of retail and service floorspace as part of the proposed 2Ha local centre. The proposed employment development could additionally provide for office accommodation as part of a dedicated employment area rather than in connection with other town centre uses as part of the local centre.
- 2.4 Under the NPPF, local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The retail and service elements of the scheme are designed to serve a specific local requirement for the development itself focused on small scale 'top up' convenience retail. The need for this is recognised as part of the policy requirements for local centre development for the site under emerging DSCB Policy 60 and the adopted Houghton Regis (North) Framework Plan. In the context of the current scheme, and given the nature of the proposed 'town centre uses', the application of a sequential test as the provision of these uses elsewhere would not ensure a sustainable form of development.
- 2.5 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sq m. There is no locally set threshold under the adopted Development Plan. Under Policy 11 of the emerging Development Strategy it is proposed that Retail Impact Assessments will be required for all proposals over 500 square metres gross external floorspace that are outside a designated town centre boundary. The scale of retail provision proposed is, therefore, significantly below the NPPF threshold.
- 2.6 The application is accompanied by a Retail Impact Assessment which examines the potential impact on existing, committed and planned public and private investment in centres within the retail study area of the site and the impact on the vitality and viability of local centres within the five year and ten year timeframes in line with paragraph 26 of the NPPF.
- 2.7 The Assessment is undertaken with reference to the Council's 2012 Retail

Study, its 2013 Addendum, the Experian Retail Planning Briefing Note 11 and the Mintel Retail Rankings 2013.

2.8 Houghton Regis Town Centre is the nearest centre to the application site. The neighbouring centre of Dunstable is in relatively close proximity but is located within a separate study area under the Retail Study. The centres of Luton and Leighton Buzzard are further from the application site. At the time of the Study, there were low levels of retail vacancies within Houghton Regis and overtrading within the convenience sector suggesting the centre is performing well despite its basic retail offer. There were significantly higher levels of vacancy within Dunstable.

2.9 Having regard to the projected trading figures for the proposed retail development, and the scale and nature of the town centre uses proposed, the impact on similar facilities within the catchment is anticipated to be very low. The proposal would not therefore conflict with this core policy objective under the NPPF.

2.10 **Promoting sustainable transport**

The site is well related to the local and strategic highway network with convenient access to the M1, Luton and Dunstable by car. The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development including the A5-M1 link road, Woodside Link road and the HRN1 development, and the impacts of the proposed development on the local and strategic transport network. Various proposed migration measures will be required to address these impacts including appropriate contributions towards the delivery of planned upgrades to the road network which are required in connection with the HRN strategic development such as the Woodside Link Road and other localised road improvements. There are public transport routes along the A5 Watling Street, Bedford Road and in proximity to the site there is a link to the Luton and Dunstable guided bus link. The development will need to support the provision of enhanced local bus service connections for the site. The development would provide a network of new footways, cycleways and road crossings to serve the site whilst accommodating and upgrading various existing routes where these need to be retained. The development would require some route rationalisation to ensure continuity within the rights of way network. The application is accompanied by a Framework Travel Plan which sets out proposed measures and initiatives to reduce the number and duration of private vehicle trips and encourage travel by sustainable means. Sustainable travel initiatives for the development are to be delivered by the Council through developer contributions provided from the site.

2.11 **Delivering a wide choice of high quality homes**

The proposed mixed use development, including up to 1,850 residential dwellings, would include a range of house types, sizes and tenures varying from 1 bed flats to 5 bed detached dwellings of 2 to 3 storeys. The proposed scheme would provide for a good mix of house types throughout the site. A range of properties are proposed to meet the local housing needs in the area and suitable for a variety of occupiers including families with children and the elderly. The range of dwellings will allow for adaptation to the changing needs of occupants and limited mobility users. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should

demonstrate that a suitable variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters schemes should reflect the latest available information on such requirements. The proposal would provide for on-site affordable housing at 30% of the total residential provision and this would be secured through Legal Agreement.

**2.12 Requiring good design**

The application is an outline 'hybrid' proposal with detailed matters relating to appearance, landscaping and scale reserved for subsequent approval. Whilst many detailed aspects relating to design will be for later consideration, the NPPF promotes good design at every level. At this stage, planning permission is sought in respect of the layout of land uses on a site-wide basis. The application is also supported by fixed development parameter proposals in respect of access and movement, building height and density. The submitted Design Code provides detailed written and graphically presented rules for building out the site. This provides design principles for built and landscape character areas with reference to a fixed regulating plan. This is accompanied by an Outline Public Art Strategy for the site which seeks to promote the natural and historic assets of the site through a network of connected public spaces. The masterplan principles and design framework underpinning the 'hybrid' proposal have been informed by the physical constraints and design opportunities presented by the site and by the planning policy context including the emerging DSCB and the Houghton Regis (North) Framework Plan as adopted for Development Management purposes. The proposal is capable of achieving a high quality development with a strong sense of place which would be well related to and integrated sympathetically with existing development, the wider strategic development area including HRN1 and the natural features to be retained.

**2.13 Promoting healthy communities**

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. The proposal would provide for key community elements including a new 2FE lower school, local centre development including 0.5Ha of land for community facilities, public sports pitches with associated changing facilities, public parks and gardens and a variety of informal open space areas with a network of access routes and recreational spaces. The need for suitable play provision can be secured in connection with the planning permission. Appropriate financial contributions to mitigate the impact of the development on facilities and services such as schools, local sports, leisure and recreation facilities can be secured by Legal Agreement.

**2.14 Protecting Green Belt land**

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

*"When considering any planning application, local planning authorities*

*should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

**2.15 Meeting the challenge of climate change, flooding and coastal change**

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development can be secured by planning condition and considered in the context of subsequent detailed submissions. The majority of the Bidwell West development site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which traverses the site broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3. No built development is planned within this area other than two new main roads which would cross the brook corridor. It is proposed that the Ouzel Brook would be retained in its present form and attenuation would be provided outside of the brook corridor to allow for 1 in 100 year storm events plus allowance for climate change. The detailed surface water drainage proposals have been appraised by the Council's technical officers and the Environment Agency. Subject to appropriate conditions the development would not give rise to an increased risk of flooding.

**2.16 Conserving and enhancing the natural environment**

The application was submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecological Statement addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The LVIA acknowledges the presence of the Houghton Quarry ridge line and Totterhoe Chalk to the escarpment which forms a prominent backdrop to the landscape. The escarpment and ridge line are identified within local landscape character appraisals as sensitive to development on the scarp top or on the plateau beyond. The proposal would extend the built form at the higher ground levels within the southern part of the site and along the ridgeline of the scarp slope to the west by a limited extent. The proposed built form would be perceived in the context of the wider urban area including the existing built form associated with the Millers Way residential area and the extended settlement area provided as part of the development. The LVIA is linked to landscape and open space proposals which would be provided to mitigate the visual impact of the built form on landscape character. Fixed development parameters and coded design elements are set out to ensure lower built density and height in this part of the site and to deliver structural planting and careful design of built frontage and levels as part of detailed planning. The development would provide for appropriate habitat mitigation, enhancement and conservation measures including ongoing conservation

management funding for the former quarry SSSI and CWS.

**2.17 Conserving and enhancing the historic environment**

The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods, Roman occupation and medieval settlement. The Scheduled Ancient Monument of Thorn Spring is excluded from, but surrounded on all sides by the application site. Concern is raised that the proposed built development would compromise the historic, open landscape setting of the moated site and associated woodland. Whilst the existing Thorn Road, which borders the SAM on its southern boundary, currently compromises this historic open landscape to a limited extent, the landscape remains open on three sides at present. It is also acknowledged that the route of the consented A5-M1 link road will also contribute to the cumulative impact on the open landscape setting of the SAM. Having regard to paragraph 133 of the NPPF, substantial harm to or total loss of the significance of heritage assets should be considered against any public benefits arising from the development. In this case, there are significant public benefits associated with the proposal which are addressed in greater detail within this report. Irrespective of this, the level of harm arising from the development is judged by English Heritage to be less than substantial under the terms of the NPPF. The revised masterplan and Design Codes supporting the application provide greater detail regarding opportunities to maximise the extent of natural buffering which can be provided between Thorn Spring and the built areas of the site through the provision of informal green corridors with appropriate planting on three sides of the SAM. The Outline Public Art Strategy and Design Code set out opportunities to draw on the contribution made by the historic environment to the character of the place created. Opportunities include an historic trail, public information and interpretation boards, public art features and places names reflecting the historic features of the area. This would provide for greater understanding of and community engagement with the historic environment. The proposals would have no significant adverse impact upon the setting of the Old Red Lion Public House, Red Cow Farm, or the Conservation Areas of Houghton Regis, Dunstable and Sewel. The Heritage and Archaeology chapter of the ES sets out the results of previous archaeological work in the area, desk based assessments carried out in connection with the Bidwell West site and trial trench investigations undertaken on the site in agreement with CBC Archaeology. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

2.18 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full below. It is considered that the proposal is compatible with all other relevant planning principles and aims under the NPPF.

**3. The weight applied to, and compliance with, the Luton and South Bedfordshire Joint Core Strategy**

3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South

Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the Joint Core Strategy was not abandoned due to a disagreement between the joint Council's regarding the HRN allocation and both Councils were supportive of the principle of the development allocation. The Joint Core Strategy remains relevant to current policy in so far as the evidence base which underpinned it has directly informed the Development Strategy which remains supportive of this growth agenda.

- 3.2 For these reasons, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23 August 2011 and has incorporated elements of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application and moderate weight is to be applied to it.
- 3.3 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report. However the proposal is considered to be in compliance with the policy principles of the Joint Core Strategy and would support the growth strategy set out.

#### **4. The weight to be applied to, and compliance with, the emerging Development Strategy for Central Bedfordshire**

- 4.1 The Central Bedfordshire Development Strategy document was submitted to Secretary of State 24 October 2014 and initial hearing sessions were held in February 2015.
- 4.2 On the 16 February 2015 the Planning Inspector, Brian Cook wrote to the Council explaining his view that the Council had not met the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004. This is a legal requirement that Local Authorities work cooperatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities and demonstrate this cooperation through the plan-making process. The need to comply with this requirement is distinct from the test of "soundness" i.e. whether the Plan is fit for purpose. Given his view that the Duty to Co-operate had not been met, the Inspector's letter recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final Report.
- 4.3 The Council has subsequently notified the Planning Inspectorate that it does not intend to withdraw the Development Strategy and that the Planning



Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector's decision dated 16 February 2015 was made by the Council in the High Court on 12 March 2015.

- 4.4 The first phase of the application for Judicial Review of the Planning Inspectorate's decision took place at a Court hearing on 16 June 2015. This was to consider whether the Court would grant the Council leave to have an application for Judicial Review heard in the High Court. The Judge did not support the Council's case, focusing on the mechanics of the plan making process. Having considered its case, the Council has decided to continue to pursue the challenge through the Courts and has now indicated its intention to do so. On the 22 June 2015 the Council lodged an appeal against this Judgement. The appeal process in relation to the Judge's decision on 16 June 2015 is ongoing.
- 4.5 The Development Strategy for Central Bedfordshire is not adopted policy, but is an important material consideration in the determination of the application and carries the weight as a submitted local plan. Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.6 The representations lodged in response to Policy 60 and the HRN allocations are therefore material to the consideration of the weight to be attached to the Development Strategy at this time. Following the Pre-Submission Consultation (known as Publication) further consultation was held between the 30 June to 26 August 2014. This was the final stage of formal consultation before the plan was submitted to the Secretary of State.
- 4.7 Approximately 1,645 comments on the Development Strategy were received during this consultation; these included both comments in support and objection. The comments considered as main matters can be found within the Main Issues Statement (Regulation 22 (1) (c) (v) – Submission (October 2014). In summary the objections to the Development Strategy related to the Duty to Co-operate, viability and deliverability of the Development Strategy, consistency with the NPPF, the allocation of sites within the Green Belt and the unmet housing need and insufficient supply of houses.
- 4.8 43 responses were received on Policy 60: Houghton Regis North Strategy Allocation. Of these 43 responses, 7 were in support, 17 were general comments and the remaining 17 were objections. The supporters of Policy 60 were; Woburn Sands and District Society, Axa Real Estate Investments Ltd, David Locke Associates, Houghton Regis Development Consortium,

Landhold Capital and Bidwell West Consortium.

- 4.9 The objections related to the viability and deliverability of the allocation, consistency with the NPPF, clarification on details of the allocation, specifically phasing, and the Duty to Co-operate. The objectors included; Paul Newman Homes, Trenport Investment Ltd, O&H Property Ltd, Compton Land Development, Taylor French Development, Harlington Parish Council, Chalgrave Parish Council and private individuals.
- 4.10 In terms of comparison to other Policies in the emerging Development Strategy related to sustainable urban extensions, namely North of Luton (Policy 61), East of Leighton Linlade (Policy 62), Wixams Southern Extension (Policy 63) and Chaulington (Policy 63A). Policy 61 received 60 comments of which 28 were objections and 4 in support. Policy 62 received 23 comments; 10 objecting and 3 in support. Policy 63 received 6 comments; 3 objecting and 2 supporting. Policy 63A received 12 comments; 4 objecting and 2 supporting. The objections received to Policy 60 were less than those received for the other Strategic Urban Extension (SUE) policies in percentage terms, with the exception of Policy 63A. The support and objections for and against Houghton Regis North was therefore in line with the support and objections received for the other SUE's.
- 4.11 The objections lodged in response to consultation on the Development Strategy, the Inspector's letter and conclusions regarding the Duty to Cooperate, specifically with Luton Borough Council, and the outcome of the Court hearing of 16 June 2015 serve to limit the weight to be applied to the Development Strategy and Policy 60 at this time.
- 4.12 It is important to note that there is a substantial body of evidence from work underpinning the overall growth strategy which builds upon work undertaken in connection with previous plans. In relation to the HRN strategic allocation site, and DSCB Policy 60, the Council has undertaken considerable work in connection with the Sustainability Appraisal to assess possible alternative sites which might be better suited to meet local planning needs especially in relation to future housing requirements, and none has been identified that was better than HRN. Whilst the Inspector's letter does not comment on the proposed allocations in the emerging DS, his conclusions regarding the Duty to Cooperate were based on a concern that more, not less, development should be considered by the Council in its Strategy.
- 4.13 As submitted, the emerging plan remains the Council's preferred strategy to deal with the development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy is at an advanced stage of preparation having been formally submitted to the Secretary of State and is considered by the Local Planning Authority to be consistent with the NPPF.
- 4.14 It is concluded that the weight is to be attached to the policies contained within the emerging Development Strategy at this time is limited. However given the underlying evidence base and consistency with national policy, this remains a material consideration in the determination of the application.

- 4.15 Policy 60 specifically sets out the requirements for the Houghton Regis North Strategic Allocation. Approximately 7,000 dwellings are anticipated to be delivered as part of the allocation as a whole. The policy also details opportunities to assist Houghton Regis through the delivery of supporting infrastructure including items such as new transport routes and green infrastructure. The application site comprises the larger part of Site 2 of 2 of the allocation. The proposed development would provide an appropriate mix of uses and would achieve a sustainable community in line with the eight numbered policy objectives for Site 2.
- 4.16 Policy 60 of the submitted DSCB states that approximately 1,500 private and affordable dwellings are to be provided within Site 2. The current application proposes up to 1,850 new dwellings. When considered cumulatively, the total number of new homes which could be delivered under granted, current and future planning applications within the proposed HRN allocation area also exceeds 7,000.
- 4.17 Following the submission of the Development Strategy for Examination, the Council produced a series of minor modifications to the Plan. At this stage it was recognised that the master planning process for Site 2 has identified additional capacity for a greater number of houses than the approximate number of new dwellings envisioned under Policy 60. For Site 2, the minor modifications to the Plan therefore included amending the policy wording to increase the number of dwellings to be delivered to be approximately 1850.
- 4.18 It is important to note that the number of dwellings envisioned under Policy 60 should not be interpreted as a fixed cap or upper limit on housing numbers. These are approximate numbers. In considering applications within the strategic allocation, development will need to be assessed in terms of the cumulative impact on the area. In order to be considered acceptable, applications will need to demonstrate that sufficient capacity exists within local services and infrastructure and that there would be no unacceptable impact on the area. Where additional housing or other development is proposed, any additional impacts arising will need to be mitigated by the development. The impacts on local services and infrastructure are addressed in detail below by way of an assessment of the submitted Environmental Statement.
- 4.19 Under DSCB Policy 34, there is a requirement for 30% of the residential development for affordable housing purposes. An appropriate mix of affordable housing tenures, distribution and built quality should be ensured. The policy states that if these requirements are not achieved due to financial constraints, a financial appraisal should be submitted to the Council demonstrating exactly why the above requirements are not viable. This financial assessment will form the basis of further viability testing by the Council and detailed discussions with the applicant. The emphasis of these discussions will be to enable a viable degree of affordable housing.
- 4.20 In line with DSCB Policy 34, the planning application was accompanied by a confidential report on development viability which examines the level of affordable housing provision which the development can provide, having regard to the development values to be drawn from proposals and all building and infrastructure costs associated with the scheme. This includes

planning obligations to be secured through S106 Legal Agreement.

- 4.21 Officers have obtained a professional appraisal of the viability report providing a comprehensive examination all of the cost and value assumptions adopted by the applicant. This work has concluded that the development is capable of providing 30% affordable housing provision with S106 costs of £30.5m. On-site affordable housing at 30% of the total residential provision would equate to up to 555 affordable dwellings across the site. An appropriate mix of affordable housing tenures, distribution and built quality can be secured through S106 Legal Agreement and through subsequent reserved matters applications in order to satisfy DSCB Policy 34.
- 4.22 Having regard to the detailed assessment within this report, the proposal is considered capable of fulfilling all other relevant DSCB policy requirements and is therefore considered to be compliant with these.

## **5. Green Belt considerations**

- 5.1 The land falls within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF dictates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The grant of planning permission will not therefore remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.
- 5.2 Where proposals for inappropriate Green Belt development are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Prematurity**
- 5.3 A number of consultees and those responding to the planning application, including Luton Borough Council and Houghton Regis Town Council, have raised concerns and objections to the proposals on the grounds that the development is proposed within the Green Belt, in advance of any formal change to the Green Belt designation and allocation of the land for development through the adoption of a new Development Plan. On this basis it is stated that the application should be refused on the grounds of prematurity.
- 5.4 In the context of these objections, it should be noted that automatic refusal of planning applications, simply on grounds of prematurity, would be incorrect. National planning policy dictates a fuller consideration of material considerations is required. This has been confirmed by the High Court Judgement in respect of the grant of planning permission for the HRN1 development. This Judgement was subsequently upheld within the Court of

Appeal. Paragraph 83 of the NPPF is specifically addressed as part of the High Court judgement in respect of the HRN1 planning permission. Paragraphs 55 and 56 of the High Court Judgement may assist Members in the consideration of this application. These are as follows:

- 5.5 *“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.*
- 5.6 *Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”*
- 5.7 Government guidance contained within the National Planning Practice Guidance provides clear direction in relation to circumstances when it might be justifiable to refuse planning permission on the grounds of prematurity. It is stated that, within the context of the NPPF and, in particular, the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
- 5.8 Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.9 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or

in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

- 5.10 In the consideration of the present application it should be acknowledged that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.11 In relation to the substantial nature of the proposal and its potential cumulative effects, the application is accompanied by an extensive Environmental Statement submitted in accordance with the statutory Environmental Impact Assessment Regulations. This examines the potential effects of the development together with existing and committed development within the area, including within the proposed HRN allocation. This report details Officer's assessments of these effects. It is concluded that, subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development or due to the impact on local services and facilities.
- 5.12 The site is located in an area identified for growth in successive emerging development plans since 2001. There is considered to be a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future, having regard to the urgent planning needs in this area; the substantial evidence supporting the identification of this site to address these needs; the level and nature of objections to the proposed HRN development allocation; and the Inspector's conclusions regarding the Duty to Cooperate being based on a concern that more, not less, development should be considered by the Council in its Strategy.
- 5.13 On this basis, the Committee are entitled to consider that, although the proposed development is substantial, the grant of planning permission would not serve to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development and would not therefore prejudice the outcome of the plan-making process so as to warrant refusal on the grounds of prematurity.

**The purposes of the Green Belt**

- 5.14 Within the Green Belt there is a presumption against large scale development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.
- 5.15 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.16 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.
- 5.17 *To check the unrestricted sprawl of large built-up areas*  
The site is located outside of the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The proposed development would expand the existing built-up area from its north-western edge in the broad area between the A5 Watling Street and the A5120 Bedford Road. The northern boundary of the site would be enclosed by the route of the A5-M1 link road. This major new strategic route is now consented by way of Development Consent Order. Preparatory works on the link road are already underway and the road is due to open in Spring 2017. The northern expansion of the settlement area east of Bedford Road, and on two smaller sites at Bidwell, is already substantially consented with the grant of three planning permissions within the proposed allocation. This includes planning permission for the greater part of Site 1 (HRN1) which has been upheld through Court Judgement. This allows for the expansion of the settlement area by some 262ha in the area from Bedford Road at its western edge to the M1 motorway to the east, up to the A5-M1 link road. The expansion of the built-up conurbation would therefore be restricted by the existing and consented road network which would provide for permanent physical boundaries on all sides of the enlarged settlement. Within the context of the proposed Strategic Allocation, including the other planned and committed development within the allocation area and its permanent physical boundaries, it is not considered that the development of the application site would result in unrestricted sprawl.
- 5.18 *To prevent neighbouring towns merging into one another*  
The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.
- 5.19 *To assist in safeguarding the countryside from encroachment*  
Notwithstanding that the proposed Strategic Allocation is planned to be substantially enclosed by strong, physical boundaries preventing unrestricted sprawl, at the present time, the proposed development would represent an encroachment upon the countryside.
- 5.20 *To preserve the setting and special character of historic towns*  
The preservation of the site as undeveloped land is not identified as important to the setting or special historic character of Houghton Regis, Dunstable or other settlements. The preservation of the setting of other designated heritage assets such as the Thorn Spring SAM is considered relevant to Green Belt functions. The proposed development would give rise to less than substantial harm in this regard.
- 5.21 *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*  
Housing, employment and other development needs within Central

Bedfordshire derive substantially from those settlements in the southern part of the Council area. Evidence suggests that whilst some development can take place within the existing urban areas, the total amount of land available is well below that needed to meet Central Bedfordshire's objectively assessed need. If Luton's unmet housing needs are added, then the shortfall increases. The need for dedicated regeneration strategies for the area has long been recognised through successive planning policy documents which support the strategic allocation as a whole which is planned to support a broad range of regeneration objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

5.22 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. There would be a degree of related harm to the historic setting of the Thorn Spring SAM. The NPPF states:

5.23 *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*

5.24 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering other material considerations.

5.25 There is no definition of the meaning of 'very special circumstances' but case law has held that the words "very special" are not simply the converse of "commonplace". The word "special" in the guidance connotes not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes.

**The applicant's case for very special circumstances**

5.26 The application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal. These are as follows:

*1. The proposal plays a significant role in meeting the urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and over the next 20 years.*

*2. The application site has historically been identified for development within successive emerging Development Plans since 2001 as being suitable for removal from the Green Belt and allocation as a residential-led mixed use development. Furthermore the abandoned Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding this site and its intended removal from the Green Belt and its allocation for residential and commercial development was supported by both Councils at the Joint Planning Committee.*

*3. The application site is identified within the emerging Central Bedfordshire*



*Development Strategy for allocation and removal from the Green Belt for development for an urban extension of Houghton Regis to meet urgent need.*

*4. The development proposal is compliant with the Houghton Regis (North) Framework Plan 2012, adopted for Development Management purposes in advance of the adoption of the emerging Development Strategy and provides green infrastructure in excess of the adopted policy design standards.*

*5. The development proposal has identified to contribute towards the costs of the necessary additional transport infrastructure to support the economic benefit to the wider area.*

*6. No formal Local Plan has been adopted since 2004, despite the clear continuing identification of the application site in replacement planning policy documents. If subsequent Development Plan documents had reached adoption stage, then the application site would have been allocated for residential development and removed formally from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan will serve no good purpose, other than to delay much needed housing and employment opportunities for the area.*

5.27 The applicant's case is set out in detail within the Statement of Very Special Circumstances and an addendum document which is summarised below.

5.28 Housing Need

- The evidence produced in the form of the Joint Luton & Central Bedfordshire Strategic Housing Market Assessment (SHMA) Refresh (ORS, 2014) concludes that Central Bedfordshire demonstrates an Objectively Assessed Need of 25,600 dwellings. Policy 2 of the emerging Development Strategy plans for the delivery of 31,000 new homes and 27,000 new jobs over the plan period 2011-2031.
- The applicants have undertaken an assessment of the identified sites to establish whether these sites are deliverable within the specified timescales and at the delivery rates proposed. The applicant considers that the Council has been overly optimistic in terms of the phasing of housing delivery. It is considered unlikely that the emerging Development Strategy's housing requirement can be met through the identified sites alone.
- There is a clear need for development of land in the Green Belt in order to meet immediate housing and economic need for the Houghton Regis and South Bedfordshire area. This need has been outlined through the successive emerging Development Plans created since 2001, which have identified the application site as being suitable for removal from the Green Belt
- The site's location adjacent to the Dunstable/ Houghton Regis/ Luton conurbation will cater for the significant housing need that is likely to arise. The scale of the development will significantly contribute to local housing needs, promote economic growth, and aid the wider

regeneration of Dunstable and Houghton Regis, including increased support for town centre services.

5.29 Green Infrastructure

- The proposal has been designed in accordance with the endorsed Houghton Regis (North) Framework Plan and provides in excess of the policy standards for formal and informal open space as required under the Councils adopted Leisure Strategy. The development proposals would provide for a network of green corridors and pocket parks that link to the countryside and Green Belt beyond providing legible and permeable access and leisure opportunities including significant green buffers to define distinct character areas.

5.30 Wildlife and Ecology

- The development would provide for the future security and management of the former quarry SSSI and CWS as a wildlife area through the provision of a management plan and financial contributions. Extensive discussions with the Wildlife Trust have taken place to provide sufficient land and financial support to enable the Trust to manage the site beyond their current funding, which is due to expire.
- The provision of additional naturalised areas is proposed to complement the conservation of the natural environment provided for the future management and maintenance of this landscape and wildlife asset.
- The proposal would provide for the enhancement of the Ouzel Brook corridor providing substantial habitat enhancement with linkages to the adjoining open space along with the established hedgerows, which have identified species rich habitats. This provides a central focal point for informal leisure and biodiversity improvement within the site that links habitat corridors throughout the development to the wider countryside beyond.

5.31 Built Infrastructure

- The development will support substantial contributions towards the delivery of essential transport infrastructure both to support the function of the primary A5-M1 link road and the delivery of the consented Woodside link road to allow the free flow of traffic in and around the HRN allocation on the local highway network. The mitigation outlined is not specific to the mitigation of the development proposed and in fact forms part of the wider mitigation required across the HRN allocation.

**Assessment of the case for very special circumstances**

5.32 Evolution of planning policy

The key policy and planning documents relevant to the history of the proposed HRN allocation is set out in summary below.

5.33 The land encompassed within the HRN allocation was included in the Green Belt upon the approval by the Secretary of State of the *Bedfordshire County Structure Plan* in 1980.

- 5.34 *The Bedfordshire and Luton Strategic Housing Market Assessment (March 2001)* assessed housing market needs for the period 2001–2021 and indicated that 7,700 social rented housing and 3,200 intermediate affordable housing units would be required out of a total of 21,600 dwellings required in both Luton Borough and the southern part of Central Bedfordshire.
- 5.35 *Regional Planning Guidance for the South East (March 2001)* described the broader area of Luton, Dunstable and Houghton Regis as a Priority Area for Economic Regeneration due to above average unemployment rates, high levels of social deprivation, low skill levels, dependence on declining industries and derelict urban fabric. Dedicated regeneration strategies were said to be needed in order to tackle the problems of each Priority Area and to maximise the contribution of each area to the social and economic wellbeing of the region. The Regional Planning Guidance stated that there was not a general case for reviewing existing Green Belt boundaries, but added that, where settlements are tightly constrained by the Green Belt, local circumstances might indicate the need for a review after carrying out urban capacity studies.
- 5.36 *The Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)* followed a prior study which assessed four options for distributing growth across the area. The Sub-Regional Strategy set out a preferred option which included focussing growth in the Luton, Dunstable and Houghton Regis area to support a major increase in the number of new homes in the sub-region, meeting the need for affordable housing and a range of types and sizes of market housing, together with a commensurate level of economic growth and developing skills in the work force. The Sub-Regional Strategy acknowledged that “while some of these aims can be met within the present confines of the urban area, others cannot. The Green Belt forms a tight boundary all around the towns so that, in recent years, it has become increasingly difficult to meet locally-generated needs, especially for the housing of the relatively young population. Development has been diverting north of the Green Belt to other parts of Bedfordshire and beyond, sometimes to locations less inherently sustainable than Luton/Dunstable/Houghton Regis” (paragraph 82). It was stated that “exceptional circumstances require a review of the Green Belt around Luton/Dunstable/Houghton Regis to provide headroom for potential development needs to 2031 and specifically to accommodate sustainable mixed-use urban extensions which support the continued regeneration of the existing urban area” (paragraph 83). Whilst the HRN site was not specifically identified or allocated in the Sub-Regional Strategy it does fall within the area of search for which growth options should be considered.
- 5.37 *The East of England Plan (May 2008)* incorporated and retained the relevant provisions of the Sub-Regional Strategy summarised above.
- 5.38 *The Luton and South Central Bedfordshire Joint Core Strategy (adopted for DM purposes September 2011)* stated that four urban extensions would be delivered in order to meet the quantity and rate of new housing, employment and infrastructure required. These included North of Houghton Regis which, for the 15 years covered by the plan period 2011-2026, was identified as a suitable site for the provision of 7,000 new homes, 40 hectares of new employment opportunities and associated infrastructure.

- 5.39 *The emerging Development Strategy for Central Bedfordshire* sets out the current proposed HRN allocation as a key component of the planned growth strategy for the period until 2031. Policy 60 of the Development Strategy deals specifically with the Houghton Regis North Strategic Allocation. The Development Strategy is supported by a Sustainability Appraisal which explains the strategic site assessment process and provides a detailed examination of strategic sites considered in this process. The Sustainability Appraisal examines the relationship between development and infrastructure, including situations “where development can be used to bring about new, or improvements to existing, infrastructure”. It is noted that a “number of the mixed use strategic sites are all of a size and in a location that can enable infrastructure improvements to be brought about that will benefit existing residents as well as the new development. This is particularly the case for the land North of Houghton Regis proposal, which is facilitating the development of the A5/M1 link road and the Woodside connection. These pieces of new strategic infrastructure are critical to the future success of Dunstable and Houghton Regis and the fact that the development site will help their delivery weighs significantly in favour of the proposal” (paragraph 4.17). The current status of the Development Strategy is detailed above.
- 5.40 It should be acknowledged that Regional and Sub-Regional Plans were formally revoked in January 2013 and these no longer form part of development plan. It should also be recognised that the whilst the Joint Core Strategy did reach the formal submission stage in March 2011 it was withdrawn from the examination process before achieving any formal status as part of Development Plan.
- 5.41 It is clear that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. In line with the NPPF it is appropriate to apply some weight to withdrawn or revoked plans in certain circumstances. The withdrawn Joint Core Strategy, the revoked Regional and Sub-Regional Policy, the other policy history summarised above all serve to demonstrate that the need for significant growth in the area is well established.
- 5.42 Having regard to the planning pedigree of the proposed North of Houghton Regis allocation, its continuity with previous planning policy documents, the substantial body of evidence from work planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development contributing to the urgent housing and economic need for growth within the area, it is considered that there is a high degree of likelihood that the Green Belt designation would be formally removed to allow for major development north of the conurbation through the plan making process. Delaying a decision or refusing the planning application on Green Belt grounds until the formal confirmation of a planning allocation in the Development Plan will serve no good purpose, other than to delay much needed housing and employment opportunities for the area.
- 5.43 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton

Borough Council's application for Judicial Review. The subsequent appeal against this judgement has recently been dismissed in a further Court judgement dated 20<sup>th</sup> May 2015. The HRN1 planning permission establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to both road projects have now commenced. The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. These factors represent important consideration in terms of the very special circumstances test.

5.44 Housing provision including affordable housing

The NPPF requires Local Planning Authorities to maintain a five year supply of deliverable housing sites against their most up-to-date assessment of housing need. To be considered 'deliverable', sites must be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

5.45 Central Bedfordshire's objectively assessed housing need was set out in the Strategic Housing Market Assessment (SHMA) (June 2014). This established housing need figure of 25,600 new homes for the period 2011 to 2031. However, in February 2015, the Government published new population projections which have required that the Council recalculate its housing need. The housing need figure for Central Bedfordshire is now 29,500 new homes over the period 2011 to 2031.

5.46 The housing need figure of 29,500 is therefore used as a basis to calculate the authority's five year supply requirement. After shortfall to date is taken into account, the five year requirement is 9,856 dwellings over the period until 2020. In a recent appeal decision the Inspector raised a number of concerns about the deliverable supply of housing land and considered that the Council had not demonstrated a deliverable 5 year supply. The appeal was allowed and as a result the Council will need to actively consider its position with regards other applications that may come forward which the Council previously would not have supported. One of the reasons for his decision related to this particular site and he cast doubt on whether it could be included in the supply because it did not have planning permission. There is now an urgent need to increase the housing supply for Central Bedfordshire to ensure that the five year requirement of 9,856 dwellings is met. Clearly, a grant of planning permission for this proposal would support the 5 year supply of housing land. If permitted, the proposed development has the potential to deliver in the region of 480 dwellings in the five year supply period. This is equivalent to 5% of the requirement. Additionally, the housing provided by the development beyond the current five year period would contribute substantially to meeting the longer term housing needs of within the conurbation and the wider area. The housing proposed as part of this application is therefore critical to the supply of housing within Central Bedfordshire as a key element of the area's housing land supply as required under national planning policy.

5.47 In the face of the substantial housing need, which arises not only from within

the Central Bedfordshire area but also from its neighbour, Luton Borough, it is appropriate for the Committee to decide that the ability of the application to deliver a substantial portion of the required housing and its accompanying requirement for infrastructure carries significant weight in the consideration of very special circumstances. Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However the proposal would make a significant contribution towards meeting the Council's objectively assessed need for housing, including affordable housing. Given the emphasis placed within the NPPF on the need to boost significantly the supply of housing significant weight is attached to this consideration in terms of the case for very special circumstances.

- 5.48 The NPPF sets out the government's clear intention to provide good quality affordable housing for all. This forms part of a wider agenda to create sustainable, mixed and integrated communities. In addition to the general housing need, the provision of affordable housing is important in Central Bedfordshire. Currently there are over 3,000 people listed on the Council's housing waiting list. The proposal would provide for on-site affordable housing at 30% of the total residential provision which would equate to up to 555 affordable dwellings across the site.
- 5.49 The development would support affordable housing provision at 30% of the overall residential development. The mix of affordable tenures would comprise 63% affordable rent and 37% intermediate tenures. This is in line with local evidenced need for affordable housing provision. Within the context of the local affordable housing need, the policy requirement for 30% affordable housing and the HRN1 planning permission which is to deliver 10% affordable housing as a minimum, the level of proposed affordable housing provision is considered a key element of the planning benefits associated with the development.
- 5.50 Having regard to the above, there is sufficient evidence to demonstrate an urgent need for the application proposals to be brought forward now. This is an important factor in the consideration of very special circumstances, particularly due to the close housing market relationship with Luton and the Duty to Cooperate between the two Authorities in relation to housing supply but also because of the significant local requirement for additional affordable housing provision within the housing market area.
- 5.51 Local environmental benefits  
The green infrastructure and biodiversity features of the proposal are assessed in greater detail within this report in relation to the Environmental Impact Assessment Regulations and against specific local policy documents. Notwithstanding baseline legislative and policy requirements the opportunities for environmental benefits are considerable in this case because of the relationship between the proposed built development, the SSSI and CWS, the Ouzel Brook, Blue Waters Wood, Thorn Spring and other natural assets within and around the site. These aspects of the proposal weigh in favour of the case for very special circumstances.
- 5.52 Support for the wider area and the benefits for the local economy  
Subject to any development viability considerations, all developments within the proposed allocation would be required to provide appropriate

contributions to mitigate their individual impact and support the delivery of the wider planned allocation. This is a policy requirement under emerging DSCB Policy 60. Where aspects of individual developments would fulfil baseline policy requirements, these should not be considered very special circumstances to outweigh Green Belt harm.

- 5.53 The poor east-west connections and local congestion from which the conurbation suffers has been recognised as part of previous policy documents outlined above. Accordingly the HRN development allocation is planned to deliver a package of improvements to the highway network including the A5-M1 link road and the Woodside link road projects. One of the primary functions of the A5-M1 link road is to serve as a northern bypass of the conurbation. The road will also provide nationally and regionally important connections across key strategic routes. The Woodside link road is planned to create a new route between the improved Junction 11a of the M1 motorway and the Woodside industrial estate. This is to provide traffic from the estate with an attractive alternative route in order to gain access to the national motorway network and address local congestion, for example, in the centre of Dunstable. Delivery of both road projects is critical to the successful delivery of the HRN development and the associated economic and regeneration benefits for the wider area. This is planned to include the 'detrunking' of the A5 through Dunstable High Street in connection with the planned regeneration of Dunstable Town Centre. Significant funding for the A5-M1 link road at £45m is secured in connection with the HRN1 development along with the necessary land required for the Woodside link road.
- 5.54 The HRN2 development would provide contributions at £5m towards the delivery of strategic transport infrastructure in support of the totality of growth envisaged within the area. This would provide for local road upgrades on the A5, A505 and A5120 in particular, whilst also contributing to the delivery of the Woodside Link scheme. This is in addition to other planning obligations as detailed elsewhere in this report which would include separate contributions towards the provision of dedicated funding for sustainable travel improvements.
- 5.55 The development would provide for the delivery of infrastructure to provide for public and community services on the site. It would also support funding for local services and infrastructure within the area. These contributions fulfil mitigation requirements needed to support the development itself but would also support the wider growth area and the existing local community. This would include funding towards off-site services such as education, leisure and sports, both within the HRN allocation area and the existing conurbation. This funding can be secured by way of Legal Agreement as detailed in Section 10 of this report.
- 5.56 Additionally, it can be anticipated that the development would generate significant economic benefits for the area through inward investment and the creation of jobs. The development is projected to provide £329 million Gross Added Value to the local economy. The development could provide in the region of 680 permanent jobs for the area as a result of the increase population.

- 5.57 The development would therefore support the delivery of a sustainable urban extension and provide for significant, wider-reaching planning benefits within the area.

### **Conclusions**

- 5.58 The proposed development would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land within the historic landscape setting of the Thorn Spring Scheduled Monument. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 5.59 Having regard to the urgent housing and economic need for growth within the area; the significant contribution which the development would make towards the urgent housing and employment need in the area; the significant contribution which the development would make in supporting the delivery of a sustainable urban extension including the provision 30% affordable housing and support for essential infrastructure and services within the wider growth area; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.
- 5.60 Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

## **6. Environmental Impact Assessment: Issues arising and their mitigation**

- 6.1 Prior to the submission of the planning application, the applicant obtained a formal scoping opinion from the Local Planning Authority which established the elements to be addressed within a formal Environmental Statement (ES) as required under the statutory Regulations. The planning application was accompanied by a full ES which was expanded to include a number of revised chapters and addendum documents following initial consultation under the planning application. The ES is a substantial set of documents which form a considerable part of the material submitted with the planning application. The ES incorporates a non-technical summary; a general introduction; an explanation of the EIA methodology; a description of the site and the surrounding environment; the proposal description; a summary of the policy context; and an assessment of the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:
- Ecology
  - Ground Conditions
  - Heritage and Archaeology



- Landscape and Visual Assessment
- Noise and Vibration
- Transport
- Air Quality
- Water and Flood Risk
- Sustainability and Energy
- Socio Economic Effects
- Agricultural Land
- Cumulative Effects

**(a) Ecology**

- 6.2 The ES sets out the scope and methodology for the assessment of the significant ecological effects and mitigation measures proposed in connection with the development. This is included desk study exercises and extended Phase 1 surveys to identify existing ecological conditions, describe habitats and target areas of interest, and assess the potential of the site to support protected species. This served to identify a number of sensitive receptors within the site and the wider area. Phase 2 surveys undertaken included Hedgerow surveys (2012); Scarce arable plant surveys (2012); River corridor survey (2012); Bat surveys (2012); Badger surveys (2012 - 2014); Dormouse surveys (2012); Breeding bird surveys (2012); Wintering bird surveys (2012/2013); Great crested newt surveys (2012); Otter and water vole surveys (2012); and Reptile surveys (2012). Key species and habitats identified included badgers (two separate clads present on site); Dormice; important hedgerows; and otters.
- 6.3 The Ecology Addendum (June 2015) provides clarification regarding a number of issues raised through initial consultation under the application. It is stated that wolver and otter surveys focused on the Ouzel Brook area were undertaken in 2012 were initially interrupted by high water events and this subsequently shortened the time available to undertake survey work. The initial surveys of the brook corridor showed no evidence of these habitats. Consultees including the Wildlife Trust and Environment Agency have subsequently advised that otter spraint have more recently been observed on the site. The limitations of the survey work are acknowledged within the ES which identifies otter and wolver as sensitive receptors. Subsequent survey work and suitable habitat mitigation measures can be secured in connection with the planning permission.
- 6.4 The Addendum notes that the ES provides consideration to the risk to badgers arising from increased traffic on existing and new roads. No provision is made for badger road crossings by way of 600mm diameter underpass with 500m badger fencing on either side of the underpass. This is on the basis that, if used asymmetrically, badger fencing can have a negative effect in forcing badgers on the wrong side of the fencing back onto the carriageway. The fencing could also act as a barrier or trap to other species. The nature of the road design which will cater to residential development and ensure low vehicle speeds (20mph within the site) was also a factor in this decision.
- 6.5 Various aspects of the development will need to be subject to controls through planning condition and detailed approval as part of an Ecological

Mitigation Strategy & Biodiversity Management Plan and a Construction Environmental Management Plan.

6.6 The development is assessed as having neutral or beneficial effects for the majority of onsite ecological receptors. There are a number of exceptions to this such as farmland birds and arable weeds whose habitats are not compatible with the proposed development and open space proposals. Overall however the development has the potential to provide significant new opportunities for a range of ecological receptors, providing benefits for protected and notable habitats and species.

**(b) Ground Conditions**

6.7 An assessment of land and water conditions has been undertaken by way of phased assessment incorporating the following stages of investigation.

- Phase 1 desk-based assessment of historical and current published information together with site walkover; and
- Phase 2 ground investigations to determine potential unacceptable risks requiring consideration and remediation

6.8 The ES sets out the baseline conditions of the site including the history of land uses. The application site was predominantly associated with farmland since at least the late 1800s. Quarrying activity associated with the works formerly located to the east of the site had commenced in the southern part of the site by 1947. The area now comprising Blue Waters Woodland was used as a landfill for household waste between 1965 and 1980. The southern half of the site is underlain by a Zig Zag Chalk Formation to depths of at least 7m. The West Marlbury Chalk Formation has been identified to a depth of up to 15m beneath topsoil or superficial deposits across the majority of the site from the northern site boundary to an area immediately south of Blue Waters Wood.

6.9 Groundwater flow direction is expected to be towards the Ouzel Brook such that it will be north or north westerly to the south of the brook and south or south westerly to the north of the brook. Groundwater levels are expected to be compatible with the water levels in the Ouzel Brook. Therefore, development in close proximity to the brook may encounter groundwater in deeper excavations. Water may also be encountered in close proximity to other watercourses and drains present beneath the site.

6.10 The potential for significant impacts on shallow soils or groundwater below the site is judged to be low. Constructional activities would need to be controlled to ensure no pollution of the ground or controlled waters. Further ground gas monitoring in close proximity to Blue Waters Woodland is required. CBC Public Protection are satisfied that this, together with suitable remediation measures can be secured.

6.11 Houghton Regis Town Council has submitted a preliminary Ground Water Audit providing an assessment of ground conditions and the potential for cemetery uses within the site. The Audit identifies two areas of land within the proposed open space areas which the Town Council consider have the potential to be suitable for use as a cemetery to meet the established need for additional cemetery provision within Houghton Regis. The preferred

locations identified are immediately south of the Ouzel Brook and north of Blue Waters Wood. The Audit provides a desk top assessment of ground conditions based on existing borehole data and a description of the site's hydrology. It is stated that water levels are likely to lie within 4-8m of the ground surface. Whilst the site does not lie within a designated Source Protection Zone, it is within an area identified as a major aquifer with high (urban) soil leaching potential. Major aquifers have strategic significance for water resources as they often support large abstractions for the public water supply and contribute to the base-flow of streams and rivers. The Audit provides an assessment of potential pollutant pathways and categorises a cemetery use in these locations and presenting a Moderate to High risk due to high burial numbers likely to occur (approximately 30 per annum). It is stated that site-specific information would be needed for a detailed assessment of vulnerability at a given location. Permission is requested for the Town Council to undertake site investigations within the site in order to pursue this future land use with the Environment Agency.

- 6.12 Two Addendum documents concerning ground conditions have been submitted in support of the ES for the application. The first relates to cemetery provision. It is stated that ground conditions differ from those outlined with the Town Council's Audit report. Ground water was encountered at a depth of about 2m in the area adjacent to Ouzel Brook. Groundwater is at a depth that means there is potential for burials to occur in standing water unless controls are put in place. Such controls may include pumping prior to undertaking burials to lower the water level. However, groundwater would still then return to its original level. The level of risk associated with cemetery uses in the areas proposed should be assumed as High. Therefore no amendment is made to the proposal to accommodate any cemetery use as part of the development at this time. The second ground conditions addendum relates to the potential for infiltration drainage in the area of the proposed sports pitches. On the basis of the ground investigation and the nature of the underlying chalk formation, it is considered that the shallow soils in the proposed sports pitch area of the site have limited potential for the use of infiltration drainage systems.

**(c) Heritage and Archaeology**

- 6.13 The ES sets out the process, methodology and outcomes of an Archaeological Desk-Based Assessment, Geophysical Survey and Archaeological Field Evaluation (Trail Trenching) which have been undertaken in support of the planning application.

- 6.14 A summary of recorded assets has been provided. A number of number of non-designated heritage features within the site have been identified as key receptors. These include areas of late Iron Age and Romano-British settlement evidence, a late Bronze Age/Early Iron Age ditch, Romano-British ditches, a post medieval structure and undated ditches. The presence of neighbouring designated heritage assets including the Thorn Spring moated site and woodland SAM has been acknowledged. An assessment of the significance of the SAM and its setting is provided. The ES concludes that the significance of effect upon the setting of designated assets including Thorn Spring will be negligible. Various mitigation measures are set out.

6.15 Concern is raised that the ES as submitted does not adequately address the significance of the historic open landscape setting of SAM or the cumulative effect of the proposed development with other committee development, including the A5-M1 link road on Thorn Spring. Officers have requested that this be addressed by way of an addendum statement in support of the ES. The Heritage addendum submitted in June 2015 sets out a fuller assessment of the significance of the moated site, its associated woodland and its setting. It is stated that the significance of the SAM and its setting is derived from its evidential and historic value, valley location, sense of privacy and enclosure and the relationship between the moated site and surviving elements of the medieval landscape. A more detailed assessment of the effects of the development and the cumulative effects arising is provided. It is stated there would be no significant impact on the monument and its setting due to its sense of enclosure, the lack of inward and outward views and given that the landscape setting of the SAM has significantly and irreversibly changed from its original, contemporary medieval form. The proposed mitigation measures are expanded upon. These have already been detailed above in relation to national planning policy under the NPPF and would serve to enhance aspects of the asset and its historical significance. Notwithstanding this, Officers consider that there would be an adverse impact on the significance of the Monument and its setting. This adverse impact is considered to be less than substantial under the terms of the NPPF and is to be weighed against the wider public benefits of the scheme. This is also addressed within this report in the context of Green Belt considerations as set out above.

**(d) Landscape and Visual Assessment**

6.16 The ES incorporates a Landscape and Visual Impact Assessment (LVIA) providing an assessment of the likely significant, residual and cumulative effects of the development on landscape and visual character.

6.17 During the construction phase, the ES concludes there would be significant adverse effects on the visual environment and landscape character due to heavy plant and construction materials. The retention of key vegetation and phased development would assist in mitigating these temporary effects. It is stated that the proposals incorporate internal and boundary planting, positioning of the development within the site to ensure proposed rooflines do not adversely affect the existing skyline, and careful consideration of layout to integrate with the landscape character and visual environment of the application site. The long term effect upon landscape character and the visual environment is judged to be moderate to minor.

6.18 Concern is raised regarding the long term effects upon landscape character as a result of proposed housing areas at higher ground levels within the southern part of the site. This would serve to extend the built development along part of the Houghton Quarry ridge line. In this regard, the development would result in a degree of change to landscape character. In the context of the existing built edge; the wider undeveloped ridgeline to be retained; the proposed mitigation measures in connection with detailed landscape and open space proposals; and the fixed development parameters and coded design elements, the perceived effects are not judged to be significant.

**(e) Noise and Vibration**

- 6.19 A Noise and Vibration Report is provided. This sets out baseline conditions established by way of monitoring ambient noise levels during the day and night-time during February 2014. The predominant noise for the site was at all times road traffic using the A5 Watling Street.
- 6.20 The potential effects of construction noise have been examined. The greatest potential impacts of this would arise on the rear of the existing dwellings located at Bedford Road and Houghton Road, which back on to the site. To mitigate against potential significant effects, particular regard would need to be paid to noise mitigation measures for works adjacent to these dwellings. Prior to mitigation, scheme impacts due to vibration during construction are considered to be insignificant when judged against relevant British Standards.
- 6.21 Noise impacts on residents of the development are considered having regard to existing and new sources including from the development itself and the A5-M1 link road. Having regard to the mitigation measures set out as part of the ES, CBC Public Protection consider that noise impacts can be adequately controlled as part of the planning permission but recommends that feasibility or options appraisal work should be undertaken at an early stage to inform the design of the development parcels. Additionally Public Protection recommends that noise impacts from the adjacent foul water treatment facility will require further detailed consideration. A short ES Addendum document is provided to address noise impacts. This provides further assessment of noise impacts from the foul water treatment works. It is stated that these and other potential noise effects can be adequately controlled under the planning permission and by design exercises at the detailed stage.

**(f) Transport**

- 6.22 The Transport chapter of the ES is supported by a detailed Transport Assessment, Framework Travel Plan and a Construction Environmental Management Plan (CEMP) Framework.
- 6.23 During the construction phase, the development would impact on existing rights of way and this may impact users of the affected routes in terms of delay, amenity and associated effects. Traffic from construction would also give rise to temporary impacts upon road users during the various stages of build out over a number of years. Measures to minimise and mitigate construction effects on the existing environment, surrounding communities and new residents of the development, including access and egress arrangements for construction traffic and routing arrangements will be required as part of the CEMP. This can be secured as part of a planning permission. The ES is accompanied by a Framework Travel Plan setting out measures to encourage sustainable transport. A package of sustainable travel plan initiatives would need to be implemented and evolve as the site is built out. The development would provide a network of new footways, cycleways and road crossings to serve the site whilst accommodating and upgrading various existing routes where these need to be retained. The development would require some route rationalisation to ensure continuity within the rights of way network. The internal roads would be designed to discourage through traffic. It is expected that these roads would be subject to a 20mph speed restriction. A scheme of traffic calming is proposed to

improve road safety along the Bedford Road corridor along with a package of alterations to Thorn Road with access junctions to serve the site. Additionally, the development would contribute towards the delivery of road network improvements including the local road upgrades and the Woodside link road in support of the planned growth within the area as required to mitigate against the transport effects arising.

- 6.24 The ES concludes that potential transport effects during construction would be negligible to slight. It is judged that residual effects following completion of the development would provide moderate to substantial benefits for cyclists and pedestrians and moderate beneficial effects for public transport users. Negligible to moderate adverse effects for road users are anticipated following completion. Subject to the above measures being secured in connection with the planning permission, the development is deemed to be acceptable in relation to the transport impacts identified.

**(g) Air Quality**

- 6.25 The Air Quality Assessment submitted as part of the ES acknowledges the location of the site relative to the pre-existing Air Quality Management Area (AQMA) in Dunstable and Chalton where an AQMA has previously been considered but the construction of the A5-M1 link road and Junction 11a of the M1 would remove existing receptors such that there would be no relevant exposure in this location upon completion of the road projects.

- 6.26 In general, the air quality in Central Bedfordshire meets the Air Quality Objective levels set by the Government. The Dunstable AQMA and the area of concern at Chalton are both sufficiently removed from the proposed development at an approximate distance of 1.5 km and 2.5 km or more respectively. Therefore, the AQMA and area of concern will not be directly effected by, nor have any effect on the development. There is no evidence of the application site being adversely affected by air pollution.

- 6.27 During the construction process it is anticipated that there may be temporary effects from dust emissions which could affect adjacent properties located to the southern and eastern boundaries of the site. However, these effects are considered to be limited or minor and will be mitigated through appropriate controls including a dust management plan forming part of the CEMP. Traffic flow generated by the proposed development would have no significant effect on ambient air quality throughout the application site. There will be a small air quality impact to Bedford Road north of Thorn Road and a medium air quality impact adjacent to Thorn Road. It is judged that there would be no impact on air quality affecting the designated SSSI and CWS areas at Houghton Quarry and Thorn Spring or the other wildlife areas of the site. Overall air quality impacts during construction are considered to be moderate and negligible following completion of the development.

**(h) Water and Flood Risk**

- 6.28 This chapter of the ES provides an assessment of the impacts of the proposed development on surface water quality and hydrology in support of the proposed Drainage Strategy Plans and Report. A Flood Risk Assessment and Drainage Management Plan are appended to the ES.

- 6.29 All runoff derived from the construction drainage on-site would discharge into

the Ouzel Brook under consent of the IDB. The assessment identifies the potential for short term, temporary sediment mobilisation at the Ouzel Brook as a result of work immediately adjacent to and within the watercourse. As noted, the majority of the Bidwell West development site is within Flood Zone 1 and is defined as having a low probability of flooding. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3. No built development is planned within this area other than two new main roads which would cross the brook corridor. It is proposed that the Ouzel Brook would be retained in its present form and attenuation would be provided outside of the brook corridor to allow for 1 in 100 year storm events plus allowance for climate change.

6.30 In terms of the functional aspects of the drainage proposals, the overall effect on water resources during and following construction would be negligible to minor.

**(i) Sustainability and Energy**

6.31 This chapter of the ES provides a summary assessment of the potential impacts of the development against key sustainability principles set out as part of the adopted SBLPR 2004. These are as follows.

1. Conserving, maintaining and enhancing the natural and man-made environment of the District and in particular wildlife habitats, historic sites and buildings, conservation areas and attractive landscapes.
2. Creating new wildlife habitats and maintaining and, where possible, increasing biodiversity.
3. Providing sufficient land to meet the District's housing requirements, particularly the need for local social housing.
4. Providing sufficient land to meet local employment needs, promote regeneration and create a more diverse urban and rural local economy.
5. Selecting sites for development which avoid the loss of irreplaceable environmental resources, minimise damage to scarce or valuable environmental assets and those which are of most benefit to local needs.
6. Preventing the loss of valuable open land to development, whether it is important for farming, landscape quality, groundwater protection, recreation, open countryside or as a wildlife habitat.
7. Locating new development in places where use of private motor vehicles is not essential and alternative means of transport are available or can be easily provided.
8. Integrating land uses and transport facilities to minimise traffic generation, particularly by private motor vehicles and developing a safe, efficient and accessible transport system.
9. Sustaining and enhancing the districts town centres as centres for shopping, leisure, commerce and housing.
10. Improving the quality of life in towns and villages and ensuring equal access to services, facilities and opportunities for the District's residents.
11. Promoting quality and good design in new development and enhancing local character and distinctiveness. Design should both minimise the impact of new development and improve the quality of the environment.
12. Conserving resources by promoting energy efficiency and effective

use of scarce resources in the design and construction of new development.

6.32 The assessment makes reference to other relevant sustainability standards under the Code for Sustainable Homes, BREEAM, the withdrawn Joint Core Strategy, the emerging Development Strategy for Central Bedfordshire, the Housing Standards Review and the new National Technical Standards which are incorporated into the Building Regulations and come into force on 1st October 2015.

6.33 Against the criteria set out, the ES concludes that the proposal has been designed to minimise impact on the environment and provide a sustainable development in line with current legislative and policy requirements. The development would provide a sustainable community that would protect and enhance the quality of life for the new and existing population. The natural and built environment of the area would be safeguarded through high quality design and careful consideration of open space design. The development would mitigate and adapt to climate change through sustainable construction, resource efficiency and flood risk mitigation.

**(j) Socio Economic Effects**

6.34 This chapter of the ES provides an assessment of the socio economic impacts expected to arise from the proposal including potential impacts on community assets such as the public rights of way network and the creation of jobs and value to the local economy.

6.35 The proposals have the potential to have adverse effects on the rights of way network as a consequence of amenity impacts such as the loss of openness. However the development would contribute to broad ranging benefits for the rights of way network by providing for improved connectivity and accessibility within the site and to the wider area.

6.36 It is anticipated that the construction phase would generate approximately 4,250 construction jobs (280 annually) and generate £329 million in Gross Added Value to the economy. The ES states that the development could provide for a further 680 permanent jobs for the area as a result of the increase population.

**(k) Agricultural Land**

6.37 As noted the proposals would result in the loss of a total of 95.3Ha of agricultural land categorised as Sub Grade 3 (Good). Under Agricultural Land Classification (ALC) criteria Sub Grades 1, 2 and 3a are considered to represent the best and most versatile agricultural land. The ES identifies Sub Grade 3a agricultural land is as medium sensitivity. Given the area of best and most versatile farm land lost, this effect is judged to equate to a moderate impact against Defra farm size groupings.

6.38 It is proposed that the soil resource would be managed during construction through the CEMP which is to include a Materials Management Plan and Soil Resource Plan. This is to ensure the sustainable use of soils in the development. It is anticipated that there would be no net import or export of bulk fill material in connection with the development. The ES states there would be a surplus of top soil which would be reused as quickly as possible



and otherwise stored to minimise loss of soil structure. The storage, haulage and reuse of excavated material would need to be planned to minimise material movement around the site.

**(l) Cumulative Impacts**

6.39 The Environmental Impact Assessment Regulations direct effect interactions should be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor. No national guidelines are provided regarding the manner in which interactions between effects should be assessed, how significance is to be reported, or to what extent interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual ES chapters where relevant.

6.40 Cumulative effects are those effects which would be likely to arise from the combination of likely significant effects from the proposed development with likely significant effects from other committed developments in the vicinity. Cumulative effects of the proposed development with other committed development have been considered throughout the ES chapters where relevant. The consideration of other sites includes those within the North of Houghton Regis strategic development area.

6.41 It is considered that the cumulative effects of construction can be adequately mitigated through the CEMP and mitigation packages to address specific impacts identified through the EIA process. It is acknowledged that the development would result in the loss of agricultural land and changes to the landscape but it is concluded that there would be overall beneficial cumulative effects including the creation of jobs and housing and enhancements to landscape and amenity features and habitats for some species.

**(m) Other Issues**

6.42 Odour impacts are addressed by way of a brief addendum document submitted in support of the Air Quality chapters of the ES. It is noted that the site is immediately adjacent to the Anglian Water foul water treatment facility. In order to inform the proposals, Anglian Water has previously produced an odour emission survey report and model at the applicant's request (dated July 2013). The odour model established the extent of a cordon sanitaire for development within the broad area south of the Ouzel Brook and west of Blue Waters Wood. This is reflected in the proposed land use parameter plan and site wide masterplan which excludes all sensitive development from this area including the proposed housing, employment, local centre and lower school. Previously a new wildlife warden building was proposed within the cordon sanitaire within the southern part of the site. This has now been removed from the application. Whilst the proposed sports pitches, associated development and formal open space areas would be located within the identified cordon sanitaire, given the nature of the uses which would occur in these areas of the site, the likely exposure scenarios are not expected to result in significant exposure to odour. Having regard to the advice of CBC Public Protection and Anglian Water the development is considered to be acceptable in relation to potential odour impacts.

6.43 An Outline Waste Audit has been submitted in support of the application in

line with the advice of CBC Minerals and Waste. This sets out relevant policy requirements, a waste hierarchy and proposals for parcel specific waste audits. The content and scope of the Outline Waste Audit is considered acceptable at this outline stage.

## 7 Issues

### (a) Transport and highways

- 7.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 7.2 Paragraph 32 of the NPPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.3 The existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts and required mitigation are set out below.
- 7.4 Existing transport / baseline situation  
The submitted Transport Assessment sets out current baseline conditions and a future Assessment year of 2031. Existing localised travel patterns have been determined on the basis of the 2011 census data, particularly travel to work mode share for the local residential population. Personal Injury accident data for the Transport Assessment's highway network of interest has been obtained for the most recent 5 year period (being October 2008 – September 2013). The approach in establishing baseline conditions is supported by CBC Highways Development Management.
- 7.5 Related Key Strategic Transport Schemes  
There are two key strategic transport schemes relevant to the consideration of the local highway network in the Houghton Regis area. These are the A5-M1 Link Road and the Woodside Link.
- 7.6 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new M1 Junction 11a. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.
- 7.7 The Woodside Link is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable.

- 7.8 It is acknowledged that the A5-M1 Link Road and Woodside Link Road are scheduled to open in 2017 and this will lead to a significant change in traffic patterns experienced on the local highway network.
- 7.9 *Proposed development impacts and mitigation*  
Delivery of the planned highway projects is critical to the successful delivery of the HRN development. The Bidwell West development would provide contributions at £5m towards the delivery of strategic transport infrastructure in support of the totality of growth envisaged within the Houghton Regis area. This would provide for local mitigation in respect of the A5, A505 and A5120 road corridors and support the delivery of the Woodside link road.
- 7.10 Parameter plans in respect of vehicular movement and access and pedestrian and cycle connectivity have been submitted with the application. These provide for connectivity through the site and appropriate links with the wider road and rights of way network to cater to all users.
- 7.11 The potential for a direct through-route and connection to Houghton Road was identified at an earlier stage as part of the Houghton Regis (North) Framework Plan and this opportunity is shown dotted on the Framework Plan diagram (adjacent to Miller's Way and connecting with Thorn Road). There are several significant physical constraints, including the landform associated with the former quarry, which militate against the provision of this connection. The creation of this through-route also has the potential for significant adverse landscape and ecological impacts associated with driving a primary street through the southern part of the site, west of the Bidwell Hill area and adjacent to the former quarry. The cumulative adverse impacts resulting from earth works required to provide the road access, resultant traffic movements and road lighting would be significant. Accordingly this is not a feature of the proposed access arrangements and masterplan.
- 7.12 In response to consultation under the application, concern has been raised regarding the traffic and safety implications of the secondary access proposed at the A5120 Bedford Road. This access is proposed to serve one on the proposed housing development parcels and would not provide for a direct vehicular through-route into the larger development area. It is known that Bedford Road is already congested at peak times. The road safety record for Bedford Road includes a number of serious accidents which are considered to be associated with vehicle speeds and lack of forward visibility and carriageway width.
- 7.13 Whilst CBC Highways Development Management are satisfied that existing safety issues would not be exacerbated by the development, it is acknowledged that the highway network needs improvement in order to address existing road congestion and to respond to planned growth within the area. The development proposals would increase local traffic within the local network. However the committed enhancements to the strategic road network, in the form of the A5-M1 link road and the Woodside link road, will significantly alter movement patterns within the area as a whole providing for better connections to the wider, strategic network and in turn alleviating pressure on local routes including the A5120.

- 7.14 In connection with the proposed development, a number of enhancements would be required in order to improve road conditions on Bedford Road and to mitigate the additional traffic impacts of the planned developments. Having regard to the present road conditions, and in recognition of existing safety issues, the proposed development would need to deliver various safety improvements and traffic calming measures. In this regard the application proposes an extension of the existing 30mph speed restriction area north of Thorn Road. Together with additional road markings and gateway features to highlight the change in speed restrictions and the provision of improved footway / cycleway connections along of Bedford Road, the nature of this local route will change significantly. This will serve to reduce vehicle speeds, improve road safety and encourage non-local traffic to utilise the strategic network in favour of Bedford Road.
- 7.15 Proposed highway plans are submitted in respect of the main roads for the development which detail the proposed primary streets, the position of new bus infrastructure and road crossings to be provided on site. The internal road network is designed to encourage low vehicle speeds and it is expected that the primary streets will be subject to a 20mph speed restriction. This will encourage safe movement between all of the development areas and non-vehicular interaction between the publically accessible and community elements of the scheme. The detail of secondary and tertiary roads will be designed in connection with the proposed development parcels through subsequent reserved matters applications and formal S38 highway adoption processes where appropriate.
- 7.16 A range of local off-site highway works would also need to be secured through S106 Legal Agreement in connection with the development, the final detail and specification of which would be delivered through the S278 highway agreement process. It is expected that off-site highway works will include the following.

7.17

LOCAL OFF-SITE HIGHWAY WORKS	
	A5120 BEDFORD ROAD
1	Civilisation works including 30mph speed restriction
2	New roundabout at Thorn Road junction
3	Bus stop upgrade
4	Simple crossing of the Bedford Road to link with FP45
5	Toucan crossing of Bedford Road to link with northern part of HRN1
6	Provision of footways/cycleways (north and south of Thorn Road)
	THORN ROAD
7	Civilisation works to discourage through traffic within the central section
8	Pegasus crossing of Thorn Road at BW49
9	Simple crossing of Thorn Road at the Icknield Way (FP4 and 40)
10	Provision of footways/cycleways
	A5 WATLING STREET
11	Surfaced link from the site to the A5 and onwards to Sewell Greenway

(NCN6) via Sewel Lane

**BIDWELL HILL AREA**

12 Surfaced link along FP3 (east of Blue Waters Wood to Houghton Regis primary school at St Michaels Avenue)

7.18 The development would provide funding, at £456,994 towards Smarter Travel Choices measures to support sustainable transport and travel plan initiatives for the development which are to be delivered by Council. Monitoring measures and support for the implementation of travel plan measures can be secured in connection with a planning permission through S106 agreement.

7.19 The applicant has explored a number of public transport strategies with the Council to ensure the development is supported by sustainable bus services connecting the site with local centres and the wider public transport network. The potential strategies explored include an extension to the existing guided busway route running already via the Luton Dunstable Guided Busway, Dunstable (ASDA), Houghton Regis High Street and Bedford Road, operating seven days a week, every 30 minutes during week days and hourly services on weekends and bank holidays. Funding toward public transport services for the site, at £875,500 is to be secured in connection with the development. The road and public transport infrastructure proposed within the site would support the relevant vehicles and provide for “gold standard bus stops” including a raised platform, flag pole, display board, real time information and shelter.

**(b) Design concept, density, housing mix and type**

7.20 The submitted masterplan responds to the broad land use aspirations as under the Houghton Regis (North) Framework Plan and the physical constraints and opportunities presented by the site. The masterplan is supported by a Design Code document which provides a fixed framework governing detailed design of the development in the form of written and graphically presented rules.

7.21 Contemporary design elements are proposed within development areas in the northern parts of the site, particularly within the context of the proposed local centre, lower school and employment development area. More traditional design elements are to be adopted in areas adjoining the existing residential areas of Houghton Regis, particularly in the context of Bidwell. This is reflected in the proposed Character Area Coding which divides the development into five distinct character areas referred to as follows:

- ‘Lower Thorn Village’ encompassing the local centre, lower school, employment and housing proposed within the north west area of the site;
- ‘Upper Thorn Green’ comprising housing in the north east of the site to the north and south of Thorn Road;
- ‘Park View Crescent’ comprising the housing area between the Ouzel Brook green corridor and Blue Waters Wood which would be closely related to the formal open space proposals including the public parks and gardens;

- The detailed design of these development parcels will need to draw on their immediate local context including positive natural and built features within and around the site;
- 'Bidwell Mews' comprising the housing provided immediately west of Bidwell and accessed from Bedford Road; and
- 'Bidwell Heights' comprising the housing to be provided south of Blue Waters Wood and adjacent to the existing Plaiters Way and Millers Way residential areas.

7.22 At the northern end of the site the housing areas would be built out at a density of 35-40 dwellings per hectare (dph). South of the Ouzel Brook housing density would range between 30-35dph. The parcels proposed in the area around Bidwell and at the higher ground levels would be built at a low housing density of 25-30dph. This approach is also adopted in terms of built height. The proposed parameter plans dictate that residential development at higher ground levels within the southern part of the site and within the immediate area around Bidwell, would be one to two storeys in height. Development in other areas would generally be two or three storeys in height. Key buildings will provide for landmark and 'gateway features' in key parts of the site.

7.23 The development would include a range of house types, sizes and tenures varying from 1 bed flats to 5 bed detached dwellings of 2 to 3 storeys. The proposed scheme would provide for a good mix of house types throughout the site creating variety in built form and townscape so that streets and spaces contain visual interest. A range of properties are proposed to meet the local housing needs in the area and suitable for a variety of occupiers including families with children and the elderly. The range of dwellings will allow for adaption to the changing needs of occupants and limited mobility users. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate that a suitable variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters schemes should reflect the latest available information on such requirements.

7.24 The Outline Public Art Plan sets out broad themes and approaches for the provision of public art elements within the open space areas drawing on local heritage, natural and landscape assets and important promoted rights of way.

7.25 It is considered that the design proposals respond sympathetically to existing properties and land uses and serve to minimise potential adverse impacts on residents at Bidwell and the setting of Thorn Spring Scheduled Monument. The proposed masterplan would integrate well with the pattern of built development in the area and consented development around the site. The proposal is considered capable of delivering well designed spaces providing a strong sense of place which supports local distinctiveness as part of the larger North of Houghton Regis development area.

**(c) Leisure, open space provision, green infrastructure**

7.26 Open space proposals

The level and type of formal open space, including the mix and type of

sports pitches and supporting development including the changing pavilion, have been determined on the basis of national requirements and standards provided by the FA and Sport England and having regard to local requirements in discussion with CBC Leisure. Provision would also be made for funding for off-site sport and leisure facilities where this can be supported.

- 7.27 The submitted Design Codes provide a positive framework for a broad range of distinctive open space including natural chalk grassland; formal sports pitch provision; formal parks and gardens; linear parks; allotments and community orchards; green corridors and landscaped buffers.
- 7.28 Significant areas of structural planting and other physical landscaping are proposed, particularly to minimise landscape impacts of housing at higher ground levels in the southern part of the site and adjacent to Blue Waters Wood.
- 7.29 The green corridor associated with the Ouzel Brook watercourse is proposed to incorporate wet woodland planting and attenuation basins planted with wet grassland and marginal species in order to soften the banks, create visual interest and enhance biodiversity. The easement to the Ouzel Brook would be maintained as wildflower grassland, enhancing the ecological setting of the watercourse. Public access routes through the brook corridor would link with existing and proposed rights of way. Lengths of boardwalk will be introduced around the basins and watercourse to enable a closer appreciation of these habitats and create an alternative experience for users.
- 7.30 The revised Design Code proposals provide for improved integration and acknowledgement of the sensitive setting of existing development such as Thorn Spring SAM and neighbouring housing at Bidwell.
- 7.31 The application sets out design aspirations in respect of hard and soft landscaping proposals for all of the open space typologies and would ensure a range of biodiversity and landscape enhancements can be delivered in connection with the development.
- 7.32 Sustainable drainage  
In response to the initial application submission (January 2015), Officers raised concerns that the proposed drainage strategy, incorporating a pipe and pond solution for site-wide drainage, would not support the broad SuDS objectives under the Council's Sustainable Drainage Guidance. The submitted drainage strategy was deemed acceptable in functional terms, having regard to practical considerations including capacity, discharge rate and flood risk as the pipe and pond drainage strategy would provide sufficient storage/attenuation capacity to deal with attenuated run-off from the individual development parcels. However this proposal would not have delivered against amenity, biodiversity and water quality aspirations under local policy. Officers have therefore sought further information from the applicant to demonstrate that opportunities to provide more variation in the design and function of the drainage strategy have been explored. A Drainage Strategy Report Addendum (June 2015) has been submitted which provides an assessment of underlying ground conditions. It is concluded that the use of infiltration features such as soakaways is not advised due to the

potential to cause water logging down slope. The applicant has investigated opportunities to increase the amount of swale provision, in place of piped drainage, where adoption and maintenance regimes are considered achievable. The drainage strategy has been revised to incorporate an open swale along the main estate road through the site in accordance with Anglian Water's adoptable standards.

7.33 Conservation management for the former quarry

The application site incorporates the 49.05Ha former chalk quarry wildlife area together with 15.65Ha of additional natural wildlife areas. The application previously proposed a wildlife warden accommodation building at the northern ridge of the quarry to provide a base for reserves officers and staff maintaining and monitoring the site. This would also have provided a potential an educational resource and focal point for members of the public visiting the accessible wildlife area.

7.34 In response to initial consultation under the application, significant concern was raised regarding the landscape and visual impacts of the building, including its associated parking, access and lighting requirements in this sensitive location. Concerns were also raised that a public resource such as this, associated with the former quarry, would serve to significantly encourage additional public access within the wildlife area to the detriment of the ecological interests of the SSSI and CWS. Concern was raised that this would serve to detract from the function and public use of the 37.47Ha of other informal and formal open space, proposed to cater for public access and the priority areas for extra public footfall, and other community facilities to be provided on site. Additionally, it had not been satisfactorily demonstrated as part of the planning application that the proposed warden accommodation was necessary to ensure the viable conservation of the quarry. On this basis the proposed warden accommodation has been omitted from the proposal.

7.35 The former quarry is also incorporated within the application area on the basis that a range of environmental enhancements and biodiversity management measures are to be secured in connection with the development. The existing management and conservation regime for the former quarry implemented by the Wildlife Trust is currently supported by funding secured by the former South Bedfordshire Council in connection with the Bovis Homes development at Tilia Park, Houghton Regis, south of the quarry. The recent work by the Wildlife Trust has served to enhance the biodiversity interests of the site significantly, improve site conditions and reduce antisocial activity previously associated with the quarry. The existing funding secured by South Bedfordshire Council was implemented in 2011 and is due to expire in 2016. The current management regime has established a baseline of conservation enhancements which now need to be built upon in the interests of the SSSI and CWS. Officers have considered a proposed maintenance contribution from the development together with Wildlife Trust. The development would provide for additional funding to support longer term conservation management practices.

7.36 Cemetery provision

The Leisure Strategy provides a local space standard for cemeteries and churchyards. This Houghton Regis (North) Framework Plan also lists an



aspiration for cemetery provision as part of the open space infrastructure to be provided, although no potential locations are identified on the Framework Plan diagram.

- 7.37 At the time of determining the planning application for the development of HRN1, it was considered that there are limited opportunities to provide such a use within the development area and the HRN1 planning permission does not require on-site cemetery provision. However enhanced off-site cemetery provision is included within the list of review obligations contained within the HRN1 S106 Legal Agreement. Therefore a financial contribution towards off-site cemetery provision could be forthcoming under the review mechanism should there be an uplift in development value.
- 7.38 Houghton Regis Town Council is currently exploring existing and planned cemetery provision in the area and has recently undertaken public consultation regarding a potential cemetery use at the existing Orchard Close recreation ground. On this basis, no cemetery use was identified as part of the masterplan proposals for the Bidwell West (HRN2) development at the time of the developer's public consultation exercises in March 2014 or as part of the public application submitted in January 2015. Houghton Regis Town Council raised objection to the planning application in March 2015 on the grounds that there is no provision for a cemetery.
- 7.39 In April 2015 the Town Council requested the applicant's agreement to allow the Town Council to undertake site investigations to explore the potential for, and contamination risks associated with human burials in two preferred locations on the site. This was accompanied by a report on ground conditions providing an assessment of available borehole data and potential contamination risks associated with a cemetery use. These risks are judged to be moderate to high by the Town Council's report. The applicant's ES judges these risks to be high. The potential for a cemetery use as requested, any mitigation measures needed to address contamination risks associated with human burials, and the cost of these, are not known. However, given the geological conditions, ground water levels, and the relationship between the proposed open space areas and the Ouzel Brook water course, there is an acknowledged risk of contamination and the inclusion of any cemetery use within the application site is not supported by the outcomes of site investigation at this time.
- 7.40 Notwithstanding this, it should be noted that the site incorporates a number of areas of open space to be delivered in connection with the development. Formal and informal open space areas are proposed to be transferred to CBC or its nominee. Houghton Regis Town Council has expressed its interest in assuming responsibility for these areas. The potential for a cemetery use within the site could therefore be explored in the future in connection with the formal open space proposed as part of the development. As in the case of the HRN1 planning permission, enhanced cemetery provision could be included within the list of review obligations contained within the S106 Legal Agreement to ensure funding towards this service area would be provided for in connection with the development where this can be supported.
- 7.41 Allotment provision

The Council's Leisure Strategy provides local space standards for a range of open space typologies. The standards provide a broad indication of the level and type of open space likely to be required for developments based on population. The need for well designed, attractive and functional open space as part of developments should be determined both on the basis these standards but also the practical and physical constraints of the site and development, together with the relationship between built development and the open space proposals.

7.42 Local open space standards indicate that circa 1.6Ha of allotment land should be provided for a development of this type based on its anticipated population. It is stated that allotments should be provided within a 10 minute walk time of properties (480m). Whilst various alternative masterplan proposals have been considered to identify opportunities to meet this policy aspiration, the physical and design constraints of the development do not allow for this. The development would provide for 0.75Ha of land for use as allotments. Three indicative locations are proposed as part of the proposed informal open spaces to provide a good distribution of overall provision.

7.43 Conclusion  
Overall, the level and type of open space proposed in connection with this application is significant and is considered sufficient to meet the needs of the development.

**(d) Utilities infrastructure**

7.44 The application is supported by a Utilities Statement which sets out relevant utilities providers who have been contacted by the applicant to ascertain the impact on the development on these services. A summary of key utilities affected by the proposed development is set out below.

7.45 Electricity  
Over head 11kV lines cross the site in an east to west direction from the A5 Watling Street along the Ouzel Brook until it diverges between Maywell House and Bidwell Spinney. This line would be removed and replaced by an underground infrastructure network. Existing overhead lines neighbouring land parcels excluded from the application site would be retained and connected to the new underground infrastructure. UK Power Networks have indicated reinforcement of the local 33kV network may be required with an on-site 15MVA sub-station which can be accommodated on site, potentially within the proposed employment area.

7.46 Gas  
Low pressure gas mains are located around the perimeter of the site which provide gas to the existing residential properties. The development would not necessitate diversion works on the site. Reinforcement of the gas main at Bedford Road would be required and the existing Bidwell Hill medium to low pressure governor would need replacement or rebuilding.

7.47 Potable Water  
Potable water utilities are located around the perimeter of the site which provides water to the existing residential developments and to the foul water treatment works located to the west of the site. The nearest local water main

is on Bedford Road providing water to existing housing at Bidwell. A new water supply is to be installed as part of the A5-M1 link road. If the water main is required prior to construction of the link road then easements and way leaves would be required for the land that the main would cross.

7.48 Telecoms

An existing BT line is routed along Thorn Road. Minimal works would be required to accommodate the proposed alterations to Thorn Road. Virgin Media has existing infrastructure service residential properties at the A5 Watling Street. It is stated that BT Openreach has confirmed it can service the proposed development telecommunication needs.

7.49 Conclusion

The developer would need to undertake further detailed statutory Utilities Appraisals in connection with detailed proposals and meet the costs of all necessary utilities works as required by statutory undertakers and other individual utilities providers as outlined above.

## 8. Other matters

Human Rights

8.1 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

Equality Act 2010

8.2 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Crime and Disorder Act 1998

8.3 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for addressing crime and disorder. Officers are satisfied that the development is capable of achieving a design that can assist in preventing crime and disorder in the area.

## 9. The Requirement for Planning Conditions

9.1 Given the scale and nature of the proposal a considerable number of planning conditions would be required. The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.

9.2 SCOPE AND TIMING OF PERMISSION

1. Submission of details at reserved matters stage (appearance,

landscaping, layout and scale)

2. Time limit for submission of reserved matters, time limit for implementation
3. Amount and scope of approved development
4. Define the permitted infrastructure works and development parcels

SITE WIDE CONDITIONS

5. Controls in respect of potential risks to ground water and contamination
6. Controls in respect of potential risks to ground water and contamination
7. Submission of detailed elements of surface water disposal arrangements
8. Controls in respect of potential risks to ground water and contamination
9. Controls in respect of potential risks associated with ground contamination
10. Landscape and Biodiversity Mitigation Strategy and Management Plan
11. Submission of Advanced Infrastructure Scheme and CEMP
12. Archaeological investigation, assessment, recording, protection and management
13. Submission of site-wide strategies; Lighting Strategy; Signage Strategy including cycle and footpaths
14. Development in accordance with Design Codes and site-wide strategies
15. Submission of detailed rights or way proposals
16. Submission of detailed public arts proposals
17. Arboricultural Method Statement
18. Tree protection

DEVELOPMENT PARCEL CONDITIONS

19. Scheme of noise mitigation measures for residential units and gardens
20. Submission of parcel specific Construction and Environment Management Plan (CEMP)

- 21. Sustainable construction
- 22. Submission of parcel specific Waste Audits in accordance with the Outline Waste Audit
- 23. Parcel specific tree protection

APPROVED PLANS

- 24. Approved plans and documents

**10. The Requirement for Planning Obligations**

10.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:

- **Affordable housing** at 30% of the overall residential development, affordable housing tenure mix and built quality.
- **Local road enhancements** to serve the site including proposed access junctions, road crossings, pedestrian and cycle connections, bus stops etc.
- Support for the implementation of **Smarter Choices travel initiatives** through parcel-specific travel plan measures including implementation, timescales and monitoring.
- **Land transfer arrangements, delivery and site management arrangements** in respect of all development parcels elements of the open space proposals, incorporating public access design and drainage maintenance proposals.
- **Financial contributions** and a development return review mechanism in order to mitigate against the impact of the development on various local facilities and services.

10.2 Delivery of the scheme will necessitate the transfer of several significant land parcels to the Council or its nominee. The table below sets out Officers current expectations.

PARCEL	QUANTUM (HA)	PLANNING OBLIGATION	RESPONSIBLE
Education	3.036	Land conveyed to CBC as free serviced land with financial contribution to deliver 2 FE primary school (420 places) on site	CBC Education
Community facilities	0.5	Land conveyed to CBC, or its nominee, as free serviced land with financial contribution to deliver community hall	To be offered to Houghton Regis Town Council  HRTC have expressed their desire to have the community land

			transferred to it
			A local church group has aspirations to take on the land and deliver the community hall and has discussed this with CBC Members, Officers and HRTC. CBC's preference is that responsibility for community facilities rests with statutory bodies, such as HRTC, who have an established track record and will endure. Accordingly it is expected that any community provision or involvement by the church would be through direct partnership or agreement with HRTC
Formal park	1.82	Developer to deliver formal park, land then conveyed to CBC, or its nominee, with financial contribution for maintenance	To be offered to Houghton Regis Town Council  HRTC have expressed their desire to have all open space transferred to it.
Public sports pitches	6.79	Developer to deliver pitches (including changing pavilion and parking facilities), land then conveyed to CBC, or its nominee, with financial contribution for ongoing maintenance	To be offered to Houghton Regis Town Council  HRTC have expressed their desire to have all open space transferred to it
Informal open space	44.509	Developer to deliver open space (will comprise green corridors / linear parks, natural wildlife area and access routes), land then conveyed to CBC, or its nominee, with financial contribution for maintenance	To be offered to Houghton Regis Town Council and/or Wildlife Trust  HRTC have expressed their desire to have all open space transferred to it  It is understood that Wildlife Trust also have a desire to

			have green corridors and natural wildlife areas transferred to it
Former Houghton Quarry wildlife area	No land transfer proposed	Developer to make financial contribution to continue existing conservation and management programme implemented by Wildlife Trust	Wildlife Trust

10.3 The planning application was accompanied by a confidential report on development viability. Officers have obtained a professional appraisal of the viability report providing a comprehensive examination all of the cost and value assumptions adopted by the applicant. The viability appraisal exercises essentially provide a model of the development viability of the development taking account of:

- The income generated from the development (residential, commercial, retail sales etc.)
- The costs of the development
- The required return on investment
- The cost of the mitigation and contributions package (mainly items required by planning condition or within a S106 Legal Agreement).
- The Land Value

10.4 A number of confidential reports on this have been prepared by the applicant and the Council's consultants, GL Hearn. However, broadly for the purposes of this report, viability appraisal exercises have concluded that the development is capable of providing 30% affordable housing provision with S106 costs of £30.5m. These S106 costs are as tabled below and the applicant has confirmed their agreement that these be secured through Legal Agreement.

FUNDING AREA	PROJECT	CONTRIBUTION
<u>Education</u>		
Primary and Early Years Education	New 2 FE primary school (420 places) on site plus future expansion of existing primary	£8,532,208.88
Secondary Education	New secondary school planned within HRN1 or expansion of an existing secondary within Houghton Regis	£7,890,554.88
<u>Sustainable Transport</u>		
Strategic Highways Improvements	Local road network enhancements including Woodside Link	£5,000,000
Public Transport	Public transport subsidy	£875,500
Bus stop maintenance	Maintenance contribution	£24,860
Travel plans – Smarter choice measures	Smarter choice travel plan measures and initiatives	£456,994
Off-site Rights of Way	Off-site route enhancements for specific, identified projects	£40,745

<u>Community Support</u>		
Community Centre	On site community facilities provision	£1,000,915
<u>Leisure, Conservation &amp; Management</u>		
Public Open Space Maintenance	Ongoing maintenance costs for 48.899Ha on site POS comprising Formal Park Area (1.82) Informal Green Corridors / Linear Parks (28.859) Natural Wildlife Areas (15.65)	£3,184,909
Quarry maintenance	Ongoing maintenance costs for 49.05Ha former quarry wildlife site	£1,016,000
Sports pitch, MUGA, Changing Rooms & Car Park maintenance	Ongoing maintenance costs for 6.79Ha sports pitches and associated facilities	£996,000
On site play area maintenance	Ongoing maintenance costs for on-site play areas	£110,523.24
SuDs maintenance	Ongoing maintenance costs for on-site SuDs provision as part of site drainage proposals	£145,795
Off-site Outdoor Sports	Sports facilities at Dunstablians Rugby Club	£85,892
Off-site Indoor Sports	Off site local leisure centre facilities	£1,010,866
<u>Waste</u>		
Waste Services	Recycling and bin services and equipment required for 1,850 new dwellings	£190,140
<b>TOTAL</b>		<b>£30,561,903</b>

10.5 It is important to note that the agreed contributions would not provide full funding to meet all costs as calculated in consultation with various service providers. In addition to the agreed contributions set out above, additional costs are anticipated to arising in connection with a number of other funding areas. Key funding areas which would not be supported by full funding are tabled below.

Travel plans – Smarter choice measures	Public Open Space Maintenance	Off-site Indoor Sports	Waste Services
Off-site Green Infrastructure	Healthcare Facilities	Library Services	Improved Cemetery Provision

10.6 The National Planning Policy Framework offers specific guidance in these circumstances. It states:



*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. (Paragraph 173)*

10.7 And also:

*Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily. (Paragraph 176)*

10.8 Therefore it is incumbent on the Local Planning Authority to engage constructively with the applicant regarding development costs to allow the development to be acceptable in planning terms as well as enable to development to be commercially viable. The National Planning Policy Framework clearly requires local planning authorities to consider the overall viability of large scale development projects and to ensure that the development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

10.9 The scheme would be subject to further review through the S106 Legal Agreement. This would provide for a mechanism enabling the Council to establish if there is any surplus in development return over the build period. Where an uplift in development surplus is established at an appropriate level, additional funding to a maximum of £38m would be provided by the development including towards the areas tabled under paragraph 10.5 above.

10.10 The 'package' of planning obligations as agreed by the applicant is considered by Officers to represent a reasonable balance between mitigating the impact of the development, affordable housing and the viability of the development. In this respect, it is considered appropriate to ensure the development provides for an appropriate mix of housing, including 30% affordable housing provision. This is in recognition that the site has been identified to be allocated for development, in large part, due to the urgent housing need in the conurbation area and the urgent local requirement for affordable housing in particular. It is appropriate that the development provide for on-site mitigation measures which would support a sustainable form of development on the site. Additionally, it is appropriate that the development contribute to the delivery of key items strategic infrastructure in

support of the delivery of the proposed allocation to ensure wider growth and regeneration benefits are realised across the planned growth area.

- 10.11 Having regard to the substantial benefits arising from the scheme, and the opportunity to secure appropriate, additional funding where this can be supported through a development return review, Officers consider that the contributions and obligations which can be secured in connection with the development would provide suitable mitigation against the impacts on local services and infrastructure such that the proposal represents a sustainable form of development under the terms of the NPPF. The planning obligations set out above are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the test for planning obligations as under paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.

## **11 Conclusions**

- 11.1 The proposed development would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land within the historic landscape setting of the Thorn Spring Scheduled Monument. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 11.2 Having regard to the urgent housing and economic need for growth within the area; the significant contribution which the development would make towards the urgent housing and employment need in the area; the significant contribution which the development would make in supporting the delivery of a sustainable urban extension including the provision 30% affordable housing and support for essential infrastructure and services within the wider growth area; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.
- 11.3 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

## **Recommendation**

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in this report and subject to conditions:

## RECOMMENDED CONDITIONS

- 1 With the exception of the approved Advanced Infrastructure Works, approval of the details of the appearance, landscaping and scale (herein called 'the reserved matters') of the development in each Development Parcel as defined by the approved parameter plans shall be obtained in writing from the local planning authority prior to development is commenced in that Development Parcel. The development shall be carried out in accordance with the approved details.

Reason: To comply with Article 5 (1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 2 Application for approval of the reserved matters for each Development Parcel as defined by the approved parameter plans, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

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

- 3 No more than 1,850 dwellings and no more than 8,000 sqm of gross non-residential floor space (to include mezzanines) within Classes B1, B2 and B8 (Employment); 1,000sqm of gross non-residential floor space within Classes A1, A2, A3, A4, A5 (Retail); together with additional Class D1 and D2 development comprising education, community and leisure uses (of the Town and Country (Use Classes) Order 1987, as amended) shall be constructed on the site pursuant to this planning permission in accordance with sections 17 and 18 of the application validated on 26 January 2015 and the approved parameter plans.

Reason: For the avoidance of doubt and to define the planning permission.

- 4 The "Advance Infrastructure Works" are defined as follows:
  - Geotechnical assessment;
  - Earthworks;
  - Formation of development platforms;
  - Advance structural landscaping and provision of public open space areas;
  - Provision of new and (amendment to) existing strategic highway infrastructure including footways and cycle paths, and
  - Strategic utilities provision;
  - Foul & Storm water drainage connections; and
  - Attenuation Ponds and swales.

“Development Parcel” is defined as a phase or part of the development other than Advanced Infrastructure Works; and includes residential parcels, the employment, local centre and primary school parcels and any land drainage or informal open space, play spaces and allotments contained specifically within or associated with these individual parcels as defined by the approved parameter plans

Reason: For the avoidance of doubt and to define the planning permission.

- 5 **No development shall commence in relation to the Advance Infrastructure Works or the Development Parcels as defined by the approved parameter plans until a remediation strategy, in respect of that area of Advance Infrastructure Works or that developable area, has been submitted to and approved, in writing, by the Local Planning Authority. The remediation strategy shall include the following components to deal with the risks associated with contamination of the site:**

- **A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.**
- **The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.**
- **Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.**
- **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF. Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.**

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF.

- 7 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF. Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.**

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF.

- 9 Prior to construction, the recommendations of the additional ground gas monitoring proposed in Section 7.5.2 of the Environmental Survey (and Section 7.3/Table I-5 of the referenced Ground Investigation Report) shall be implemented to their fullest extent, including any remediation or protective measures which shall in turn be validated and approved in writing by the Planning Authority prior to occupation of any structure hereby permitted.

Reason: To protect human health in line with the NPPF.

- 10 **No development shall commence in relation to the Advance Infrastructure Works or any Development Parcel until a Landscape & Biodiversity Mitigation Strategy & Management Plan, in respect of that area of Advance Infrastructure Works or that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved Mitigation Strategy & Management Plan.**

**The scheme shall include details of ecological surveys and suitable habitat mitigation and monitoring including details extent and type of new planting and new habitat created on site in accordance with the Environmental Statement (January 2015) and its Ecology Addendum (June 2015).**

**Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impacts which could occur in connection with development.**

- 11 **No Advance Infrastructure Works shall commence until an Advanced Infrastructure Schedule detailing the works in respect of that particular stage has been submitted to and approved in writing by the Local Planning Authority.**

**All Advanced Infrastructure Schedule shall be supported by detailed scaled drawings which show the proposed works in context, both existing and proposed; any temporary treatment including hard and soft landscaping, boundary treatment works associated with the development; and a Construction Environmental Management Plan (CEMP) comprising;**

- a) Environment Management Responsibilities;**
- b) Construction Activities and Timing;**
- c) Plant and Equipment, including loading and unloading;**
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) Works affecting rights of way including route diversions, extinguishments or temporary closures**
- f) Details of site compounds, offices and areas to be used for the storage of materials;**
- g) Utilities and Services;**
- h) Emergency planning & Incidents;**
- i) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- j) On site control procedures in respect of:**
  - i. Traffic management measures**
  - ii. Air and Dust quality**
  - iii. Noise and vibration**
  - iv. Water quality**
  - v. Ecology**
  - vi. Trees, Hedgerows and Scrub**
  - vii. Waste and Resource Management**
  - viii. Archaeological and Cultural Heritage**
  - ix. Visual and Lighting**
  - x. Utilities and Services**
  - xi. Protection of water resources**
  - xii. Protection of species and habitats**
- k) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**
- l) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).**

**The works shall be implemented only in accordance with the details approved.**

**Reason: To allow early work to be undertaken to set out the infrastructure necessary to begin the development and to ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the**

commencement of development to mitigate nuisance and potential damage which could occur in connection with development.

- 12 **No development shall commence in relation to the Advance Infrastructure Works or a Development Parcel as defined by the approved parameter plans until a written scheme of archaeological investigation for in respect of that area of Advance Infrastructure Works or that Development Parcel has been submitted to and approved in writing by the Local Planning Authority.**

**The development shall only be implemented in full accordance with the approved scheme of archaeological resource management.**

**This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:**

**(i) Field investigation in accordance with the agreed written scheme of archaeological investigation;**

**(ii) Post-excavation Assessment and Updated Project Design (to be submitted within nine months of the completion of fieldwork at (i)), unless otherwise agreed in advance in writing by the Local Planning Authority);**

**(iii) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the approval of the Updated Project Design at (ii)), unless otherwise agreed in advance in writing by the Planning Authority);**

**(iv) A programme of interpretation, public outreach and community engagement.**

**Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development and to secure the protection and management of archaeological remains preserved within the development in accordance with the NPPF. This condition is a pre-commencement requirement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

- 13 **With the exception of the approved Advanced Infrastructure Works, no development shall take place within a Development Parcel until a site-wide lighting and signage strategy for that Development Parcel, including cycle and footpaths, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To define the character of the development and to guide detailed submissions and to ensure that the details and appearance of the**

development are acceptable to the Local Planning Authority and in accordance with the NPPF.

- 14 The details required in accordance with Condition 1 of the permission shall be in accordance with the Bidwell West Design Code (June 2015) hereby approved and the details approved pursuant to Condition 13 of this permission.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with the NPPF.

- 15 No part of a Development Parcel shall be brought into use until a detailed Rights of Way scheme for that Development Parcel and its associated public open space area as detailed on the Revised Open Space & Development Parcel Phasing Plan (5331/OSP/ASP09 Rev C) has been submitted to and approved in writing by the Local Planning Authority.

No development shall commence in relation to the Advance Infrastructure Works comprising the provision of the public open space areas defined as formal parks & gardens, formal recreation and countryside recreation as detailed on the Revised Open Space & Development Parcel Phasing Plan (5331/OSP/ASP09 Rev C) until a detailed Rights of Way scheme for that area of public open space has been submitted to and approved in writing by the Local Planning Authority.

All such submissions shall detailing the width, specification, surfacing and treatment of Rights of Way within that Development Parcel or public open space area.

The Rights of Way scheme, or schemes shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the public rights of way network within the site are protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 16 No part of a Development Parcel shall be brought into use until a Public Art Strategy for the public open space area associated with that Development Parcel as detailed on the Revised Open Space & Development Parcel Phasing Plan (5331/OSP/ASP09 Rev C) has been submitted to and approved in writing by the Local Planning Authority.

No development shall commence in relation to the Advance Infrastructure Works comprising the provision of the public open space areas defined as formal parks & gardens, formal recreation and countryside recreation as detailed on the Revised Open Space & Development Parcel Phasing Plan (5331/OSP/ASP09 Rev C) until a Public Art Strategy for that area of public open space has been submitted to and approved in writing by the Local Planning Authority.

All such submissions shall be in accordance with the principles Outline Public Art Plan (5331.PAP.006, June 2015) and shall detail proposals in respect of;



- Presentation and council liaison
- Artist recruitment and briefing
- Coordinating community engagement
- Project monitoring, reporting, implementation and timescales and
- Management, maintenance and associated resourcing arrangements

The Public Art Strategy or Strategies shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with the NPPF.

- 17 **No development shall commence in relation to the Advance Infrastructure Works or a Development Parcel as defined by the approved parameter plans until an Arboricultural Method Statement, in respect of that area of Advance Infrastructure Works or that Development Parcel, has been submitted to and approved, in writing, by the Local Planning Authority. The Method Statements shall specify procedures required to undertake tree protection measures including specifications for tree protection barriers (including any revisions to barrier locations); a schedule of tree works; a procedure for above soil installations; hard surface removal and excavations within root protection areas; phasing of work; arboricultural supervision including auditing tree protection and subsequent reporting to the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statements.**

**Reason: To ensure a satisfactory standard of tree care and protection is planned, supervised, executed, recorded and reported at all times in the interests of maintaining tree health in accordance with good arboricultural practice and methodology. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection.**

- 18 The development shall be carried out in accordance with the Tree Constraints Plan (Dwg. No. 8788 TCP 01 Sheets 1 to 5) and the Tree Protection Plan (Dwg. No. 8788 TPP 01 Sheets 1 to 5) as prepared by Aspect Arboriculture, dated January 2015.

Reason: To ensure that the design is not in conflict with identified tree constraints, nor tree protection requirements, so as to ensure the successful protection of existing trees, as indicated for retention on the these plans.

- 19 With the exception of the approved Advanced Infrastructure Works, no development shall be commenced within a Development Parcel until a scheme of noise mitigation measures for the residential units and amenity areas within that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. The indoor noise levels shall for both bedrooms and other habitable rooms accord with the guidance contained within the relevant British Standard for acceptable residential noise levels when the details are submitted.

Internal noise levels are to be achieved, where possible with the window open; however where this is not possible, details of other means of window glazing, background ventilation and temperature control design shall be submitted to, and approved by the Local Planning Authority prior to installation.

Reason: In order to safeguard the amenity and interests of the community and in accordance with the NPPF.

- 20 With the exception of the approved Advanced Infrastructure Works, no development shall take place within a Development Parcel until a Construction Environmental Management Plan (CEMP) for that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) Environment Management Responsibilities;
  - b) Construction Activities and Timing;
  - c) Plant and Equipment, including loading and unloading;
  - d) Construction traffic routes and points of access/egress to be used by construction vehicles;
  - e) Works affecting rights of way including route diversions, extinguishments or temporary closures
  - f) Details of site compounds, offices and areas to be used for the storage of materials;
  - g) Utilities and Services;
  - h) Emergency planning & Incidents;
  - i) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
  - j) On site control procedures in respect of:
    - i. Traffic management measures
    - ii. Air and Dust quality
    - iii. Noise and vibration
    - iv. Water quality
    - v. Ecology
    - vi. Trees, Hedgerows and Scrub
    - vii. Waste and Resource Management
    - viii. Archaeological and Cultural Heritage
    - ix. Visual and Lighting
    - x. Utilities and Services
    - xi. Protection of water resources
    - xii. Protection of species and habitats
  - k) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;
  - l) Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).

The works shall be implemented only in accordance with the details approved.

Reason: To allow early work to be undertaken to set out the infrastructure necessary to begin the development and to ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF.

- 21 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 22 With the exception of the approved Advanced Infrastructure Works, no development shall take place within a Development Parcel until a detailed waste audit scheme for that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. The waste audit schemes shall be in accordance with the Outline Waste Audit (June 2015) forming part of the planning application and shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

- 23 With the exception of the approved Advanced Infrastructure Works, no development shall take place within a development Parcel until detailed Tree Protection Plans and a detailed Arboricultural Impact Assessment for that Development Parcel has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To provide detailed site specific assessments at a level of detail appropriate to the scale of the site, in order to ensure assessment accuracy.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;
- Parameter Plan 1: Land Use, Open Space & Landscape (1362/PL02 Rev G);
  - Parameter Plan 2(a): Vehicular Movement & Access (1362/PL06);
  - Parameter Plan 2(b): Pedestrian & Cycle Movement & Access (1362/PL07);
  - Parameter Plan 3: Buildings Height (1362/PL04 Rev E);
  - Parameter Plan 4: Residential Density (1362/PL05 Rev E);
  - Site-Wide Masterplan (1362-PL09);
  - Estate Road 1 Sheet 1 BE1362-3T-01 (Second Issue);
  - Estate Road 1 Sheet 2 BE1362-3T-02 (Second Issue);
  - Estate Road 1 & 3 Sheet 3 BE1362-3T-03 (Second Issue);
  - Estate Road 2 Sheet 1 BE1362-3T-04 (Second Issue);
  - Estate Road 2 Sheet 2 BE1362-3T-05 (Second Issue);
  - Thorn Road Narrowing BE1362-3T-06 (Second Issue);
  - Thorn Road Estate Road BE1362-3T-07 (Second Issue);
  - Thorn Road Western Area of Site BE1362-3T-08 (Second Issue);
  - Bedford Road Sheet 1 BE1362-3T-09 (First Issue);

- Overview Plan BE1362-3T-10 (First Issue);
- Bedford Road Sheet 2 BE1362-3T-11 (Second Issue);
- Plan and Profile Estate Road 1 Sheet 1 BE1362-3T-12 (Second Issue);
- Plan and Profile Sheet 2 BE1362-3T-13 (Second Issue);
- Plan and Profile Estate Road 1 Sheet 3 BE1362-3T-14 (Second Issue);
- Plan and Profile Estate Road 2 Sheet 1 BE1362-3T-15 (Second Issue);
- Plan and Profile Estate Road 2 Sheet 2 BE1362-3T-16 (Second Issue);
- Drainage Strategy Report (R/C13893/001, January 2015);
- Drainage Management Plan Sheet 1 (13893-SKC010 Rev B);
- Drainage Management Plan Sheet 2 (13893-SKC011 Rev B);
- Drainage Management Plan Sheet 3 (13893-SKC012 Rev B);
- Drainage Management Plan Sheet 4(13893-SKC013 Rev B);
- Drainage Management Plan Sheet 5 (13893-C014 Rev B);
- Drainage Construction Details (13893-SKC004 Rev A);
- Drainage Strategy Report (Addendum) (R/C13893/002.02, June 2015);
- Pond Detail Sections (13893-SKC100) Contained within Drainage Addendum;
- Drainage Management Plan (13893-SKC101 B);
- Revised Landscape Framework Plan (5331/LM/ASP07 REV G);
- Revised Open Space & Development Parcel Phasing Plan (5331/OSP/ASP09 Rev C)
- Outline Waste Audit (June 2015);
- Bidwell West Design Code (June 2015);
- Outline Public Art Plan (5331.PAP.006, June 2015);
- Tree Constraints Plan (8788 TCP 01 Sheets 1 to 5); and
- Tree Protection Plan (8788 TPP 01 Sheets 1 to 5).

Reason: For the avoidance of doubt.

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR), the emerging Development Strategy for Central Bedfordshire (DSCB) and the NPPF.
3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the

cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. Anglian Water has assets close to or crossing this site or there are assets subject to and adoption agreement. Therefore the development should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
8. The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

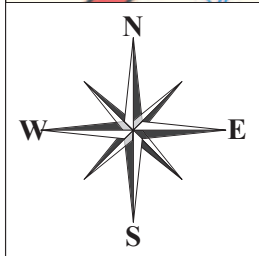
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....

.....



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 06:July:2015  
Grid Ref: 500000; 224381

Application No.  
CB/15/01928/REG3

Scale: 1:5000

Land at Thorn Turn, Thorn Road, Houghton Regis

This page is intentionally left blank



**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/15/01928/REG3</b>
<b>LOCATION</b>	<b>Land at Thorn Turn Thorn Road, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Up to 44,700m<sup>2</sup> of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>19 May 2015</b>
<b>EXPIRY DATE</b>	<b>08 August 2015</b>
<b>APPLICANT</b>	<b>CBC Assets</b>
<b>AGENT</b>	<b>Woods Hardwick Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to conditions.</b>

**Summary of Recommendation**

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

The site is located in an area identified for growth in successive emerging development plans since 2001 and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Now that a full application for strategic-scale waste development has come forward to cater for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period, there is certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.

Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area, a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

#### **Site Location:**

The site is located wholly within the designated Green Belt. It comprises a 13.23Ha parcel of predominantly arable farmland and incorporates an existing rifle range facility within its south eastern corner. The land is wholly within the ownership of Central Bedfordshire Council. The land lies north west of the existing settlement boundary of Houghton Regis which forms a major conurbation with the adjoining urban areas of Dunstable and Luton.

The site is bordered by the A5 Watling Street to the west and Thorn Road to the north. The southern boundary of the site is defined by the route of the Ouzel Brook water course, which comprises an agricultural drainage ditch with steeply banked sides managed by the Buckingham and River Ouzel Internal Drainage Board (IDB). South of the brook, the application site is adjacent to additional agricultural land at Thorn Turn, also within the Council's ownership, and the existing Anglian Water sewage treatment facility. Agricultural land forming part of the proposed strategic allocation area is located immediately east of the site and north of Thorn Road. Existing development associated with Thorn Farm is located north of the site, accessed from Thorn Road.

The route of the consented A5-M1 link road also lies to the north. The link road is to form the northern Dunstable bypass between the A5 and the M1 motorway. The link road is due to open in spring 2017. The north western corner of the Thorn Turn land is excluded from the application site to allow for the creation of a new balancing pond forming part of the drainage scheme associated with the A5-M1 link road where the alignment of Thorn Road is to be altered to create a new round about junction with the A5-M1 north of the application site. To the east of the existing

Houghton Regis settlement area, the Woodside link road is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and the Woodside Industrial Estate. The Woodside link road is planned to open in Spring 2017 to provide traffic from the industrial estate with an attractive alternative route in order to gain access to the national motorway network and reduce local congestion, for example, within the centre of Dunstable.

The site forms part of a low lying, open landscape and is predominantly flat. Land immediately north and south of the Ouzel Brook is identified as theoretical flood plain, designated as Flood Zones 2 and 3 (medium and high flood risk).

There are a number of definitive rights of way within and around the site. Public Bridleway No. 49 traverses the southern edge of the site broadly east-west and diverts north to Thorn Road through the centre of the site. Public Footpath No. 56 also runs along the southern boundary of the site, adjacent to the rifle range. The definitive routes of Public Footpaths A7 and No. 57 are located to the east. To the north of Thorn Road there are a number of north-west routes including Public Footpath Nos. 25, 26, 28 and 30.

The site forms part of the proposed North Houghton Regis Strategic Allocation (HRN), as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. The land part of Site 2 of the proposed allocation. The larger Thorn Turn site is also allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan.

### **The Application:**

Outline planning permission is sought for B1, B2 and / or B8 (Business/General Industrial/Storage or Distribution) employment development with associated infrastructure and ancillary works. Up to up to 44,700 sqm of gross internal floorspace is proposed. The application seeks approval of matters relating to means of access. Matters relating to appearance, landscaping, layout and scale are reserved for subsequent approval.

In accordance with the submitted parameter plan, buildings could be constructed to a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres.

Strategic access to the larger HRN development is to be obtained from the A5-M1 link road and its new Junction 11a with the M1 motorway to the east. The application site itself is to be accessed via Thorn Road which, at its western end will be realigned as part of the consented A5-M1 junction with the A5. The planning application proposes a new vehicular access from Thorn Road and a new access road running broadly north south through the centre of the site to provide access to new employment development to the east and west. The proposed access road would also traverse the Ouzel Brook to serve the additional Council land to the south which are subject to separate proposals for development as waste transfer and highways depot facilities.

The application is supported by illustrative proposals to demonstrate how the appearance, landscaping, layout and scale of the development could be realised through subsequent reserved matters applications. The indicative proposals detail the development of two Use Class B8 warehouse units with ancillary offices within the northern section of the site. The illustrative details indicate that these could provide for 25,050sqm and 19,650sqm gross internal floor area. The existing Ouzel Brook is shown to be retained in its present form with new surface water detention ponds, landscaping, parking and service areas within the southern part of the site.

The following has been submitted in support of the application:

- Topographic site surveys and plans
- Parameter plan in respect of built height and building set back
- Illustrative layout plans and site sections
- Design and Access Statement
- Planning Statement
- Statement of Very Special Circumstances
- Employment Report and Market Commentary
- Arboricultural Impact Assessment

Additionally the application is supported by a full Environmental Statement (ES), the scope and content of which is broadly consistent with the Council's formal scoping opinion issued on 11 July 2014 in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The technical documentation within the ES is set out in the following chapters:

- Introduction and Non Technical Summary
- Process and Methodology
- Site and Surrounding Environment
- Proposed Development
- Planning Policy Context
- Consideration of Alternatives
- Transportation
- Ecology
- Landscape and Visual Impacts
- Land Contamination and Geotechnical Issues
- Heritage and Archaeology
- Water
- Air Quality
- Waste
- Noise and Vibration
- Loss of Agricultural Land and Soils
- Utilities Assessment
- Cumulative Impacts
- Summary and Conclusion

In addition to consultation undertaken by the Council in connection with this application, a public consultation event was held at Houghton Regis Library on Tuesday 26th May 2015.

Following initial consultation on the proposal, additional information was submitted in support of the application in July 2015. These are as follows:

- Written confirmation of the maximum employment floorspace proposed; the manner in which the indicative proposals are presented to demonstrate likely landscape, visual, transport and visual impacts; and relevant health and safety measures which apply in relation to the existing rifle range.
- A fixed parameter plan defining building height and set back. It is proposed that buildings would not exceed a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres.
- A revised Transport Assessment providing further information and clarification on the points raised by CBC Highways.
- A Statement of Community Involvement detailing the public consultation process and the broad feedback and comments received in response to this.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF)**

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

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

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review Policies (SBLPR)**

Policy SD1: Sustainability Keynote Policy

Policy NE10: Diversifying the Use of Agricultural Land

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

Policy R15: Retention of Public Rights of Way Network

*The NPPF advises of the weight to be attached to existing local plans. For plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, NE10 BE8, R14 and R15 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.*

### **Minerals and Waste Local Plan (2005)**

Policy W4: Waste minimisation and management of waste at source

### **Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)**

Policy WSP2: Strategic Waste Management Sites (relates to adjoining land at Thorn Turn)

Policy WSP5: Including waste management in new built development

**Emerging Development Strategy for Central Bedfordshire (DSCB)**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 6: Employment Land

Policy 7: Employment Sites and Uses

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: The Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 60: Houghton Regis North Strategic Allocation

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

**Luton and Southern Central Bedfordshire Joint Core Strategy** - adopted by CBC Executive for Development Management purposes on 23 September 2011.

**Supplementary Planning Guidance**

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Central Bedfordshire Council Employment & Economic Study (2012)

## Planning History

The following application relates to neighbouring land which also forms part of the proposed North Houghton Regis Strategic Allocation:

CB/12/03613/OUT Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1) dated 02/06/2014.

Luton Borough Council was granted permission to apply for Judicial Review in respect of this decision. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The subsequent appeal against this Judgement was dismissed in a further Court Judgement dated 20/05/2015.

CB/14/003047/OUT Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis. Outline planning permission (March 2015).

CB/14/03056/FULL Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure and open space on land east of Bedford Road, Houghton Regis. Full planning permission (March 2015).

CB/15/00297/OUT Outline 'hybrid' planning application with details of main access routes, primary road network and associated drainage in detail only and layout in outline with details of landscaping, appearance and scale reserved for later

determination. Development to comprise: Up to 1,850 residential (C3) dwellings (including affordable housing), 2FE Primary School (D1), employment land (Use Classes B1 [a-c], B2 & B8), local centre comprising retail (A1, A2, A3, A4 & A5) and community/leisure uses (D1 & D2), layout of public open spaces including sports pitches and changing rooms, natural wildlife areas and all associated works and operations including engineering operations and earthworks.

Under consideration. Included on the same Committee agenda.

CB/15/01626/MW

Full application for development of a Waste Park comprising waste transfer station, split level household waste recycling centre and resale building, together with new access road from Thorn Road.

Under consideration.

CB/15/01627/MW

Full application for development of a winter maintenance depot (including salt storage barn, outdoor salt mixing area & stabling for gritting vehicles), highways depot (including stores area and vehicle maintenance shed, together with storage for vehicles and spares and vehicles associated with the Council's landscaping function), office block, overnight parking for highways maintenance and transport passenger fleet vehicles, staff car/cycle parking, operational yards, lighting, fencing, drainage, landscaping and new access road from Thorn Road.

Under consideration.

## Consultation Responses

Houghton Regis  
Town Council

09/06/2015:

No objections in principle. Concern are raised regarding the following:

1. The impact this development will have on traffic flow along the Thorn Road. Access to Thorn Road should be from the A5 roundabout only. Will some form of barrier (i.e. no HGV) be put in place to prevent access to the section of Thorn Road that will pass through the new housing areas?
2. The potential noise levels that residents in the nearby housing estates are likely to be subjected to. How will this problem be addressed?
3. The development site is currently still in the Green Belt, so no work should begin until this is officially rolled back.



Dunstable Town  
Council

10/06/2015:  
No objection.

Sundon Parish  
Council

22/06/2015:

- Given the Planning Inspector's letter in relation to the Development Strategy and the outcome of the Court hearing on 16 June 2015 concerning the Council's application for Judicial Review, the Council does not have an approved Development Strategy.
- National planning policy within the NPPF states that Green Belt boundaries should be established within a Local Plan. Inappropriate development within the Green Belt should not be approved except in very special circumstances.
- Council policy does not explain what very special circumstances justify building within the Green Belt.
- Planning permission should be refused on the grounds that the development is inappropriate and because of the scale and cumulative impact of the developments in the area.
- The approval of individual planning applications for Houghton Regis North sites is unwelcome as they represent the incremental implementation of this Strategic Allocation without proper consideration of the cumulative economic, environmental, and social impacts.

Luton Borough  
Council

11/06/2015:

In addition to LBC's broader concerns over the development north of Houghton Regis and Dunstable, this application raises the following issues:

*Conflict with the Minerals and Waste Local Plan*

- The proposals are in conflict with the Minerals and Waste Local Plan 2014 under which the site is allocated for waste management uses. The Minerals and Waste Local Plan States that, until the land is removed from the Green Belt, waste proposals will only be supported if very special circumstances can be demonstrated.

*[OFFICER NOTE: The allocation of the site for waste management purposes under the Minerals and Waste Local Plan are addressed as part of the comments of CBC Minerals and Waste and in the context of the assessment against the adopted Development Plan for the area (Section 1) and Green Belt considerations (Section 5).]*

*Inappropriate Development within the Green Belt*

- The proposal represents inappropriate development in the Green Belt. Very special circumstances do not exist.

*[OFFICER NOTE: Green Belt considerations and the very special circumstances test are addressed within Section 5 of this report.]*

Excessive Employment Provision

- The amount of employment development proposed as part of this application and other employment proposals within HRN Site 2 exceeds the level of employment proposed under emerging Development Strategy Policy 60 and is greater than is required.
- The additional employment development will result in higher housing targets within the Luton Housing Market Area in order to deliver the local labour required to support the higher level of employment provision. The balance between housing and employment is to be informed by joint working arrangements between the authorities.
- If development proposals escalate unchecked, there can be no confidence in the transport modelling work supporting both authorities emerging development plans and the consequent impact on the wider strategic road network within both authorities areas would be significantly worse.

*[OFFICER NOTE: The level of proposed employment provision is addressed as part of the comments of CBC Business Investment and in the context of the emerging DSCB policies (Section 4) and Green Belt considerations (Section 5).]*

Transport Assessment (TA)

- LBC are pleased that the TA has assessed the overall impacts of all developments in the area but would like to see the wider impact on roads within Luton.
- The amended design of J11a of the M1 is not yet agreed and LBC would welcome the opportunity to be kept informed of progress in this work.
- The TA refers to travel to work data available at the district level. Examination of ward-level data would be a more robust approach.
- The assessment of journey times and accessibility should acknowledge that Luton railway station is accessible via the guided busway.
- The TA refers to transport modelling work ensuring capacity up to 2031 however all the AECOM technical notes assume a future year of 2026.
- The earlier proposals for park and ride facilities as under the Joint Core Strategy to not appear to be considered in the TA.
- The AECOM technical notes highlight overcapacity at J11a in the longer term and, following junction improvements at J11a, capacity issues in the wider planned road network are foreseen.

*[OFFICER NOTE: Transport considerations are addressed as part of the comments of CBC Transport Strategy and CBC Highways Development Management and in the context of the adopted Development Plan, the NPPF and other policy*

*documents material to this application.]*

Prematurity

- The proposals are predicated on the land being released from the Green Belt through the plan-making process. It has been found that the Duty to Co-operate had not been complied with effectively ending the progress of the emerging plan. Decisions of individual planning applications cannot be allowed to block the ability of joint working studies to resolve important strategic cross boundary issues on housing and economic strategy and necessary transport infrastructure. Determination of this application would be premature.

*[OFFICER NOTE: Matters relating to prematurity are addressed as part of the assessment provided within Section 5 of this report.]*

Recommends refusal.

CBC Highways  
Development  
Management

25/06/2015:

Scope of Assessment

The scope of assessment for the submitted Transport Assessment (TA) was agreed with this office in advance during pre-application discussions. The emphasis of utilising the strategic modelling being undertaken on behalf of the Highway Authority is supported by this office

Development Policies and Principles

The submitted Transport Assessment covers the current baseline conditions and a future Assessment year of 2031. This is supported and consistent with CBC's development strategy.

This office notes that the submitted Transport Assessment contains no assessment of the proposals accordance with National or local and strategic policy. This should be rectified and included by the way of a supplementary assessment.

Site Access Arrangements (Principles)

Strategically, access to the site will be drawn from the proposed A5-M1 link road and surrounding highway network and specific site access is to be taken directly from Thorn Road which will run through the wider HRN2 development site. The principle of the proposed access strategy is supported by this office.

Proposed Highway Layouts

**Drawing No: 800516-2022-0000-1 Thorn Turn Access Road.** A simple ghost island priority junction is proposed. The Junction conforms to the guidance given with CBC's adopted Design Guide and conforms to the details as prescribed with the Design Manual for Roads and Bridges.

Sufficient vehicular visibility splays are achievable.

Notwithstanding the above, this office requires the applicant to submit detailed swept path analysis demonstrating that the proposed junction layout is fit for purpose in this regard with vehicles occupying the ghost island right turn pocket and with vehicles waiting at the “Give Way” point. The likely vehicles utilising the commercial site should be identified.

Notwithstanding the above, this office requests that a Stage 1 Road Safety Audit for the proposed site access road is undertaken and the associated Designers Response be submitted to this office for consideration.

#### Proposed Pedestrian Connections

CBC’s PROW Officer should be consulted for their views. No conflicts between HDM and the required PROW and crossing enhancements information provided internally.

#### Sustainable Transport Impacts

Based upon the nature of the proposed development, it is not expected that the site will generate any noticeable volumes of cycling and public transport impacts other than that of staff. Notwithstanding this, CBC Transport Strategy should be consulted for their views on this matter specifically.

#### Travel Plan

The submitted Transport Assessment details the associated Travel Plan submitted with the application, as such, the Council’s Sustainable Transport Officer should be consulted for their views on the proposal.

#### Highway Impact Assessment

Baseline traffic data is not included within the submitted Transport Assessment due to the modelling methodology utilising the strategic transport modelling utilised by AECOM on behalf of CBC.

With regards to cumulative impact, the baseline traffic data utilises the agreed SATURN highway assignment model (CBLTM) as undertaken for the HRN1 and HRN2 applications.

Cumulative Development therefore takes the form of identified sites within the allocation area. This is supported by this office.

There is however a discrepancy in terms of quantum of development tested under the “Cumulative Assessment Site 2 (CA2)” in the HRN 1 application and the quantum of development proposed within HRN2 application. As such this requires clarification from the application team. This

clarification also forms part of this office's response to the HRN2 proposal.

It is anticipated that this discrepancy will be dealt with within the additional update to the SATURN and VISSM modelling for the 2026 development scenario. Nonetheless, this office is satisfied that the cumulative impacts of both the HRN 1 application and HRN 2 submission have/are being adequately covered and assessed.

The application team for HRN2 have confirmed that they are awaiting the results of the further modelling and as such this cannot be assessed presently by this office. This is a key factor for the determination of this application. It is expected that this will be submitted in the form of an addendum or supplementary Transport Assessment for HRN2.

It is important to note the below from this office's response to HRN2 which remains pertinent to the overall modelling approach:

*"It is important to note that (amongst other issues that have been covered above) Luton Borough Council have submitted a objection response to this application with regards to the application failing to assess the cumulative highway impact of both the HRN 1 development and the HRN 2 submission and that a number of junctions upon the wider highway network should be considered. These include the junctions of Leagrave High Street/Lewsey Road; Leagrave High Street/Pastures Way; Sundon Road/Sundon Park Road; and Toddington Road. The submitted Transport Assessment confirms that additional modelling for the 2026 and 2031 scenarios is being undertaken (see above) and it has been confirmed that the wider CBLTM assignment model covers these junctions upon the wider highway network.*

*Until the additional modelling has been undertaken, the submitted Transport Assessment considers the existing SATURN assignment flows in order to assess highway impact. This approach is supported by this office (CBLTM 2031 Test 9) which includes for a 2031 assessment year including all committed development and highway network improvements in place). The flows have been adjusted to reflect the development composition and trip rates as discussed in Chapter 5 of the submitted Transport Assessment. (This office assumes that this covers our concerns with regards to development quantum discrepancy (as detailed above), however this requires clarification/confirmation."*

**It should be clearly noted that Highways Development Management is duty bound to only consider committed development (such as sites with planning permission) in its assessment of a highways scheme. It is noted however that CBC Strategic Transport must take a wider**

**view of implications upon the highway network from not only committed development but also planned development (including sites without planning permission).**

Based upon the latest tranche of strategic modelling undertaken by AECOMM on behalf of CBC, it is considered that the proposal before us could be satisfactorily accommodated on the proposed highway network without causing a material highway impact.

Clarification is sought from the applicant regarding Section 3 of the TA referring to travel to work by mode from the 2011 census and implies that information is only available at the district level. This is at odds with the TA for HRN2, which applied ward-level data.

The Transport Strategy Team has considered the cumulative impact of this development plus others in the North Houghton Regis area (referred to herein as HRN2 / Thorn Turn) in terms of their impact on the local highway network, and the mitigation considered necessary to make the proposals acceptable in planning terms.

Central Bedfordshire Council commissioned AECOM to utilise the Central Bedfordshire Strategic Transport Model and undertake supporting VISSIM micro-simulation modelling to produce a series of reports which assessed various future scenarios associated with the HRN2 and Thorn Turn applications. *[OFFICER NOTE: This is as detailed within the advice of CBC Transport Strategy set out below.]*

#### Site Access Assessment

A capacity assessment of the proposed site access junction has been undertaken using "Junctions 8". The traffic flows utilised have been taken from AECOMM's strategic model. This is supported.

The assessment is considered robust with the traffic generation being associated within the network peak hours. It is considered that the peak hours for the waste facility will occur outside of the network peak hours.

A sensitivity test has also been included within the assessment for an addition 100 HGV trips accessing the site during the AM and PM network peak hours. This is supported.

The submitted models have been validated by this office. The results demonstrate that the proposed junction will operate well within its theoretical capacity limits with a Max RFC (Maximum Ratio of Flow to Capacity) of 0.62 occurring on the

“Proposed Access Road/Thorn Road (west)” stream during the PM peak hour.

Trip Generation – General

With regards to trip generation, the Transport Assessment has not taken into account any measures that will be utilised to encourage more sustainable means of Travel such as the Travel Plan. Therefore the submitted Transport Assessment is considered robust in this regard.

With regards to the interrogation of the TRICS database utilised, the datasets are considered suitable.

In line with the provisions and requirements detailed above, and without prejudice, this office raises no objections to the principle of this proposal.

**Updated observations**

The applicant has submitted swept path analysis demonstrating the suitability of the site’s internal highway layout. This is supported.

The applicant has also undertaken swept path analysis of the proposed Site Access junction. The swept path analysis for articulated vehicles egressing the site access to the west illustrates that the vehicles body and tyres will infringe the right turn pocket of the proposed ghost island. This is not acceptable. The vehicle in question must be able to make this manoeuvre without any infringement upon the proposed right turn pocket.

06/07/2015:

The amendments to the TA highlighted in green are acceptable subject to clarification regarding the submitted swept path analysis data. These demonstrate the site is highway proposals can accommodate 15.5m articulated vehicles. It is queried whether a max legal 16.5m articulated vehicle can make all of he required manoeuvres. *[OFFICER NOTE: Officers are seeking clarification regarding the above and the advice of CBC Highways Development Management’s advice regarding this.]*

CBC Transport  
Strategy

12/06/2015:

1.1 The Transport Strategy Team has considered the cumulative impact of this development plus others in the North Houghton Regis area (referred to herein as HRN2 / Thorn Turn) in terms of their impact on the local highway network, and the mitigation considered necessary to make the proposals acceptable in planning terms.

## **2. The Transport Modelling Process**

- 2.1 Central Bedfordshire Council commissioned AECOM to utilise the Central Bedfordshire Strategic Transport Model and undertake supporting VISSIM micro-simulation modelling to produce a series of reports which assessed various future scenarios associated with the HRN2 and Thorn Turn applications.
- 2.2 A phased approach was adopted to understand firstly the impacts of the developments, and secondly the mitigation measures which are deemed necessary to alleviate the impacts the modelling has identified.
- 2.3 Three distinct pieces of work were undertaken as follows:
- **Phase 1:** Highlighted the cumulative impacts of all growth in the south of Central Bedfordshire with the A5-M1 Link, new M1 J11a and Woodside Link all in place.
  - **Phase 2:** As Phase 1 but with a revised design of M1 J11a to alleviate problems modelled to arise at the junction in future year's scenarios, as identified in the Phase 1 evaluation.
  - **Phase 3:** An assessment of appropriate mitigation measures to address the impacts of the HRN2 and Thorn Turn developments identified in Phase 2.
- 2.4 The reports associated with these commissions form the authority's evidence base and justification for its position in seeking mitigation from the HRN2 and Thorn Turn developments.

## **3. Phase 1 – Assumptions, Issues and Outcomes**

- 3.1 The first report produced by AECOM was issued on 31 October 2014 and highlighted the cumulative impacts of all growth in the south of Central Bedfordshire (including land to the north of Luton) with the new A5-M1 Link, M1 J11a and Woodside Link in place, in 2021 and 2026 future scenario testing.
- 3.2 The modelling work highlighted that the HRN2 and Thorn Turn developments would not have a detrimental impact upon the operation of the road network in 2021 and 2026 'am' and 'pm' peak periods.
- 3.3 It could be interpreted from the reporting that this was predominantly as a result of the inability of M1 J11a to release demand onto the A5-M1 Link, with delays



experienced on the southbound slip road onto M1 J11a as a result.

- 3.4 Congestion was identified on the A5120 Bedford Road in a southbound direction towards Houghton Regis and in a northbound direction towards Toddington at the junction with the new A5-M1 Link.
- 3.5 It is on the basis of this report that Highways England have stated that they have no objection to the developments coming forward.

#### **4. Phase 2 – Assumptions, Issues and Outcomes**

- 4.1 The second report issued by AECOM on 27 January 2015 considered the same scenarios as Report 1 but incorporated a new enhanced capacity M1 J11a, designed to alleviate the delays and congestion experienced to occur in the 2021 and 2026 analysis.
- 4.2 The design of the enhanced capacity junction reflected a proposal drawn up by consultants URS (who are now part of AECOM) on behalf of the Highways Agency. It forms one solution to the problems experienced at the junction but no assessment has been undertaken to establish whether or not it is the most effective or preferred solution.
- 4.3 This enhanced capacity junction will only be provided as part of the development of the Land North of Luton site allocation in the Development Strategy.
- 4.4 The consequences of releasing demand at the junction are significant. In the 2021 and 2026 'am' and 'pm' scenarios, both the Strategic Road Network (SRN) and the local road network experience delays as a consequence of the HRN2 and Thorn Turn developments and other growth assumptions in the south of the authority.
- 4.5 Journey time delays are particularly apparent on:
  - A5 (northbound towards junction with A5-M1 Link)
  - A505 (eastbound towards junction with A5, as a result of queuing along the A5)
  - A5120 (southbound towards junction with A5-M1 Link)
  - A5120 (northbound (towards junction with A5-M1 Link)

- 4.6 As a consequence of these findings it was determined that work was required to identify mitigation to alleviate the impacts on the network.

## **5. Phase 3a – Identification of Mitigation**

- 5.1 The third report issued by AECOM in draft on 24 April 2015 detailed three alternative approaches to mitigating the impact of the HRN2 and Thorn Turn developments focusing upon:

- A highways based solution,
- Smarter choices interventions, and
- A combination of the above.

- 5.2 From the analysis undertaken by AECOM, it was determined that a highways based solution which comprised signalisation at the A5/A5-M1 Link roundabout and at the A5120/A5-M1 Link roundabout, together with the application of smarter choices measures would provide sufficient mitigation to alleviate delays in the 2021 'am' and 'pm' peak periods.

- 5.3 Whilst delays would reduce on the local road network as a result of this mitigation, delays on the A5-M1 Link would increase at both junctions, although, within an 'acceptable' range in the view of AECOM.

- 5.4 Highways England (the organisation responsible for managing the operation of the SRN) expressed only mild support for this intervention in terms of the impact on their network in 2021, at a meeting on 21 May 2015.

## **6. Phase 3b – Identification of Mitigation in 2026**

- 6.1 Despite the relative success of the signalisation intervention in the 2021 scenario, in the 2026 'am' and 'pm' peak period scenarios, the level of delays on the network were considered to be significant and the proposed mitigation combining both the signalisation of the roundabouts and the introduction of smarter choices measures, insufficient to cater for the increase level of demand on the network.

- 6.2 These findings resulted in the Transport Strategy Team requesting AECOM to further consider the measures required to fully mitigate the impact of the HRN2 and Thorn Turn developments, in the context of wider growth in the south Central Bedfordshire area.

- 6.3 Two options were explored as part of this further work – an enhanced signalisation option and a Grade Separated Junction (GSJ) option.
- 6.4 The GSJ option was soon dismissed as the costs this would incur would be prohibitive to the scheme. However the option which encompassed an enhancement to the original signalisation approach was demonstrated to alleviate delays on the network with all signals clearing within a single green phase, a threshold deemed acceptable by the authority.
- 6.5 Whilst endorsement for this mitigation is still to be sought from Highways England, the authority is confident that the intervention will provide the necessary management of the network to accommodate the increase in trips the HRN2 and Thorn Turn sites will generate.
- 6.6 Subsequently a sensitivity test was undertaken with a further 10% demand factored into the model, and this also demonstrated the network performing at acceptable levels.
- 6.7 Finally, the modelling work identified the extent to which the developments were reliant on the Woodside Link scheme. Some 4% of all northbound trips on the Woodside Link in peak periods were identified to have a destination within HRN2 / Thorn Turn.

## **7. Position of Highways England (formerly the Highways Agency)**

- 7.1 The Strategic Road Network (SRN) is the responsibility of Highways England (HE) and in the proximity of the development applications sites this comprises the M1, A5 (to the north of Thorn Turn), and the new A5-M1 Link (once complete in 2019).
- 7.2 Following receipt of the modelling reports into the impact on the highways network and a meeting between AECOM, Central Bedfordshire Council and HE on Thursday 21 May 2015, HE has issued no objection to the Bidwell West planning application and makes no request for mitigation from the Bidwell West development.
- 7.3 Likewise, Highways England has issued correspondence stating that they do not object to the developments at Thorn Turn in respect of the highways depot, waste facility or commercial development.

- 7.4 This is on the basis that having reviewed the AECOM reports, HE consider that they do not demonstrate the congestion problems identified are specifically as a result of the HRN2 and Thorn Turn developments, but cumulative impacts as a consequence of as yet further uncommitted development to the North of Luton.
- 7.5 HE have stated that they can not take uncommitted development into the equation when assessing the impact of a given applications and hence have considered HRN2 and Thorn Turn on their own merits. These conclusions reflect the findings of the Phase 1 Report produced by AECOM and issued on 31 October 2014.
- 7.6 Given that the uncommitted development to the north of Luton is associated with the enhanced capacity M1 J11a it is evident that the HRN2 and Thorn Turn developments do not result in undue congestion on the network and that there is sufficient capacity for these sites to come forward.

## **8. Addressing the Impact of Development**

- 8.1 Whilst the position of Highways England is understandable, Central Bedfordshire Council and the Transport Strategy Team need to take a more strategic approach and consider the totality of growth envisaged within the authority in the period up till 2026, including the north of Luton development and associated infrastructure improvements at M1 J11a.
- 8.2 It is the opinion of the Transport Strategy Team therefore that the HRN2 and Thorn Turn developments will contribute towards a cumulative impact of growth in the area and give rise to unacceptable congestion as demonstrated in the 2026 scenario testing.
- 8.3 As a result of this, it is felt to be reasonable and equitable to secure funding to alleviate the impact on the A5, A505 and A5120 in particular, whilst also contributing to the Woodside Link scheme, and providing dedicated funding for sustainable travel improvements.

## **9. Cost of Mitigation**

- 9.1 Given the above areas of mitigation identified as being necessary to facilitate the development at HRN2 and Thorn Turn a contribution of £40,000 is deemed to be appropriate to secure from the Thorn Turn Commercial development through the S106 Agreement process.

*[OFFICER NOTE: Funding in connection with this development cannot be secured through the S106 Legal Agreement process as the Council acts as both applicant and Local Planning Authority in this case. Therefore alternative funding arrangements will need to be adopted outside of the planning process. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.]*

CBC Sustainable  
Transport – Travel  
Plans

10/06/15:

- The structure of the submitted travel plan is acceptable, although the site audit of sustainable travel links is very brief. There is not enough detailed information on what the potential links to the site will be and what improvements are proposed to increase attractiveness of walking, cycling and use of public transport.
- A condition is suggested to secure the document and ongoing annual monitoring.

CBC Integrated  
Transport Team

28/05/2015:

- Emphasises importance of interconnected transport planning. There is a need for continuous footways and cycleways including connecting with the proposed highways depot and waste transfer sites and along the site frontage.
- Proposals must provide suitable access arrangements for cyclists.
- Proposals relating to the retained bridleway on the site should support the planned signalised crossing of Thorn Road, north of the site.
- It is suggested that the route of the bridleway should be widened, surfaced and lit year round to support its use by pedestrians and cyclists.
- Consideration should be given to bus stop provision in the area around the site.
- Contributions to public transport services and infrastructure may be required if the Bidwell West (HRN2) development is delayed.

CBC Local Planning  
and Housing

11/06/15:

- The site forms part of the proposed Houghton Regis North Strategic Allocation and is related to the neighbouring development proposals for Bidwell West (HRN2), waste transfer and highways depot developments at Thorn Turn and the consented HRN Site 1.
- The site is currently within the Green Belt. The application must therefore demonstrate that very

special circumstances exist and the proposal is in conformity with the Houghton Regis North Framework Plan.

- The Luton and Southern Central Bedfordshire Joint Core Strategy previously identified land north of Houghton Regis for a strategic residential-led mixed use development allocation. Although the Joint Core Strategy was withdrawn, this was not because of any disagreement between the joint Councils regarding this allocation. The principle of its removal from the Green Belt and its allocation for a mixed-use development was supported by both Councils.
- The proposed strategic allocation is now reaffirmed under the emerging Development Strategy for Central Bedfordshire Policy 60 which requires 8Ha of B1, B2 and B8 uses within Site 2 of the allocation, of which this site forms part.
- The proposed development is in general conformity with the Houghton Regis (North) Framework Plan which identifies land at the western edge of the allocation area for employment purposes in recognition of the physical constraints and opportunities presented by the wider allocation area.
- The site is allocation for waste management uses under the Minerals and Waste Local Plan 2014. Policy WSP2 acknowledges the need for very special circumstances for development in the Green Belt.
- The application is accompanied by an employment study which supports the site as a suitable and sustainable employment site due to its access to the A5 and A5/M1 Link Road, making it accessible to the highway network. Given that this area is proposed to be allocated for substantial housing growth and is located close to the existing conurbation of Luton and Dunstable, the site also benefits from access to key employment markets. The proposed use is in accordance with the use proposed in the emerging Development Strategy and adopted Framework Plan for Houghton Regis North.
- In relation to potential impacts on nearby employment areas, such as the Woodside Industrial Area in Dunstable, the employment report highlights that there is a shortage of development land for B1, B2 and B8 and an increase in the demand for available sites due to an upturn in the economy. It is considered that there will be a minimal impact on these existing areas.
- The application is supported by a statement setting out very special circumstances in support of the proposal as follows:
  - § Although not a minerals or waste proposal, the proposed development is located within an allocated strategic

waste management site in the Minerals and Waste Local Plan. As such the principle of development in this area is accepted given that it can demonstrate VSC;

- § The application site is located within the Houghton Regis North Strategic Allocation identified in the emerging Development Strategy for allocation and removal from the Green Belt for development for an urban extension to meet the housing and employment need;
  - § The application site, notably Houghton Regis North, has historically been allocated for development within successive plans since 2001;
  - § The development proposal is compliant with the Houghton Regis North Framework Plan and Policy 60 of the emerging Development Strategy;
  - § The provision of employment development within Houghton Regis North will deliver jobs that will form a key part in the delivery of a sustainable urban extension; and
  - § The site is considered to be a suitable and sustainable site for employment-generating uses with good proximity to major conurbations, existing employment areas, proximity to labour markets and good strategic and local access.
- It is also important to consider the planning history of the proposed allocation area which includes a number of consented developments including HRN1 and several current applications including proposals for the larger part of Site 2 of the allocation.
  - The provision of the employment together with the Council's Waste Park and Highways Depot, will contribute to the delivery of jobs in Houghton Regis North ensuring that it is a sustainable urban extension.
  - Taken cumulatively, it is considered that these factors represent very special circumstances which outweighs the harm to the Green Belt.

CBC Business  
Investment

03/07/2015:

- The Lambert Smith Hampton market report supporting the application has been reviewed. The picture of a very limited supply and quality set out within the report is fully recognised.
- The wider engagements CBC Business Investment has

had with other commercial agents in the area, would also support this.

- CBC Business Investment are currently dealing with three live enquires for the Dunstable/ Houghton Regis areas all looking for around 50-200,000 sq.ft units and are having difficulties finding suitable sites and premises for these.
- This is made particularly difficult given two of these are looking for freehold sites.
- The current availability of some larger facilities such as Prologis Park DC2 is not likely to meet this requirement.
- CBC Business Investment are seeing the emergence of two distinct markets, one for the strategic distribution facilities and one for the more local smaller scale industrial/ distribution market. The Thorn Turn/ HRN2 sites are far more suited to the latter, where the area does have a current shortage of quality supply.
- Likewise the broad B1, B2 and / or B8 use proposal means the site is far more likely to secure a range of possible uses compared to the larger strategic sites of HRN1, North of Luton and Sundon RFI, which make up a large proportion of the employment land allocation in the area.
- With regard to the wider over allocation matter, the latest East of England Forecasting model (Autumn 2014- published 08.01.15 ) show forecast demand from 2011 to 2031 of 26,700 net jobs for Central Bedfordshire, compared to 11,600 for Luton over the same period.
- This figure is above the forecast used in the previous employment land review undertaken for the Council's Development Strategy and is the forecast consistently used by the Council and other East of England Authorities.
- It should not be assumed that the 27,000 jobs figure for the Development Strategy is incorrect, in fact jobs growth in Central Bedfordshire greatly exceeded forecast rates in the latest data (6,200 jobs according to 2013 Business Register and Employment Survey) compared to the development strategy forecast of approximately 1350 jobs per annum over the plan period.
- These factors combined highlight the need for increased employment land allocations, particularly of the right quality in the right location to meet known demand.
- The previous employment land study, identified specific commercial markets operating within Central Bedfordshire, and that allocations in one area would not necessarily meet the demand in others.



- Given the strategic nature of much of the allocations in the Dunstable / Houghton Regis area and the findings of the Lambert Smith Hampton report, there the need for these allocations to particularly support the growth of local businesses.
- CBC Business Investment has seen a significant increase in the demand for land and premises, with a 75% increase in enquires over the last year. Dunstable and the surrounding area remains the highest level of overall demand.

CBC Minerals and  
Waste

03/07/2015:

The application site occupies the northern portion of a 24 hectare 'L' shaped area of land allocated for strategic waste recovery uses by virtue of the Minerals & Waste Local Plan: Strategic Sites & Policies (adopted January 2014) \and in particular Policy WSP2. The extent of this strategic allocation is not a reflection of anticipated land-take requirements for strategic waste management uses. In order not to potentially limit options for the design and layout of the waste final scheme and the technologies or processes to be used, an area of land was allocated to give developer(s) / operator(s) a reasonable degree of flexibility in devising the best strategic solution. As the Bedfordshire Energy and Recycling (BEaR) project evolved, different scheme emerged occupying various portions of the site. It was never envisaged that this project would occupy the entirety of the allocation.

Now that a full application for strategic-scale waste development has come forward (reference CB/15/01626/MW) which caters for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period , there is some certainty regarding those parts of the allocation land that are not required.

CBC Green  
Infrastructure

10/06/15:

- The Ouzel Brook is an important GI asset and needs to be a key element of the design proposals in the area. The application does not demonstrate a joined up approach to design as drainage is not dealt with in connection with other environmental benefits in line with planning policy.
- Scheme proposals need to demonstrably consider how to improve biodiversity and how to integrate SuDS sensitively within the character of the area.
- There is the potential to create a multi-functional green infrastructure corridor that incorporates the bridleway and surface water attenuation areas within an attractively designed scheme which improves biodiversity, provides a landscape buffer and integrates sustainable water management. Various detailed design aspirations are set out.

- Conveyance by piped drainage to the attenuation ponds is contrary to CBC's SuDS guidance. Conveyance should be at the surface, for example, in swales. This would also complement the existing drainage character of the area.
- The location of the site above a principal aquifer has been identified as problematic for drainage through deep soakaways. However, shallow infiltration methods have been inappropriately discounted, for example, permeable paving. Provision of green roofs should be considered. The value of these multiple benefits would need to demonstrably be outweighed by cost in order to discount them as an appropriate option.
- The drainage scheme should demonstrate how water quality as well as discharge rates and volumes have been considered.
- Although the proposed development is acceptable in principle, the design proposed does not meet green infrastructure or sustainable drainage policy requirements. It does not demonstrate how a net gain in green infrastructure will be delivered. The proposals for infiltration, interception and conveyance should be reviewed, and the design of the attenuation areas within the Ouzel Brook re-considered in an integrated way to improve the Ouzel Brook as a GI corridor, delivering access, biodiversity and landscape benefits in a way that responds to local character and opportunities.

CBC Landscape

10/06/2015:

- Presentation of the three Thorn Turn applications as a whole would have enabled easier understanding of the broad site proposals and the surrounding sites.
- This site forms a key feature in the future 'gateway' to HRN2 and Dunstable. This, and the adjoining development proposals, would extend the built area into the countryside and in views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. These views include sensitive receptors such as Sewell Conservation Area and heritage assets and footpaths along the escarpment.
- The site would form part of a wider urban development setting. The grain, building heights and finishes of the adjoining development will form part of the northern and eastern setting to the proposed development. The proposed units will sit against the backdrop of future landscaped public open space.
- Serious concern is raised regarding the landscape visual impact of two large sheds, especially from sensitive views from the northern clay hills and the

southern chalk escarpment.

- The design and finish of the large units and how the development is integrated within the landscape and urban setting will require careful design consideration, it may be that a standard design of units and standard cladding system, as shown as example, will not provide the quality of design and finish required for and this key development site and highly visible, two very large mass development.
- Photomontages or rendered images showing the proposed development, at least in 'block' form, or potential landscape mitigation would be of assistance in this regard.
- A tree survey should adjoining existing planting and detail of proposed planting associated with the A5-M1 Link.
- To minimise the wider impacts of the development, it is recommended that a substantial landscape framework including extensive tree planting linked to existing and planned landscape structures adjoining the application site, which may require management and additional new planting.
- It is recommended that the development be set back from Thorn Road at the eastern end of the site to enable a wider landscape buffer to be included along the northern site boundary.
- Consideration should be given to visual 'deconstruction' of elevations, rooflines and roof materials, possibly employing relief in building form to create shadows, colours and textures to visually break up facades and building massing.
- More planting would be required within the site and associated with SuDs proposals within the Ouzel corridor. Wet woodland creation with local landscape and habitat enhancement should be explored.

CBC Leisure

21/05/2015:

No comments

CBC Sustainable  
Growth

10/06/2015

- A sustainability statement would be required showing how the development will meet BREEAM excellent or equivalent standard.
- This development represents an opportunity for a considerable PV roof mounted installation which can deliver significant economic benefits. Roof mounted PV installation up to 1MW is a permitted development and is supported by the government UK Solar PV Strategy.
- This should be secured by planning condition.

CBC Ecology

10/06/15:

- The Design and Access statement does not include an Ecology section. A number of further surveys are required. Elements of the design of the site should take account of the surrounding biodiversity interests. The Ouzel Brook is an important ecological corridor. It should be retained intact and its enhancement explored.
- The ES addresses issues associated with protected species and reports confidence in the ability of the development to mitigate any potential impacts to protected species.
- No mention of is made of dormice in 'other protected species'. Dormice should be added to the list of further surveys where the need to remove hedges is identified. Enhancement works to the hedge boundaries should ensure the landscaping scheme incorporates locally native species which would support dormice such as hazel and fruit bearing shrubs.
- The nearby sewage works are of great interest for birds and I would therefore suggest that a bird survey is also undertaken as a follow up study. Results of this will serve to inform the landscape design process further to ensure maximum biodiversity gain.
- Concern is raised regarding potential lighting impacts on habitat areas. A lighting strategy should be provided to demonstrate how this is to be sympathetically designed.
- The proposed SuDs scheme appears very basic but could be beneficial to Great Crested Newt habitats depending on the range of depths provided by the ponds.
- It is recommended that a condition is placed on any permission that requires updated ecological surveys for; reptiles, nesting birds, bats, water voles, otters, badgers, birds and dormice, that appropriate mitigation in undertaken and, where necessary licences obtained, to ensure the development would not impact on the favourable conservation status of a protected species.

CBC Countryside  
Access

11/06/15:

- The development will have a significant impact on the environment and the view of the countryside landscape.
- We would encourage that consideration is given so that the two ponds are used as a landscape feature.

CBC Rights of Way

11/06/15:

- Public bridleway no. 49 runs through this site, along the southern boundary adjacent to the Ouzel brook and then north adjacent to an existing hedge to Thorn

Road.

- This route forms part of the Icknield Way Trail promoted route and is the only future connection for horse-riders from the Totternhoe/Sewell area to the land and bridleway network in the wider countryside north of the A5-M1 link road.
- More detail is required to detail of how the public bridleway will be accommodated/cross the proposed access road. The nature of any crossing should be determined by assessment of all three Thorn Turn developments. If a full Pegasus crossing is not to be provided, it should be clearly demonstrated why.
- The proposed Pegasus crossing illustrated to cross the access to Site B is most welcome. A full assessment would need to confirm what suitable crossing would be provided if it is decided at a later date a full Pegasus crossing is not necessary.
- The crossing of Thorn road is also important. I accept that there may be interim arrangements for the non-motorised user crossing as each development progresses but the ultimate aim for the Council must be a fully signalised Pegasus crossing to ensure continuity of the bridleway through all of the developments and beyond. Should an interim crossing be provided by the Council, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West.
- It is unclear from the illustrative plans what width has been left for the public bridleway. To allow for the visual impact and any noise, and avoid users of the bridleway feeling enclosed by any site security fencing, a route width greater than the legal width of 4 metres within a 8-10 metre green landscape corridor should be provided to allow more room for horse-riders to deal with any horses, accommodate an increase in future use by all users and allow the Council to consider surfacing part of the bridleway.
- Proposed structural landscaping should be set back from the bridleway to avoid vegetation encroaching on the route. It would need to be clarified who would maintain any landscaping including SuDs.
- Public Footpath no. 57 links to Public Bridleway no. 49 at the south of the site and it is important that this connection is protected and enhanced.
- Public Footpath no. 56 currently runs down the centre of the Anglian Water access road.
- The proposed landscape corridor and shooting range next to this should allow this route to be protected and enhanced again as part of the Bidwell West proposals.
- The design of the layout of the site has considered the public bridleway and this is welcome. It is accepted that some noise will remain and will be unavoidable but all

reasonable mitigation should be put in place to reduce noise from the site. Should this include signage, this would need to be with agreement of the Rights of Way section.

- The route of BW49 should be recognised as a sustainable travel option. It would be sensible for the for the Council to consider a cycle and pedestrian link for staff onto the public bridleway or Anglian Water access road to the south of the site from the bicycle storage/parking at the Highways depot.
- Consideration will be needed as to whether any temporary diversion or closure of the public bridleway would be needed to allow any construction works to be carried out on the site. The Construction Environmental Management Plan (CEMP) should include details of any proposed temporary closure or diversion of the bridleway and for signage. Fencing should not obstruct FP57. Consideration should be given to any electrical substation required and its relationship to the bridleway.

CBC Trees and  
Landscape

19/06/2015:

- Although the level of tree removal is very low, 365 linear metres of hedgerow would be removed as part of the construction of the new access road. Of this, 195 metres is Elm with highly questionable long-term sustainability. However 170 metres of mostly Hawthorn and Blackthorn hedging would be removed.
- If the design construction can recognise the potentially significant loss of hedging, and can modify a final design strategy to incorporate as much of the existing hedging as possible, then the environmental impact caused by the scheme would be brought down to acceptable levels.
- If the design cannot be modified, then I would accept that a landscape scheme is proposed that maximises the planting of new native hedgerow and trees in order to offer suitable environmental mitigation.

CBC Sustainable  
Drainage

09/06/2015:

- Outline planning permission could be granted for the development and the final design, sizing and maintenance of the surface water system be agreed at the detailed design stage.
- An enhanced Surface Water Drainage Strategy would be required, including an associated Maintenance and Management Plan for the proposed drainage system. This should be secured by planning condition.
- The surface water drainage strategy identifies a viable approach to the discharge of surface water however more detailed and comprehensive analysis of the proposed drainage system is required before any

development may be permitted to take place. This must have sufficient evidence regarding the mitigation of flood risk to demonstrate the proposed management of surface water will be suitable for the lifetime of the development in accordance with paragraph 103 of the NPPF, its supporting planning practice guidance and national technical standards for SuDS. Wherever possible the principles of sustainable design as outlined in the NPPF and SuDS Supplementary Planning Guidance should be shown to be applied.

- Detailed technical advice to the applicant and a proposed planning condition to secure detailed drainage and SuDS proposals is set out.

CBC Archaeology 11/06/15:

- The northern part of the site is within the area identified as Thorn Green, the site of a former village green associated with the medieval settlement of Thorn.
- There is a rich archaeological landscape with evidence of human activity from the Neolithic to Roman, early to middle Iron Age and Saxon periods.
- The site is within the setting of a number of Scheduled Monuments, including Thorn Spring Moated Site, north of Thorn Road.
- Archaeological field evaluation on the site including geophysical survey and trial trenching was undertaken in 2012 which identified field systems of Roman and medieval date and undated features.
- Additional archaeology work related to the wider development area has also identified new archaeological sites providing additional context for the application site including a pit alignment, probably of later Bronze Age or Iron Age date, and a series of linear features.
- The Environmental Statement supporting the application deals with designated and non-designated heritage assets and provides a desk-based assessment of the 2012 field evaluation work to establish baseline conditions. This is acceptable.
- It is concluded that there is high potential for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Generally this is a reasonable assessment of the archaeological potential of the site. However the potential for the prehistoric period should be considered to be high rather than moderate on the basis of recently discovered linear features south of Thorn Road.
- It is suggested that the impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation and possible investigation strategies are identified.

- The ES provides assessment of the impact on the setting of Schedules Monuments within 1km of the site.
- It is not appropriate to assign an arbitrary setting envelope around the site. This is particularly important for designated assets along the crest of the Chilterns (Maiden Bower and Totternhoe Knolls) which are located in prominent and strategic positions so that they command and indeed dominate the extensive and substantial surrounding landscape.
- It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape to significance of the monument is limited or neutral. Due to its distance from the Monument, the ES concludes the development would have no impact on the setting of Thorn Spring.
- The extent of the setting of Maiden Bower hillfort is identified as is the contribution the Monument's commanding position and strategic location within the landscape makes to its significance. It is concludes that the development would have a minor negative impact on the setting.
- There is no specific consideration of the setting of Totternhoe Knolls motte and bailey castle but the importance of long views from the site are noted; the prominent and strategic location of the site, dominating the surrounding landscape make a major contribution to the significance of the castle. It is concluded that the development would be barely perceptible from the monument due to structural landscaping along the A5 Watling Street.
- The level of landscape mitigation and design elements of the buildings are not yet known at this outline stage but the site is within a prominent location. Any buildings with a maximum height any greater than 15m would not be welcomed and it is preferred that the buildings are lower than this. It is suggested that fixed parameters should be provided to establish development limits in this respect.
- The proposed development would have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing appropriate measures to record and advance understanding of the archaeological heritage assets are secured by condition.

CBC Public  
Protection

29/06/2015:

- Limited information is provided with respect to potential noise as the final design and uses remain unknown at



this stage.

- There is the potential for significant noise such as from plant operations, HGVs and 24 hour operations.
- Potential noise impacts are to be controlled by condition. Noise impacts would need to be quantified by the developer through detailed studies in terms of noise prior to the development commencement.
- The development is unlikely to have any adverse environmental impacts in terms of air quality.
- The site lies outside an area previously defined as likely to be susceptible to unacceptable odours relating to the neighbouring foul water treatment works.
- Recommends conditions to impose noise and lighting controls.

CBC Public  
Protection –  
Contaminated Land

11/06/2015:

On the basis and assumptions of the Phase 2 Interpretive Report GRM/P6992/F.1 any human health considerations can be considered discharged under planning condition.

Environment  
Agency

05/06/2015:

Planning permission could be granted to the proposed development as submitted subject to a condition requiring a scheme for surface water disposal.

Buckingham and  
River Ouzel Internal  
Drainage Board

08/06/2015:

The application is subject to a Flood Risk Assessments based on Flood Zones 3 and 2 being incorrect. The Flood Risk Assessment and alteration to the Flood Zone designation will require the agreement of the Environment Agency. Until these are accepted by the Environment Agency the board must object to the proposal.

*[OFFICER NOTE: The submitted Flood Risk Assessment is accepted by the Environment Agency subject to final details of surface water disposal to be secured by condition. Discharge via the Ouzel Brook would be at the normal 'greenfield' rate by prior consent of the Internal Drainage Board.]*

Anglian Water

09/05/2015:

- There are no Anglia Water assets within the site. The site is adjacent to the existing Anglian Water sewage treatment facility at Thorn Turn which is prone to short periods of strong odorous emissions. The layout of the development should be informed by an odour dispersion model for the sewage treatment facility.
- The foul drainage from the development would be within the catchment of the adjoining sewage treatment facility which has capacity to accept these flows.
- The Environment Agency should be consulted in relation to surface water strategy and flood risk.
- A condition to secure a foul drainage strategy for the

development is recommended.

- The consent of Anglian Water will be required for the discharge to a public sewer from employment and commercial premises. An informative to this effect is recommended.

Highways England  
(formerly Highways  
Agency)

02/06/2015:  
No objection.

National Air Traffic  
Services

27/05/2015:  
No objection.

London Luton  
Airport Operations  
Ltd.

26/05/2015:  
No safeguarding objection.

Historic England

09/06/2015:

- The development has the potential to impact upon the setting of several designated heritage assets; primarily Thorn Spring moated site, Maiden Bower and Totternhoe castle Scheduled Monuments.
- The magnitude of these impacts would not be high and could be further reduced by increased screening and design work. The overall increase in traffic and scale of the urban area could result in some harm to the setting of Thorn Spring.
- Historic England would not object to the proposed development in principle. Further mitigation should be considered to minimise the magnitude of impact upon the historic landscape setting of the monuments. The Council should ensure there is clear and convincing justification for the harm to Thorn Spring and that the level of harm is outweighed by the public benefits of the scheme. The Council should seek opportunities to preserve those elements of the setting which make a positive contribution to the significance of Thorn Spring.

Wildlife Trust

09/06/2015:

- Concern is raised regarding the cumulative effect of this development and other planned development within the immediate area which would reduce the amount of suitable habitat in the locality. This would put greater pressure on remaining habitat such as Houghton Regis Chalk Pit SSSI and CWS to support displaced wildlife.
- It is suggested that comprehensive landscaping proposals for this site and the proposed waste transfer development to enhance the biodiversity benefits of the Ouzel Brook corridor.
- Sensitive lighting proposals within the brook corridor

would be required in the interests of minimising impacts on habitats.

- Bird, badger, reptile water vole and otter surveys are recommended to inform ecological mitigation proposals.

Natural England

09/06/2015:

- No SSSI objection. The site is within close proximity of the Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI). The SSSI does not represent a constraint in determining this application.
- It is expected that the Local Planning Authority assess the other possible impacts relating to local sites (biodiversity and geodiversity); local landscape character, and local or national biodiversity priority habitats and species. Standing advice is available.
- The application does not appear to include proposals for habitat creation. The site offers significant opportunities for this, particularly adjacent to the Ouzel Brook.
- Planning conditions should secure a Biodiversity Management Plan to ensure these opportunities are explored.

Chiltern Society

10/06/2015:

- The proposed development will significantly change the nature of rights of way routes. It should be ensured that the routes are still pleasant to use.
- The proposals to provide a publically accessible green corridor along the Ouzel Brook as part of the Bidwell West (HRN2) development are supported and should be extended as part of the developments for Thorn Turn. This should include sufficient width and landscaping along BW49 with appropriate fencing.
- Safe crossings for walkers, cyclists and horses should be provided within the site.

## **Other Representations**

British Horse  
Society

10/06/2015:

- The proposals should provide for more width along the BW49 to provide separation from noise sources.
- Mesh fencing is preferred such that users of the bridleway feel less enclosed.
- Suitable crossings and signage are required at A5 towards Sewell, within the site and at Thorn Road on the route of the bridleway.
- The layout of parking areas should be planned to minimise noise impacts on the bridleway.

Central  
Bedfordshire Local  
Access Forum

10/06/2015:

- Pegasus crossings are required at Thorn Road and within the site on the route of the bridleway.
- Concern is raised regarding potential noise impacts on users of the bridleway. The development should provide as much screening as possible adjacent to the roads.
- Landscaping should provide for an open feeling along the bridleway and a 10 metre wide route.
- Specification and drainage details for the bridleway route are recommended.
- The forum would be keen to work with Central Bedfordshire planning team to ensure a co-ordinated approach to non-vehicular access routes across the wider area.

DLP Planning on  
behalf of the Bidwell  
West Consortium for  
Bidwell West  
(HRN2)

25/06/2015:

- No objection in principle.
- The site is located at the western gateway to the allocation area. The proposals need to consider how to present this focal point and relationship with neighbouring land parcels including the character areas within the Bidwell West proposal. Formal frontages, built height, mix of uses and scale are important factors. The development needs to be regulated by a building height parameter plan.
- The context and character of the area, including rights of way, landscaping and ground levels need to be considered in the design of the proposals. Buildings on Plot B should be set back from Thorn Road with landscaping providing screening and biodiversity benefits.
- The servicing areas need to be designed to negate future noise and disturbance to neighbouring areas including residential properties and the proposed school.
- A Travel Plan and measures to ensure vehicular access to the site is secured via the A5/M1 link road would be required.
- The proposals should reflect the proposed access, connection and crossing proposals forming part of the current Bidwell West (HRN2) planning application. This proposed highway works should be shown on the proposed plans for Thorn Turn.
- Consideration will need to be given to the impact on land parcels excluded from the Bidwell West (HRN2) site.
- Little detail is provided regarding mitigation or relief for visual impacts of the development in views from the A5 through the allocation to the quarry edge.
- There is a strong steer towards contemporary design

proposals within this area of the allocation. The architectural design of the buildings would need consideration in this context. A Design Code should be considered.

### **Determining Issues**

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

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

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

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire
5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Environmental Impact Assessment: Issues arising and their mitigation
  - a. Transportation
  - b. Ecology
  - c. Landscape and Visual Impacts
  - d. Land Contamination and Geotechnical Issues
  - e. Heritage and Archaeology
  - f. Water
  - g. Air Quality
  - h. Waste
  - i. Noise and Vibration
  - j. Loss of Agricultural Land and Soils
  - k. Utilities Assessment
  - l. Cumulative Impacts
  - m. Other Issues
7. Issues
  - a. Transport and highways
  - b. Design considerations
8. Other matters
9. The Requirement for Planning Conditions

10. Conclusion

**Considerations**

**1. Compliance with the Adopted Development Plan for the Area**

1.1 The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.2 The National Planning Policy Framework sets out this requirement:

*“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”* (para. 2)

1.3 The Framework also states:

*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)

1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.

1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).

1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.

- 1.7 Policy NE10 sets out the Council's adopted policy in respect of the change of use of agricultural land which will be considered favourably provided the development is appropriate to the rural area, compatible with Green Belt Policies, has no adverse impact on nature conservation or protected areas, does not result in the loss of the best and most versatile agricultural land and has no significant adverse impact on the transport network or landscape. Having regard to the detailed assessments set out below, it is considered that the proposal would not have an unacceptable impact on the transport network or landscape and local character. The proposal has the potential to support the broader biodiversity aspirations for the wider area and enhance the ecological interest and long term conservation management of the Ouzel Brook corridor subject to suitable mitigation measures to address the ecological impacts arising. The development would conflict with current Green Belt policy. The proposal would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). In these respects the proposal would be in conflict with SBLPR Policy NE10. This conflict must be considered in the context of the wider benefits arising from the development which are addressed in depth within the assessment of very special circumstances in support of the proposal as set out below.
- 1.8 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted parameter plans, the potential for structural landscaped elements including an attractive green corridor proposal for the Ouzel Brook corridor, it is considered that the proposed development is capable of achieving an acceptable design proposal through subsequent detailed planning stages. The application is therefore considered in compliance with Policy BE8.
- 1.9 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.10 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. Policy R15 seeks the retention of the existing public rights of way. These policies are directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing Public Bridleway No.49 and the wider rights of way network of which it forms a part. The proposal provides opportunities for enhancements to the route of the bridleway and suitable crossing points at roads within and adjoining the site. These can be secured by planning condition. The proposal therefore complies with the requirements of Policy R14 and Policy R15.
- 1.11 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new

developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. A detailed waste management scheme for the site can be secured in connection with the development.

1.12 Under Policy WSP2 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan, land at Thorn Turn, including the application site and land south of the Ouzel Brook, is allocated for waste management uses. Previously, the BEaR Project was established in 2009 set up to deliver a range of long term waste services for Central Bedfordshire. The primary aim of the project was to provide a facility to divert waste from landfill and support the following long term services.

- Residual Waste Treatment & Disposal Service (25 year term);
- Organic Waste Treatment & Disposal Service (15 year term);
- Household Waste Recycling Centre (HWRC) Redevelopment and Operation (15 year term); and
- The Construction of one Salt Barn

1.13 In August 2014, the Council's Executive considered an update report on the future of waste management provision, which recognised that there was still a requirement for the Council to deliver a sustainable residual waste management solution. The current development proposals for Thorn Turn would provide for a new Waste Park comprising waste transfer station, split level household waste recycling centre and resale building occupying 8.36Ha of the land at Thorn Turn. The new Waste Park is subject to a separate planning application under reference CB/15/01626/MW. Additionally a highway depot including salt storage barn, outdoor salt mixing area, vehicle storage and maintenance areas, offices, parking and associated development is proposed under reference CB/15/01627/MW on land at Thorn Turn, south of the Waste Park. Whilst the proposed employment development would be in conflict with the waste management allocation under Policy WSP2, the requirement for waste management facilities within the area can be fully met within a smaller area of the land than had anticipated under the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan. It is not therefore considered that the employment proposal would compromise this policy requirement being met by the provision of Waste Park now proposed under reference CB/15/01626/MW.

## **2. Compliance with the National Planning Policy Framework**

2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

### **2.2 Building a strong, competitive economy**

The application is supported by an Employment Report and Market commentary which seeks to provide a qualitative assessment of the site for industrial and logistics use and an assessment of current demand having



regard to existing and proposed supply in the area. The report provides an overview of existing and projected market conditions from a national, regional and local perspective.

- 2.3 It is stated that, at a national level, shortages of Grade A employment space, a stronger economy and healthy levels of active demand are expected to support increased levels of new builds, including an increase in speculative development in 2015. An expansion in the 'mid-sized' employment development sector (50-100,00sq ft) is predicted over the coming year. The report states that the regional market is consistent with the national market. Growing occupier demand, diminished levels of supply and increased availability of funding developers have sought to prepare strategic sites for development within the 'big-shed' sector (100,000sq ft plus), particularly along the M1 corridor. Particular reference is made to the decision by Prologis to develop speculatively at Prologis Park, Dunstable which has been justified following the recent letting to Amazon and the creation of 500 jobs. During 2014, take up across Luton and Dunstable increased by 34% over 2013. Inward investment rose by 260%, partly driven by new and committed infrastructure including the M1 junction 10a (grade separation), the A5-M1 and Woodside link roads.
- 2.4 The site occupies a high profile position at the western edge of the North of Houghton Regis Strategic Allocation area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area, the existing conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes.
- 2.5 Based on Housing and Community Agency's figures for employment density, a wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 550 jobs and support additional employment in the area during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 2.6 **Promoting sustainable transport**  
The site is well related to the local and strategic highway network with convenient access to the M1, Luton and Dunstable by car. The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development including the A5-M1 link road, Woodside Link road and the HRN1 development, and the impacts of the proposed development on the local and strategic transport network. Subject to the delivery of committed highway infrastructure to serve the wider growth area together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport Officers, the Council will need to provide support funding

for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary. A Framework Travel Plan has been submitted setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.

**2.7 Requiring good design**

The application is an outline proposal with detailed matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. Whilst many detailed aspects relating to design will be for later consideration, the NPPF promotes good design at every level. The proposal represents an opportunity to deliver positive landscaping proposals to create an attractive natural corridor along the Ouzel Brook, together with structural landscaping will need to be secured as part of subsequent reserved matters applications. Whilst the application is supported by fixed development parameter proposals in respect of building height, the built development will need to be carefully designed to assist in integrating the proposed built development within its local context. It is considered that the proposal is capable of achieving an acceptable design at the detailed planning stages as part of the wider strategic development area.

**2.8 Promoting healthy communities**

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. The application acknowledges the route of Public Bridleway No.49, which crosses the site, and the wider rights of way network of which it forms part. The proposal represents an opportunity to enhance the route of the bridleway for all users and provide for appropriate road crossings within the site and at the edges of the site to create a safe and attractive route and continuity within the network. The application provides clarification regarding health and safety precautions associated with the rifle range with respect to the public rights of way network around the rifle range and users of new development now proposed around the site which would mean that the risks to current and new users are considered to be low and within the control of the Council.

**2.9 Protecting Green Belt land**

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against major development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly*

*outweighed by other considerations.”*

This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

- 2.10 **Meeting the challenge of climate change, flooding and coastal change**  
The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development can be secured by planning condition and considered in the context of subsequent detailed submissions. The majority of the Bidwell West development site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which traverses the site broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3 however a hydraulic model has been undertaken in support of this application which demonstrates that the site is not at risk of flooding from this source. The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. Subject to appropriate conditions the development would not give rise to an increased risk of flooding.
- 2.11 **Conserving and enhancing the natural environment**  
The application was submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecology chapter addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. Together with other proposed development within the area, the development has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. Careful controls to mitigate against these impacts, such restrictions over built height and requirements for structural landscaping would be required as part of any outline planning permission. The development would provide for appropriate habitat mitigation, enhancement and conservation measures specifically within the area adjacent to the Ouzel Brook.
- 2.12 **Conserving and enhancing the historic environment**  
The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. The development has the potential to affect the setting of the Scheduled Ancient Monument of Thorn Spring, north or Thorn Road and the wider landscape setting of the Scheduled Monuments of Maiden Bower and Totternhoe Knolls. Structural landscaping, careful design at the detailed stages and restrictions to minimise built height

will be required in order to mitigate against adverse impacts upon the significance of these designated heritage assets. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

- 2.13 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full below. It is considered that the proposal is compatible with all other relevant planning principles and aims under the NPPF.

### **3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy**

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the Joint Core Strategy was not abandoned due to a disagreement between the joint Council's regarding the HRN allocation and both Councils were supportive of the principle of the development allocation. The Joint Core Strategy remains relevant to current policy in so far as the evidence base which underpinned it has directly informed the Development Strategy which remains supportive of this growth agenda.
- 3.2 For these reasons, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application and moderate weight is to be applied to it.
- 3.3 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire. However the proposal is considered to be in compliance with the policy principles of the Joint Core Strategy and would support the growth strategy set out.

### **4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire**

- 4.1 The Central Bedfordshire Development Strategy document was submitted to Secretary of State 24 October 2014 and initial hearing sessions were held in February 2015.
- 4.2 On the 16th February 2015 the Planning Inspector, Brian Cook wrote to the Council explaining his view that the Council had not met the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004. This a legal requirement that Local Authorities work cooperatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph and demonstrate this cooperation through the plan-making process. The need to comply with this requirement is distinct from the test of “soundness” i.e. whether the Plan is fit for purpose. Given his view that the Duty to Co-operate had not been met, the Inspector’s letter recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final Report.
- 4.3 The Council has subsequently notified the Planning Inspectorate that it does not intend to withdraw the Development Strategy and that the Planning Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector’s decision dated 16 February 2015 was made by the Council in the High Court on 12 March 2015.
- 4.4 The first phase of the application for Judicial Review of the Planning Inspectorate’s decision took place at a Court hearing on 16 June 2015. This was to consider whether the Court would grant the Council leave to have an application for Judicial Review heard in the High Court. The Judge did not support the Council’s case, focusing on the mechanics of the plan making process. Having considered its case, the Council has decided to continue to pursue the challenge through the Courts and has now indicated its intention to do so. On the 22 June 2015 the Council lodged an appeal against this Judgement. The appeal process in relation to the Judge’s decision on 16 June 2015 is ongoing.
- 4.5 The Development Strategy for Central Bedfordshire is not adopted policy, but is an important material consideration in the determination of the application and carries weight as a submitted local plan. Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.6 The representations lodged in response to Policy 60 and the HRN allocations are therefore material to the consideration of the weight to be

attached to the Development Strategy at this time. Following the Pre-Submission Consultation (known as Publication) further consultation was held between the 30 June to 26 August 2014. This was the final stage of formal consultation before the plan was submitted to the Secretary of State

- 4.7 Approximately 1,645 comments on the Development Strategy were received during this consultation; these included both comments in support and objection. The comments considered as main matters can be found within the Main Issues Statement (Regulation 22 (1) (c) (v) – Submission (October 2014). In summary the objections to the Development Strategy related to the Duty to Co-operate, viability and deliverability of the Development Strategy, consistency with the NPPF, the allocation of sites within the Green Belt and the unmet housing need and insufficient supply of houses.
- 4.8 43 responses were received on Policy 60: Houghton Regis North Strategy Allocation. Of these 43 responses, 7 were in support, 17 were general comments and the remaining 17 were objections. The supporters of Policy 60 were; Woburn Sands and District Society, Axa Real Estate Investments Ltd, David Locke Associates, Houghton Regis Development Consortium, Landhold Capital and Bidwell West Consortium.
- 4.9 The objections related to the viability and deliverability of the allocation, consistency with the NPPF, clarification on details of the allocation, specifically phasing, and the Duty to Co-operate. The objectors included; Paul Newman Homes, Trenport Investment Ltd, O&H Property Ltd, Compton Land Development, Taylor French Development, Harlington Parish Council, Chalgrave Parish Council and private individuals.
- 4.10 In terms of comparison to other Policies in the emerging Development Strategy related to sustainable urban extensions, namely North of Luton (Policy 61), East of Leighton Linlade (Policy 62), Wixams Southern Extension (Policy 63) and Chaulington (Policy 63A). Policy 61 received 60 comments of which 28 were objections and 4 in support. Policy 62 received 23 comments; 10 objecting and 3 in support. Policy 63 received 6 comments; 3 objecting and 2 supporting. Policy 63A received 12 comments; 4 objecting and 2 supporting. The objections received to Policy 60 were less than those received for the other SUE Policies in percentage terms, with the exception of Policy 63A. The support and objections for and against Houghton Regis North was therefore in line with the support and objections received for the other SUE's.
- 4.11 The objections lodged in response to consultation on the Development Strategy, the Inspector's letter and conclusions regarding the Duty to Cooperate, specifically with Luton Borough Council, and the outcome of the Court hearing of 16 June 2015 serve to limit the weight to be applied to the Development Strategy and Policy 60 at this time.
- 4.12 It is important to note that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. In relation to the HRN strategic allocation site, and DSCB Policy 60, the Council has undertaken considerable work in connection with the Sustainability Appraisal to assess possible alternative sites which might be better suited to meet

local planning needs, and none has been identified that was better than HRN. As submitted, the Strategy remains the Council's emerging planning policy to deal with the development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy is at an advanced stage of preparation having been formally submitted to the Secretary of State and is considered by the Local Planning Authority to be consistent with the NPPF.

- 4.13 It is therefore concluded that limited weight is to be attached to the policies contained within the emerging Development Strategy at this time. However given the underlying evidence base and consistency with national policy, this remains a material consideration in the determination of the application.
- 4.14 Policy 60 specifically sets out the requirements for the Houghton Regis North Strategic Allocation. The policy details the delivery of approximately 7,000 new dwellings, commercial and employment development together with supporting infrastructure including items such as new transport routes and green infrastructure. The employment proposals form part of this overall package of growth as defined under the proposed HRN allocation. This is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension and in support of the regeneration needs of the wider conurbation area. The application site forms part of Site 2 of 2 of the allocation. Under Policy 60, 8Ha of B1, B2 and B8 employment uses would be required within Site 2.
- 4.15 The employment proposal for Thorn Turn would provide 8.29ha of employment land, allowing for constraints. Together with the employment development proposed as part of the Bidwell West (HRN2) application, Site 2 has the capacity to provide approximately 10Ha of employment land. The overall capacity for employment development within Site 2 of the allocation has increased as, under the current development proposals for Thorn Turn, the requirement for waste management uses and highways depot facilities can now be met on the area land at Thorn Turn, south of the Ouzel Brook, thus leaving the remainder of the Thorn Turn site north of the Ouzel Brook available for other land uses. The submission of a planning application that delivers the remaining requirement of 6ha of employment land, envisaged by the policy, would represent an inefficient use of the land. Additionally, the wider master planning process for Site 2 has identified additional capacity for a greater number of houses than the approximate number of new dwellings envisioned under Policy 60. Up to 1,850 new dwellings are proposed as part of the outline 'hybrid' application for Bidwell West (HRN2). Having regard to the level of residential development which could be delivered, it is also appropriate to consider the potential for additional employment uses within the area such that the overall balance and mix of uses within the proposed allocation area would achieve a sustainable community.
- 4.16 In support of DSCB Policy 60, the Houghton Regis (North) Framework Plan has been produced and sets out the Council's general expectations on how the aims of the urban extension may take physical form. It defines a vision for the development of the extension to Houghton Regis. The Framework Plan diagram and supporting text set out the key land uses to be provided

as part of the proposed urban extension. The fundamental purpose of the Framework Plan is to set broad aspirations for key elements of the allocation and to guide the development as a whole based on the constraints and opportunities for the proposed allocation. The Framework Plan has been adopted by the Council for Development Management purposes. The current employment proposal is in accordance with land use proposals as detailed the Framework Plan diagram which envisions employment development both on land at Thorn Turn and also north of Thorn Road on land subject to the Bidwell West (HRN2) application.

- 4.17 It is also relevant to note that Policy 60 does not seek to provide a fixed cap or limit on development within the allocation area. Rather, it sets out the required employment provision and an approximate number of new dwellings envisioned for Sites 1 and 2 of the proposed allocation. In considering applications within the strategic allocation, development will need to be assessed in terms of the cumulative impact on the area. In order to be considered acceptable, applications will need to demonstrate that sufficient capacity exists within local services and infrastructure and that there would be no unacceptable impact on the area. Where additional development is proposed, any additional impacts arising will need to be mitigated by the development. The impacts on local services and infrastructure are addressed in detail below by way of an assessment of the submitted Environmental Statement.

## **5. Green Belt considerations**

- 5.1 The land falls within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF dictates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The grant of planning permission will not therefore remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.
- 5.2 Where proposals for inappropriate Green Belt development are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### **Prematurity**

- 5.3 A number of consultees and those responding to the planning application, including Luton Borough Council, have raised concerns and objections to the proposals on the grounds that the development is proposed within the Green Belt, in advance of any formal change to the Green Belt designation and allocation of the land for development through the adoption of a new Development Plan. On this basis it is stated that the application should be refused on the grounds of prematurity.



- 5.4 In the context of these objections, it should be noted that automatic refusal of planning applications, simply on grounds of prematurity, would be incorrect. National planning policy dictates a fuller consideration of material considerations is required. This has been confirmed by the High Court Judgement in respect of the grant of planning permission for the HRN1 development. This Judgement was subsequently upheld within the Court of Appeal. Paragraph 83 of the NPPF is specifically addressed as part of the High Court judgement in respect of the HRN1 planning permission. Paragraphs 55 and 56 of the High Court Judgement may assist Members in the consideration of this application. These are as follows:
- 5.5 *“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.*
- 5.6 *Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”*
- 5.7 Government guidance contained within the National Planning Practice Guidance provides clear direction in relation to circumstances when it might be justifiable to refuse planning permission on the grounds of prematurity. It is stated that, within the context of the NPPF and, in particular, the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
- 5.8 Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or

Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 5.9 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
- 5.10 In the consideration of the present application it should be acknowledged that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.11 In relation to the nature of the proposal and its potential cumulative effects, the application is accompanied by an extensive Environmental Statement submitted in accordance with the statutory Environmental Impact Assessment Regulations. This examines the potential effects of the development together with existing and committed development within the area, including within the proposed HRN allocation. This report details Officer's assessments of these effects. It is concluded that, subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development or due to the impact on local services and facilities.
- 5.12 The site is located in an area identified for growth in successive emerging development plans since 2001. There is considered to be a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future, having regard to the urgent planning needs in this area; the substantial evidence supporting the identification of this site to address these needs; the level and nature of objections to the proposed HRN development allocation; and the Inspector's conclusions regarding the Duty to Cooperate being based on a concern that more, not less, development should be considered by the Council in its Strategy.
- 5.13 On this basis, the Committee are entitled to consider that, although the cumulative proposed development is substantial, the grant of planning permission would not serve to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development and would not therefore prejudice the outcome of the plan-making process so as to warrant refusal on the grounds of prematurity.
- The purposes of the Green Belt**
- 5.14 Within the Green Belt there is a presumption against large scale development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.

- 5.15 Green Belts serve five purposes:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.16 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.
- 5.17 *To check the unrestricted sprawl of large built-up areas*  
The site is located outside of the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site is closely related to the existing A5 Watling Street and Thorn Road which border the site on its western and northern boundaries respectively. It is also located adjacent to the existing Anglian Water foul water treatment facility. The application site forms part of a larger proposed development which would expand the existing built-up area from its north-western edge in the broad area between the A5 Watling Street and the A5120 Bedford Road. The northern boundary of the expansion would be enclosed by the route of the A5-M1 link road. This major new strategic route is now consented by way of Development Consent Order. Preparatory works on the link road are already underway and the road is due to open in Spring 2017. The northern expansion of the settlement area east of Bedford Road and on two sites at Bidwell is already substantially consented with the grant of three planning permissions within the proposed allocation. This includes planning permission greater part of Site 1 (HRN1) which has been upheld through court judgement. This allows for the expansion of the settlement area by some 262ha in the area from Bedford Road at its western edge to the M1 motorway to the east, up to the A5-M1 link road. The expansion of the built-up conurbation would therefore be restricted by the existing and consented road network which would provide for permanent physical boundaries on all sides of the enlarged settlement. Within the context of the proposed Strategic Allocation, including the other planned and committed development within the allocation area and its permanent physical boundaries, it is not considered that the development of the application site would result in unrestricted sprawl.
- 5.18 *To prevent neighbouring towns merging into one another*  
The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.
- 5.19 *To assist in safeguarding the countryside from encroachment*  
Notwithstanding that the proposed Strategic Allocation is planned to be substantially enclosed by strong, physical boundaries preventing unrestricted sprawl, at the present time, the proposed development would represent an encroachment upon the countryside.
- 5.20 *To preserve the setting and special character of historic towns*  
The preservation of the site as undeveloped land is not identified as

important to the setting or special historic character of Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets such as the Thorn Spring SAM is considered relevant to Green Belt functions these potential adverse impacts can be adequately mitigated against.

5.21 *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

Housing, employment and other development needs within Central Bedfordshire derive substantially from those settlements in the southern part of the Council area. Evidence suggests that whilst some development can take place within the existing urban areas, the total amount of land available is well below that needed to meet the local planning need. The requirement for dedicated regeneration strategies for the area has long been recognised through successive planning policy documents which support the strategic allocation as a whole which is planned to support a broad range of regeneration objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

5.22 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. The NPPF states:

5.23 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

5.24 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering other material considerations.

5.25 There is no definition of the meaning of ‘very special circumstances’ but case law has held that the words “very special” are not simply the converse of “commonplace”. The word “special” in the guidance connotes not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes.

**The applicant’s case for very special circumstances**

5.26 The application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal. These are as follows:

1. *There is a clear urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and over the next 20 years;*
2. *Successive emerging Development Plans since 2001 have identified the application site as being suitable for removal from the Green Belt*

*and allocation as a residential-led mixed use development. The abandoned Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding this site. Its intended removal from the Green Belt and its allocation for residential and commercial development was supported by both Councils at the Joint Planning Committee.*

- 3. The emerging Central Bedfordshire Development Strategy re-affirms the Houghton Regis North allocation for removal from the Green Belt and development for an urban extension of Houghton Regis to meet urgent need.*
- 4. CBC has shown its continued commitment to the development of Houghton Regis through the production of the Houghton Regis North Framework Plan 2012, adopted for Development Control purposes in advance of the adoption of the emerging Development Strategy.*
- 5. North Houghton Regis Site 1 has been granted planning permission, constituting a significant portion of the overall urban extension. All of that land has been removed from the Green Belt, extending to the southern edge of the A5-M1 link road.*
- 6. No formal Local Plan has been adopted since 2004, despite the clear continuing identification of the site in replacement planning policy documents. If subsequent Development Plan documents had reached adoption stage, then the application site would already have been allocated for residential development and removed formally from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan will serve no good purpose other than to deliver much needed housing and employment growth to meet a clear need.*
- 7. The aforementioned planning policy documents all support bringing forward the application for employment development. The provision of employment on this ideally located site will deliver the jobs that form a key part in the delivery of a truly sustainable urban extension to Houghton Regis.*
- 8. The site is recognised as being one of the most suitable locations for new employment development in Central Bedfordshire, a view supported by Lambert Smith Hampton who have provided specialist input to show that the site will deliver over 550 jobs and has the flexibility to respond to market demand.*

**Assessment of the case for very special circumstances**

5.27 Evolution of planning policy

The key policy and planning documents relevant to the history of the proposed HRN allocation is set out in summary below.

- 5.28 The land encompassed within the HRN allocation was included in the Green Belt upon the approval by the Secretary of State of the *Bedfordshire County*

*Structure Plan* in 1980.

- 5.29 *The Bedfordshire and Luton Strategic Housing Market Assessment (March 2001)* assessed housing market needs for the period 2001–2021 and indicated that 7,700 social rented housing and 3,200 intermediate affordable housing units would be required out of a total of 21,600 dwellings required in both Luton Borough and the southern part of Central Bedfordshire.
- 5.30 *Regional Planning Guidance for the South East (March 2001)* described the broader area of Luton, Dunstable and Houghton Regis as a Priority Area for Economic Regeneration due to above average unemployment rates, high levels of social deprivation, low skill levels, dependence on declining industries and derelict urban fabric. Dedicated regeneration strategies were said to be needed in order to tackle the problems of each Priority Area and to maximise the contribution of each area to the social and economic wellbeing of the region. The Regional Planning Guidance stated that there was not a general case for reviewing existing Green Belt boundaries, but added that, where settlements are tightly constrained by the Green Belt, local circumstances might indicate the need for a review after carrying out urban capacity studies.
- 5.31 *The Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)* followed a prior study which assessed four options for distributing growth across the area. The Sub-Regional Strategy set out a preferred option which included focussing growth in the Luton, Dunstable and Houghton Regis area to support a major increase in the number of new homes in the sub-region, meeting the need for affordable housing and a range of types and sizes of market housing, together with a commensurate level of economic growth and developing skills in the work force. The Sub-Regional Strategy acknowledged that “while some of these aims can be met within the present confines of the urban area, others cannot. The Green Belt forms a tight boundary all around the towns so that, in recent years, it has become increasingly difficult to meet locally-generated needs, especially for the housing of the relatively young population. Development has been diverting north of the Green Belt to other parts of Bedfordshire and beyond, sometimes to locations less inherently sustainable than Luton/Dunstable/Houghton Regis” (paragraph 82). It was stated that “exceptional circumstances require a review of the Green Belt around Luton/Dunstable/Houghton Regis to provide headroom for potential development needs to 2031 and specifically to accommodate sustainable mixed-use urban extensions which support the continued regeneration of the existing urban area” (paragraph 83). Whilst the HRN site was not specifically identified or allocated in the Sub-Regional Strategy it does fall within the area of search for which growth options should be considered.
- 5.32 *The East of England Plan (May 2008)* incorporated and retained the relevant provisions of the Sub-Regional Strategy summarised above.
- 5.33 *The Luton and South Central Bedfordshire Joint Core Strategy (adopted for DM purposes September 2011)* stated that four urban extensions would be delivered in order to meet the quantity and rate of new housing, employment and infrastructure required. These included North of Houghton Regis which,

for the 15 years covered by the plan period 2011-2026, was identified as a suitable site for the provision of 7,000 new homes, 40 hectares of new employment opportunities and associated infrastructure.

- 5.34 *The emerging Development Strategy for Central Bedfordshire* sets out the current proposed HRN allocation as a key component of the planned growth strategy for the period until 2031. Policy 60 of the Development Strategy deals specifically with the Houghton Regis North Strategic Allocation. The Development Strategy is supported by a Sustainability Appraisal which explains the strategic site assessment process and provides a detailed examination of strategic sites considered in this process. The Sustainability Appraisal examines the relationship between development and infrastructure, including situations “where development can be used to bring about new, or improvements to existing, infrastructure”. It is noted that a “number of the mixed use strategic sites are all of a size and in a location that can enable infrastructure improvements to be brought about that will benefit existing residents as well as the new development. This is particularly the case for the land North of Houghton Regis proposal, which is facilitating the development of the A5/M1 link road and the Woodside connection. These pieces of new strategic infrastructure are critical to the future success of Dunstable and Houghton Regis and the fact that the development site will help their delivery weighs significantly in favour of the proposal” (paragraph 4.17). The current status of the Development Strategy is detailed above.
- 5.35 It should be acknowledged that Regional and Sub-Regional Plans were formally revoked in January 2013 and these no longer form part of development plan. It should also be recognised that the whilst the Joint Core Strategy did reach the formal submission stage in March 2011 it was withdrawn from the examination process before achieving any formal status as part of Development Plan.
- 5.36 It is clear that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy and there is considered a strong likelihood of a strategic allocation being formalised in the future. In line with the NPPF it is appropriate to apply some weight to withdrawn or revoked plans in certain circumstances. The withdrawn Joint Core Strategy, the revoked Regional and Sub-Regional Policy, the other policy history summarised above all serve to demonstrate that the need for significant growth in the area is well established.
- 5.37 *Employment provision and the benefits for the local economy*  
The application is supported by a Lambert Smith Hampton Employment Report and Market commentary providing qualitative assessment of the site for industrial and distribution uses and current supply and demand for employment premises in the area.
- 5.38 Having regard to market indicators, including live enquiries and engagements with other commercial agents within the Dunstable and Houghton Regis area, CBC Business Investment confirm that this provides an accurate assessment of current low levels of supply and quality, despite growing occupier demand. CBC Business Investment has seen a significant

increase in the demand for land and premises, with a 75% increase in enquires over the last year. Dunstable and the surrounding area remains the highest level of overall demand. It is projected that take up and inward investment can be expected to rise significantly in the short term, partly in response to committed development and infrastructure including the consented HRN1 development, the M1 junction 11a, the A5-M1 and Woodside link roads.

- 5.39 These factors highlight the need for increased employment land, particularly of the right quality in the right location to meet known demand. Given the strategic nature of much of the allocations in the Dunstable / Houghton Regis area and the findings of the Lambert Smith Hampton report, there is a need for these allocations to support the growth of local businesses. In particular, there is a demonstrable local need for commercial land to accommodate an expansion in the 'mid-sized' employment development sector (50-200,00sq ft) in the short term future. The current availability of some larger facilities such as Prologis Park DC2 is not likely to meet this requirement. Other sites identified with the future potential to support strategic employment within the area, such as North of Luton and Sundon Rail Freight Interchange are not yet committed or consented.
- 5.40 The site occupies a high profile position at the western edge of the North of Houghton Regis Strategic Allocation area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site.
- 5.41 It can be anticipated that the development would provide wider economic benefits for the area through inward investment and the creation of jobs. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area. It is also capable of supporting local employment for the existing community within the current conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes. A wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 550 jobs and support additional employment during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 5.42 The employment proposals form part of the overall package of growth as defined under the proposed HRN allocation as supported by the evidence base for the Development Strategy, including the Central Bedfordshire Council Employment & Economic Study (2012). The proposed employment provision is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension but also the wider growth and regeneration needs of the existing conurbation area.
- 5.43 Having regard to the planning pedigree of the proposed planning North of Houghton Regis allocation, its continuity with previous planning policy documents, the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for



sustainable mixed use development contributing to the urgent planning needs within the area, it is considered that there is a high degree of likelihood that the Green Belt designation would be formally removed to allow for major development north of the conurbation through the plan making process. Delaying a decision or refusing the planning application on Green Belt grounds until the formal confirmation of a planning allocation in the Development Plan will serve no good purpose, other than to delay much needed employment and economic growth for the area.

- 5.44 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton Borough Council's application for Judicial Review. The subsequent appeal against this judgement has recently been dismissed in a further Court judgement dated 20<sup>th</sup> May 2015. The HRN1 planning permission establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to both road projects have now commenced. The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. These factors represent important consideration in terms of the very special circumstances test.
- 5.45 The poor east-west connections and local congestion from which the conurbation suffers has been recognised as part of previous policy documents outlined above. Accordingly the HRN development allocation is planned to deliver a package of improvements to the highway network including the A5-M1 link road and the Woodside link road projects. One of the primary functions of the A5-M1 link road is to serve as a northern bypass of the conurbation. The road will also provide nationally and regionally important connections across key strategic routes. The Woodside link road is planned to create a new route between the improved Junction 11a of the M1 motorway and the Woodside industrial estate. This is to provide traffic from the estate with an attractive alternative route in order to gain access to the national motorway network and address local congestion, for example, in the centre of Dunstable. Delivery of both road projects are critical to the successful delivery of the HRN development and the associated economic and regeneration benefits for the wider area which is planned to include the 'detrunking' of the A5 through Dunstable High Street in connection with the planned regeneration of Dunstable Town Centre. Significant funding for the A5-M1 link road at £45m is secured in connection with the HRN1 development along with the necessary land required for the Woodside link road.
- 5.46 Funding for infrastructure in connection with this development cannot be secured through the S106 Legal Agreement process as the Council acts as both applicant and Local Planning Authority in this case. Therefore alternative funding arrangements will need to be adopted outside of the planning process. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to

underwrite the cost of the Woodside Link if necessary. The proposed employment development would support the Council's ability to support the delivery of strategic transport infrastructure in support of the totality of growth envisaged within the Houghton Regis area and in particular support for the delivery of the Woodside Link scheme.

### **Conclusions**

- 5.47 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 5.48 The site is located in an area identified for growth in successive emerging development plans since 2001 and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. The employment proposals form part of this overall package of growth as defined under the proposed HRN allocation. This is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension and in support of the regeneration needs of the wider conurbation area.
- 5.49 The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Now that a full application for strategic-scale waste development has come forward to cater for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period, there is certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.
- 5.50 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area, a multitude of factors weigh substantially in favour of the proposal.
- 5.51 Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

## **6. Environmental Impact Assessment: Issues arising and their mitigation**

6.1 Prior to the submission of the planning application, a formal scoping opinion from the Local Planning Authority established the elements to be addressed within a formal Environmental Statement (ES) as required under the statutory Regulations. The planning application was accompanied by a full ES. The ES is a substantial set of documents which form a considerable part of the material submitted with the planning application. The ES incorporates a non-technical summary; a general introduction; an explanation of the EIA methodology; a description of the site and the surrounding environment; the proposal description; a summary of the policy context; and an assessment of the likely environmental effects and the mitigation required to deal with those effects for the following subject areas:

- Transportation
- Ecology
- Landscape and Visual Impacts
- Land Contamination and Geotechnical Issues
- Heritage and Archaeology
- Water
- Air Quality
- Waste
- Noise and Vibration
- Loss of Agricultural Land and Soils
- Utilities
- Cumulative Impacts

### **(a) Transportation**

6.2 The Transportation chapter of the ES is supported by a Transport Assessment (TA) detailing the strategic modelling work undertaken on behalf of the Council in order to inform its assessment of transport and highway impacts associated with this and the related planning applications and necessary mitigation measures. The staged approach of modelling is set out within Strategic Transport comments on the application as above. The strategic model has informed the Council officers' assessment of highway network capacity at key years over the growth period accounting for planned and committed housing, employment and infrastructure developments within the areas of Dunstable, Houghton Regis, Luton and Leighton Buzzard. The model accounts for new road infrastructure in the area including the A5-M1 link road, the Woodside link road, J11a of the M1, the A6-M1 link road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area.

6.3 Subject to the delivery of committed highway infrastructure to serve the wider growth area (specifically A5-M1 link road and Woodside link road) together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport

Officers, the Council will need to provide support funding for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.

- 6.4 It is stated that the proposed site access, which would also serve the adjoining development proposals for waste transfer and highways depots on the Thorn Turn site has been designed and assessed using the industry-standard software, Junctions 8 having regard to trip generation figures extracted from the TRICS database. The assessment demonstrated that the access will operate well within its capacity in the year 2026, with the development fully occupied.
- 6.5 The ES is accompanied by a Framework Travel Plan setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.
- 6.6 The proposal is judged to be acceptable in relation to potential transport impacts having regard to the advice of the Council's Strategic Transport and Highways Development Management Officers and that Highways England raise no objection to the application.

**(b) Ecology**

- 6.7 An Ecological Assessment incorporating the following elements has been undertaken:
- A review of existing ecological survey information within the vicinity of the application site;
  - a preliminary ecological survey of land within the application site;
  - evaluation of the land within and adjacent to the application site with regard to its nature conservation value;
  - identification of potential impacts on ecological features;
  - mitigation measures to avoid or minimise negative impacts on ecological features;
  - enhancement measures to increase the biodiversity value of the land within the application site; and
  - assessment of the potential residual ecological impacts from the proposals, including habitat loss, disturbance of animals, and indirect effects on adjacent habitats
- 6.8 The baseline ecological conditions review of the site and surrounding area identifies the presence of two designated sites within 2km of the site (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI), and four local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Thorn Spring CWS and Houghton Regis Cutting Roadside Nature Reserve [RNR] at A5 Watling Street). Existing habitats and the habitat potential of the application site and area were also examined through Phase 1 ecological surveys.
- 6.9 The development would require clearance of arable land and hedgerow. The arable land is considered to be of negligible conservation value, whereas the

hedgerow is considered to have nature conservation value within the site, but is not significantly valuable on a wider scale. The loss of these habitats there is potential for a number of protected species to be affected. Suitable habitat exists for reptiles, nesting birds, bats, water voles, otters, and badgers. Mitigation measures, including compensation for habitat loss, informed by further survey work, would need to be secured to ensure impacts on protected species are avoided or reduced to a negligible level.

**(c) Landscape and Visual**

6.10 The ES contains a description and analysis of landscape features and elements such as landform, vegetation cover, settlement and transport patterns, land use, building styles and historical and cultural components. An assessment of landscape character and sensitivity is provided with reference to the South Bedfordshire District Landscape Character Assessment (2009) and other published character assessments.

6.11 The visual assessment considers the potential impact of the development on specific landscape views and receptors. It is judged that there would be slight, negligible and moderate adverse visual impacts on existing residents and slight adverse impact on the visual impact of motorists in the vicinity of the site. Impacts on Rights of Way users during construction phase would be more significant. Temporary impacts including temporary closures or diversions would need to be addressed through by way of Construction Environmental Management Plan (CEMP) secured in connection with any planning permission.

6.12 The proposal, and the cumulative development associated with it, has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. The ES concludes that the long term adverse impacts on landscape character would not be significant subject to mitigation measures including screening and careful design at the detailed planning stages. Careful controls to mitigate against these impacts, such restrictions over built height and massing and requirements for structural landscaping would be required as part of any outline planning permission.

**(d) Land Contamination and Geotechnical Issues**

6.13 The ES provides consideration of baseline ground conditions. The existing use of the site as agricultural land dates from at least 1879 and a rifle range facility was present on site since at least 1974. An assessment of geological conditions shows superficial deposits (generally clay, sand and gravel) over a solid geology of West Melbury Marly Chalk Formation (soft chalk and hard limestone). Whilst there are no recorded groundwater abstractions recorded within 500m of the site, the Environment Agency (EA) classifies the West Melbury Marly Chalk as a Principal Aquifer.

6.14 Ground investigations have been undertaken within the north eastern and south western areas of the site. No potential sources of soil contamination have been identified in these areas. Based on the history of the site it is not anticipated that any other sources of contamination will be encountered in the remaining undeveloped parts of the site. In the area associated with the

riffle range, contamination is likely to be in the form of heavy metals (i.e. lead) confined to the topsoil and shallow strata across the area. Contamination risks to users of the site and controlled waters are likely to be limited in extent and as such do not pose a risk to groundwater or surface water.

- 6.15 At this stage, no mitigation is expected to be required in order to protect end users from risks associated with contamination. This will need to be confirmed by further ground investigation. Oil, fuel and chemical storage facilities required during construction and sediment and dust migration have the potential to impact on controlled and surface waters. These risks can be adequately mitigated by implementation of good site, environmental and health and safety practises.

**(e) Heritage and Archaeology**

- 6.16 The ES acknowledges that the site is within the area identified as Thorn Green, the site of a former village green associated with the medieval settlement of Thorn and within the setting Thorn Spring Moated Site Scheduled Monument. Archaeological field evaluation on the site was undertaken in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets and the 2012 field evaluation work is provided.

- 6.17 There is high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. It has been judged that there is a moderate potential for archaeology relating to the prehistoric period. However CBC Archaeology considers the potential for this should be regarded as high given recently discovered linear features south of Thorn Road. The impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation and possible investigation strategies are identified.

- 6.18 It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape to significance of the monument is limited or neutral. Due to its distance from the Monument, the ES indicates the development would have no impact on the setting of Thorn Spring. It is judged that the cumulative effects of the wider development associated with the proposed growth area would have a more significant impact on the historic setting of Thorn Spring and these impacts will need to be minimised where possible in connection with other development proposals including Bidwell West (HRN2). It is considered that the development would not give rise to significant adverse impacts on the wider setting of other scheduled monuments in the area (Maiden Bower hillfort and Totternhoe Knolls motte and bailey castle). However this should be ensured through appropriate mitigation including structural landscaping and careful design at the detailed stages and restrictions to minimise built height.

**(f) Water**

- 6.19 The ES is supported by a Flood Risk Assessment and Surface Water

Drainage Strategy. The majority of the site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which runs along the southern boundary of the site, broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3 however a hydraulic model has been undertaken in support of this application which demonstrates that the site is not at risk of flooding from this source.

- 6.20 The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. The surface water drainage strategy is considered acceptable in functional terms at this outline stage to satisfy that the development would not increase the risk of flooding at the site or down stream. Opportunities for more varied SuDs features delivering broader amenity, biodiversity and water quality benefits in line with local policy requirements under the Council's Sustainable Drainage guidance SPG will need to be explored as part of subsequent detailed applications. The final surface water drainage strategy can be secured in connection with any permission granted.

**(g) Air Quality**

- 6.21 The ES has regard to the air quality impacts associated with the construction and operation of the development and impacts of dust and odour from the proposed waste transfer facility. Existing odour conditions have been determined from the odour modelling undertaken by Anglian Water and records of complaints relating to operations at adjacent sewage treatment facility.

- 6.22 During the construction phase, a package of mitigation measures to minimise dust emissions from the site. The ES acknowledges the poor air quality conditions in the centre of Dunstable where an Air Quality Management Area (AQMA) has been declared. It is assessed that additional traffic associated with the development would affect air quality by an imperceptible degree and these impacts are judged to be negligible. No significant adverse air quality impacts are anticipated on Houghton Regis Marl Lakes SSSI.

- 6.23 Anglian Water has previously produced an odour emission survey report and model (dated July 2013) in relation to odour impacts associated with the existing sewage treatment facility. The entirety of the application site is located outside of the sensitive area identified within the odour dispersion model. Therefore users are not expected to result in significant exposure to odour. The development is considered to be acceptable in relation to potential odour impacts.

**(h) Waste**

- 6.24 The ES provides an assessment of potential waste generation impacts associated with the development. The formal allocation of the Thorn Turn site for waste management uses is addressed elsewhere within this report in relation to the adopted Development Plan (Section 1).

6.25 The need to remove significant amounts of excavated soils during construction is considered to be limited. Construction waste is expected to be predominantly agricultural (green) waste. It is concluded that waste generation and management during construction can be controlled as part of the CEMP. It is proposed that a Waste Management Strategy should be required as part of subsequent reserved matters applications to ensure appropriate management practices are implemented during the operation of the site. It is not anticipated that the proposed waste transfer or highways depot developments would impact on the waste management of the site. Indeed, the waste transfer facility may be beneficial in this regard, as some waste could potentially be taken there.

**(i) Noise and Vibration**

6.26 This section of the ES sets out a description of the site with reference to key noise sources, national policy, standards and guidance relating to planning and noise, details of the baseline noise levels and an assessment of the suitability of the site for the proposed development against the relevant standards and guidelines.

6.27 A noise measurement survey was carried out at various locations around the site during the day and night on the 20th and 21st March 2015 to establish existing noise levels and their impact of sensitive receptors within approximately 1km of the application site. Having regard to the data gathered during baseline noise monitoring, and assumed construction equipment impacts at houses immediately north of the site have the potential for significant impacts, all other sensitive receptors are expected to have negligible impacts.

6.28 Based on the prior advice of CBC Public Protection Officers and a review of technical guidance, noise threshold levels at sensitive receptors have been proposed. These levels will need to be observed as the proposal is developed. An assessment of road traffic during both the construction and operation of the facility has shown that noise impacts are predicted to be negligible at all receptors.

**(j) Loss of Agricultural Land and Soils**

6.29 The development would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). Under Agricultural Land Classification (ALC) criteria Sub Grades 1, 2 and 3a are considered to represent the best and most versatile agricultural land. Given the area of best and most versatile farm land lost, this effect is judged to equate to a moderate adverse effect. The good quality soils, if handled and stored according to best industry practice, will provide a valuable resource for landscaping. Control of dust and noxious weeds during the construction process should follow best industry practice to avoid their spread to surrounding farmland. These measures could be secured in connection with the CEMP.

**(k) Utilities**

6.30 It is proposed to connect to the existing Anglian Water foul water sewer which lies to the south of the site, which in turns connects into the sewage treatment works adjacent to the south east of the site. A combined services



spine is proposed to serve the application site, the proposed waste transfer and the highways depot developments south of Thorn Road. This would accommodate a HV electrical supply, telecoms, mains water and gas. During operational phase, the cumulative impacts are judged to be negligible. Existing capacity exists within the foul water network system and the mechanical and electrical infrastructure would be implemented to accommodate the proposed development.

**(l) Cumulative Impacts**

6.31 The Environmental Impact Assessment Regulations direct effect interactions should be considered as part of the EIA process. Effect interactions are defined as different types of effects on the same receptor. No national guidelines are provided regarding the manner in which interactions between effects should be assessed, how significance is to be reported, or to what extent interactive effects assessment should be undertaken. Interactive effects have been identified and considered throughout individual ES chapters where relevant.

6.32 Cumulative effects are those effects which would be likely to arise from the combination of likely significant effects from the proposed development with likely significant effects from other committed developments in the vicinity. Cumulative effects of the proposed development with other committed development have been considered throughout the ES chapters where relevant. The consideration of other sites includes those within the North of Houghton Regis strategic development area.

6.33 It is considered that the cumulative effects of construction can be adequately mitigated through the CEMP and mitigation packages to address specific impacts identified through the EIA process.

**(m) Other Issues**

6.34 The land at Thorn Turn incorporates an existing rifle range facility located within the eastern part of the application site. The Council has a current agreement for the lease of the land which expires in March 2017. Following further ongoing technical work in relation to flood risk, there is a strong possibility that the land on which the shooting range sits could also be brought forward for commercial development. Should this be possible, the Council could determine that the lease of the shooting range should not be renewed and the Council could take vacant possession of the land. Should this be determined, the relocation of the shooting range would need to be facilitated elsewhere.

6.35 Below, is a summary of the health and safety requirements for the range as provided in support of the application.

6.36 *The Home Office Guide on Firearms Licensing Law (March 2015) states that the responsibility for health and safety rests with range owners/operators to ensure that their range is constructed and maintained safely. Failure to do so will leave them liable to sanctions under a range of legislation, such as the Occupiers' Liability Act 1984, the Occupiers' Liability (Scotland) Act 1960 and the Health & Safety at Work etc. Act 1974. The National Rifle Association and National Small-Bore Rifle Association have a range*

*inspection service.*

- 6.37 *There is also a requirement for owners/operators of ranges to have in place adequate financial arrangements to meet any injury or damage claims. In most cases this will be insurance cover.*
- 6.38 *The National Small-bore Rifle Association (NSRA) and the National Rifle Association (NRA) have established their own inspection and approval scheme for the ranges run by their affiliated member clubs. The NSRA and NRA have prepared guidance for their members on the safe construction of ranges. That guidance is used by the organisations as the basis for their inspections and the issue of approvals.*
- 6.39 *The NSRA and NRA have indicated that they are willing to make their inspection and approval service available to ranges not affiliated to either organisation. It is anticipated that most ranges will use the NSRA and NRA scheme. However, it is for each range owner/operator to decide what steps to take to ensure their range is safe.*
- 6.40 *Police forces also need to satisfy themselves that ranges used by a club are safe and have adequate insurance or other financial cover. In many cases clubs will be expected to have an old-style military safety certificate or a NSRA/NRA approval letter, and/or an insurance certificate. The responsibility for safety on the range lies with the owner/operator.*
- 6.41 Having regard to health and safety precautions associated with the rifle range with respect to the existing public rights of way network around the site and users of new development now proposed around the site it is considered that the risks to current and new users are considered to be low

## **7 Issues**

### **(a) Transport and highways**

- 7.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 7.2 Paragraph 32 of the NPPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.3 The existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts and required mitigation are set out below.

- 7.4 Existing transport / baseline situation  
CBC Transport Strategy has instructed an assessment of the baseline traffic data utilising a strategic highway assignment model (Central Bedfordshire and Luton Transport Model) as undertaken for the HRN1 and HRN2 applications. The approach in establishing baseline conditions is supported by CBC Highways Development Management.
- 7.5 Related Key Strategic Transport Schemes  
There are two key strategic transport schemes relevant to the consideration of the local highway network in the Houghton Regis area. These are the A5-M1 Link Road and the Woodside Link.
- 7.6 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new M1 Junction 11a. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.
- 7.7 The Woodside Link is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable.
- 7.8 It is acknowledged that the A5-M1 Link Road and Woodside Link Road are scheduled to open in 2017 and this will lead to a significant change in traffic patterns experienced on the local highway network.
- 7.9 Proposed development impacts and mitigation  
The strategic highway model has informed the Council Officers' assessment of highway network capacity at key years over the growth period accounting for planned and committed housing, employment and infrastructure developments within the areas of Dunstable, Houghton Regis, Luton and Leighton Buzzard. The model accounts for new road infrastructure in the area including the A5-M1 link road, the Woodside link road, J11a of the M1, the A6-M1 link road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area. Subject to the delivery of committed highway infrastructure to serve the wider growth area (specifically A5-M1 link road and Woodside link road) together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport Officers, the Council will need to provide support funding for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.
- 7.10 Subject to clarification sought by CBC Highways Development Management with respect to detailed design, the proposed access arrangements are

considered to be acceptable. Final constructional details, together with suitable crossing facilities of Thorn Road including footway/cycleway along the site frontage, will need to be secured by planning condition and in connection with the S278 highways process.

- 7.11 With respect to pedestrian and cycle movements and public transport initiatives, Travel Plan measures would need to be secured by condition, along with a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site. This would need to detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site.

**(b) Design considerations**

- 7.12 The proposed employment development would occupy a prominent location at the western edge of the proposed HRN allocation area. Subsequent reserved matters applications would need to provide for an appropriate 'gateway' and landmark development. Details proposals would be expected to demonstrate high quality development with contemporary design elements which respond positively to the wider character area proposals within this area of the adjoining Bidwell West (HRN2) site.

- 7.13 In response to the indicative proposals submitted in support of the application, Officers, and others responding to the application, have raised concerns regarding the visual and landscape impacts of the development in this location. Subsequently, fixed development parameters have been submitted. These establish that buildings could be constructed to a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres. In these respects the proposal is comparable to the equivalent development parameters proposed to control the employment forming part of the Bidwell West (HRN2) application, immediately north of Thorn Road. Should planning permission be granted, the proposed parameters would provide for appropriate controls over built height and would serve to limit the landscape and visual impacts of the built form.

- 7.14 Notwithstanding this, structural landscaping proposals would be required reflecting the character of existing landscape structures around the application site and maximising the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. Detailed planning proposals would need to respond to opportunities to enhance the landscape, visual amenity, and ecological interests of the Ouzel Brook and provide for suitable connectivity with the wider green infrastructure network, including that proposed as part of the Bidwell West (HRN2) development, should this be permitted and delivered. In line with the recommendations of the Environment Agency and CBC Sustainable Drainage, submission final details of the surface water drainage system would need to be secured by way of planning condition. Such submissions will need to be based on sustainable principles and demonstrate that appropriate SuDs options have been explored in line with the Council's Sustainable Drainage Guidance.

- 7.15 All such matters can be adequately controlled by way of appropriate planning conditions.

## **8. Other matters**

### Human Rights

- 8.1 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

### Equality Act 2010

- 8.2 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

### Crime and Disorder Act 1998

- 8.3 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for addressing crime and disorder. Officers are satisfied that the development is capable of achieving a design that can assist in preventing crime and disorder in the area.

## **9. The Requirement for Planning Conditions**

- 9.1 The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.
- 9.2
1. Submission of details at reserved matters stage (appearance, landscaping, layout and scale)
  2. Time limit for submission of reserved matters, time limit for implementation
  3. Amount and scope of approved development
  4. Submission of CEMP
  5. Archaeological investigation, assessment, recording, protection and management
  6. Submission of detailed surface water drainage scheme
  7. Controls in respect of potential risks to ground water and contamination

8. Arboricultural Method Statement
9. Tree protection
10. Biodiversity Mitigation Strategy and Management Plan
11. Submission of scheme of landscape mitigation
12. Submission of scheme of rights of way enhancement scheme for Public Bridleway No. 49
13. Controls in respect of potential noise impacts
14. Controls in respect of potential noise impacts
15. Controls in respect of potential lighting impacts
16. Sustainable construction
17. Submission of waste audit
18. Submission of scheme of highway works
19. Submission of Travel Plan
20. Approved plans and documents

## **10 Conclusions**

- 10.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 10.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Now that a full application for strategic-scale waste development has come forward to cater for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period, there is certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.
- 10.3 Market indicators demonstrate a need for identified specific commercial

development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area, a multitude of factors weigh substantially in favour of the proposal. Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

- 10.4 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

### **Recommendation**

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to conditions:

### **RECOMMENDED CONDITIONS**

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called ‘the reserved matters’) of the development shall be obtained in writing from the local planning authority prior to development is commenced in that Development Parcel. The development shall be carried out in accordance with the approved details.

Reason: To comply with Article 5 (1) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 2 Application for approval of the reserved matters, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

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

- 3 No more than 44,700 sqm of gross non-residential floor space (to include mezzanines) within Classes B1, B2 and B8 (Employment) (of the Town and

Country (Use Classes) Order 1987, as amended) shall be constructed on the site pursuant to this planning permission.

Reason: For the avoidance of doubt and to define the planning permission.

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

**The CEMP shall comprise;**

- a) **Environment Management Responsibilities;**
- b) **Construction Activities and Timing;**
- c) **Plant and Equipment, including loading and unloading;**
- d) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) **Works affecting rights of way including route diversions, extinguishments or temporary closures;**
- f) **Details of site compounds, offices and areas to be used for the storage of materials;**
- g) **Utilities and Services;**
- h) **Emergency planning & Incidents;**
- i) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- j) **On site control procedures in respect of:**
  - i. **Traffic management measures**
  - ii. **Air and Dust quality**
  - iii. **Noise and vibration**
  - iv. **Water quality**
  - v. **Ecology**
  - vi. **Trees, Hedgerows and Scrub**
  - vii. **Waste and Resource Management**
  - viii. **Archaeological and Cultural Heritage**
  - ix. **Visual and Lighting**
  - x. **Utilities and Services**
  - xi. **Protection of water resources**
  - xii. **Protection of species and habitats**
- k) **Detailed phasing plan to show any different phasing, different developers and/or constructors;**
- l) **Details for the monitoring and review of the construction process including traffic management (to include a review process of the Construction Environmental Management Plan during development).**

**The works shall be implemented only in accordance with the details approved.**

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with**



development.

- 5 **Part A: No development shall take place within any phase of the development until a written scheme of archaeological investigation for that phase has been submitted to and approved in writing by the Local Planning Authority.**

**The written scheme of investigation shall include the following components:**

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication**

**Part B: The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:**

- **The completion of all elements of the archaeological fieldwork, which shall be monitored by the Archaeological Advisors to the Local Planning Authority;**
- **The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority;**
- **The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report**

**Reason: To record and advance understanding of the archaeological resource and to secure the protection and management of archaeological remains preserved within the development in accordance with the NPPF. This condition is a pre-commencement requirement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

- 6 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk**

to groundwater quality. The approved scheme shall be implemented in accordance with the approved timetable and detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF). Details must be approved prior to the commencement of development to prevent any potential pollution of controlled waters which could occur in connection with development.**

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with the NPPF.

- 8 **No development shall commence until an Arboricultural Method Statement, has been submitted to and approved, in writing, by the Local Planning Authority. The Method Statement shall specify procedures required to undertake tree protection measures including specifications for tree protection barriers (including any revisions to barrier locations); a schedule of tree works; a procedure for above soil installations; hard surface removal and excavations within root protection areas; phasing of work; arboricultural supervision including auditing tree protection and subsequent reporting to the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement.**

**Reason: To ensure a satisfactory standard of tree care and protection is planned, supervised, executed, recorded and reported at all times in the interests of maintaining tree health in accordance with good arboricultural practice and methodology. Details must be approved prior to the commencement of development to ensure the development is undertaken in a way which ensures a satisfactory standard of tree care and protection.**

- 9 The development shall be carried out in accordance with the Arboricultural Impact Assessment dated May 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001 and 0002.

Reason: To ensure the successful protection of existing trees, as indicated for retention on these plans.

- 10 **No development shall commence until a Biodiversity Mitigation Strategy & Management Plan has been submitted to and approved in writing by**

**the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved Mitigation Strategy & Management Plan.**

**The scheme shall include details of ecological surveys and suitable habitat mitigation, including lighting strategies and monitoring including details extent and type of new planting and new habitat created on site.**

**Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impacts which could occur in connection with development.**

- 11 The details required by Condition 1 of this permission shall include a scheme of detailed landscaping proposals. The scheme shall detail structural landscaping proposals reflecting the character of existing landscape structures around the application site to enhance the landscape setting and visual amenity of the Ouzel Brook corridor, including the route of Public Bridleway No. 49 and maximise the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To protect the landscape character and visual amenity of the locality in accordance with the NPPF.

- 12 No part of the development shall be brought into use until a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site. The Rights of Way scheme shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the public bridleway route within the site is protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 13 **No development shall take place until an appropriate noise assessment has been undertaken and any relevant scheme for mitigation and/or management of noise has been submitted to and approved by the Local Planning Authority. Any scheme or management plan hereby approved shall be implemented prior to any uses becoming operational and operated in accordance with the approved details unless alternative arrangements are agreed in writing by the Local Planning Authority.**

**Reason: In the interests of local amenity in accordance with the NPPF. Details must be approved prior to the commencement of development to ensure the development is constructed in a way which ensures a satisfactory standard of local amenity.**

- 14 The rating level of sound emitted from any fixed plant and/or machinery

associated with the development or educational activities at the use hereby approved shall not exceed a level of 5dB(A) below the existing background level at the boundary of the nearest noise sensitive premises. All measurements and calculations shall be made in accordance with the methodology of BS4142:2014 (Methods for rating and assessing industrial and commercial sound.)

Reason: In the interests of local amenity in accordance with the NPPF.

- 15 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways etc. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) in accordance with the NPPF.

- 16 The details required by Condition 1 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 17 No part of the development shall be brought into use until a detailed waste audit scheme has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

- 18 No part of the development shall be brought into use until a until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes construction details of approved access arrangements at Thorn Road, appropriate crossing facilities of Thorn Road including footway/cycleway along the site frontage. The approved scheme shall then be implemented in full prior to the first occupation of the development.

Reason: To ensure that the proposed highway works are constructed to adequate standard, are appropriate and proportional to the mitigation required to serve the development and that public rights of way are protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 19 No part of the development shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:
- Predicted travel to and from the site and targets to reduce car use.
  - Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.
  - Measures to minimise private car use and facilitate walking, cycling and use of public transport.
  - Timetable for implementation of measures designed to promote travel choice.
  - Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
  - Details of provision of cycle parking in accordance with council guidelines.
  - Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include site specific travel and transport information; travel vouchers; details of relevant pedestrian, cycle and public transport routes to/ from and within the site; and copies of relevant bus and rail timetables
  - Details of the appointment of a travel plan co-ordinator.
  - An Action Plan listing the measures to be implemented and timescales for this.

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

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;
- Existing site location plan 17384SK10
  - Existing site plan 17384SK02A
  - Site constraints plan 17384SK03A
  - Site parameters plan 17384SK07A
  - Topographical survey 20985/1
  - Topographical survey 20985/2
  - Topographical survey 20985/3
  - Arboricultural Impact Assessment dated May 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001 and 0002.

Reason: For the avoidance of doubt.

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR), the emerging Development Strategy for Central Bedfordshire (DSCB) and the NPPF.
3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. Anglian Water has assets close to or crossing this site or there are assets subject to and adoption agreement. Therefore the development should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can

commence.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
  
.....

This page is intentionally left blank

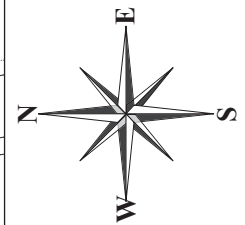




© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 08:July:2015

Map Sheet No  
Scale: 1:2500



Application No. CB/14/04048/FULL

Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG

This page is intentionally left blank

<b>Item No. 8</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/14/04048/FULL</b>
<b>LOCATION</b>	<b>Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG</b>
<b>PROPOSAL</b>	<b>Demolition of all existing buildings and dwellings. Erection of 116 dwellings and a 70 bedroom care home with access, parking, open space and ancillary works.</b>
<b>PARISH</b>	Fairfield
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>07 November 2014</b>
<b>EXPIRY DATE</b>	<b>06 February 2015</b>
<b>APPLICANT</b>	<b>Lochailort Stotfold Ltd</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Development contrary to Policy</b>
<b>RECOMMENDED DECISION</b>	<b>To grant planning permission</b>

**Reason for Recommendation**

The proposed 70 bed care home and 116 dwellings is contrary to Policy MA7, DM4 and CS7 of the Core Strategy and Development Management Policies Document, however the proposal would provide significant benefits to the local community and the wider area given the need for the care home accommodation and the job creation it would provide, the additional houses which would benefit the Councils 5 year housing supply and most significantly, the development would facilitate the provision of a much needed lower school which would provide additional school places for the residents of Fairfield Parish and the surrounding area. The proposal would also result in a visual improvement to the landscape by regenerating an unused designated employment site. These benefits are considered to add significant weight in favour of the development and therefore the proposal is considered to be acceptable.

The proposal is considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document( 2009)

**Site Location:**

The site is situated on the east side of Hitchin Road, between Stotfold and Fairfield Park which is located opposite to the west. The site lies within the Parish of Fairfield but is outside the Settlement Envelope boundary and therefore within open countryside.

The Meat and Livestock Commission constructed the purpose built site in 1984 as the Pig Development Unit and operations ceased in 2007. The site has remained vacant since and the existing buildings are falling into disrepair.

The land level falls from west to east with Pix Brook running along the eastern boundary and there are a number of mature trees and hedgerows along the boundaries of the site and within the site itself. The site is well screened by the existing landscaping.

There is a shared footway/cycleway, which lies adjacent to the west side of Hitchin Road and provides a link to Fairfield Park and to neighbouring Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey, both of which have rail links to London and beyond.

### **The Application:**

Planning permission is sought for a development of 116 dwellings and a 70 bed Care Home following the demolition of the existing buildings on the site together with open space and ancillary works.

The proposal is to be considered alongside application CB/15/01355/OUT for a new lower school on land adjacent to Hitchin Road.

### **RELEVANT POLICIES:**

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

Paragraph 22 and 55

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The policies listed below are most relevant to this application -

Policy 6 Employment Land

Policy 7 Employment Sites and Uses

Policy 8 Change of Use

Policy 21 Provision for Social and Community Infrastructure

Policy 30 Housing Mix

Policy 31 Supporting an Ageing Population  
Policy 38 Development within and Beyond Settlement Envelopes  
Policy 44 High Quality Development

### **Relevant Adopted Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
DM4 Development Within & Beyond the Settlement Envelopes  
CS5 Providing Homes  
CS7 Affordable Housing  
DM3 High Quality Development  
DM1 Renewable Energy  
DM2 Sustainable Construction of new buildings

### **LDF Site Allocations (North) April 2011**

MA7: Land at Former Pig Development Unit, Hitchin Road, Stotfold  
Site Area: 5 ha

Land at the former Pig Development Unit, as identified on the Proposals Map, is allocated for mixed-use development providing 5 replacement dwellings and B1, B2 and B8 employment land. The site will be developed in accordance with its approved planning permission.

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Planning History**

MB/08/01043/OUT	Outline: Redevelopment to form a business park (B1,B2 and B8 uses)and erection of 5 no. replacement dwellings (all matters reserved except access). Granted 17/09/08
MB08/01998/Ful MB/08/02000/Ful	& removal of outline condition 13 (limiting the height of buildings to 8m) and condition 14 (preventing the buildings exceeding 2 storey in height)
CB/11/03946/REN	Renewal of outline consent. Granted

### **Representations: (Parish & Neighbours)**

1. Fairfield Parish Council  
Three letters have been received from the Parish Council dated 17/11/14, 02/12/14, 20/01/15.  
  
In summary the Parish support the application.  
  
Full comments are attached to the Committee Report.
2. Stotfold Town Council  
Town Council comment:

Object to the proposal on the grounds that there is already insufficient infrastructure in the area to support this number of additional dwellings and we have major concerns over the loading these dwellings would put on lower school, healthcare and other vital provisions in the Stotfold/Fairfield area.

Neighbours

One letter of support received - comments summarised:

Housing need in this area outgrowing supply, existing site is derelict and unattractive.

### Consultations/Publicity responses

Application re-advertised 19/06/15  
in press

Site Notice displayed 11/06/15

1. CBC Highways

The principle of the development from a highways point of view has raised no objection from Highways Officers.

2. CBC Ecology

The Ecological Appraisal makes a number of suggestions for enhancements which includes the creation of an otter holt on the eastern bank of the brook, however the red line plan does not incorporate the eastern bank of the brook at any stage so I would seek assurance that landowner approval has been given to achieve this gain. Equally the loss of a barn owl roosting site is also in need of mitigation and it is proposed to erect a barn owl nest box on a tree on the eastern bank so this also needs clarification.

Works to the buildings will require an EPS licence as they could potentially affect bats, if building works are delayed beyond 12 months they **updated surveys** would be required to allow a license application.

3. CBC Archaeology

The proposed development will have an impact on any remains that may survive at the site but given the low significance of any such remains this does not represent a constraint on the proposal. Consequently, I have no objection to this application on archaeological remains.

4. Public Protection -  
Noise

Noise from boiler plant and air conditioning units that may be installed at the proposed care home may be detrimental to the amenity of future occupiers of the proposed residential dwellings. No objections subject to conditions relating to noise protection.

5. Social Care and  
Housing (MANOP)

The home would be meeting a demonstrable need and is in an acceptable location. The proposed layout meets

legal requirements and has some positive design features. We support this application.

6. Public Protection - contamination - Due to the previous use of the site, and it being the responsibility of the developer to make the site safe and suitable for use, conditions are required for any permission granted ensuring site investigations are carried out.
7. Tree and Landscape Officer - A tree survey has been supplied with the application which identifies trees on site and their retention category. The majority of trees on site are Category C with a number of Category B but no Category A. Looking at proposed Landscape Masterplans and the general layout it would appear that there is an intention of retaining a number of areas of trees and incorporating them into the new development. Included in these retained trees are the area of trees designated as A014 on the tree survey of which it appears that a large percentage of this will be retained as part of proposed garden areas with an upper wooded area retaining existing trees and a lower split level with additional planting. Part of this existing A014 will also separate one area of housing from second, again giving good screening from both outside the estate and within it. Proposal also seems to indicate retention of A005, and much of A006 on the east boundary along with an important line of Norway Maples, A002 on the north boundary.
- Tree survey indicates where tree protection fencing should be erected and we would look for this being in place prior to any development or demolition. Demolition work would appear to have minimal effect on trees to be retained provided the appropriate fencing is in place.
- The Landscape Masterplan indicates that there is an intention to provide some substantial new planting on the site including new native hedge planting, specimen and standard tree planting. It would appear to be quite well thought out as regards retention of trees where sensible and provision of new planting, we just need a bit more detail with regards species sizes and densities of planting.
8. Sustainability Officer - Should permission be granted for this development I would expect the following conditions to be attached to ensure that policy DM1 and DM2 requirements are met:
- Residential development to secure 10% of its energy demand from renewable sources and water efficiency standard of 110 litres per person per day (105 litres for internal use plus 5 litres for external

- use per person per day)
- Care home development to achieve at least 10% of their energy demand from Low and Zero Carbon (LZC) sources or achieve BREEAM rating excellent.

9. Landscape Officer

Suggest a Landscape and Visual Appraisal at least is submitted describing the site context, landscape setting, visual analysis and mitigation needs. Visual assessment must consider summer and winter time views and impact of change. Lighting must also be considered.

The appraisal should also include elevations of development along boundary edges and interface with surrounding landscape or development, describing roof heights, boundaries and landscape mitigation. Photo views are crucial, photo montages would be of assistance.

The current proposed layout of development and landscape strategy must be reviewed in response to the findings of the Landscape and Visual Appraisal and respond to landscape mitigation needs.

10. LDF Team

Although the application does not comply with Core Strategy Policy MA7 there are policies in the emerging Development Strategy and the NPPF that support the development of this site.

Recent advice in the NPPF tells LPA's to take a flexible approach and to review land allocations for employment use where there is no reasonable prospect of that land being used for that purpose.

The Development Strategy recognises that non B-uses can make a significant contribution to the local economy and to job creation and that some Non B uses can complement and enhance B uses.

Housing for the elderly is supported by Policy 31.

The applicant has submitted a second application which provides B1 development and a nursery, this scheme is preferable.

11. Education Officer

Fairfield Park Lower School has been expanded to 2 forms of entry and has a high number of 0-5 year olds already living within catchment, there are also a high number of 0-5 year olds living within Stotfold. Neighbouring Roecroft Lower School is being expanded to 3 forms of entry for September 2015 to manage existing demand for lower school places across Fairfield Park and Stotfold. Fairfield park lower school cannot be



further expanded due to the size of the school site, and Roecroft could not expand beyond 3 forms of entry. Additional places across the middle and upper school age ranges are expected to be provided at Etonbury Middle school from September 2017.

A 1.4 ha lower school site would be required to make the planning application acceptable from an education perspective as there is no capacity at the catchment lower school to provide form the lower school aged population coming from a **116** dwellings development in this area

12. Internal Drainage Board On the basis that the works are outside the Boards bylaw of 7m and there is a reduction in impermeable area of the site and that the existing outfall is to be utilised and not changed the Board have no objections to the proposal.

13. Environment Agency No objections to the development

14. CBC Housing Needs Officer Despite requests for a financial viability to be submitted to assess the viability of the site, the applicants are reluctant to submit a viability statement given the time restraints for the July Committee. Current and emerging policy clearly states that a financial viability needs to be submitted to the Council to assess the viability of the site prior to any reduction in affordable provision or commuted sum can be agreed. The applicant is aware of the policy requirements and could have submitted an assessment in advance of forthcoming committee dates. Members will need to be aware that not requiring a financial viability assessment for the scheme where it is not policy compliant could set a precedent for future applications.

Further to this, the applicants have based the affordable housing requirements on the identified need through the housing waiting list. The evidence of need is irrelevant for Fairfield Parish as it is general needs and therefore anyone from Central Bedfordshire could be housed in the site.

Due to non compliance of policy and lack of financial viability evidence for the reduction of affordable housing, Strategic Housing cannot support this application. If the Council is minded to approve the scheme with the proposed 5 affordable units and £600,000 commuted sum, this would equate to only 4.3% affordable housing

provision which is considerably less than policy requirement and therefore any units delivered should be delivered as affordable rent to meet the needs of those in the greatest need.

15 Economic Development There is a need to balance homes and jobs in the area. Disappointed that the employment generating development would be removed from the site but recognise the need to consider other employment generating uses and alternative uses for employment sites reflecting market demand. The 70 bed care home would be supported and would equate to around 70 jobs on the site but would not meet the equivalence job provision originally expected from this site.

Note we have supported a flexible approach to wider employment generating uses including non B uses.

16 Sustainable Transport Officer Assessment of submitted Travel Plan - requires more details and clarification.

## Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact upon the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Other relevant issues

## Considerations

### 1. The principle of the development

- 1.1 The proposal is for the redevelopment of the former Pig Testing Unit for 116 residential properties and a 70 bed care home. The application site is outside of any Settlement Envelope as defined by the Core Strategy Proposals Maps however the Site Allocations Document (2001) allocated the application site for 18,000 sq m of B1, B2 and B8 employment land together with 5 replacement dwellings under Policy MA7 and outline planning consent for the development was granted in 2008 and later renewed in 2011. The planning permission has since expired.
- 1.2 The proposal as set out does not offer any employment generation from B uses and provides a much higher level residential properties, as such the proposal is contrary to Policy MA7.
- 1.3 Paragraph 22 of the NPPF advises that long term protection of site allocated for employment uses where there is no reasonable prospect of a site being used for that purpose should be regularly reviewed and applications for alternative uses of land should be treated on their merits having regard to the

need for different land uses to support sustainable local communities.

- 1.4 Further Policy 8: Change of Use, of the emerging Development Strategy supports proposals for non employment generating uses on employment land providing the site has been marketed for the employment use, where there is a local need for the proposed intended use and where there are no strong economic reasons why the proposed intended use would be inappropriate.

- 1.5 While the Council would not wish to see current employment land allocations lost to other uses, consideration should be given to non B use employment generating proposals where the proposed use is suitable for its location. The proposed care home does not fall within the B Use employment category, however it would provide around 70 full-time equivalent jobs and therefore a would make a significant contribution to the local economy and job creation.

- 1.6 The application site has been subject of a marketing programme for the employment uses based on the planning permission for 18,000sq m of B1, B2 and B8 floor space has been carried out by Bidwells. Since marketing the site in 2011, no realistic or positive offers have come forward for this type of development in this location during the marketing period.

- 1.7 The marketing information submitted by the applicant has been carefully considered. The need to market the site for a reasonable period of time should be balanced against the benefits of proposal and the prospects of the site being used for its intended employment land allocation together with advice set out in the NPPF (para 22). There appears to be no prospect of potential businesses occupying the site solely for employment opportunities in the future as such the site allocation should be reviewed.

- 1.8 As advised above the proposed care home would provide a significant contribution to job creation in the area however the scheme also for residential use which would normally be considered contrary to policy in this location. As such, in accordance with paragraph 22 of the NPPF, the proposal for both the care home and residential use of the site needs to be considered carefully and balanced against the other benefits of the scheme.

- 1.9 Taking into account the government advice in the NPPF and emerging DS Policy 8, the loss of the allocated non B uses employment generation is considered to be acceptable in principle subject the proposed intended use being judged as appropriate for its location.

#### Care Home Demand

- 1.10 The proposed residential care home falls within the Ivel Valley locality. Ivel Valley covers 8 wards which includes Shefford, Biggleswade, Sandy and Arlesey. According to the forecast modelling there will be demand for an additional 49 care home places in Ivel Valley by 2020. In addition the Council intends to replace capacity in three homes that it owns within the Ivel valley area. This increases the requirement by 105 places to 154. Currently in Ivel Valley there is one approved planning application for a care home at Kings Reach, Biggleswade and an outline consent for a care home in Shefford, but

development has not yet commenced. The proposed scheme would meet a demonstrable need within the Ivel Valley locality. However it is acknowledged that the site is close to the border with Hertfordshire and so it is likely that a proportion of residents would be drawn from outside of the district.

- 1.11 The preferred location for residential care homes for older people is one within an existing settlement that allows for access to community facilities and also for the community to interact with the home. Location can be equally significant in relation to both staff and visitors being able to access the home easily. Therefore the location of a home close to transportation links is to be encouraged. Home operators generally have a preference for homes with a main road frontage in order to create a visible 'presence' for the home and developments which lack this may prove difficult to market.

- 1.12 The proposed care home is located on the edge of the developed area with frontage on Hitchin Road. The location has good road, cycle and bus links to nearby settlements of Fairfield and Stotfold. It is therefore considered to be an acceptable and sustainable location for a care home. However while there is an identified need for the Care Home and the location is considered to be acceptable, the proposal need to be weighed carefully against the loss of the employment land and the requirements of Policy MA7.

- 1.13 Emerging DS Policy 31 supports proposals for appropriate accommodation for older people in order to meet strategic housing needs of the ageing population provided the proposal is consistent with other relevant policies. The proposed care home in this location is considered to be acceptable in principle given the need for such accommodation. It would also provide a number of jobs on the site which would go some way towards compliance with the site allocation for employment uses.

- 1.14 Residential use of the site  
As advised above the proposed 116 dwellings would not comply with Policy MA7. However in accordance with the NPPF alternative uses need to be considered for the site. The applicant has demonstrated that there appears to be no prospect of the site being used for the approved B uses and therefore it is necessary to consider the benefits of the residential use of the site and any benefits weighted against the departure from adopted policy.

- 1.15 The existing buildings on the site are purpose built for their intended use. The buildings are dilapidated and unsightly and the site is considered to be developed land in the countryside given its former use as research laboratories. The proposed redevelopment of the site with a well designed housing scheme would result in a visual improvement of the site and would facilitate the redevelopment of the former developed site. Paragraph 55 of the NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this case the proposal is considered to lead to an enhancement of the immediate setting by removing the former purpose built unused buildings and replacing with a high quality

residential scheme with additional landscaping.

Sustainability

1.16 The application site lies opposite Fairfield Park and to the south of Stotfold. There are existing footpaths and cycle routes adjacent to the west side of Hitchin Road providing a link to Fairfield Park and to Stotfold via an underpass beneath the A507. The application site is well placed for bus links to Stotfold, Letchworth and Arlesey and there are existing bus stops along the site frontage. Given the proximity of the site to Stotfold and Fairfield, the site is considered to be in a sustainable location and therefore would meet the NPPF objective of the presumption in favour of sustainable development.

1.17 The proposed development is within an area which is experiencing a high level of demand for school places across all three phases of education. The development would fall into the catchment area for Fairfield Lower School, Etonbury Middle and Samuel Whitbread Upper. Fairfield Lower School has been expanded to 2 forms of entry and has a high number of 0-5 year olds already living within the catchment. Fairfield Lower School cannot be expanded further due to the constraints of the site and in neighbouring Stotfold, St Mary's lower school has been expanded and Roecroft Lower School has also been relocated and expanded, in light of the increasing number of lower school pupils in the local area.

1.18 The local schools continue to be popular and 273 applications were made for the 270 reception places currently available at Gothic Mede (Arlesey), Fairfield Park, St Mary's Lower and Roecroft for September 2015. Fairfield Park, Roecroft and Gothic Mede are particularly oversubscribed. Pupil forecasts are indicating continued high demand for school places.

1.19 Therefore a 1.4ha lower school site would be required to make the proposal for additional 116 dwellings in this location acceptable in terms of sustainable development.

1.20 During the application consideration process, the applicant has submitted a separate application for a new lower school site on 1.4ha of land immediately adjacent to the application site. The land is owned by Central Bedfordshire Council, however the applicant has agreed to contribute significantly to the cost of building a new lower school in this location (a £3million contribution). The suitability of the site for a school will need to be assessed under application CB/15/01355/OUT, however it should be considered in conjunction with this application as the redevelopment of the former Pig Unit site with residential properties will facilitate the provision of the new school which is a material consideration and a significant benefit to the wider community. Without the school, the redevelopment of the former Pig Unit for residential purposes is considered to be unsustainable as there would be no lower school places for within the catchment area for children of the development.

Affordable Housing

1.21 Policy CS7 requires 35% of Affordable Housing from all new residential development. The proposal falls significantly short of this level and proposes

5 affordable housing units together with a commuted sum towards affordable housing provision elsewhere in the district.

1.22 The applicant states that, with the contribution towards a new school, highway works and decontamination works to the existing site that the development would not be viable if they were to either increase the commuted sum or provide the level of affordable houses on site required by Policy CS7. It is therefore necessary to consider the weight attributed towards the provision of a much needed Lower School or affordable housing units.

1.23 Information received from the Housing Officer states that at present there are 4 applicants on the housing waiting list for Fairfield Parish and 24 in neighbouring Stotfold. While the Affordable Housing policy is district wide and not limited to the need of each Parish, in this case there are significant wider benefits to the community from the proposed scheme. It would therefore appear that within the Fairfield Parish there is a greater need for lower school places which weighs in favour of the development being supported with a significantly lower level of affordable housing.

#### Conclusion

1.24 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.25 The site allocation (MA7) is outside of any Settlement Envelope, however at the time the provision of employment land was considered to outweigh the harm to the character and appearance of the countryside. The land was previously used for research purposes and has remained unused since despite previously approved planning consents for B uses and a lengthy marketing campaign.

1.26 The proposal would not be in compliance with site allocation Policy MA7, however the identified need for the provision of residential care places for the elderly and the level of employment the care home would provide is a material consideration as the care home would provide jobs for residents and contribute to the local economy. Furthermore the proposal for 116 residential dwellings would be instrumental in the provision of a much needed new lower school for the Fairfield catchment and surrounding areas as the residential use of the site would allow the development to offer significant funding to CBC for the school construction.

1.27 Whilst the proposal is contrary to Policy CS7 in that it would not provide the required level of affordable housing, the developer has agreed a commuted sum of £600,000 towards affordable housing provision elsewhere within Central Bedfordshire. The reduction in Affordable Housing at this site allows the developer to provide the £3million contribution towards the construction of the new school therefore in this case, the limited provision of affordable housing is felt to weigh in favour of wider benefits of the development.

As the proposal would result in significant benefits to the local economy in

- 1.28 terms of job provision, care for the elderly population and school place provision together with funding for the construction of the school from the developer. The proposal would also add to the Councils 5 year housing supply. These benefits are considered to be material and in this particular case outweigh any harm to the character and appearance of the countryside and the non-compliance with Policy MA7, Policy CS7 and DM4 of the Core Strategy. The development is therefore considered to be acceptable in principle.

## **2. The impact upon the character and appearance of the area**

- 2.1 The proposed development takes its design cue from the adjacent Fairfield development with high quality materials and Victorian design features. The overall layout of the development is felt to be acceptable and provides a good residential layout with green spaces and a space between the buildings.
- 2.2 The care home would be located adjacent to the site frontage with Hitchin Road and would be two storey in height with architectural features matching the former Hospital building at Fairfield. It is a large building however the ground level of the site is lower than that of Hitchin Road therefore the building would not appear prominent. Landscaping is also proposed/retained along the site frontage.
- 2.3 The rear of the site slopes down towards the stream therefore the dwellings would lie on the lower land levels. The area immediately adjacent to Pix Book is to be retained as open space and a play area. Landscaping is proposed along the northern and southern boundaries of the site to screen the development from the open countryside beyond details of which can be secured by a condition.
- 2.4 The existing character of the site is commercial, with a number of buildings that are falling into disrepair. The reuse of the site for residential purposes is considered to be an improvement given the overgrown unused condition of the site resulting in a visual enhancement of the site and the surroundings in general.
- 2.5 The care home building is of considerable scale, however it would be located to the front of the site and would be designed to reflect the former hospital buildings at neighbouring Fairfield.
- 2.6 Taking into account the existing buildings and use of the site together with the site allocation and previously granted planning permission for commercial use of the site, overall the current proposal is not considered to result in harm to the character and appearance of the area. The proposal would therefore comply with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

## **3. Neighbouring amenity**

- 3.1 The application site is adjacent to a pair of residential properties to the south of the site (approximately 10m away) and The Lodge, a detached dwelling to the west separated from the development by Hitchin Road. About 140 metres further to the west is the north eastern edge of Fairfield Park.
- 3.2 The area surrounding the development is open fields with no neighbouring residential properties, except those highlighted above. In light of the location of the site, the scale and height of the proposed development, taking into account the topography of the land, would not result in any adverse impact due to visual or overbearing impact.
- 3.3 It is accepted that there would be an element of additional noise and disturbance from the proposed development given the current situation. However having regard to the proposed employment use of the site which included consent for B2 and B8 uses, these uses are more likely to create noise from potential HGV traffic than that associated with a residential development.
- 3.4 The proposal is not considered to result in unacceptable harm to the amenities of the neighbouring properties and as such would be compliant with Policy DM3 of the Core Strategy and Development Management Policies (2009).

#### **4. Highway considerations**

- 4.1 The site is to be provided with two dedicated access points, one for the care home and one for the residential estate road. This principle is supported by Highways. In terms of highway safety, trip generation and the impact on the existing highway infrastructure, there are no objections to the development

#### **4.2 Car Parking Provision**

The adopted parking standards for residential detached and semi-detached dwellings are as those contained with CBC's Adopted Design Guide and are as follows:

4/4+ bedrooms – Minimum 3 spaces/Recommended 4 spaces

3 bedrooms – Minimum 2 spaces/Recommended 3 spaces

2 Bedrooms – Minimum 2 spaces/Recommended 2 spaces

1 Bedroom – Minimum 1 Space/Recommended 2 spaces

A revised plan has been submitted which shows the allocation of the proposed parking spaces and visitor spaces.

As there are no objections to this proposal from a highway safety point of view therefore the proposal is considered to accord with Policy DM3 of the Core Strategy and is therefore acceptable in this respect.

#### **5. Other relevant issues**



5.1 Flooding/Drainage

There are no objections from the Environment Agency to the development and similarly the Internal Drainage Board have also raised no objections.

The existing private dwellings to the south of the site do not have mains foul drainage connections. As an added community benefit the applicant has agreed to enter an agreement with these houses and connect them to the new mains drainage system required for the site.

5.2 Archaeology

There are no objections to the development from an archaeology perspective.

5.3 Planning Obligation Strategy

The Planning Obligation Strategies that have previously been used to inform the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL) which is expected towards the end of 2015.

All contributions sought will need to comply with the three tests set out in Regulation 122(2) of the CIL Regulation 2010 (as amended). While the development will have an impact on other areas, such as open space provision and cycle network etc, it is felt that the education contribution is of greater importance in this location and given the scale of the contribution towards the new lower school and the affordable housing commuted sum no other contributions towards specific projects will be sought from this development.

Human Rights/Equalities Act

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

**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 **No development shall commence on site until a Phasing Plan has been**

submitted to the Local Planning Authority and approved in writing. Development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In order to allow Phased Development in accordance with the Community Infrastructure Regulations.

- 3 No construction in any Phase of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used for that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 4 No development in any Phase (other than that required to be carried out as part of an approved scheme of remediation) shall take place until conditions (a) to (c) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (c) has been complied with in relation to that contamination.

(a) **Submission of a Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) **Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(c) **Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (b).

**Reason:** Required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Core Strategy and Development Management Policies Document (2009).

- 5 **No construction in any Phase shall commence until a detailed surface water drainage scheme for that Phase based on the agreed Flood Risk Assessment (FRA) October 2014 (ref. 1318 FRA Option 2) has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall include a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the approved details.**

**Reason:** To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with the National Planning Policy Framework and Environment Agency Groundwater Protection: Principles and Practice (GP3) and in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 **Prior to and during demolition and construction works in any Phase all tree protection measures, and working method procedures, shall be carried out in strict accordance with the "Tree Survey and Constraints Plan", as prepared by Hayden's Arboricultural Consultants (Document Ref.3874) and dated 10th**

January 2014.

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with policies contained within the Core Strategy and Development Management Policies Document (2009)

- 7 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a landscaping scheme for that Phase to include all hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building within that Phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a detailed refuse collection strategy for that Phase in accordance with the details within the Design and Access Statement (October 2014) for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy for that Phase shall be implemented in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy WSP5 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014) and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 9 Prior to the commencement of any Phase incorporating Use Class C3 dwellings (and for the avoidance of doubt, not extending to any Phase solely comprising the approved Care Home), a scheme detailing on-site equipped play provision within that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling within that Phase.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 12 Prior to the commencement of construction works in any Phase of the development hereby approved (which for the avoidance of doubt excludes any demolition works) details of any external lighting to be installed within that Phase, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 10 Noise resulting from the post-construction use of plant and equipment at the residential care home hereby approved shall not exceed a noise rating level of -5dBA, Leq when measured in accordance with BS4142:1997, at the boundary of any dwelling.

Reason: To safeguard the living conditions of adjacent residential occupiers in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document ( 2009).

- 11 **No development shall commence on any Phase of the development hereby approved until an Energy Statement shall have been submitted to and approved in writing by the Local Planning Authority relating to that Phase. The Energy Statement for each Phase shall include:**

- a) **For dwellings falling within Use Class C3, an assessment of the actual effect on carbon dioxide emissions demonstrating that the measures previously agreed as part of the energy audit for that Phase have achieved a reduction of carbon dioxide emissions by an aggregate of 6% over 2010 Building Regulations Part 1LA and an aggregate of 9% under Part 2LA as applicable.**
- b) **For the approved care home, either an assessment of the actual effect on carbon dioxide emissions (demonstrating that the measures previously agreed as part of the energy audit for that Phase have achieved a reduction of carbon dioxide emissions by an aggregate of 6% over 2010 Building Regulations Part 1LA and an aggregate of 9% under Part 2LA as applicable) or that the care home meets the BREEAM Excellent rating.**

**Reason: Required prior to commencement to ensure the development is energy sufficient and sustainable in accordance with Policy DM1 and DM2 of the Core Strategy and Development Management Policies Document (2009).**

- 12 Notwithstanding the details submitted with the application, no development on the residential phase shall begin until a revised site layout plan and elevations illustrating the garage dimensions as 3.3m x 7m where they are to be counted as a parking space, has has been submitted to the Local

Planning Authority and approved in writing. The development shall accord with the approved details.

Reason: Details are required prior to the commencement of the residential phase to ensure a satisfactory level of parking in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 13 The Carehome hereby granted permission shall only be used for a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (Amended) or as subsequently amended.

Reason: To ensure that the building is used for an appropriate use in the interests of residential amenity and highway safety.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered DWG No. 1, 5793/001, 5793/002 rev A, Site access 008, P440/002, 5793/003B, 5793/004, 5793/006, 5793/071A, 5793/070A, 5793/072A, 5793/040, 5793/041, 5793/042, 5793/010/1, 5793/010/A, 5793/011/1, 5793/011/A, 5793/012/1, 5793/012/A, 2793/013/1, 5793/013/A, 5793/014/1, 5793/014/A, 5793/015/1, 5793/015/A, 5793/016/1, 5793/016/A, 5793/017/1, 5793/017/A, 5793/018/1, 5793/018/A, 5793/019/1, 5793/019/A, 5793/020/1, 5793/020/A, 5793/021/1, 5793/021/A, 5793/022/1, 5793/022/A, 5793/023/1, 5793/023/A, 5793/024/1, 5793/024/A, 5793/025/1, 5793/025/A, 5793/026/1, 5793/026/A, 5793/027/1, 5793/027/A, 5793/028/1, 5793/028/A, 5793/029/1, 5793/029/A, 5793/030/1, 5793/030/A, 5793/031/1, 5793/031/A, 5793/032/1, 5793/032/A, 5793/033/1, 5793/033/A, 5793/034, 5793/035, Flood Risk Assessment ref: 1318 FRA Option 2, Phase 1 Desk Study No. BRD1534-OR1 version B, Heritage Asset Assessment 2014/007 version 1.0, Tree Survey and Constraints Plan dated 10/01/14, Ecological Appraisal August 2014, Transport Assessment and Framework Travel Plan ref: 406.01862.00010 including Technical Notes, Roundabout improvements 009.

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

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....

This page is intentionally left blank



Karen Wiseman 3

**From:** Katrina Henshaw [katrina.henshaw@fairfieldparishcouncil.gov.uk]  
**Sent:** 20 January 2015 18:39  
**To:** Planning Online  
**Cc:** Cllr Brian Saunders; Cllr Gill Clarke; John A G Saunders  
**Subject:** CB/14/03997 and CB/14/04048 former pig testing station, Hitchin Road.  
**Importance:** High  
**Attachments:** Roundabout Improvements.pdf

Dear Sir

**Planning Application nos. CB/14/03997 and CB/14/04048.**  
**Proposed development at the former pig testing station, Hitchin Road.**

Further to your email of 5th January and to the Technical Note which was attached, FPC was disappointed that rather than offering mitigation measures, the applicant appeared to be seeking to avoid further costs by relying upon the extant permission, which their own consultants have very clearly stated in planning submissions is not viable and would never be implemented. They have clearly gone to great lengths to illustrate that the development option secured by the extant consent is not viable, thus we were surprised that they were seeking to suggest that its implementation is a realistic proposition.

The 'fallback' position is clearly one which exists only in theory and we have therefore asked the applicant directly to review their position and offer to undertake remedial works to the A507 roundabout, in order to mitigate the impact of the development.

The applicant has now issued details to FPC of highway improvements to the A507 junction and FPC are minded that the development is acceptable, subject to those works being secured via a suitably worded planning condition or legal agreement. For ease of reference those works are set out on the attached plan. We understand from the applicant that details of the updated capacity analysis and highway works have also been submitted to CBC.

Kind regards

**Katrina Henshaw** | Parish Clerk



Mobile: 07415 615225  
Email: [enquiries@fairfieldparishcouncil.gov.uk](mailto:enquiries@fairfieldparishcouncil.gov.uk)  
Web: [www.fairfieldparishcouncil.gov.uk](http://www.fairfieldparishcouncil.gov.uk)

Address: Fairfield Community Hall, Kipling Crescent, Fairfield, Bedfordshire SG5 4GY

This message and its contents are confidential and may also be privileged. If you are not the intended recipient please notify the sender immediately; after notifying the sender kindly delete the message. Unless you are the intended recipient you must not copy the e-mail, use it for any purpose nor disclose its contents to any other person. This message has been scanned for computer viruses, however Fairfield Parish Council does not accept any liability in respect of damage caused by any virus that is not detected.

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

21/01/2015

From: [illegible]  
Sent: [illegible]  
To: [illegible]  
Cc: [illegible]  
Subject: [illegible]

Further to your email of 20th January and to the technical note which was attached, PPC was disappointed that rather than having a meeting to discuss the applicant's approach to be seeking to avoid further costs of relying on the current legislation, which their own consultants have very clearly stated in their own submissions is not viable and would never be implemented. They have clearly gone to lengths to illustrate that the development option secured by the current legislation is not viable, this was supported by their own consultants. It is regrettable that the implementation of a realistic procedure

The 'fairness' question is clearly not only a legal one and we have therefore asked the applicant directly to review that position and offer to undertake further work in the A507 corridor, in order to mitigate the impact of the development.

The applicant has now issued details to PPC of highway works associated to the A507 junction and PPC are minded that the development is acceptable, subject to some works being secured via a suitably worded planning condition or legal agreement. For ease of reference those works are set out on the attached plan. We understand from the applicant that details of the updated capacity analysis and highway works have also been submitted to CTC.

Kind regards

Richard Howarth ; Parish Clerk



[illegible text]

[illegible text]

This email has been scanned by the Symantec Email Security Audit service.  
For more information please visit <http://www.symantec.com>

**Karen Wiseman 3**

**From:** Katrina Henshaw [katrina.henshaw@fairfieldparishcouncil.gov.uk]  
**Sent:** 02 December 2014 14:24  
**To:** Planning Online  
**Cc:** Cllr Brian Saunders; Cllr Gill Clarke; John A G Saunders  
**Subject:** CB/14/03997 and CB/14/04048 former pig testing station, Hitchin Road.

Dear Sir

**Planning Application nos. CB/14/03997 and CB/14/04048.  
Proposed development at the former pig testing station, Hitchin Road.**

Fairfield Parish Council make the following comments to the above applications.

#### Amenity

As far as amenity is concerned there is no impact on the neighbours as there are none other than one or two isolated houses further up the road. We are told that the developer has contacted the residents in those houses and they have no issues with the development proposals.

In the main the existing tree belts are maintained and in fact reinforced around the three main boundaries thus continuing to shield the appearance of the site from the surrounding land.

Additional housing may well impact on the existing schools but we understand that considerable S106 contributions will assist in overcoming that issue.

**No objections.**

#### Design

The design now compares favourably with the design features on Fairfield Park. The treatment of car parking and road widths and traffic calming are different but they needed to be so no objection there.

The housing size mix seems well balanced and the tenure ratio more or less meets CBC requirements. The intermediate housing they refer to in the application is shared ownership or even shared equity. They have not discussed the exact mix of affordable housing yet with CBC.

**No objections.**

#### Highways

Pedestrian and cycle accessibility to the site, including the style and number of road crossings and the impact of additional traffic on the roundabout at the junction of Hitchin Road and the A505 are all issues.

FPC have already noted their concerns regarding discrepancies between the transport plan and the drawings in an e-mail dated 17<sup>th</sup> November 2014.

After the initial look at the applications, FPC would like to ask CBC to request that the applicant revise and correct their Transport Assessment.

*There is a fundamental error in the methodology which has been utilised to assess the capacity of the Hitchin Road / A507 roundabout and therefore the impact of the development traffic has not been correctly assessed. The consultant has presented a theoretical capacity analysis based upon traffic surveys, however they have not calibrated their model based upon actual recorded queue lengths.*

*Their model suggests that there are at present peak hour queues of no more than 3 vehicles on any arm of the roundabout, which illustrates that the model is not fit for purpose, as it is clear from any peak hour visit to the junction that there are frequent queues well in excess of that and often in excess of 15-20 vehicles on more than one arm.*

*FPC would suggest that the applicant must revise their analysis and that the capacity analysis must be calibrated and validated against actual queue lengths.*

03/12/2014

*At present the analysis provided is a misrepresentation of both the existing operation of the highway network and of the impact associated with the development.*

*FPC note also that there are inconsistencies between the application drawings and the Transport Assessment with respect to the type of pedestrian crossing proposed on Hitchin Road, with the drawings suggesting a traffic signal controlled or 'zebra' type crossing and the Transport Assessment suggesting that only dropped kerbs and pedestrian refuge islands would be installed. FPC would suggest that to facilitate safe movement of the volumes of pedestrian traffic associated with the development and in particular vulnerable road users such as school children and the elderly, a traffic signal controlled crossing is necessary'.*

Further to these initial comments, it has been noted that the dwellings span the catchment areas for two local primary schools, one in Fairfield and one in Stotfold. This means that pedestrian accessibility to both sites must be suitable and safe. Traffic signal controlled pedestrian crossings should be installed to the north and south of the proposed site access on Hitchin Road, to safely facilitate pedestrian movements toward Stotfold as well as Fairfield.

The width of the shared footway / cycleway running along the western side of Hitchin Road has also been raised as a concern, as it is currently sub-standard (according to CBC Design Supplement 7 a minimum width of 3m should be provided). This route should therefore be widened in association with the proposed highway works.

#### **Objections as noted**

#### **Policies and History**

The site currently benefits from an existing outline planning consent for the development of a business park with B1, B2 and B8 uses together with the replacement of 5 detached houses.

Both these applications change the land use to predominantly residential with two different levels of employment provision. There was doubt cast about the viability of the offices and nursery provision being attractive in the market place but generally the increased residential use would be a more favourable use than the current consent.

#### **No objection**

Regards

**Katrina Henshaw** | Parish Clerk



Mobile: 07415 615225  
Email: [enquiries@fairfieldparishcouncil.gov.uk](mailto:enquiries@fairfieldparishcouncil.gov.uk)  
Web: [www.fairfieldparishcouncil.gov.uk](http://www.fairfieldparishcouncil.gov.uk)

Address: Fairfield Community Hall, Kipling Crescent, Fairfield, Bedfordshire SG5 4GY

This message and its contents are confidential and may also be privileged. If you are not the intended recipient please notify the sender immediately; after notifying the sender kindly delete the message. Unless you are the intended recipient you must not copy the e-mail, use it for any purpose nor disclose its contents to any other person. This message has been scanned for computer viruses, however Fairfield Parish Council does not accept any liability in respect of damage caused by any virus that is not detected.

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

**From:** Kate Elliott-Turner [KateElliott-Turner@stotfoldtowncouncil.gov.uk]  
**Sent:** 13 November 2014 16:28  
**To:** Planning Online  
**Subject:** planning comments

Dear Sirs

Please find below Stotfold Town Council's comments on an application received:

CB/14/04048/FULL

Former Pig Unit, Hitchin Road, Stotfold (Fairfield), SG5 4JG

Demolition of all existing buildings and dwellings. Erection of 116 dwellings and a 70 bedroom care home with access, parking, open space and ancillary works

**Town Council comment:**

**Object to the proposal on the grounds that there is already insufficient infrastructure in the area to support this number of additional dwellings and we have major concerns over the loading these dwellings would put on lower school, healthcare and other vital provisions in the Stotfold/Fairfield area.**

Regards

Mrs Kate Elliott-Turner MILCM  
Town Clerk

Stotfold Town Council  
Hitchin Road, Stotfold  
Hitchin, Herts, SG5 4HP  
01462 730064  
[enquiries@stotfoldtowncouncil.gov.uk](mailto:enquiries@stotfoldtowncouncil.gov.uk)  
[www.stotfoldtowncouncil.gov.uk](http://www.stotfoldtowncouncil.gov.uk)

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

From: Karen Elliot-Turner (kturner@stuarttowncouncil.gov) [mailto:kturner@stuarttowncouncil.gov]  
Sent: 13 May 2014 18:24  
To: Planning Officer  
Subject: Planning application  
Dear Sirs

Please find below Stuart Town Council's comments on an application received

08/11/2014

Former Pig Line, Hinton Road, Staithe (Ref: 13/014)

Demolition of all existing buildings and dwelling. Erection of 116 dwellings with a 70 bed care home with associated

parking, open space and auxiliary works

Open Council comments:

Given to the proposal on the grounds that there is already insufficient parking spaces in the area to support the number of additional dwellings and we have major concerns over the loading and unloading of goods and services, we are unable to support the proposal.

We note that the proposal is in the Staithe/Parish area.

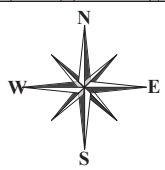
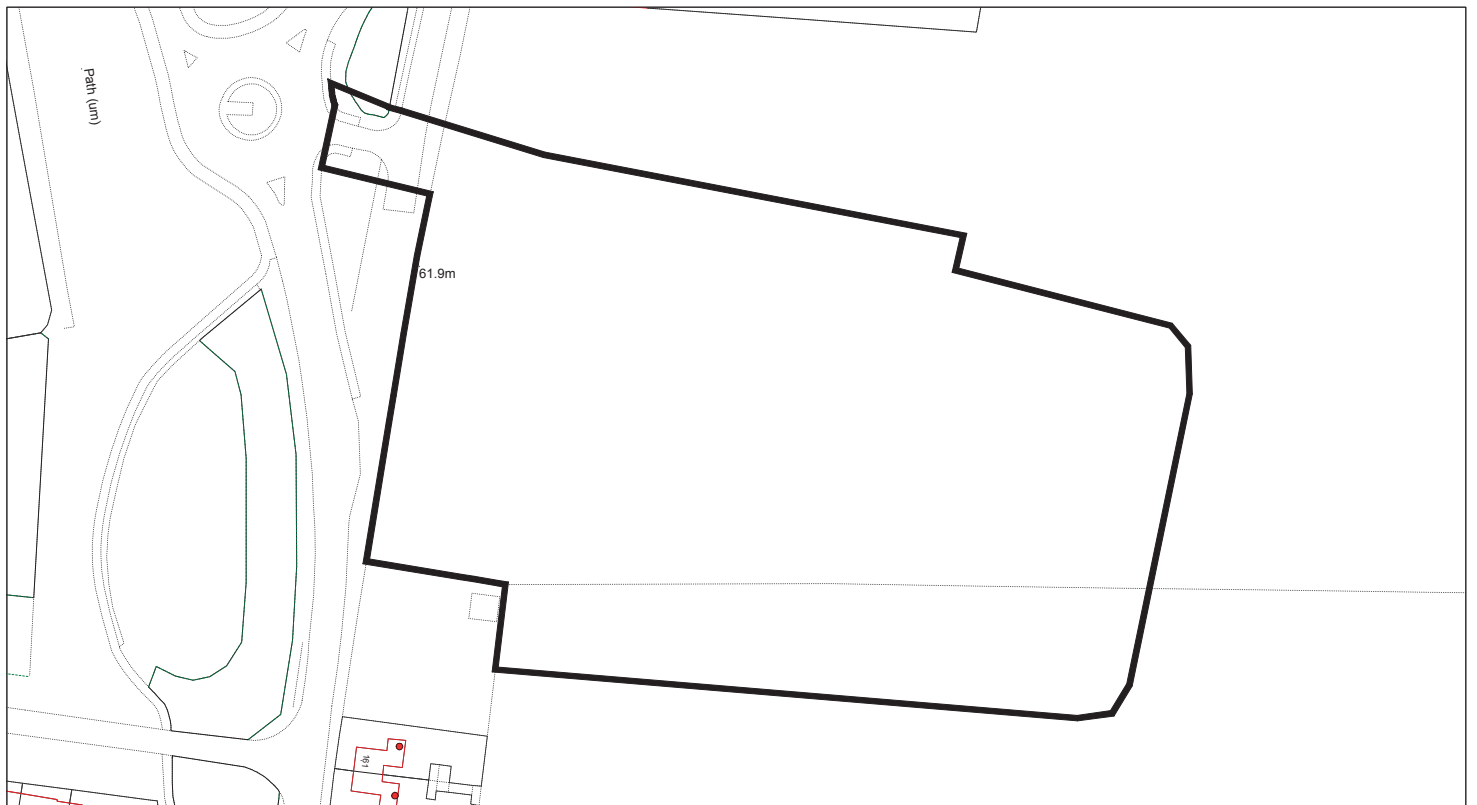


Mrs Karen Elliot-Turner MLCM  
Town Clerk

Staithe Town Council  
Hinton Road, Staithe  
Hinton, Staithe, Staithe  
01452 730004  
mailto:staithe@staithe-towncouncil.gov.uk  
www.staithe-towncouncil.gov.uk

This email has been scanned by the Synovate Email Security and is for more information please visit <http://www.synovate.com>





© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 08:July:2015  
Map Sheet No

Scale: 1:1250

Application No. CB/15/01355/OUT

Land East of Hitchin Road South of 159 Hitchin Road, Stotfold  
Hitchin SG5 4JH

This page is intentionally left blank



**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/15/01355/OUT</b>
<b>LOCATION</b>	<b>Land East of Hitchin Road South of 159 Hitchin Road, Stotfold, Hitchin, SG5 4JH</b>
<b>PROPOSAL</b>	<b>Outline Application: new lower school (All matters reserved).</b>
<b>PARISH</b>	<b>Fairfield</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>17 April 2015</b>
<b>EXPIRY DATE</b>	<b>17 July 2015</b>
<b>APPLICANT</b>	<b>Lochailort Stotfold Ltd</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major development contrary to Policy</b>
<b>RECOMMENDED DECISION</b>	<b>To grant outline consent</b>

**Reason for recommendation**

The application site is located outside of any defined settlement envelope, in the open countryside where there is a presumption against new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). The proposed new Lower school would provide additional school places in an area where the existing schools are at capacity and where there is a demonstrable need for additional places. Therefore while the proposal is contrary to policy, the public benefits of the proposal are considered to outweigh the conflict with Policy DM4. The proposal is considered to be sustainable development in accordance with the NPPF and would comply with Policy 38 of the Emerging Development Strategy. The proposal is also considered to be acceptable in terms of all other planning considerations and therefore compliant with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

**Site Location:**

The site located to the east and opposite the Fairfield Park development along Hitchin Road and comprises 1.4ha of land currently arable farm land. To the north of the site lies the former Pig Development Unit which is subject to a planning application for residential use, and immediately next to the site there are four semi detached dwellings. To the south there are another four semi detached properties fronting Hitchin Road. The surrounding field parcels are mainly grassland are defined by hedgerows and extend as far south as the sewage works which falls within neighbouring Hertfordshire boundary. To the east there are further arable fields with boundaries marked by hedgerows.

The site would be accessed via an existing roundabout on Hitchin Road which currently served the Fairfield development and the four semi detached houses to the north.

The site lies within the open countryside but not within designated Green Belt.

### **The Application:**

The application seeks outline consent with all matters reserved for a new one form entry lower school on 1.4 ha of land to the east of Hitchin Road.

The school is proposed with a capacity of 150 pupils and space to extend the school at a later date. No details relating to design and layout have been submitted as this would be dealt with at Reserved Matters stage.

The application is submitted by the same applicant for the application on land at the former Pig Testing Unit ref: CB/14/04048/Full for 116 new dwellings and a 70 bed care home. Without the school places, the residential development at the Pig Testing Unit site is considered to be unacceptable and unsustainable as the lower schools in the immediate area are at capacity with no room for expansion. The applications are therefore directly linked.

The granting of the planning permission at the Pig Testing Unit for residential purposes would allow the developer to offer a financial contribution to CBC for the construction of the school. The application site is owned by CBC and would not be transferred to the developer but would be retained by CBC for education purposes if planning permission is granted.

### **RELEVANT POLICIES:**

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

Paragraph 72

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The policies listed below are most relevant to this application -

Policy 21 Provision for Social and Community Infrastructure  
Policy 38 Development within and Beyond Settlement Envelopes  
Policy 44 High Quality Development

### **Core Strategy and Development Management Policies - North 2009**

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
CS3 Healthy and Sustainable Communities

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

### **Planning History**

None relevant

### **Representations: (Parish & Neighbours)**

Fairfield Parish Council      The Parish Council have no objection to additional school facilities being provided with the Parish of Fairfield providing a proven demand can be established.

Neighbours                      No comments received  
Site Notice displayed

### **Consultations/Publicity responses**

1. Highways                      No objections to the principle of the development.

2. Tree and Landscape Officer      The land at present is farmland with some boundary hedgelines and a front boundary of mature trees and new planting at the access point to the site. This is probably the most important feature on the site and is indicated for retention in the Design and Access Statement. This is something that we would insist on. There is to be some redesign of the access and as such we should ask for detail of how the trees would be protected or affected by any proposals to include a survey of the trees and arboricultural impact assessment of this area. Tree protection details in line with BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

There would seem ample scope for a good landscape scheme.

3. Education Officers

There is support for the principle of locating a lower school at the site shown in this planning application.

The school organisation forecast is showing the need for additional lower school places from September 2016. Steps have already been taken in the area to provide additional lower school capacity in light of the demand for places. Fairfield Park lower school was expanded to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form of entry for September 2013 and work is ongoing at Roecroft Lower School to provide a permanent additional 1 form of entry from September 2015. The sites for all of these three schools cannot accommodate any further expansions. The alternative of not providing school places in the local area is that the authority will need to seek school places further afield and transport very young children across the authority, which is likely to incur revenue costs for the authority and be highly unpopular. The need for additional lower school places in this area is driven by the impact of housing development.

The site shown in the planning application would be large enough to accommodate a 1 form entry lower school, with the flexibility to expand to 2 forms of entry if this was needed in the future, which would provide for the housing development proposed at the pig development unit which is adjacent to this planning application.

If this site was granted planning permission then it would likely fall to CBC to commission the build of the lower school. At this point in time no surveys have been carried out to understand if there are any site constraints which may affect the cost of building a school here, such as the presence of power lines, or archaeology. While there is a clear need for lower school places in this area the support for this planning application is dependant on the result of feasibility work around the potential to build on this site.

4. Ecology Officer

No objection in principal however I am concerned over the fact that the application site straddles a field boundary. Whilst this isn't necessarily a strong feature it does contain some trees and hence would act as a wildlife corridor. The site would be far better located 25m north into the northern field alone. This would contain potential disturbance to wildlife to one field.

Given the site appears to be set aside arable land the ecological value is unlikely to be significant with possible biodiversity interests being adequately mitigated for. As such I would request that a condition be placed on any planning permission granted to require a Phase 1 habitat

survey to be undertaken of the site together with any necessary identified follow up extended species surveys to ensure the development will not have a detrimental impact to biodiversity.

5. Archaeology Officer

The proposed development does not contain any known archaeological sites and features. However, it is in an area that is known to contain remains of an identified archaeological landscape and the site has considerable archaeological potential. To the north, is cropmark evidence of a ring ditch (HER 16817), the remains of a Bronze Age funerary monument. There is also extensive evidence for later Bronze Age and Iron settlement to the west (HERs 16801 and 19621) from sites to the west investigated in advance of development.

6. LDF Team

Policies in the emerging Development Strategy, namely Policy 38, are supportive of educational facilities, where there is a need identified. For this type of development, where no land is available within the Settlement Envelope, a site adjacent to it may be granted. Although the application site is not located within the Settlement Envelope it does lie opposite Fairfield Park. Policy 19 of the emerging Development Strategy states that the Council will work in partnership with infrastructure providers in seeking the provision of the necessary infrastructure to support new development.

The planning statement supporting the planning application identifies a need for a one-form lower entry school given the amount of housing development in the area. As such we have no objections to the application.

7. Public Protection - Contamination - No comments

8. Public Protection - Noise - The illustrative plan shows the school sports pitches to the east of the proposed site which I welcome as the preferred location as far from existing and proposed residential properties as possible so that any noise impact from their use is kept to a minimum.

No objection to the proposed development subject to conditions relating to potential noise from plant.

9. Landscape Officer

The application site is located on the edge of the Pix brook corridor which forms an important landscape and spatial buffer separating Fairfield, Stotfold and Letchworth Garden City, any development would need careful consideration to ensure the rural edge is maintained and enhanced to retain this spatial character and quality.

The outline application includes little detail especially on

the heights of buildings and, given the sensitivity of the site and location as a locally strategic buffer, I request additional information be provided to assess potential impact of the proposed development.

- |  |   |
|--|---|
| 10. North Herts DC                               | No specific comments to make                            |
| 11. Letchworth Heritage Foundation               | No objections   |
| 12. Internal Drainage Board                      | Remove original objection as FRA has now been supplied. |
| 13. Herts County Council                         | No comments received                                    |
| 14. Anglian Water                                | No comments received                                    |
| 15. Sustainable Transport Officer (Travel Plans) | No comments received                                    |

### **Determining Issues**

The main considerations of the application are;

1. The principle of the development
2. The impact on the character of the area
3. Neighbouring amenity
4. Highway considerations
5. Any other matters

### **Considerations**

#### **1. The principle of the development**

- 1.1 The location of the proposed school site lies outside of the Settlement Envelope for Fairfield where there is a presumption against new development in order to protect the character and appearance of the area however any harm that would result from the development must be weighed against the benefits of the scheme for the wider community.
- 1.2 The National Planning Policy Framework carries a presumption in favour of sustainable development. The provision of educational facilities is a critical element of sustainable development and it is a statutory duty of the Council to provide places for residents of the area.
- 1.3 Education colleagues have confirmed there are existing capacity issues at the nearby lower schools as a result of Fairfield and Stotfold having seen a high level of population growth in recent years. Fairfield Lower School was created to provide for the population of Fairfield Park development and has expanded since it was built to accommodate the increase in demand. In Stotfold, St Marys Lower School has been expanded and Roecroft Lower School relocated and expanded in light of the increasing number of pupils in the Stotfold area.
- 1.4 273 applications were made for the 270 reception places currently available at

Gothic Mede (in Arlesey), Fairfield Park, St Marys and Roecroft for September 2015 with Fairfield, Roecroft and Gothic Mede being particularly oversubscribed. Forecasts for lower school pupils are indicating continued high demand for lower school places in this area.

- 1.5 The provision of a new school in this location would be in close proximity to Fairfield Park and neighbouring Stotfold. It would create much needed lower school capacity in the area which attracts a high number of young families. It would be well placed to serve the adjacent communities with existing transport links and therefore the site is considered to be in a sustainable location. Education colleagues have commented that the site for the proposed school is appropriate in terms of its location.
- 1.6 The application site is within Central Bedfordshire Council's ownership. The developer of application CB/14/04048/Full (Lochailort Stotfold Ltd) have submitted this outline application and have offered a financial contribution towards the construction of the school. This is because the school land provision is essential to make the proposal submitted under CB/14/04048/Full acceptable. Likewise the granting of planning permission for CB/14/04048/Full is instrumental in the delivery of the school in this location.
- 1.7 During negotiations CBC Assets team have requested a number of reports into the suitability of the land for development be undertaken and assessed prior to the team agreeing the use of the land for education purposes. These reports have been undertaken through an independent party commissioned by CBC Assets team and it would appear that there is no overriding reason why the proposed location of the school is inappropriate.
- 1.8 Given the clear demand for additional lower school places in this area, while the proposal is contrary to Policy DM4, the location of the site is considered to be sustainable in that it would be located on the edge of the Fairfield development and close to Stotfold where it would provide additional lower school places for the existing residents. Should the residential development at the former Pig Testing site come forward, it would also allow children from this development to be provided with school places close to where they live. As such the benefits of the development is a material consideration which is considered to outweigh the conflict with Policy DM4
- 1.9 Furthermore, Policy 38 of the emerging Development Strategy supports educational facilities where a need is identified and where no land is available in the Settlement Envelope, a site adjacent may be considered acceptable. Further paragraph 72 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs to existing and new communities. LPA's should give great weight to the need to create, expand or alter schools.
- 1.10 Given the substantial public benefits of providing additional Lower School places, while the application site lies outside of a settlement envelope, in this case the benefits of the proposal are considered to outweigh Policy DM4 of the adopted Core Strategy and therefore the principle of the development is felt to be acceptable.

## 2. The impact on the character of the area

2.1 At present there are no details relating to the design and scale of the proposed school as this would be assessed under the Reserved Matters application. Details within the Design and Access Statement propose a single storey one form entry school with an internal layout providing 5 classrooms, hall/dining facilities, staff room, offices and ancillary facilities. Externally there would be hard and soft play areas together with parking facilities. Final detailed design would need to be agreed with the Councils School Organisation and Capital Planning Team and would be approved at Reserved Matters stage.

2.2 The proposal would extend the built environment into the open countryside. Within the Mid Bedfordshire Landscape Character Assessment the site is described as having a moderate to low character and visual sensitivity to change resulting in landscape with a moderate to low value. The land slopes down towards Pix Brook (to the east) where there are tree belts and woodland.

2.3 The proposed school would be located close to the Hitchin Road frontage and would retain much of the existing landscaping on the site frontage however a detailed landscaping scheme would be required for the Reserved Matters application.

2.4 In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land for the school would not result removal of excellent or very good agricultural land. The loss of the agricultural land need to be balanced against the benefits of the school place provision.

2.5 The proposed school site would clearly have an impact on the existing character and appearance of the rural area, however as discussed above there is a demonstrable need for additional school places in this location. The school site is proposed between existing residential development, opposite Fairfield Park development and close to the sewage works and former Pig Development unit buildings. It is therefore surrounded by existing built form for the most part and would not therefore be isolated and prominent within the rural area.

2.6 For this reason the proposal is not considered to result in substantial visual harm to the character and appearance of the area and the overall impact of the proposal is considered to be outweighed by the benefit of the development in providing the much needed school places for CBC residents living within this area. The proposal is therefore considered to be acceptable in terms of the impact on the character and appearance of the area and therefore compliant with Policy DM3 of the Core strategy and Development Management Policies



Document (2009)

### **3. Neighbouring amenity**

- 3.1 The proposed school land is adjacent to existing properties along the Hitchin Road frontage however it is well separated from the dwellings and therefore would not result in overbearing impact or loss of privacy or light.
- 3.2 It is inevitable that there would be an increase in noise from the school and its outdoor areas which would have an impact on the adjacent residents. However the school would only be open during daytime hours when the majority of people are out at work. While there would be some impact on neighbours, it is not considered to be so significant that it would be unacceptable.
- 3.3 The location of the school would affect the view across the fields for the existing occupants of the dwellings along Hitchin Road, however in considering planning proposals there is no right to a view across third party land for an individual.
- 3.4 The proposed new access for the school is located some distance from the neighbouring properties and therefore would not result in significant harm to amenity.
- 3.5 A detailed assessment of the impact on neighbouring amenity can be made during the Reserved Matters application when plans of the school and a detailed layout is submitted.

### **4. Highway considerations**

- 4.1 The proposed school would cater for circa 256 pupils and 18 members of staff. The site is proposed to be accessed from the eastern arm of the existing Hitchin Road/Elliot Way roundabout and in turn from a newly created simple priority junction from Hitchin Road (East). This principle is supported.
- 4.2 Highways Officers are satisfied that the proposal would not adversely affect the local highway network in terms of trip generation as such there are no objections to the principle of this proposal from a highways point of view.

### **5. Any other considerations**

- 5.1 There are no objections to the development in terms of any other planning considerations such as archaeology and ecology.
- 5.2 No objections are raised regarding Flood risk at the site.
- 5.3 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would

be no relevant implications.

### **Recommendation**

That Outline Planning Permission be granted subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

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

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

- 2 **No development shall take place until approval of the details of the appearance, landscaping, layout, scale and access of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

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

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: Details are required prior to commencement of works to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.**

- 4 **No development shall take place until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: Required prior to commencement of the development to control the appearance of the building in the interests of the visual amenities of the locality.**

- 5 No work on the construction of the building hereby approved shall

commence until details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: In the interest of sustainability.

- 6 The landscaping scheme approved under the Reserved Matters application shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 7 The building shall not be occupied until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports and general lighting and measures to ensure sports lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in advance and in writing by the Local Planning Authority the sports pitches and any associated sports lighting shall not be used outside the hours of 8 a.m. and 10 p.m. on any day.

After commencement of the use the lighting shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the sports pitches and school for maximum use and security with the interest of amenity and sustainability.

- 8 Noise resulting from the use of the plant, machinery or equipment shall not exceed a noise rating level of -5dBA, Leq when measured and calculated according to BS4142: 2014 at the boundary of the nearest noise sensitive property.

Reason: To protect the amenity of neighbouring properties.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number D01, D02, PJ0074-SK-001, ASC.15.254, Ecological Appraisal June 2015, Heritage Statement 2015/73 V 1.0, Framework School Travel Plan ref: 406.01862.00010, Transport Assessment including Technical Note, Haydens

Tree Survey AIA dated 24/04/15, Flood Risk Assessment ref: 1368 FRA, Phase 1 Geoenvironmental Desk Study No. 15.05.009 May 2015, Landscape and Visual Statement dated June 2015, Design and Access Statement April 2015.

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

**Notes to Applicant**

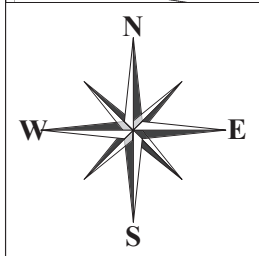
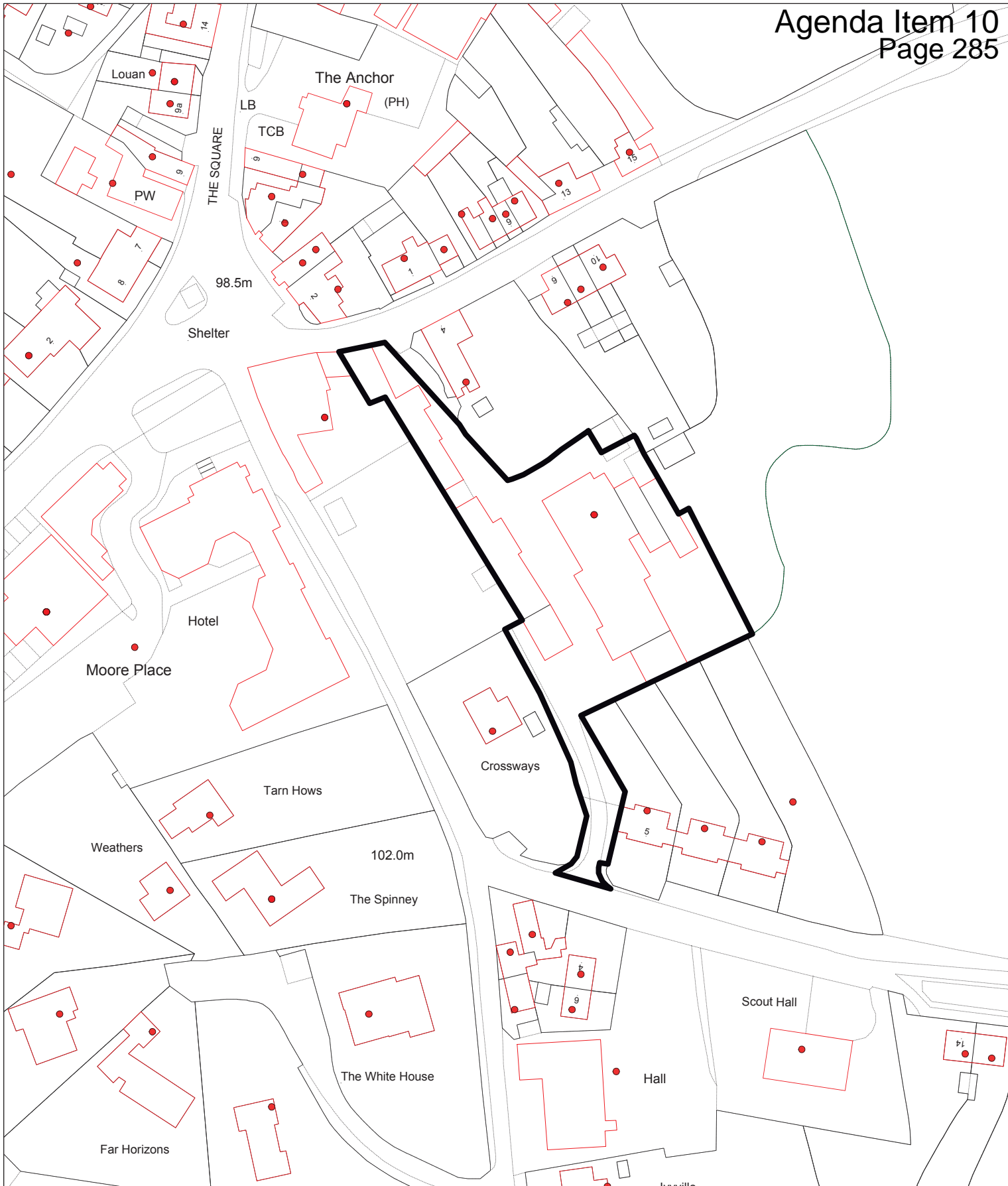
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the adopted Core Strategy and Development Management Policies Document (North).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....  
.....



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 07:July:2015

Grid Ref: 494231, 235789

Application No:  
CB/15/0111/FULL

Scale: 1:1250

Larkwood Ltd, Bedford Road, Aspley Guise, Milton Keynes, MK17 8DJ

This page is intentionally left blank

<b>Item No. 10</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/15/01111/FULL</b>
<b>LOCATION</b>	<b>Larkwood Ltd, Bedford Road, Aspley Guise, Milton Keynes, MK17 8DJ</b>
<b>PROPOSAL</b>	<b>Part demolition of existing buildings, erection of 10 dwellings and retention of existing office building on site frontage.</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>13 April 2015</b>
<b>EXPIRY DATE</b>	<b>13 July 2015</b>
<b>APPLICANT</b>	<b>RBC Property Developments Ltd</b>
<b>AGENT</b>	<b>DLA Town Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with an objection from the Parish Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approve</b>

**Summary of Recommendation:**

The planning application is recommended for approval, the design of the dwellings would be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, DM4, DM13, CS15. It would not have a significant impact upon the residential amenity of any adjacent properties, the significance or the setting of the adjacent Listed Buildings, or the Aspley Guise Conservation Area and would result in a new development suitable for the location. It is considered that the design is in accordance with the Central Bedfordshire Design Guide and the submitted Development Strategy and National Planning Policy Framework.

**Site Location:**

The site is located to the east of the main village centre, to the south of Bedford Road, within the Aspley Guise Conservation Area. Access to the site is taken from Bedford Road, with a pedestrian/ vehicular access on to Spinney Lane. At the entrance to the site is an existing residential property Rose Cottage and a restaurant the 'Blue Orchid' previously known as the Bell Inn. This is a listed building. The timber clad building at the front of the site fronting Bedford Road, is attached to the neighbouring Listed Building and is included within the listing for the building. There are a mix of dwellings within the area, both in the centre of the village, adjacent within Bedford Road and properties within Spinney Lane.

The existing workshop/ showroom buildings on the site formed part of the former timber yard use. This use has now ceased and therefore the site is now a redundant

brownfield site.

### **The Application:**

This is a full application for the part demolition of the buildings, erection of 10 dwellings and retention of existing office building on site frontage. This has been revised from that previously proposed which was the demolition of all existing buildings and erection of 11 dwellings. However, issues were raised regarding noise and odour in terms of cottage 1, and that the frontage building is actually attached to the adjacent Listed Building (and included within the listing) resulted in this building now being retained and used as an office.

### **RELEVANT POLICIES:**

#### **National Policy**

National Planning Policy Framework (March 2012)

#### **Core Strategy and Development Management Policies - North 2009**

- DM3 High Quality Development
- DM6 Infill Development within the Green Belt Infill boundary
- CS14 High Quality Development
- CS15 Heritage
- DM13 Heritage in Development
- CS1 Development Strategy

#### **Submitted Development Strategy for Central Bedfordshire 2014 (Submitted October 2014)**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

- Policy 43 High Quality Development
- Policy 45 The Historic Environment.
- Policy 37 Development within Green Belt Infill boundaries.



## Supplementary Planning Guidance

### Design in Central Bedfordshire: A guide for development

#### Aspley Guise Conservation Area document dated 19/03/2008

### Planning History

**Application:** Planning  
**Validated:** 03/05/2007  
**Status:** Decided  
**Summary:**  
**Description:** Advertisement Consent: Retention of 1 no. hanging sign, 1 no. fascia sign and 2 no. wall signs (retrospective)

**Number:** MB/07/00481/ADV  
**Type:** Advertisement  
**Date:** 12/06/2007  
**Decision:** Advertisement - Refused

**Application:** Planning  
**Validated:** 15/06/2000  
**Status:** Withdrawn  
**Summary:**  
**Description:** FULL: RETENTION OF CANOPY OVER LOADING BAY

**Number:** MB/00/00975/FULL  
**Type:** Full Application  
**Date:** 04/07/2001  
**Decision:** Application Withdrawn

**Application:** Planning  
**Validated:** 16/11/1995  
**Status:** Decided  
**Summary:**  
**Description:** FULL: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A NEW BUILDING FOR THE PURPOSES OF STORAGE AND POLISHING OF FURNITURE

**Number:** MB/95/01441/FULL  
**Type:** Full Application  
**Date:** 30/01/1996  
**Decision:** Full Application - Refused

**Application:** Planning  
**Validated:** 08/05/1990  
**Status:** Decided  
**Summary:**  
**Description:** FULL: DEMOLITION OF OUTBUILDINGS AND ERECTION OF STORAGE/POLISHING UNIT

**Number:** MB/90/00504/FULL  
**Type:** Full Application  
**Date:** 03/07/1990  
**Decision:** Full Application - Granted

**Application:** Planning  
**Validated:** 20/12/1988  
**Status:** Decided  
**Summary:**  
**Description:** FULL: EXTENSIONS TO FORM ADDITIONAL SHOWROOM AND STORAGE FACILITIES

**Number:** MB/88/01653/FULL  
**Type:** Full Application  
**Date:** 14/02/1989  
**Decision:** Full Application - Granted

**Application:** Planning  
**Validated:**  
**Status:** Withdrawn  
**Summary:**  
**Description:** OUTLINE: EXTENSIONS TO EXISTING UNIT AND SHOWROOM

**Number:** MB/88/00703/OA  
**Type:** Outline Application  
**Date:** 12/09/1988  
**Decision:** Application Withdrawn

### Representations: (Parish & Neighbours)

Aspley Guise Parish  
Council

Objects to the application on the following grounds:

- The access to the site is inadequate and will worsen the existing serious traffic problems on Bedford Road;
- Spinney Lane access should be blocked to stop

- vehicles being able to use it;
- Concern regarding Spinney Lane residents being overlooked.

Further representations made:

- it will worsen the traffic congestion existing on Bedford Road;
- traffic analysis is fundamentally flawed - the business has been in decline over recent years with dwindling numbers of visitors to the site;
- deliveries to the site were previously made from within the village square due to access problems;
- there was a vehicle access onto Spinney Lane - therefore very few vehicles entering/ leaving the site at the same access

Neighbours

Representations received raising the following issues:

- concern regarding vehicle access into Spinney Lane
- overflow parking from the site onto Spinney Lane and the village hall
- No additional residents parking will be allowed within the Village Hall car park
- cramped development
- price of houses
- traffic implications
- supportive of the proposal to incorporate some smaller properties in the development
- concern regarding the height of the dwellings in south-east corner of the site and impact on residents within Spinney Lane
- privacy concerns regarding properties at rear of site overlooking those in Spinney Lane
- overdevelopment of the site
- add to parking problems and congestion
- concern regarding removal of conifers

Additional representations:

- still consider the scheme to be overdevelopment
- parking is inadequate within the scheme
- parking concerns for Orchard Cottage
- The retention of the building at the front does nothing to improve the appearance of the entrance to the site;
- Traffic concerns regarding the access.
- loss of privacy to properties within Spinney Lane
- The plans submitted do not make provision for the right of way to the garage that serves Orchard Cottage

Other representations:

Woburn Sands and  
District Society

Object on the following grounds:

- Impact on the Grade 11 listed building

- Access on to Bedford Road
- Height of the Buildings - not in keeping to have 2.5 storey buildings within the Conservation Area
- Affordable Housing - question viability
- Tree Clearance - clearance already commenced.

Further representation:

Our objections remain as set out in our original letter. Our point regarding the impact on the listed building is removed due to the retention of the building to the front.

### Consultations/Publicity responses

Highways	No objection to residential scheme - Awaiting comments on revisions - to be updated on the late sheet
Conservation and Design	No objection - have been involved during the pre-application process and the scheme involves high quality materials and good design.
Archaeology	No objection
Trees and Landscape Officer	No objection although concern raised regarding the loss of the onsite trees and need for landscaping scheme.
Historic England	Do not consider the proposed development would necessarily result in harm to the significance of the conservation area in terms of the NPPF. Although some concerns over the vertical emphasis on some of the dwellings
Public Protection	Raised concern regarding noise and odour to plot 1; this has now been removed and office being retained. The objection in terms of odour has been removed. Although concern over noise from restaurant and car park on Plot 2. Recommend condition.
Housing Development Officer	The viability of the scheme has been assessed and it concludes that the scheme would be unviable with the inclusion of affordable housing. As the residential scheme has been reduced to 10 dwellings - there would no longer be a requirement in this instance for affordable housing.
Leisure	No off-site contribution required in this instance
Ecology	No objection raised

### Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact on the character and appearance of the surrounding area, Listed Building and Conservation area;
3. Impact on amenities of neighbours
4. Access, Parking
5. Tree considerations
6. Any other considerations

## Considerations

### 1.0 Principle of Development

- 1.1 The site lies in the centre of Aspley Guise near the historic core of the village. Aspley Guise is categorised as a Small Village - where excluded from the Green Belt - under Policy CS1 of the Core Strategy. Policy DM6 of this policy document states that the principle of infill development is acceptable in the defined Green Belt Infill boundary. Infill development can be described as small scale development utilising a vacant plot which should continue to compliment the surrounding pattern of development. Policy 37 of the submitted Development Strategy for Central Bedfordshire states that the Council will consider infill development acceptable in principle within the defined Green Belt boundaries and that particular attention will be paid to assessing the quality of development proposed and the likely impact on the character of the settlement and its surroundings.
- 1.2 Policy CS14 of the Core Strategy states that the council will require development to be of the highest quality by respecting local context, spaces and building in design... as well as focusing on the quality of buildings individually. Policy CS15 of the Core Strategy states that the Council will protect, conserve and enhance the integrity of the local built and natural environment. Policy DM13 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that planning applications for development within the Conservation Areas will be assessed against the Conservation Area appraisals and that inappropriate development will be refused.
- 1.3 In view of the above, there are no objections in principle to the proposed development. The building at the front of the site is attached to the adjacent Listed Building and is included within the listing plan. It is therefore proposed to retain this building and demolish the remaining buildings on the site.

### 2.0 Impact on the character and appearance of the surrounding area, Listed Building and Conservation area;

- 2.1 The proposed development would sit to the rear of the existing entrance, with the front building and the existing dwelling being retained at the front of the site; therefore from Bedford Road, there would only be partial views of the development through the entrance.
- 2.2 The development has been designed to be of high quality materials, and reflect a mews style development. It is therefore considered that it would preserve and to an extent enhance the character and appearance of the Conservation Area, with the demolition of the large commercial/ workshop style buildings on the site.
- 2.3 There would be views of the site from Spinney Lane and the adjacent open space to the east. However, it is considered given the design of the proposal

that it would not have a detrimental impact on the character and appearance of the area, from these views. In addition to this, on the grant of any planning permission a condition would be imposed requiring the submission of a landscaping scheme. This would further aid in softening the views of the development from these views.

- 2.4 The frontage building now shown as retained, is attached to the former Bell Inn (now the Blue Orchid). This is a listed building and the attached frontage building is included within the listing description. The retention of this front building has therefore minimised the impact on the neighbouring listed building and addressed concerns raised by both Historic England and a number of public representations in terms of previously proposed cottage in this location.
- 2.5 It is therefore considered that the proposed development would preserve the character and appearance of the Conservation Area, and Listed Building; and would not have a detrimental impact on the character and appearance of the surrounding area. The proposal is therefore in conformity with Policy DM3 and DM13 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

### **3.0 Impact on amenities of neighbours**

- 3.1 The proposed development is accessed off Bedford Road, and is set behind the retained office building and the existing residential property on the frontage. Immediately adjacent to the site fronting Bedford Road is a Cottage and the Blue Orchid (formerly the Bell Inn). Opposite the site is a number of residential properties within Bedford Road. To the rear of the site is Crossways and a number of residential properties within Spinney Lane.
- 3.2 In terms of the properties within Bedford Road, whilst they are opposite the development and will have views of the development through the access, the proposed dwellings would be a considerable distance from these properties and therefore it is not considered there would be any material impact in terms of light, privacy, outlook or causing an overbearing impact.
- 3.3 Impact upon Light:
- 3.3.1 There are a number of residential properties within Spinney Lane which bound the site. The distance from the boundary of the site at this point and the rear elevations of the existing dwellings is some 25m at the closest point, increasing to some 45m at the furthest point. The proposed dwellings on this boundary are set off the boundary by some 10m at a minimum; therefore providing an overall separation distance from the existing properties of some 35m increasing to 55m. It is considered that this is an adequate separation distance to ensure that there would be no detrimental loss of light to these dwellings.
- 3.3.2 Plot 11 set on the boundary of the application site with the existing residential cottage - Rose Cottage, would be set some 26 metres from the closest elevation of this neighbour. It is therefore considered that this would be adequate separation to ensure that there would be no loss of light to this

dwelling.

3.4 Impact upon Privacy:

3.4.1 Concern has been raised from the dwellings within Spinney Lane regarding loss of privacy and overlooking from plots 3 - 8, as a number of these are 2.5 storey and have dormer windows within the roof. The separation distance exceeds the guidelines set out in the Council's design guide (which is 21m) for back to back distances and therefore whilst it is acknowledged that these properties are currently not overlooked, there would be no detrimental loss of privacy arising from the proposed development.

3.4.2 Similarly, given the design of plot 11 and the separation distance with Rose Cottage on Bedford Road, it is not considered that there would be any detrimental loss of privacy to this neighbouring property arising from the proposed development.

3.4.3 It is considered that there would be no undue loss of privacy to adjoining properties.

3.5 Impact upon Outlook and the causing of an overbearing impact:

3.5.1 Whilst the outlook for the properties within Spinney Lane that back on to the site will alter, given the separation distance and the design of the overall scheme, it is not considered that this would result in a detrimental impact that would warrant refusal of the scheme. The proposal provides a mix of residential development, with some terrace, semi-detached and detached dwellings and would result in the demolition of the existing workshop buildings on site.

3.5.2 The proposal would not result in any detrimental overbearing impact on any neighbouring residential properties.

3.6

Representations

3.6.1

A number of representations have been received in relation to the scheme, these are generally supportive of the redevelopment of the site, however, they believe that the proposed development appears cramped and would result in a loss of privacy to adjacent residential properties within Spinney Lane.

3.6.2

As stated previously, it is not considered that there would be any detrimental loss of privacy with the residential properties to the rear given the sufficient separation distance.

3.6.3

It is appreciated that the outlook of these properties within Spinney Lane would be altered and that they have enjoyed the benefit of not previously being overlooked. However, there is a minimum of 35m separation distance, which far exceeds our guidance which states a figure of 21m.

3.6.4 The 5 parking bays at the front are for the office use at the front of the site

and is in accordance with the parking standards set out in the Central Bedfordshire Design Guide which requires 1 parking space per 25sqm.

- 3.6.5 The proposal provides sufficient parking for each dwelling, there are 3 x 2 bed; 2 x 3 bed; 1 x 4 bed and 4 x 5 bed with combined parking provision for 25 cars. This is in accordance with the parking standards set out in the Central Bedfordshire Design Guide and no objection has been raised by the Highways Officer in relation to parking.
- 3.6.6 Continued concern has been raised regarding the access to the site. The Highways Officer has raised no objection to the application in relation to this aspect and has stated that given the traffic generation that could be created through an unrestricted B1(c) use that the proposed development would result in less traffic generation and therefore the access is acceptable.
- 3.6.7 I have been advised that an application for double yellow lines along Bedford Road has been prepared/submitted by the Ward Councillor. Whilst the Parish Council are seeking additional parking provision within the site for the residents along Bedford Road, this is not considered appropriate. The parking situation along Bedford Road is an existing problem – the proposed development will provide sufficient parking for the residents of the development and would therefore not exacerbate this problem further. It is therefore unreasonable for the proposed development to provide parking within the site for residents of Bedford Road. In addition to this, the Highways Officer is content that existing arrangements are satisfactory without the proposed double yellow lines.
- 3.6.8 Concern has been raised regarding access to the garage serving Orchard Cottage, the access is safeguarded within the development and the proposal would not impinge on the access to the garage serving this property.

#### **4.0 Access and Parking**

- 4.1 The existing buildings on site extend to some 1311sqm. A review of the TRICS database suggests that a B1(c) use of this scale could generate some 92 vehicle movements per 12 hour day, with 15 to 20 movements occurring in each of the peak periods. The residential development is likely to generate some 55 to 60 movements per 12 hour day, with 7 or 8 movements in each of the peak periods.
- 4.2 It is therefore considered that the development is unlikely to result in an adverse impact on the local road network. The development is shown to be served via a 4.8m wide shared surface access road terminating in a turning area. This is considered to be acceptable to serve the scale of the development proposed.
- 4.3 The retained office at the front of the site would have 5 parking spaces to the rear, this is considered sufficient in terms of parking standards.
- 4.4 The access road into the site and the site road is not proposed to be adopted by the Local Authority. The Highways Officer has raised no objection to the

proposed scheme and is content that the proposal provides sufficient parking and adequate turning to ensure that there is no overspill into the highway.

- 4.5 The access onto Spinney Lane would be pedestrian only and there would be no vehicular access through to Spinney Lane from this development.

## **5.0 Trees and Landscaping**

- 5.1 The Tree Officer has commented on the application and whilst not objecting to the application, has raised concern regarding the loss of the onsite trees and in particular one on the boundary of Rose Cottage and Plot 11.

- 5.2 The application states that there would be further landscaping to soften the development and a landscaping scheme condition would be imposed on any grant of planning to ensure a satisfactory scheme be implemented.

- 5.3 It is considered that whilst the retention of the existing trees may have aided in terms of softening the development, the removal of these trees would not warrant refusal of planning permission and that a landscaping scheme condition would ensure an adequate level of landscaping within the development.

## **6.0 Other Considerations**

### **6.1 Ecology**

- 6.1.1 The Council's Ecologist has raised concern regarding the potential for bats within the buildings on the site due to the open field/ area adjacent. A further bat survey is in the process of being undertaken. Any further comments in relation to this matter and the need for any mitigation measures will be updated on the late sheet.

### **6.2 Archaeology:**

- 6.2.1 The proposed development site lies within the historic core of the settlement of Aspley Guise and is considered to be a heritage asset with archaeological interest.

- 6.2.2 The site has been subject to previous development and ground works. The Heritage Statement says that this may have had an impact on any archaeological deposits the site contains but acknowledges that there is evidence that archaeological remains survive in this type of situation. The Heritage Statement identifies groundworks associated with the construction as posing a threat to any archaeological deposits at the site. While there may have been some truncation of archaeological deposits as a result of later development within the application area; it is now well proven that archaeological deposits can and do survive at this sort of location in other villages in Central Bedfordshire.

- 6.2.3 The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon



the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, undertaken after the existing structures on the site have been demolished, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations.

### 6.3 Contributions

6.3.1 The development falls below the threshold for requiring an element of affordable housing. The Ministerial Statement of 28 November 2014 set out the Government's new policy that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration of significant weight to be taken into account in decision-making on planning applications.

6.3.2 However, significant weight should also be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy 19 of the emerging Development Strategy for Central Bedfordshire is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. It is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy 19 of the emerging Development Strategy for Central Bedfordshire, therefore financial contributions are not required in this instance.

### 6.4 Contamination

6.4.1 As the site is of long historic use there may be unexpected materials or structures in the ground. The Contaminated Land Officer has raised no objection to the application and suggested an informative is added to any grant of planning permission outlining that it is the responsibility of the Applicant to ensure safe and secure conditions, so a watching brief for signs of contamination should be considered and any indications of potential contamination problems should be forwarded to the Contaminated Land Officer.

### 6.5 Human Rights issues

6.5.1 There are no Human Rights issues

### Equality Act 2010

6.6 There are no issues under the Equality Act

6.6.1 Conclusion

6.7 The proposed development is within a sensitive site, located in a constrained location. The development proposed is considered to be of a suitable quality and a satisfactory form of development which safeguards the residential amenity of neighbouring residents, the character of the Conservation Area and the setting of Listed Buildings. It is judged that the proposal would comply with the Central Bedfordshire Design Guide, the Aspley Guise Conservation Area Appraisal Document, the policies within both the Core Strategy (2009) and the Development Strategy (Submitted 2014) and conforms with the sustainable principles set out within the National Planning Policy Framework (2012).

### **Recommendation**

That Planning Permission be approved 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 All existing onsite buildings and other structures shown to be demolished, shall be demolished and all resultant detritus completely removed from the site prior to the commencement of building works except the timber clad frontage building which is shown as retained on the approved plans.  
  
Reason: In the interests of the visual amenities of the area.  
(Policy 43, DSCB)
- 3 Prior to occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.  
  
Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.
- 4 The entire on site vehicular areas shall be constructed and surfaced in a stable and durable and 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 so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

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

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 6 **No development shall commence until such time as a Construction Management Plan has been submitted detailing access for construction vehicles, loading and unloading areas, wheel wash facilities, on-site parking of contractor's vehicles, and material storage areas.**

**Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.**

**Justification: Given the constrained nature of the site, it is considered that such a plan would be necessary prior to commencement of development to ensure minimal impact on the surrounding highway network.**

- 7 The proposed development shall be carried out and completed in all respects in accordance with the access, parking and vehicle turning area layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 8 Prior to work commencing on the construction of the dwellings hereby approved a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately

following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Policies 43 and 58, DSCB)

- 9 The development shall be carried out in accordance with the materials detailed on the approved plans, unless otherwise agreed in writing.

Bricks: Marsworth Mix; Aldwick Blend; Culford Mixture  
Roof tiles: Spanish Sarria Slate tiles; Aylesham Mix (Marley Ashdowne Clay Tiles); Ashurst (Marley Ashdowne Clay Tiles)  
Brick work detail: Westley or Witham Red (orange/ red brick)  
Bond detail: Flemish bond

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy 43, DSCB)

- 10 Notwithstanding the approved plans, all new rainwater goods shall be of black painted [cast iron/aluminium] and shall be retained thereafter.

Reason: To safeguard the special architectural and historic interest of this statutorily listed building.  
(Policy 45, DSCB)

- 11 **No development, including demolition of existing structures, shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development (and to secure that protection and management of archaeological remains preserved in situ within the development).**  
**(Policy 45, DCSB)**

- 12 The windows within the dwelling known as Plot 2 (cottage 2) shown on plan number PI02 Rev C shall be triple glazed and remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the future occupiers in terms of potential noise from the adjacent restaurant.  
(Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) and Policy 43 of the Submitted Development

Strategy)

- 13 The tree shown on the frontage adjacent to the retained office building, shall be removed prior to work commencing on the construction of the hereby approved buildings.

Reason: For the avoidance of doubt and to ensure that suitable improvements to the frontage of the site are made. (Policy 43, DSCB)

- 14 The link through to Spinney Lane shown on the site plan shall be retained for pedestrian access only.

Reason: To ensure that this is available for pedestrian use only. (Policy 43, DSCB)

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL01 A; PL02 C; PL04 A; PL05 A; PL06 A; PL07 A; PL08 A; PL09 A; PL10 A; PL11 A; PL12 A; PL13 A; PL14 A; PL15 A; PL16 A; PL17 A; PL18 A; PL19 A; PL22

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

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that no works associated with the modification of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
3. The applicant is advised that parking for contractor's vehicles and the storage of materials 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 Central Bedfordshire Council's Highway Help Desk on

03003008049. 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 construction of the development hereby approved.

4. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense. Prior to first occupation of any development the applicant will be required to erect signage at the entrances to the development, to accord with Section 31 of the Highways Act 1980 confirming the fact that the area is private.
5. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

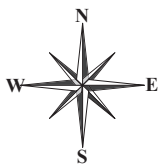
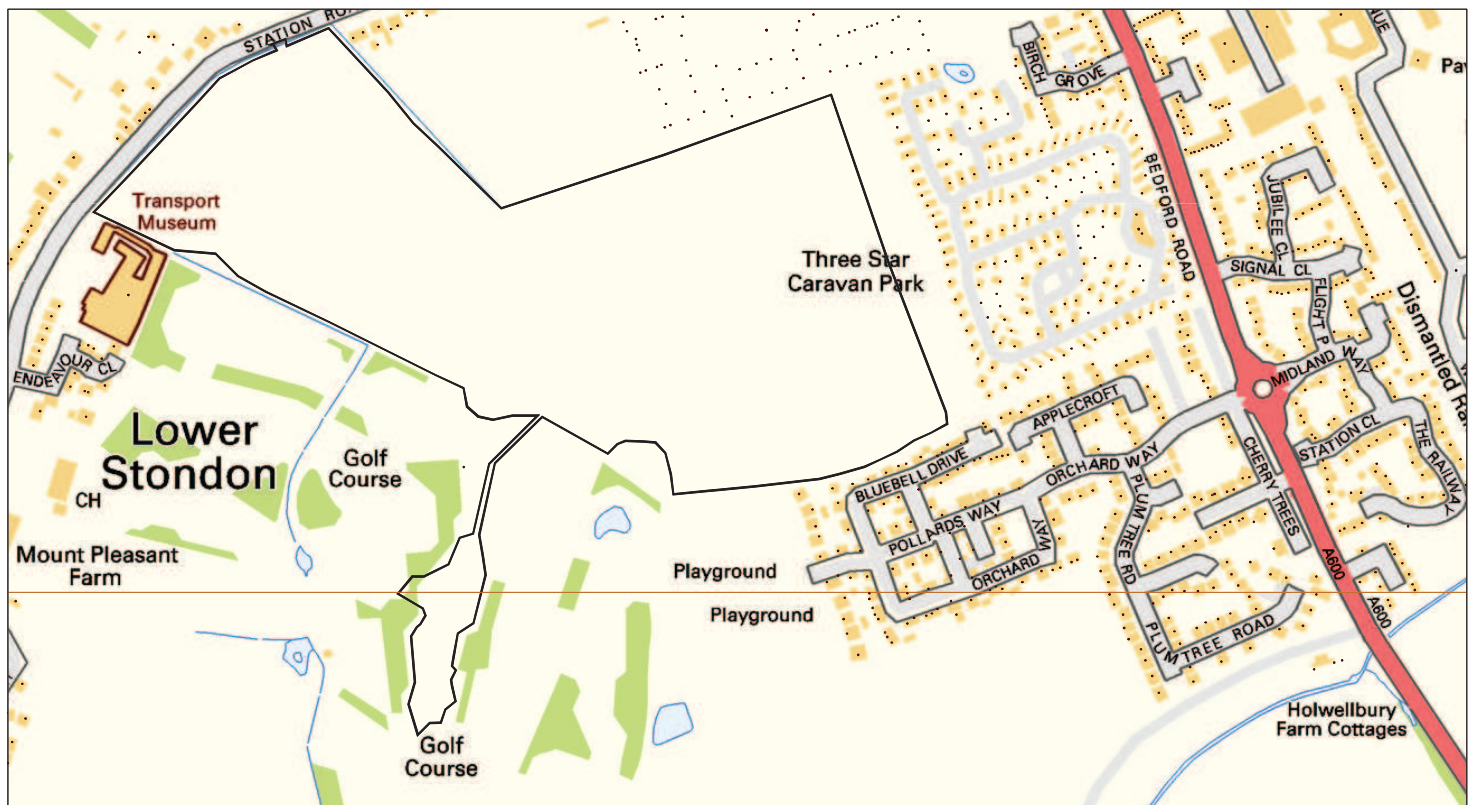
6. As the site is of long historic use there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so a watching brief for signs of contamination should be considered and any indications of potential contamination problems should be forwarded to the Contaminated Land Officer, Andre Douglas, for advice, on 0300 300 4004 or via [andre.douglas@centralbedfordshire.gov.uk](mailto:andre.douglas@centralbedfordshire.gov.uk).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

This page is intentionally left blank





© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 08:July:2015  
Map Sheet No                      Scale: 1:5000

Application No.  
CB/15/01454/MW  
**Mount Pleasant Golf Club, Lower Stondon**

This page is intentionally left blank

<b>Item No. 11</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/15/01454/MW</b>
<b>LOCATION</b>	<b>Mount Pleasant Golf Course, Station Road, Lower Stondon, Henlow, SG16 6JL</b>
<b>PROPOSAL</b>	<b>9 hole extension to existing golf course through the importation of inert waste, incorporating landscaping works and water harvesting system.</b>
<b>PARISH</b>	<b>Stondon</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Natalie Chillcott</b>
<b>DATE REGISTERED</b>	<b>23 April 2015</b>
<b>EXPIRY DATE</b>	<b>23 July 2015</b>
<b>APPLICANT</b>	<b>Oakland Golf and Leisure Ltd</b>
<b>AGENT</b>	<b>Edward Landor Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in from Ward Member: Cllr Wenham on grounds of: impact on residents, highway network, road safety, noise and dust pollution.</b>
<b>RECOMMENDED DECISION</b>	<b>Waste Application - Recommended for Approval</b>

### Summary of Recommendation

The proposed development offers long term environmental, social and economic improvements to the area and a range of habitats including wild flower grassland, woodland, hedgerows and wetlands. This is supported by MWLP(2005) policies GE13 and GE10 and MWLP:SSP policy MWSP1. It will not pose a risk of flooding elsewhere (MWLP policy GE19) and provided measures are taken to record heritage assets found on site, the development is acceptable on grounds of archaeology (MWLP policy GE14).

Whilst the HGVs which will bring approximately 300,000 cubic metres of inert soils to the site over a 2 year period will cause some disruption to local residents and the development will lead to a loss of agricultural land, the anticipated disturbance will be reduced to an acceptable level. In light of the comments received by the Highways officer, and the Public Protection officer, the development is considered acceptable on grounds of highway safety and public amenity (MWLP policies GE23 and GE18).

### Site Location:

The 17ha application site is located on agricultural fields, in the village of Lower Stondon, 3.5km south of Shefford and 5km north of Hitchin. The existing 9 hole course abuts the southwestern boundary of the application area. Approximately 0.7ha of the application site extends into the existing course.

Station road (C146) separates the site from residential properties to the west, while a new housing development (the Bovis development) places residential properties against the northern boundary. Residential properties are also situated adjacent to a 165m stretch of the site's southern boundary. A caravan park is situated along the

site's eastern boundary, and will be separated from the site by a row of new allotments.

Stondon Lower school is situated approximately 350 metres south of the application site, on Hillside Road while a small playground lies 80 metres to the south of the site.

Access to the strategic highway network is gained via Station road which joins the Strategic Highway network- the A600, 600m east of the proposed site entrance.

### **The Application:**

The application proposes to construct a nine hole extension to the existing 9 hole Mount Pleasant Golf Course through the importation of approximately 300,000 cubic metres of inert soils. The applicant predicts that an average of 76 deliveries of soils to the site would be made per day and proposes to operate Monday - Friday 07:00 - 19:00 and Saturday 07:00 - 13:00. The construction phase is anticipated to last two years and would be split into three phases, moving in an east to west direction across the site.

A new, 115m tarmaced temporary access road onto Station Road would be constructed to allow deliveries of the inert waste to be made and would lead from Station Road to a contractors fenced compound where a portacabin administration office, wheel cleaning facilities and staff parking would be positioned.

Topsoil would be stored along the southern boundary and along a short stretch of the northern boundary, near the temporary access while the construction works are carried out.

The importation of waste and topographical remodelling would result in an average ground lift of 1.88m. Twenty-six trees would be removed to enable the temporary access to be built, a new line of play to be created on the existing course and to enable a new tee to be constructed. Whilst twenty-six trees would be lost, 8,000 new trees would be planted in addition to the new shrubs, marginal plants, grassland, wild flowers and wetland zones which would accompany the new fairways and tees. Six new irrigation storage ponds would also be constructed to collect water and to be used for irrigation purposes.

### **RELEVANT POLICIES:**

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

Paragraph 14 - Presumption in favour of Sustainable Development

Paragraph 28 - Supporting a prosperous rural economy

Section 11 - Conserving and enhancing the natural environment

Section 12 (paragraphs 135 and 139) - Conserving and enhancing the historic environment

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

MWSP1 Presumption in favour of sustainable development

MWSP2 Climate Change

MWSP3 The determination of planning applications

## Minerals and Waste Adopted Plan Saved Policies

GE1 Matters to be addressed in planning applications  
 GE6 Protection of Best and most Versatile agricultural land.  
 GE9 Landscape Protection and Landscaping.  
 GE10 Protection/Enhancement of trees and woodland.  
 GE14 Archaeology  
 GE17 Pollution control  
 GE18 Disturbance  
 GE19 Flooding  
 GE20 Water Resources  
 GE23 Transport: Suitability of local road network  
 GE26 Restoration  
 GE27 Aftercare

## Core Strategy and Development Management Policies (November 2009)

CS11 Rural Economy and Tourism  
 CS13 Climate Change  
 CS15 Heritage  
 CS16 Landscape and Woodland

## Planning History

CB/14/00921/SCN	Screening opinion: Construction of additional nine hole golf course, incorporating a water harvesting scheme for irrigation, significant woodland planting and enhanced biodiversity. (Decision made 28th March 2014)
CB/11/04202/FULL	Extension, remodelling and enhancement of existing golf course practice area. Application withdrawn 4 <sup>th</sup> July 2012.
CB/11/01066/SCO	EIA- Screening/Scoping Opinion: Proposed remodelling of Driving Range and Practice Area. (Decision made 16th May 2011)

## Consultee responses

Environment Agency	No objection
Bedfordshire and River Ivel Internal Drainage Board	No objection subject to a suitably worded condition to provide a 7m stand-off for access.
Civil Aviation Authority	No comments received.
MOD	No comments received.
Historic England	<u>No objection</u> We can confirm that the development area does not contain any known designated heritage assets. We are however aware that the site has a high potential for non-designated heritage assets and historic structures that relate to the defence of Britain in WWII. We would also recommend that this application is determined in line with paragraphs 135 and 139 of the National Planning and Policy Framework.
Natural England	Natural England wished to make no comment on the application.

CBC Public Protection

No objection to the application subject to the recommended conditions dealing with noise and dust being applied to any granted permission.

CBC Senior Engineer

No objection

The Flood Risk Assessment (FRA) submitted with the application addresses many of the concerns raised by the Council and by local residents and I therefore have no objection to the application in principle.

However, it is not clear from the drawings submitted with the application that all the design proposals within the FRA have been implemented and I would recommend my suggested condition be attached to any approval.

CBC Highways Officer

No objection- subject to a number of conditions being imposed.

Fundamentally the principle of conversion from a 9 hole golf course to an 18 hole course does not raise significant highway issues post construction.

However, the principle issue with this proposal is the HGV traffic associated with importation of material to enable the construction of the additional holes at the existing golf course. The transport statement does confirm the routing suggested during the pre application discussions. From the A1 junction 10 keeping to the principal highway A507 until the Airman PH junction then south along the A600 before turning onto Station Road at the Bird in Hand roundabout thereby minimising impact on residential properties and avoiding the Lower School.

The number of daily HGV movements predicted can be adequately accommodated and would not cause issues in terms of capacity on the highway network even during highway network peak hours.

With regard to the on-site arrangements I am content that the details of the access route, compound and wheel wash facilities shown on the submitted plan reference 1136.05 are satisfactory and as such there is no need for specific conditions covering these issues.

CBC Archaeology  
Officer

No objection - subject to the recommended conditions being imposed.

CBC Ecology Officer

No objection

I have no concerns over potential impacts to biodiversity. Works to the site will result in a net gain to biodiversity with significant habitat creation in the form of wild flower grassland, woodland, hedgerows and wetlands. I would like to see a management plan provided as a condition to show how these habitats will be created and maintained in a favourable condition. It is also noted that the Pill Box is to be retained within a buffer which is welcomed as this could offer potential nesting/roosting opportunities to birds or bats.

The Ecological appraisal notes that further surveys for

bats are required, this is primarily to inform future management of the existing mature trees on site. As such I am happy for this to be conditioned.

CBC Landscape Officer The proposals are generally acceptable and will enhance landscape and habitat.

Detailed comments made on plant spacing and species mix.

CBC Trees and Landscape Officer

No objection.

### Other representations:

Stondon Parish Council Stondon Parish Council does not object to the above application in principal and is keen to support the expansion of the Golf Course. However we do have the following concerns which we would appreciate being taken into consideration:

A defined travel plan for the delivery schedule.

a) what happens if the road leading to the compound is full?

b) where will the lorries be held in case a)

Frequency - great concern over the impact of the times of delivery and that they will clash with parents and children on the school run along the pavement. Can this period be avoided? i.e between 8.30? and 9.15?

Options on management of lorries . Who do we contact if there are problems?

Action/Liaison officer/group who in the developers team as well as the golf club do we contact?

Footpath from Persimmon Estate to new Bovis development to allow people to by pass Bedford Road.

Times - 7am to 7pm - Lorries will be travelling down Station Road at 6.30am to get to feeder road for deliveries?

Neighbours

The Council received 85 representations of which 71 were in support of the application, 12 against (including 10 from residents living on Station Road) and 2 neutral comments.

### Reasons for support

#### Environmental and wildlife benefits

- The extension would enhance the environment, providing a range of habitats for wildlife, and will expand the corridors for wildlife in the vicinity.
- It will help to balance the environmental impacts of intensive farming.
- It would enhance the beauty of the area.
- It would help Lower Stondon to retain a degree of

ruralness.

### Community benefits

- It would add much required green space for residents to enjoy.
- Social amenity for golfers.
- Regular lorry movements may help to slow down the traffic on Station road.
- Green lung for the community.
- Improved golf course would benefit local residents and golfers as the golf club facilities are open to all to use.
  - It would be a great improvement to the amenity value of the Stondon area and Henlow area.
- The self sufficiently in water usage is commendable.
- The development will attract visitors to the village who spend money in local businesses.
- The development would create additional local jobs.
- The nearest well run and maintained 18 hole course is 30 minutes drive away. The development would keep money associated with golfing in the local community.
- It would protect land from possible future development, such as housing and in the long term will generate few traffic movements than other types of development.
- High quality application. All parties have been consulted and catered for.
- Good for the community.

### **Reasons for objection and concerns raised.**

#### HGV movements

- 2 years of frequent lorry movements along Station Road is not acceptable. Already have 2 years of traffic for the building of houses further down station road.
- The anticipated volume of HGV traffic associated with the development jeopardises the safety of other uses of Station road, such as school children walking to school and people, many of whom are elderly or disabled who need to walk across Station road to reach the doctors and the pharmacy.
- Station road is already a dangerous road due to a lack of visibility, speeding traffic and parked cars on the road.
- Wear on the road.
- Vibrations from the traffic may damage old properties on Station Road, specifically to their drainage pipes.
- The planning department should advise if further houses should ever be allowed to be built on this agricultural land.
- A 12 hour day is a long time to have lorries



- constantly arriving and departing.
- An alternative, non-evasive route should be used to access the site, for instance access could be gained via the edge of the existing golf course via Bedford road or via the footpath from Bedford road before the greyhound track up to the end of the houses by the side of the field with a traffic light system used to direct lorries across the road.
- Lorries should enter station road from the western end to minimise the number of households affected.
- The development may lead to mud on the road and stones flying off and damaging parked cars. A sweeper will not adequately clean the road.
- No traffic calming measures have been installed.

### **Other concerns raised**

- Bird strike risk  
The proposed ponds may attract large birds. The course is directly under the final approach of Runway 02 and under the flight path of aircraft departing from Runway 20. Aircraft are likely to be between 200- 700ft when flying over the golf course- the height at which most bird strikes occur. A through risk assessment of bird strike should be undertaken and expertise from AAIB/CAA or RAF Centre of Aviation Medicine sought.
- Drainage  
Previous drainage problems and maintenance issues associated with the golf course led to flooding of properties on Station road. Measures to rectify the drainage problems should be taken.
- Potential noise impact for local residents as the village is flat and noise travels considerable distances. The noise from reversing beepers may disturb residents.
- Cumulative impact with other development on the lives of local residents
- Dust and pollution will disturb and affect local residents.
- The field should remain as agricultural land.
- Existing flora and fauna will be lost
- Iron Age remains have been found underneath the field. There is the risk that the development may damage the historic remains.
- Trees and shrubs should not over shadow existing properties. The height and future maintenance of the proposed hedging and trees should not be taller than 3 metres along the Station road boundary.
- 7:00am is too early, 8:00am is more acceptable. Working until 7:00pm is too late.

## Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Highways
3. Disturbance
4. Drainage
5. Bird strike
6. Landscape and trees
7. Restoration
8. Loss of agricultural land
9. Archaeology

## Considerations

### 1 Principles of the development

1.1 MWLP:SSP policy MWSP1 "The Determination of planning applications" requires minerals and waste applications to be determined within regard to the Saved policies contained in the MWLP(2005) as well as the policies contained in the MWLP:SSP (2014). MWLP(2005) policy GE1 "Matters to be addressed in planning applications" lists some of the factors the LPA is required to consider when validating and considering an application and is used to ensure sufficient information is provided to adequately assess the application.

1.2 The NPPF (paragraph 14) and MWLP:SSP policy MWSP1 "Presumption in Favour of Sustainable Development" requires the Local Planning Authority to take a positive approach that reflects the presumption in favour of sustainable development.

1.3 It is accepted that an 18 hole course is more desirable than a 9 hole course. This is recognised by many of the local residents who commented on the application. It is therefore likely that should planning permission be granted, the economic potential of the facility will improve, ensuring greater job security for existing staff while additional staff would be employed during the construction phase of the development. This is supported by the NPPF (paraphrased 28) Core Strategy (2009) policy CS11: "Rural Economy and Tourism" which supports proposals for tourist and leisure developments in settlements or in the countryside.

1.4 In addition to economic and social benefits of the development for the local area, the proposal will also offer environmental improvements to the site- through the planting of new hedgerows, wild flowers, grasslands and over 8,000 trees.

1.5 The development involves the importation of approximately 300,000 cubic metres of inert waste which will be transported via HGVs. These HGVs will inevitably lead to the release of greenhouse gasses. However, it is considered that the extensive planting of trees, will, to some degree, offset the carbon footprint of the HGV movements and as such is in conformity with MWSP2 "Climate Change".

1.6 It is likely that the long term environmental, social and economic benefits resulting from the development will outweigh the short/medium term environmental and social cost associated with the development and as such is considered to be, on balance, in conformity with policy MWSP1 "Presumption in Favour of Sustainable Development".

## 2. Highways

2.1 MWLP (2005) policy GE23 "Transport: suitability of local road network" requires the WPA to only grant planning permission for waste developments where the material is capable of being transported to and from the site via the strategic highway network. The policy requires the LPA to take into account the suitability of access routes to and from the strategic highway network.

2.2 A number of local residents, the parish council and Stondon Lower School suggested that the proposed number of HGVs associated with the development may pose a significant risk for pedestrians, including children and parents travelling to/from the school, as well as elderly and/or disabled people walking along and crossing Station road.

2.3 The submitted travel plan shows all HGVs should access the site via the A600, before joining Station road for 600m, and turning left into the site. It also shows that all HGVs should turn right out of the site. This means HGVs should not travel through the village of Lower Stondon and will not pass the Stondon Lower School. The CBC highways officer agrees that the proposed route will adequately reduce the risk and disruption for the users of Station road. The email from the agent dated 10th June 2015 confirms that the applicant would be prepared to employ a road marshal for a temporary period to monitor school run periods and to improve safety.

2.4 The Headteacher for Stondon Lower School noted that peak times for children and parents walking along Station Road are: 08:15 - 09:15 and 15:15 - 16:15. Stondon Parish suggested that lorries should be required to avoid peak times to minimise the dangers associated with the development. The CBC Highways officer considered that the suggestion would result in the time period to carry out the development being extended (which would prolong any disruption caused). The officer also considered that the suggestion may cause HGVs to wait elsewhere on the network, which would then travel to the site in convoy. The Highways officer considered that this would be more problematical than allowing a steady stream throughout the day. In light of the comments made by the Parish Council, the Headteacher, local residents and the CBC Highways officer, a condition which restricts the number of HGVs movements during peak times to 14 per hour is considered reasonable.

2.5 All drivers will be made aware that HGVs will not be accepted onto the site (which includes the internal haul road) until 7:00am. It is unlikely that it would take HGVs more than 5 minutes to reach the site from the A600. This means lorries should not be travelling down Station road at 6:30am. A condition will be imposed to enable the Local Planning Authority (LPA) to remotely monitor the site entrance. Therefore a condition which prevents HGVs from entering the site before 7:00 will be monitored effectively. Should any complaints be received which indicate HGVs have arrived before 7:00am the LPA would be able to check the CCTV footage and take appropriate action.

2.6 The Parish were also concerned that the road leading to the compound may become full and wanted to know who should be contacted if there are problems. The road leading to the compound measures 115m, as such the road has the capacity to hold a upto to 6 lorries at any one time and for this reason it unlikely to become full. The applicant advises that a site notice board will include contact details for the Site Manager and Managing Director which will enable members of the public to contact the appropriate individual(s), should an issue arise.

2.7 A number of residents suggested that the HGVs associated with the development may cause damage to Station Road. However, as noted by the CBC Highways officer, any damage to the public highway resulting from the proposed development will be made good to the satisfaction of the Local Highway Authority at the expense of the applicant.

2.8 On the basis that the CBC Highways Officer raised no objection (subject to appropriately worded conditions being imposed), the proposal is considered to be acceptable in terms of highway safety and as such conforms with MWLP(2005) policy GE23.

### **3. Disturbance**

3.1 The MWLP (2005) policy GE18 “Disturbance” requires any anticipated disturbance resulting from the proposed development to be reduced as far as practicable and to only be permitted where the potential for disturbance is outweighed by other planning benefits. Potential sources of disturbance from this proposal include: noise, vibration, dust and mud on the road.

#### Noise

3.2 The construction noise impact assessment submitted with the application recognises that the anticipated traffic deliveries to and from the site as well as on site operations will generate noise. For this reason the applicant undertook a noise assessment from four key locations around the site. The report that accompanied the assessment suggests that an acoustic barrier could be constructed to block the line of sight between construction equipment and residential properties and this would limit noise levels from the site to  $L_{Aeq,1hour} 55Db$ . On this basis the CBC Public Protection officer raised no objection to the proposal, subject to a number of conditions being imposed.

3.3 A local resident felt that disruption could be reduced if the daily hours of operation were reduced (the resident considered 7:00am was too early to start, while 19:00 considered too late to finish per day). However, the Public Protection officer considered the proposed hours of operation were acceptable from a public amenity perspective. In addition, should the daily hours of operation be reduced, the time period needed to complete the development would need to be extended. This would result in an extension of disruption to local residents.

#### Mud, dust and vibrations

3.4 A number of local residents were concerned that the development may lead to mud and dust on the road which may pose a danger to other road users and respiratory problems for local residents. The applicant proposes to install a jet wash and wheel bath and to use a road sweeper on the access road to minimise the amount of mud reaching the highway and to ensure any mud that does reach the highway is removed as quickly as possible. The use of these facilities, in addition to the 115m haulage road will ensure that disturbance should not be caused by reason of mud on the road. The sheeting of lorries will further ensure that dust should not cause any disturbance for local residents.

3.5 A number of residents were concerned that vibrations may cause damage to residential properties close to the site, however, this view was not supported by the Public Protection Officer or the Senior Engineer and is therefore considered unlikely. In light of the comments made by the CBC specialists and the various mitigation measures proposed, the development adequately conforms with MWLP(2005) policy GE18 “Disturbance”.

#### **4. Drainage**

4.1 MWLP(2005) policy 19 "Flooding" seeks to prevent development which may result in flooding. The risk of flooding can increase if the capacity of the floodplain is reduced or the flow of flood water is impeded. A local resident noted that properties on Station road had been flooded in the past due to maintenance issues with the existing drainage system. The Senior Engineer is aware of the problems experienced in the past. However, the Senior Engineer notes that the Flood Risk Assessment submitted with the application addresses many of the concerns raised by the Council and local residents and as such made no objection to the application. The Senior Engineer suggested a condition be added to the planning permission which requires the submission of a detailed surface water drainage scheme. The CBC Engineer advised that the scheme should include the design proposals contained within the Flood Risk Assessment (FRA) and any effects on the local land drainage system. Since these comments have been made the applicant has submitted a Water Harvesting Plan showing the proposed drainage system. As recognised in the FRA the development will not have any effects on the local land drainage system. It will result in no net loss of the floodplain, it will not impede water flows and will not increase the risk of flooding elsewhere and there will be no discharge from ponds 5 and 6 into the existing ditch.

4.2 The capacity of the open drain will be increased to more effectively manage the drainage associated with Station Road and will be relocated to the inside of the treeline. Surface water runoff will be contained within the application area and used for irrigation purposes. The proposal prevents discharge to the existing drainage ditches and as such the potential drainage problems that may have been generated from the application site to the east will be alleviated. Neither the IDB nor the Environment Agency raised any objections to the proposal. For the reasons listed above and the fact that only inert waste will be imported onto the site, the risk of flooding and water contamination is considered low and as such is in conformity with MWLP(2005) policies GE17 "Pollution control", GE19 "Flooding" and GE20 "Water resources".

#### **5. Bird strike**

5.1 The site falls within the Henlow Airfield Safeguarding Zone (i.e within 13km from the RAF Henlow airfield) where the risk of bird-strike is the greatest as such both the Ministry of Defence (MOD) and the Civil Aviation Authority (CAA) were consulted on the application.

5.2 A number of local residents raised concerns that the proposed ponds may encourage large numbers of large birds to gather on the site and this could pose a bird-strike risk for pilots landing or taking off from Henlow airfield. However, no comments were received from the MOD or the CAA to this effect. Nevertheless a condition will be imposed which requires the submission of a bird management plan to ensure the risk of bird-strike is adequately avoided.

#### **6. Landscape, trees and ecology**

6.1 MWLP(2005) policy GE9 "Landscape protection and Landscaping" encourages proposals to be sympathetic to local landscape character and to include a landscape scheme, where appropriate.

6.2 The Landscape officer raised no objection to the application but asked for a

landscape management plan to be produced. The officer considers that there is a need to improve planting along some of the site boundaries to ensure further landscape enhancement and integration with the existing and the proposed development is achieved. The Landscape officer therefore asked for various improvements to be made to the landscape scheme by way of condition. Since this time a revised Landscape plan, which incorporates the Landscape Officer's comments has been produced and submitted to the LPA.

6.3 MWLP(2005) policy GE10 "Protection/enhancement of trees and woodland" seeks to retain and where appropriate increase overall tree and hedgerow cover. Whilst, the proposal involves the removal of twenty-six existing trees, 8,000 new trees will be planted. The CBC Trees and Landscape raised no objections to the proposal, though asked for a final layer of quality topsoil to be used to ensure planting succeeds and to replace Ash which is unobtainable, with Scots Pine.

6.4 The CBC Ecologist considers that the proposed development will lead to a net gain to biodiversity, but has requested that a management plan be included to show how the habitats will be created and maintained. The Ecologist supported the buffer around the Pill Box which could be a nesting/roosting opportunity for birds or bats. The Ecologist has requested that condition be imposed which requires the submission of a bat survey.

6.5 Based on the comments received by the Landscape Officer, Ecologist, the Trees and Landscape Officer and the fact Natural England had no comments to make on the application, the proposal is considered to result in a net benefit for wildlife and landscape (subject to a number of conditions being imposed). For these reasons the proposal is considered to be in conformity with MWLP(2005) policy GE9 "Landscape protection and Landscaping" and GE10 "Protection/enhancement of trees and woodland".

## **7. Restoration**

7.1 MWLP(2005) policy GE26 "Restoration" requires non-permanent waste facilities to be restored within a reasonable timescale and to include high quality restoration. The proposal will lead to considerable improvements to the long term public amenity of the area and will lead to significant habitat creation. The applicant anticipates that the development will require two years to complete the construction phase. Two years is considered to be a reasonable timescale. For these reasons the development accords with policy GE26 "Restoration".

## **8. Loss of agricultural land**

8.1 MWLP(2005) policy GE6 "Protection of Best and Most Versatile agricultural land" and NPPF paragraph 112 discourage the use of Best and Most Versatile agricultural land. Policy GE6 requires the applicant to demonstrate that no known suitable sites of lesser agricultural value are available and that the loss of such land is reduced as far as practicable and outweighed by other planning benefits.

8.2 The applicant commissioned an independent assessment of the agricultural land quality of the site. The assessment found that most of the site was classified as subgrade 3a (66.7%) and subgrade 3b and whilst a number of fields exist to the south of the existing site they are not owned by the Oakland Golf and Leisure and therefore outside of the applicant's control. The applicant also notes that there are design benefits to siting the extension to the north of the site, which could not be

achieved by positioning the extension in an alternative location.

8.3 On the basis that the application site is the only feasible location for the extension, no comments have been made by Natural England, and the loss of agricultural land is outweighed by other planning benefits, the development accords with Policy GE6 "Protection of Best and Most Versatile agricultural land".

## **9. Archaeology**

9.1 MWLP(2005) policy GE14 and the NPPF seeks to preserve sites of major archaeological importance and their settings. The CBC archaeologist notes that the site lies within an archaeological landscape and there is an area of cropmarks and a Second World War pillbox within the site. The CBC Archaeologist broadly supports the results of the Heritage Statement which includes the results of a geophysical survey, and agrees that a Scheme of Archaeological Resource Management (SARM) would be an appropriate method of mitigating the impact of the development on the archaeological resource.

9.2 The archaeologist raised no objection to the proposal, provided the applicant takes appropriate measures to record, advance understanding of and where possible protect any heritage assets found, which can be achieved by attaching the archaeologists suggested condition. On this basis the development accords with MWLP(2005) policy GE14 "Archaeology" and NPPF Section 12 "Conserving and enhancing the historic environment".

### **1. Human Rights issues**

The proposal raises no Human Rights issues.

### **2. Equality issues**

The proposal raises no Equality issues.

## **10. Conclusion**

10.1 The proposed development offers significant environmental improvements to the area and a range of habitats including wild flower grassland, woodland, hedgerows and wetlands which is supported by MWLP(2005) policies GE13 "Species and Habitat Protection and Enhancement" and GE10 "Protection/enhancement of trees and woodland".

10.2 The proposal will not pose a risk of flooding and as such conforms with MWLP(2005) policy GE19 "Flooding". Provided measures are taken to record heritage assets found on site the development is acceptable on grounds of archaeology (MWLP2005 policy GE14 Archaeology). The proposal also offers long term economic and social benefits for the local community which is supported by MWLP:SSP 1 "Presumption in Favour of Sustainable Development".

10.3 It is recognised that the many HGVs which will access and leave the site will cause some disruption to local residents and the development will lead to a loss of agricultural land. However, anticipated disturbance will be reduced as far as practicable and will be reduced to an acceptable level through the use of a transport management plan, the submission of a noise scheme and by taking adequate measures to prevent mud from reaching Station Road. In light of the comments received by the Highways officer, and the Public Protection officer, the development is considered acceptable on grounds of highway safety and public amenity.

## Recommendation

That Planning Permission be approved subject to the following:

### RECOMMENDED CONDITIONS / REASONS

- 1 Planning permission shall extend to the area edged with a thick black line on the attached plan no CB/15/0145/MW-1. The development shall be carried out in accordance with planning application validated on 23rd April 2015, Transport Statement received on 15th May 2015, Phasing Plan no. 1136.08, Water Harvesting Plan no. 1136.07, email dated 10th June 2015 and Landscape Plan no. 1136.03 Rev A dated 26th June 2015. REASON: To define the permission.
- 2 The development hereby permitted shall be begun no later than 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.  
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.
- 3 The importation of waste shall cease within 2 years from the date of implementation.  
REASON: To define the permission, to minimise disturbance for local residents and to ensure the timely restoration of the site. MWLP(2005) policies GE18 Disturbance and GE26 Restoration.
- 4 All contouring and landscaping works shall be completed within 3 years of commencement of the development.  
REASON: To ensure the timely restoration of the site. MWLP(2005) policy GE27 Aftercare.
- 5 Vehicle access to the site shall only be by way of the new, temporary access onto Station Road as shown on plans titled "Temporary Construction Access" and "Contractors Works Plan"  
REASON: in the interest of highway safety. MWLP(2005) Policy GE23.
- 6 No operations shall take place except in accordance with the phasing shown on Phasing Plan no. 1136.08 which accompanies the planning application. Entry into phase 3 shall be subject to written agreement from the Local Planning Authority which shall be dependent on a topographical survey being carried out and submitted to the Local Planning Authority. The surveys should demonstrate that each phase has been shaped in accordance with the contours shown on Grading Plan no. 1136.02.  
REASON: To provide for a satisfactory restoration of the site. MWLP(2005) Policy GE26.
- 7 No Heavy Goods Vehicles\* shall deliver waste material to the site unless and until a scheme that addresses the potential conflict of movements of HGVs and golfers using the existing golf course during operations has been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be carried out in full.  
REASON: In the interest of health and safety (MWLP Policy GE 23).

\*All vehicles over 7.5 tonnes gross vehicle weight.



- 8 **No development shall take place until a written scheme for an archaeological trial trench evaluation of the whole site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and a report that complies with the agreed parameters in the approved written scheme has been submitted to the Local Planning Authority.**  
**REASON:** In accordance with paragraph 141 of the NPPF, to ensure that the importance of the heritage assets with archaeological interest is fully understood and to allow for an appropriate scheme of archaeological mitigation to be devised.  
**REASON FOR PRECOMMENCEMENT CONDITION:** To ensure heritage assets are not inadvertently destroyed when the development commences.

- 9 **No development shall take place until a written scheme of heritage asset resource management which uses the results of the trial trench evaluation referred to in condition 8 as its basis; has been submitted to and approved in writing by the Local Planning Authority. The scheme of heritage asset resource management must contain the following information:**

- **A method statement for the investigation of any archaeological remains present at the site that cannot be preserved *in situ*;**
- **A method statement for the preservation *in situ* of any archaeological and historical remains present that can be protected within the development;**
- **An outline strategy for post-excavation assessment, analysis and publication;**
- **A timetable for each stage of the archaeological works**

**The approved scheme shall be implemented in full.**

**REASON:** a.) In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.

b.) In accordance with Policy GE 14 of the Bedfordshire Minerals and Waste Local Plan; to ensure that provision is made for an appropriate level of investigation and recording in advance of the destruction of those archaeological sites which do not merit permanent preservation and to secure the long term management of archaeological remains which can be preserved *in situ* within the development site.

**REASON FOR PRECOMMENCEMENT CONDITION:** To ensure heritage assets are not inadvertently destroyed when the development commences.

- 10 **Written notification of the date of completion of the archaeological fieldwork shall be sent to the Local Planning Authority within seven days of such completion. The golf course shall not be brought into use until the archaeological Post Excavation Assessment and Updated Project Design has been submitted to and approved in writing by the Local Planning Authority. The archaeological Post Excavation Assessment and Updated Project Design shall follow the parameters in the approved outline strategy for post-excavation assessment, analysis and publication.**

REASON: In accordance with paragraph 141 of the NPPF; to make the record of archaeological work publicly available.

- 11 The archaeological post excavation analysis (as specified in the approved Updated Project Design); the preparation of the site archive for deposition, with a store approved by the Local Planning Authority; the completion of the archive report and the submission of the publication report will be undertaken within two years of the approval of the Updated Project Design.  
REASON: In accordance with paragraph 141 of the NPPF; to make the record of archaeological work publicly available.
- 12 The golf course shall not be brought into use until a long term management plan for the preservation *in situ* of any archaeological and historical remains that can be protected within the development site has been submitted to and approved in writing by the Local Planning Authority.  
REASON: In accordance with Policy GE 14 of the Minerals and Waste Local Plan; to secure the long term management of archaeological remains which can be preserved *in situ* within the development site
- 13 All topsoil and subsoils shall be permanently retained within the site and shall not be stripped, stored or replaced except in accordance with the details contained in the "Soil Management Strategy" no. 10328(1) and the Contractors Works Plan drawing no. 1136.05.  
Soils will be stripped and stored separately from imported soils to protect their quality.  
REASON: To define the permission. To protect the structure of the soils. MWLP(2005) Policy GE6.
- 14 No soils shall be stripped or moved on site unless they are in a reasonably dry and friable condition.  
REASON: to protect the structure of the soils. MWLP(2005) Policy GE6.
- 15 Except as set out in (a) and (b) below, no operations authorised or required under this permission shall be carried out except between the following times:  
07:00 – 19:00 hours Monday to Fridays  
07:00 – 13:00 hours Saturday  
And no operations shall be carried out on Sundays, Bank or Public Holidays.  
  
(a) Site operatives may be permitted to enter the site between 06:30 and 07:00 hours Monday to Saturday to disable security measures at the site.  
(b) For temporary operations involving the stripping of soils, construction and removal of bunds, and final restoration in any areas where noise levels are likely to exceed 55Db(A) 1 hr, free field at sensitive receptors, operations shall not commence before 08:00 hours.  
REASON: To protect the amenities of neighbouring properties. MWLP(2005) Policy GE18.
- 16 **No development shall take place until a detailed design of the surface water drainage scheme, which shall include the design proposals contained within the submitted FRA and any effects on the local land drainage system have been submitted to and agreed in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**  
**REASON: To ensure that adequate surface water drainage is provided and that existing and future land drainage needs are protected.**  
**REASON FOR PRECOMMENCEMENT CONDITION: Surface water**

- 17 HGV\* movements into/out of the site shall be limited to a maximum in any one day of 162 (pro rata for part days), with no more than a maximum of 14 movements per hour during the peaks of 08:15am to 09:15 and 15:15 to 16:15pm Monday - Friday.  
 REASON: In the interest of highway safety. MWLP(2005) GE23.  
 \*All vehicles over 7.5 tonnes gross vehicle weight.
- 18 A record of daily lorry movements shall be maintained at all times and shall be available for inspection on request by the Local Planning Authority, and a summary shall be forwarded to the Local Planning Authority, every 3 months.  
 REASON: To allow the monitoring of condition 11. MWLP(2005) GE23.
- 19 **No development authorised by this permission shall take place unless and until CCTV has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of:**
- The columns and cameras used,
  - The area covered,
  - The capability for remote access viewing.
- The CCTV shall thereafter be implemented in accordance with the agreed scheme.  
 REASON: To allow the monitoring of condition 15. MWLP(2005) GE23 and GE18.  
 REASON FOR PRECOMMENCEMENT CONDITION: To enable the effective monitoring of conditions 15 and GE18.
- 20 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements to avoid stacking or waiting on the public highway, any traffic control, signage within the highway inclusive of temporary warning signs, the management of the junction with Station Road. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**  
 REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the site. MWLP(2005) Policy GE23  
 REASON FOR PRECOMMENCEMENT CONDITION: In the interest of highway safety. MWLP(2005) Policy GE23.
- 21 **No development shall take place until full engineering details of the temporary access for construction vehicles shown indicatively on Plan 1136.05 have been submitted to and approved by the Local Planning Authority and the access constructed in accordance with the approved detail.**  
 REASON: In order to ensure the provision of an access of suitable layout and construction in the interests of highway safety.  
 MWLP(2005) Policy GE23  
 REASON FOR PRECOMMENCEMENT CONDITION: In the interest of highway safety. MWLP(2005) Policy GE23.

- 22 **No development shall take place unless and until a sign, the design and content of which has been approved by the Local Planning Authority, has been erected at the entrance instructing all drivers of heavy goods vehicles to turn right out of the site. The sign shall be maintained for the duration of the use of access for the purposes hereby permitted and removed thereafter.**  
**REASON: To ensure that HGVs do not travel through the village of Lower Stondon in the interest of highway safety. MWLP(2005) Policy GE23.**  
**REASON FOR PRECOMMENCEMENT CONDITION: In the interest of highway safety. MWLP(2005) policy GE23.**
- 23 Within two months of the completion of the development hereby approved the construction access onto Station Road shall be removed and the highway reinstated to include raised kerbs, footway and verge.  
 REASON: For the avoidance of doubt and in order to minimise danger, obstruction and inconvenience to users of the highway and the site.  
 MWLP(2005) Policy GE23
- 24 No materials other than inert waste shall be imported and deposited on the site.  
 REASON: For the avoidance of doubt and to prevent pollution MWLP Policy GE17.
- 25 No vehicles shall move around the site at a speed in excess of 15mph.  
 REASON: To minimise any nuisance to nearby residents by reason of dust.  
 MWLP(2005) Policy GE18.
- 26 No floodlighting shall be erected on site unless and until a scheme for floodlighting has been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be implemented in full accordance with the approved scheme.  
 REASON: To minimise disturbance to residential properties. Policy GE18 of MWLP 2005.
- 27 No tonal reversing alarms shall be used on the site.  
 REASON: To protect the amenities of the surrounding area. MWLP 2005 Policy GE18.
- 28 Except for temporary operations, the free field Equivalent Continuous Noise Level LAeq, 1hr, due to operations in the site, shall not exceed 55dB LAeq 1hr, when measured at the boundary of any residential dwelling. For temporary operations such as site preparation, soil and overburden stripping, screening, bund formation and removal and final restoration the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB LAeq 1hr, when measured at the boundary of any residential dwelling. Temporary operations shall not exceed a total of eight weeks in a calendar year.  
 REASON: to minimise any nuisance to nearby residents by reason of noise.  
 MWLP(2005) Policy GE18.
- 29 **Prior to the commencement of the permission a scheme of noise monitoring and mitigation shall be submitted and approved by the local planning authority. All operations shall take place on site in accordance with the details that have been approved.**  
**REASON: to enable compliance with prescribed noise levels for on-site operations to adequately monitored and assessed in the event of**

**complaints about noise being received. MWLP(2005) Policy GE18.**  
**REASON FOR PRECOMMENCEMENT CONDITION: To ensure works (which could generate noise) do not commence until a noise and mitigation scheme is submitted and approved.**

- 30 No landscaping, planting or fencing shall be undertaken within 7m of any Internal Drainage Board's watercourses without prior consent.  
 REASON: To protect water resources. MWLP(2005) Policy GE20.
- 31 Landscaping shall be carried out in accordance with Landscape Plan no. 1136.03 Rev A dated 26th June 2015.  
 REASON: To ensure a satisfactory restoration of the site (MWLP policies GE9 and GE26).
- 32 No landscaping works shall commence until a bird management scheme has been submitted to and approved in writing by the Local Planning Authority.  
 REASON: In the interest of public safety and to reduce the risk of bird strike.
- 33 No felling or removal of limbs from mature trees shall take place unless a survey for roosting bats has first been undertaken by a licensed bat ecologist, and should these species be found to be present an appropriate compensation/mitigation strategy shall be submitted to and approved by the Local Planning Authority before any such works commence.  
 REASON: To protect the legally protected species. MWLP(2005) Policy GE13.
- 34 Throughout the period of landfilling and restoration operations, a copy of this planning permission including all documents, plans and details of pre-development schemes shall be displayed on the site during working hours in a location which is readily accessible to any person undertaking the development.  
 REASON: In the interest of public amenity. MWLP(2005) Policy GE18.

### Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council and that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

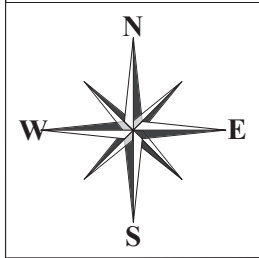
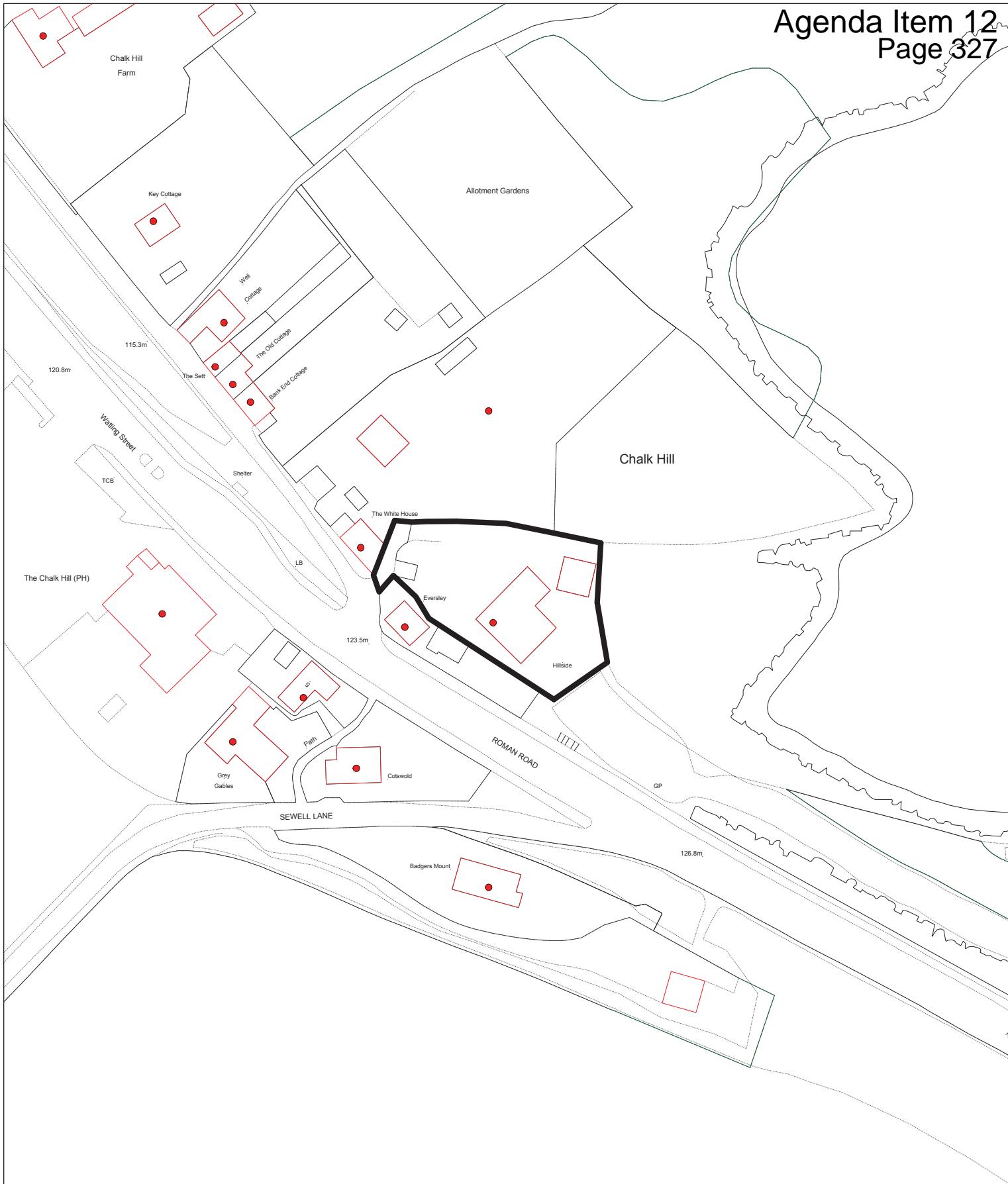
3. Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than a 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed. This process should be agreed in writing with the Local Planning Authority.  
REASON: In order not to cause destruction of, or damage to, the nests of wild birds, their eggs and young. This corresponds to the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended).

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....  
.....  
.....



© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)

Date: 06:July:2015

Grid Ref: 500243; 223594

Application No.  
**CB/15/01095/FULL**

Scale: 1:1250

**Hillside, Chalk Hill, Houghton Regis**

This page is intentionally left blank



**Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/15/01095/FULL</b>
<b>LOCATION</b>	<b>Hillside, Chalk Hill, Houghton Regis</b>
<b>PROPOSAL</b>	<b>Change of use from private dwelling to HMO</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>21 April 2015</b>
<b>EXPIRY DATE</b>	<b>16 June 2015</b>
<b>APPLICANT</b>	<b>Mr Peter Wright</b>
<b>AGENT</b>	<b>CBC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application has been submitted by the Council and has received objections which cannot be overcome by conditions.</b>

**RECOMMENDED DECISION** **Full Application - Recommended for Approval**

**Summary of Recommendation**

The principle of the change of use is considered to be acceptable. It is not anticipated that the proposal would result in a material increase in noise and disturbance over and above a twelve bedroom single family dwelling. Levels of parking provision are considered to be acceptable and it is not considered that the proposal would have a detrimental impact on highway safety. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policies BE8 and H9 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

**Site Location:**

The application site comprises the curtilage of an existing, two and a half storey, 12 bedroom detached dwelling set in generous grounds, located on Chalk Hill, a straggle of residential development to the immediate north of the A5 at the north west end of Dunstable.

The application site has 8 existing parking spaces.

**The Application:**

The application seeks planning permission for the change of use of the existing dwelling to a 14 bedroom House in Multiple Occupation (HMO). The Council is acting as the agent and the Housing Officer has confirmed that the Council will have nomination rights to the property. No changes are planned to the external appearance of the property, the grounds or the parking arrangements.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

## South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H9 Controlling the Conversion of Property to form Dwellings

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 and H9 are still given significant weight. Policy T10 is afforded less weight).*

## Development Strategy for Central Bedfordshire (June 2014)

Policy 25: Functioning of the Network

Policy 27: Car Parking

Policy 43: High Quality Development

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

## Relevant Planning History

None

## Consultee Responses

Houghton Regis Town  
Council

No objections. However, concerns are expressed about a shortage of parking spaces (8 spaces for 12 housing units) and the potential increase in traffic in a tight access space.

Highways England

The proposal won't have any adverse impact on the A5.

Highways Officer

The applicant wishes to change the use of the existing dwelling into an HMO.

It is unknown at this stage, as to the end user of the development and therefore it is difficult to assess the proposed parking requirements.

The parking standards based on the current level of information submitted, would be 1 parking space per bedroom, to be shown on the site layout drawing. I would also expect a turning area to be shown within the site, to accommodate a light goods vehicle, similar to that of an online supermarket delivery vehicle.

I understand you will be contacting the applicant to seek further information and I look forward to receiving it.

### **Other Representations**

Old Cottage, The White House and Key Cottage, Chalk Hill

Object to the proposal for the following reasons:

- The increase in vehicular traffic to an HMO will be dangerous. The junction from Chalk Hill onto the A5 has restricted visibility and there is insufficient length on the central turning lane on the A5 causing tailbacks. There is a public bridleway at the bottom of Chalk Hill and there is a lot of use from walkers, cyclists and horse riders.
- Chalk Hill is very narrow with problematic parking and no pedestrian walkway.
- Chalk Hill comprises private dwellings occupied by people who take pride in their homes. The proposal would put people in Hillside who would have no interest in looking after the area and may only be here a short while.
- The proposal is a distance from town and public services with an infrequent local bus service and a car is required to access necessary facilities.
- No information has been provided on the type of people who will be living in Hillside, which is irresponsible.
- The crime rate has increased in recent years due to unauthorised persons entering / trespassing local properties and resulting in significant damage to private vehicles and attempted house burglaries.
- The proposal would increase levels of activity, noise and disturbance, which will be exacerbated by the topography of Chalk Hill and the elevated nature of Hillside;
- Mobile phone signal is poor and it is therefore considered likely that occupiers would need to go into the garden to have telephone conversations, which would further increase noise levels and disturbance to neighbouring occupiers.
- The proposal will increase the amount of waste bins needed and the Council will not access the right of way to collect the bins, so they will be left for collection at the bottom of the Hillside / White House right of way, which will block this access.
- The increase in footfall in the area would invade on the privacy of the White House as passing people would have a view into the rear gardens and windows of The White House.

### **Determining Issues**

The main considerations of the application are;

1. **Principle of Development**
2. **Impact on Neighbouring Amenity**
3. **Highways Considerations**
4. **Other Issues**

## **Considerations**

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

1.1 The preamble to policy H9 of the South Bedfordshire Local Plan Review states that it is recognised that in urban areas and larger villages the conversion or sub-division of suitable properties to provide additional units can be an important source of dwellings and a means of adapting the existing housing stock to meet the changing needs of the population. As such, the policy states that the conversion of property to provide additional accommodation will be permitted where:

i) The building and its plot are of suitable size and layout for conversion and are not located within an area of predominantly single family dwellings of a terraced, semi-detached or small detached type;

ii) Satisfactory provision is made for landscaped amenity space, parking and other services in appropriate locations, having regard to any standards set out in supplementary planning guidance;

(iii) Nuisance to neighbouring properties will not occur and there is a satisfactory separation, privacy and noise insulation between the proposed new units themselves and any neighbouring properties which may be affected by overlooking or noise disturbance;

(iv) Any living accommodation proposed for basement areas has adequate self-contained access and natural daylight to habitable rooms;

(v) Extensions which are necessary for the conversion are in accordance with policy H8 of the South Bedfordshire Local Plan Review to minimise their impact on the building, neighbouring properties and the wider area.

1.2 In this instance, Chalk Hill comprises a mix of dwellings including semi-detached and larger detached family homes. The subject dwelling has 12 existing bedrooms, which is considered to be of a suitable size and layout for conversion. The grounds are sufficient to provide a reasonable size communal garden at the rear of the site of 240 square metres. The subject dwelling has been vacant for some time and the proposal has come about as a result of the work of the Council's Empty Homes team. The proposal would bring this empty home back into use, in accordance with paragraph 51 of the National Planning Policy Framework.

1.3 No extensions are proposed and there would be no basement area. It is therefore considered that, subject to impact upon residential amenity and parking and highways (which will be considered below) that the principle of the development would be in accordance with policy H9 of the South Bedfordshire Local Plan Review and therefore acceptable.

**2. Impact on Neighbouring Amenity**

2.1 Neighbouring occupiers have raised concerns that the proposed change of use would result in an unacceptable increase in levels of noise and activity. It is noted that the existing dwelling has 12 bedrooms, which, as a single dwelling could legitimately be occupied by a large extended family and staff, who could be expected to have a reasonable amount of comings and goings and activity within the vicinity. It is noted that 8 of the proposed bedrooms are only large enough for single occupancy. It is considered that the use of the property as a single family dwelling with all 12 bedrooms occupied would be likely to generate comparable levels of noise, activity and footfall as the proposed house in multiple occupancy. It is therefore judged that the proposal would not result in a material loss of privacy, either visual or aural, to the occupiers of neighbouring properties.

2.2 There is no reason to consider that the occupants of a House in Multiple Occupation would not take pride in their property or would result in an increase in crime levels within the vicinity.

2.3 In light of the number of bedrooms at the existing property and the level of noise and activity this could generate, it is not considered that the proposed change of use would have a material detrimental impact upon the amenity of neighbouring occupiers. As such, the proposal is considered to be in accordance with policies BE8 and H9 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

**3. Highways Considerations**

3.1 The comments of the Town Council and the neighbouring occupiers are noted, however there is a bus stop within close proximity to the site which is located on a main bus route covering Luton, Dunstable, Leighton Buzzard and Milton Keynes with buses running every hour Monday - Saturday and every two hours on Sundays. It is considered that, for the majority of occupiers, the bus service would provide sufficient transport links for day to day living.

3.2 The application site would have 8 parking spaces which are to be retained as part of the proposal. Due to the sloping nature of the front section of the site, it would be difficult to provide additional parking spaces on the site. However, it is noted that the Council would have nomination rights for the House in Multiple Occupation and it is considered that the demographics of likely occupants would suggest that a high number of occupants would be unlikely to own a private vehicle.

3.3 It is noted that the Council does not have parking standards for Houses in Multiple Occupation. The parking standards for 14 x 1 bed flats would be 14 spaces, however, the minimum parking standards for the existing dwelling would only be a requirement for 3 parking spaces. As above, it is considered that a 12 bedroom, single family dwelling could result in parking demand considerably over 3 parking spaces, and the proposed demand for a 14 bedroom HMO is not likely to be significantly greater.

- 3.4 In light of the proposed demographics of the House in Multiple Occupation and the proximity of the bus stop, it is considered that 8 parking spaces would be reasonable for this application. The additional information in regards to the nomination rights has been provided to the Highways Officer and his further response will be reported on the Late Sheet.
- 3.5 It is noted that Highways England do not consider that the proposal would have a detrimental impact on the safety and capacity of the A5 and thus the impact of the proposed change of use on highway safety is considered to be acceptable.
- 4. Other Issues**
- 4.1 Information has been sought from the Agent in regards to waste disposal and collection and the results will be reported on the Late Sheet.
- 4.2 **Human Rights issues**  
The proposal raises no Human Rights issues.
- 4.3 **Equality Act 2010**  
The proposal raises no issues under the Equality Act 2010.

#### **Recommendation**

That Planning Permission be GRANTED subject to the following:

#### **RECOMMENDED CONDITIONS**

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15-403-01, 15-403-02, 15-403-03, 15-403-04, 15-403-05.
- Reason: To identify the approved plans and to avoid doubt.

#### **Notes to Applicant**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

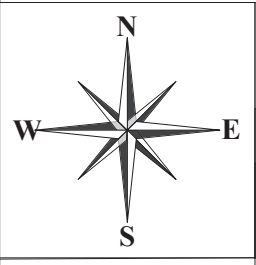
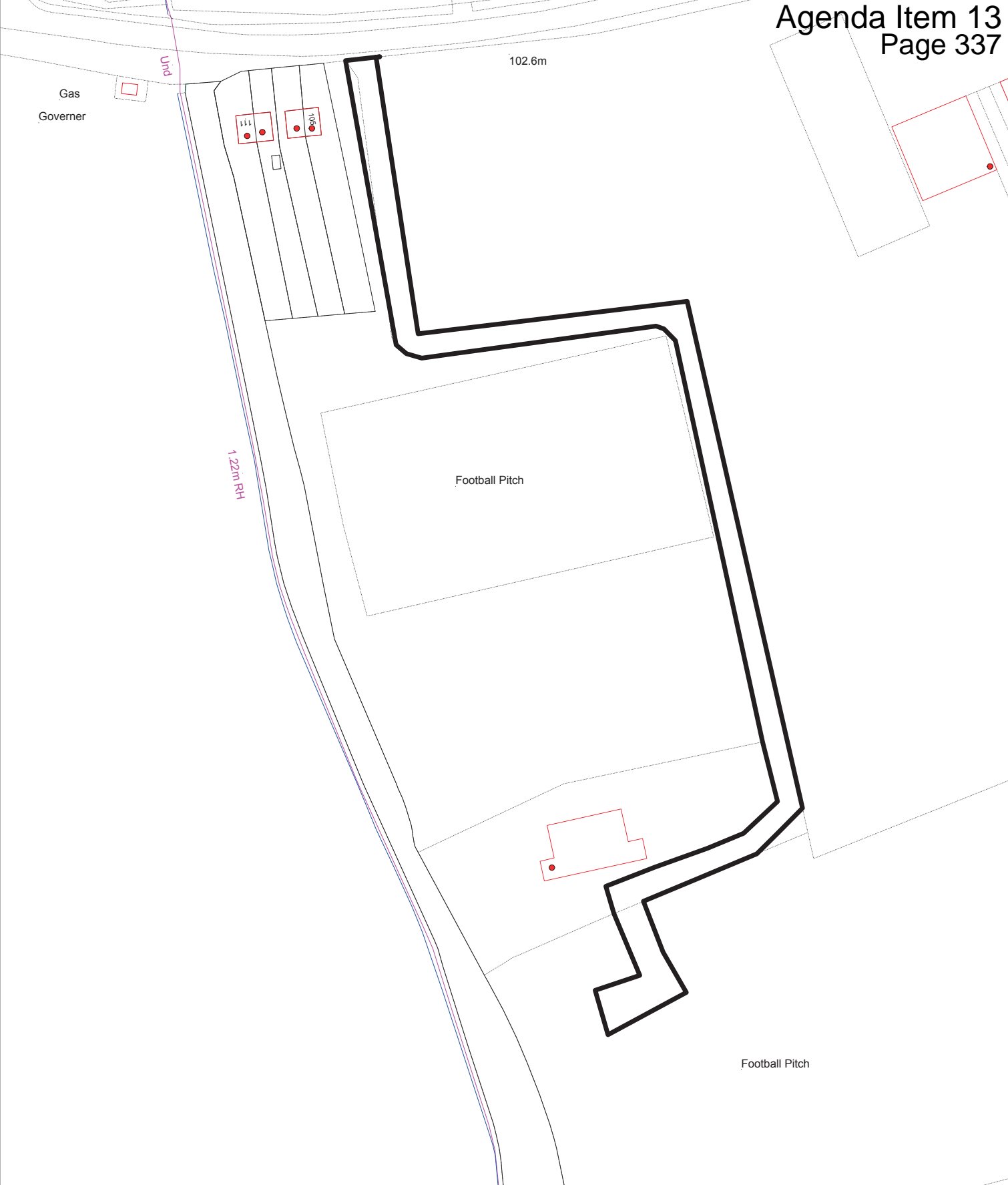
Planning permission is recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
  
.....

This page is intentionally left blank





© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 06:July:2015  
 Grid Ref: 497408; 224065

Application No.  
 CB/15/01762/FULL

Scale: 1:1459

Leighton United Football Club, Stanbridge Road,  
 Tilsworth, LU7 9PL

This page is intentionally left blank

<b>Item No. 13</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/15/01762/FULL</b>
<b>LOCATION</b>	<b>Leighton United Football Club, Stanbridge Road, Tilsworth, LU7 9PL</b>
<b>PROPOSAL</b>	<b>Installation comprising 1no. 17.5m Column A Mast, 3no. antennas, 2no. 0.6m dia dishes, 6no. cabinets and ancillary equipment thereto, enclosed within 2.2m high chainlink fence around 5x7m compound, with 1no. meter cabinet within fenceline.</b>
<b>PARISH</b>	<b>Tilsworth</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>18 May 2015</b>
<b>EXPIRY DATE</b>	<b>13 July 2015</b>
<b>APPLICANT</b>	<b>EE Ltd</b>
<b>AGENT</b>	<b>Harlequin Group</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Called in by Councillor Versallion on the grounds of concerns about health effects of mast on people and animals.</b>
	<b>Full Application - Recommended for Approval</b>

**Summary of Recommendation**

The principle of the erection of the telecommunications mast and associated equipment is considered to be acceptable. The proposal would comply with the International Commission guidelines for public exposure and thus paragraph 46 of the NPPF instructs local planning authorities not to consider health safeguards. The proposal would have an acceptable impact on the Green Belt and the character and appearance of the area. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policies 21, 22, 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises land at Leighton United Football Club, located on the south side of Stanbridge Road in the village of Tilsworth. The football club consists of a number of small scale junior grass pitches and a small clubhouse / changing facility. The site is located on the west side of the football club, approximately 265m from Stanbridge Road, around 6m from the tree belt that marks the western boundary of the grounds of Leighton United Football Club. The site is located approximately 250m from the nearest residential properties.

The site is washed over by the South Bedfordshire Green Belt.

**The Application:**

The application seeks planning permission for the erection of a telecommunications

most of 17.5m high with 3 antennas, 2 dishes each measuring 0.6m in diameter, 6 cabinets and associated ancillary equipment, all to be enclosed within a compound of 5m x 7m by a 2.2m high chain link fence.

The proposed mast is to replace an existing 15m high mast and associated equipment currently located at Green Hill Farm, some 900m to the north east of the application site.

#### **RELEVANT POLICIES:**

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

Section 3: Supporting a prosperous rural economy

Section 5: Supporting high quality communications infrastructure

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

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

BE8 Design Considerations

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight.)*

##### **Emerging Development Strategy for Central Bedfordshire 2014**

Policy 21: Provision for Social and Community Infrastructure

Policy 22: Leisure and Open Space Provision

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 59: Woodlands, Trees and Hedges

*The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.*

##### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

##### **Relevant Planning History**

###### Application Site

CB/14/03521/PAPP - Pre-application advice given on Relocation of mast from Green Hill Farm - 25/09/2014 - Advice given that the site is within the Green Belt and therefore very special circumstances will be required to accompany the application.

SB/03/00406 - Planning permission granted for erection of clubhouse, equipment store and replacement tank bases - 24/07/2003.

SB/91/00637 - Change of use from arable land to junior football pitches - 25/09/1991.

Green Hill Farm

CB/14/01141/VOC - Variation of condition application granted to remove condition 7 to planning permission CB/13/03471/FULL - 15/05/2014.

CB/13/03471/FULL - Planning permission granted for demolition of commercial buildings, erection of 11 dwellings with associated hardstanding and landscaping and change of use of land to paddocks - 24/01/2014 - condition 7 read as follows:

"No development shall commence until a timetable and programme of works for the removal of the existing telecommunications mast from the site have been submitted to and approved in writing by the Local Planning Authority – the timetable shall secure the removal of the mast within 12 months of the date of planning permission or before the occupation of the first house whichever is the later. The removal of the mast shall proceed in accordance with the agreed timetable and programme of works.

Reason: In the interest of visual amenity and to improve the openness of the Green Belt location.

(Policies BE8 S.B.L.P.R and 36, 43 & 50 D.S.C.B)."

SB/97/00608/TD - Prior Approval not required for the erection of telecommunications tower measuring 15m high and associated equipment - 26/03/1997.

**Consultee Responses**

Tilsworth Parish Council

**OBJECT to the above proposed siting of a radio Mast**

Despite initial thoughts that this would be acceptable it has been brought to our attention that although not proven there may be serious Health and Safety Issues relating to the siting of such Masts when in close proximity to residents and livestock which can result in increased numbers of cancer diagnosis.

The siting of this mast at the Football club would place it close to residential housing, a recreational ground used by hundreds of children regularly and also near grazing of valuable livestock.

We feel we cannot ignore these possible Health and safety issues and would urge CBC to investigate thoroughly before deciding this planning application.

We also believe this mast is being moved from its current site, close to a new housing development, as they don't want it near to their homes and that an alternative more acceptable site has been found at Granary Farm which we would ask CBC to consider when discussing and evaluating this planning request.

Stanbridge Parish  
Council

**Objection to the above proposed siting of a radio Mast**

Despite initial thoughts that this would be acceptable we have now had it brought to our attention, the potential

hazards of these types of masts and the risk of higher cancer rates in those communities where masts have been sited.

We would therefore object to such a mast being placed at the football club which could impact on people and livestock in the area. The mast would be in very close proximity to houses, areas used by children and adults including our very busy community hall and sports area and livestock grazing in adjacent fields.

We would request that CBC look at the safety issues on this matter with some urgency and take into account when discussing the planning request.

Buckingham and River  
Ouzel Internal Drainage  
Board

The Board has no comments to make.

Trees & Landscape  
Officer

It is noted that the application intends to position the apparatus adjacent to the treeline to the west side of Leighton United Football Club. These trees are 15m in height running north to south from Stanbridge Road, along the football clubs land. It is assumed that the trees and the apparatus are entirely compatible in terms of avoiding any form of poor interference, but in recognition that the compound is being positioned only 5.7m from the eastern edge of the tree belt, I would like it confirmed that there would be no pressure to prune these trees at a later date as their growth increases.

Public Protection Officer

No comments.

**Other Representations:**  
Andrew Selous MP

Requests that the Committee takes into account the concerns of the occupier and proprietor of Tilsworth Stud Farm Stud and the occupier of 13 Dunstable Road, Tilsworth (see below) when determining the application.

Proprietor of Tilsworth  
Stud Farm and occupier  
of Hunters Barn,  
Stanbridge Road,  
Tilsworth

These representations have been made by a qualified veterinary surgeon and the owner of Tilsworth Stud Farm. Objects to the proposal on the following basis:

- The mast will emit levels of radio frequency radiation, which is an electromagnetic transmission of energy, which is capable of causing cancers and a whole host of ill health effects in humans and animals, especially to young humans and animals.
- The UK government does not require mobile phone operators to prove the safety of masts as they are a relatively new phenomenon. However, evidence exists in Europe that mobile phone companies are having to relocate masts due to high incidents of

cancer related deaths.

- The radio frequency radiation would upset the sensitive hearing of the horses at Tilsworth Stud Farm, causing behavioural changes that will increase their levels of stress, which could lead to changes in their breeding behaviour and a reduction in their fertility, having a detrimental impact on the Stud business. Also a risk of young stock developing growth abnormalities and cancer.
- The site is situated directly in a football ground frequented by hundreds of young children. It is also within close proximity of the Stanbridge and Tilsworth Recreation Ground.
- Other sites are available which are more isolated, including at Granary Farm.
- The proposal will breach the Human Rights of surrounding residents as the Human Rights Act, Article 1 of the First Protocol gives an individual the right to enjoyment of their property and will bring into play Article 8 which states that the environmental impacts of a planning decision on a neighbouring property brings into play the right for respect for home, privacy and family life.
- Reference to Newport Borough Council v Secretary of State for Wales (1998), which states that "genuine public fear, even if that fear is irrational and not based on evidence is a material planning consideration."

Mr Ng supplied the following articles in support of his concerns:

- War on Mobile Phone Mast by Nilufer Atik, Daily Mail
- Phone Mast Cancer Fear by Davi Wiles, Daily Mail
- Why mobile phone masts can be more dangerous than the phones by Andrew Goldworthy, March 2008
- Cornwall Council mobile phone masts position statement
- Article on Mobile Phone Radiation and Health
- The influence of being physical near to a cell phone transmission mast on the incidence of cancer by Horst Eger
- Possible effects of electromagnetic fields from phone masts on a population of white stork by Alfonso Balmori
- Increased incidence of cancer near a cell-phone transmitter station by Ronni Wolf
- Health effects of mobile phone transmitter masts and the planning application by orange plc for a mast in St Michael's Church, Aberystwyth by Chris Busby
- RF EMFs produce clear co-carcinogenic effects by Powerwatch News 08/03/2015

Occupier and employee of Tilsworth Stud Farm, Stanbridge Road and 13 Dunstable Road, Tilsworth. Mere Cottage, Tilsworth Road, & 2 Lords Close, Stanbridge.

Object to the proposal for the following reasons:

- The mast could have harmful effects on the health of the children who play football at the club and the animals at Tilsworth Stud Farm;
- Alternative, more isolated sites are available;
- CBC's policy for the siting of new schools excludes sites near to telephone masts because of concerns about health risks;
- For precautionary reasons, the mast should be sited in a more isolated location;
- These masts cause cancer;
- People living in the immediate vicinity have existing medical conditions which pre-dispose them to lung and liver disease and other cancers. Any exposure to those with these predispositions is unacceptable.

Petition received with 105 signatures against the proposal of which 30 live in Tilsworth and 7 live in Stanbridge

Object to the application on the grounds that it poses a possible health and safety risk, especially to Children and young animals.

Leighton United Football Club

- Claims within the village that the mast will damage health are scientifically proven to be false. Links provided to NHS and government websites stating that there is no clear evidence of adverse health effects from the use of mobile phones or from phone masts;
- The mast is being relocated from elsewhere within the village due to housing construction;
- Similar masts are located in the grounds of nearby football and rugby clubs and in school grounds across the country;

The following facts are provided in relation to Leighton United Football Club:

- Founded in 1985 with a single team we are now home to 26 teams of girls and boys ranging from 4-18 years old. Nearly 350 children and over 500 parents are part of our community, not to mention all the coaches and volunteers;
- All our coaches are unpaid and we fund all their accreditations from level 1 up to 3, over 20 of these are under 20 years old and have started coaching after finishing playing for us. A number of these young people also volunteer abroad helping various sports charities;
- We are one of the first of 90 registered Charter Standard Community Clubs in the country and were awarded the honour of opening the refurbished Wembley Stadium;
- Existing strong relationships with township and local



schools as well as regularly sending kit and training equipment to clubs and schools in Africa;

- A partner of Cedars Upper School in Leighton Buzzard where we have helped them secure funding for their pitches.

Everything we do for the club and the local community is self-funded, so this mast will not only give us a guaranteed revenue stream year on year, but in turn, allow us to fund more coaches from the local community.

Chiltern Youth Football League Supports the application as it will provide a revenue stream for a strong, local community organisation and will improve mobile signal within the Tilsworth area.

33 letters of support from Leighton Buzzard, Dunstable, Luton, Flitwick, Wing, Fareham, Hemel Hempstead, Edlesborough, Padbury, Markyate, Houghton Regis, Eaton Bray,

- The proposal will improve mobile phone signal within the area;
- The proposal will support a non-profit, community-based organisation that provides grass roots football to young people, in accordance with the requirements of the FA.

### **Determining Issues**

The main considerations of the application are;

- 1. Principle of Development**
- 2. Health Considerations**
- 3. Impact on the Character and Appearance of the Area**
- 4. Other Issues**

### **Considerations**

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

1.1 The application seeks planning permission to erect a telecommunications mast to replace an existing mast at Green Hill Farm.

1.2 It is noted that the existing mast is located approximately 150m from existing dwellings within Tilsworth village and 50m from the new housing at Green Hill Farm. It is some 550m from Tilsworth Recreation Ground and 600m from Tilsworth Stud Farm. The proposed mast would be located some 250m away from the nearest residential dwelling (including the dwelling on Tilsworth Stud Farm). It would be located within 100m of the boundaries of Tilsworth Stud Farm and 270m from the recreation ground.

1.3 The existing mast is 15m high and did not require full planning permission as it comprised permitted development secured through a prior determination process. The proposed mast only requires planning permission as it would be 17.5m high, 2.5m above the height allowed for new masts under the current permitted development regulations. This increase in height is necessary to provide adequate replacement signal coverage within the area.

- 1.4 The application is accompanied by a site selection exercise which considered 11 alternative options, including sites at Granary Farm. These were discounted for a number of reasons, including closer proximity to residential properties, close proximity to overhead power lines, proximity to the Grade I Listed All Saints Church, unacceptable access, lack of screening and technical considerations.
- 1.5 The application site is located within the Green Belt and therefore Section 9 of the National Planning Policy Framework (NPPF) and policy 36 of the emerging Development Strategy for Central Bedfordshire (which is considered to accord with Section 9) are key policy considerations in the determination of this application.
- 1.6 Section 9 of the NPPF states that, with certain exceptions, all development is inappropriate within the Green Belt. Only one of these exceptions is potentially relevant, that is in paragraph 90, which states that engineering operations that preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. In this case, it is considered that the development would not meet this criteria as it is a structure of some height and as such would have an impact, albeit limited, on the openness of the Green Belt.
- 1.7 Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 1.8 The agent has submitted a very special circumstances case as follows:
  - a. Government policy supports high quality communications infrastructure and systems as essential for sustainable economic growth;
  - b. Government policy is to minimise the inevitable environmental impact associated with electronic communications development and to avoid the unnecessary proliferation of new radio masts and sites. The proposed replacement phone mast is necessary to supply the vital services they carry and no sites that are not in the Green Belt are available within close proximity to support these services;
  - c. Great weight should be given to conserving landscapes and scenic beauty in certain specified designated landscapes such as National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, the site is not located within any of these areas;
  - d. The proposed location would site the mast sensitively away from residential properties close to a bank of trees in a well screened location;
  - e. The phone mast will replace an existing phone mast within the village;
  - f. The proposal would not conflict with the purposes of including land within the Green Belt;
  - g. The proposal would provide a funding stream for Leighton United Football Club, supporting the continuation of this important local facility.
- 1.9 Government Policy  
Section 5 of the NPPF is entitled "Supporting high quality communications

infrastructures". It sets out points 1 and 2 above. Furthermore sections 11 and 12 of the NPPF set great weight on the protection of National Parks, Areas of Outstanding Natural Beauty and Conservation Areas and it is acknowledged that the site is not located within any of these areas and therefore is less sensitive to development. Points 1 to 3 above therefore do contribute towards a case for very special circumstances.

1.10 Impact on openness

As noted by point 4, the proposal would be screened by the neighbouring tree belt, which would reduce the visual impact of the proposed mast on the Green Belt in contrast to other, less well-screened sites in the vicinity. The mast would be slender and thus its impact on the openness of the Green Belt would be limited. Furthermore, as noted by point 5, an existing mast would be removed within the Green Belt around Tilsworth, which itself would have a limited beneficial impact on the openness of the Green Belt in the location around the existing mast. The impact of the proposal on the openness of the Green Belt would therefore be neutral overall and it is considered that this would contribute towards a case for very special circumstances.

1.11 Purposes of including land within the Green Belt

Paragraph 80 of the NPPF sets out the five purposes of including land within the Green Belt, which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposal does not conflict with the purposes of including land within the Green Belt and therefore point 6 does contribute towards a case for very special circumstances.

1.12 Benefits to Leighton United Football Club

Leighton United Football Club is a self-funded, not-for-profit community football organisation which provides opportunities for controlled recreation for hundreds of children within the local vicinity. The proposal would provide a guaranteed income stream for the facility, which will provide it with security and additional opportunities. Both Section 8 of the NPPF and policies 21 and 22 of the emerging Development Strategy for Central Bedfordshire encourage proposals which would provide or support the provision of recreation and sport opportunities. It is therefore considered that point 7 also contributes towards a case for very special circumstances.

1.13 Having due consideration to the substantial weight that should be given to harm to the Green Belt and the comprehensive very special circumstances case that has been set out above, it is considered that in this case very special circumstances do exist that would outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and the limited harm to openness. The proposal is therefore considered to be in accordance with Section 9 of the NPPF and policy 36 of the emerging Development Strategy for Central Bedfordshire.

- 1.14 In accordance with Section 5 of the NPPF, the principle of the development is therefore considered to be acceptable.

**2. Health Considerations**

- 2.1 It is noted that the consultations have revealed a significant level of concern within local residents, Tilsworth and Stanbridge Parish Councils and the owner of the adjoining Tilsworth Stud Farm in relation to the likely health impacts of the proposed mast on village residents, the children who play at Leighton United Football Club and the Recreation Ground and the animals at Tilsworth Stud Farm.
- 2.2 Articles have been submitted in support of the argument that telephone masts can result in health problems to animals and children. Articles have also been submitted (from the NHS and government websites) that state that there is no clear evidence of adverse health effects from masts which comply with International Commission guidelines for public exposure.
- 2.3 Paragraph 46 of the National Planning Policy Framework is the key policy consideration in this situation. It states that Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for telecommunications systems, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 2.4 The application has been submitted with a Declaration of Conformity with ICNIRP Public Exposure Guidelines which confirms that the proposed mast would be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.
- 2.5 Significant weight should be given to paragraph 46 of the National Planning Policy Framework in this respect. Nevertheless, weight should also be given to previous Case Law, including the decision referenced by the owner of Tilsworth Stud Farm, Newport Borough Council v Secretary of State for Wales (1998), which states that "genuine public fear, even if that fear is irrational and not based on evidence is a material planning consideration."
- 2.6 Therefore, the perception of local people that the mast could give rise to health concerns is material planning consideration.
- 2.7 However, it should be noted that the existing mast which is to be replaced is within closer proximity of existing dwellings (even excluding the new development at Green Hill Farm) than the proposed mast. Furthermore, as noted above, the erection of a 15m high mast in this location would be permitted development. The agent has confirmed that there would be no difference in the level of electromagnetic field emitted from a 15m mast or a 17.5m high mast.
- 2.8 One of the objectors advised that the Council's policy in regards to the erection of new schools is to locate them away from existing telephone masts. Officers

are unaware of any policies that state that new schools should be located away from telephone masts.

- 2.9 Given due consideration of the significant weight that must be attributed to paragraph 46 of the NPPF, the proximity of the existing mast to residential properties and the fall back position that are provided by permitted development rights, it is considered that the proposal should not be refused on the basis of health concerns.

**3. Impact on the Character and Appearance of the Area**

- 3.1 The proposed mast would be positioned within 6m of a tree belt approximately 15m high. In response to the concerns of the Trees & Landscape Officer, the agent has confirmed that there will be no future requirement to trim or lop the trees and that they will provide important screening to the local landscape. Furthermore, the mast will be read from the village against the background of significantly taller electricity pylons located to the south of the application site. It is therefore considered that the proposed mast would not have a material detrimental impact on the character and appearance of the area and thus would be in conformity with policy BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

**4. Other Issues**

- 4.1 Due to the separation distances, the proposal would not have a detrimental impact upon the amenity of neighbouring residents.

**4.2 Human Rights issues**

Protocol 1, Article 1 of the Human Rights Act provides persons with the rights to the peaceful enjoyment of their property. Neighbouring residents are concerned that the proposed mast would interfere with their Human Rights for peaceful enjoyment of their property as they will be anxious that the proposed mast would give rise to future health problems. However, Protocol 1, Article 1 must be weighed against the public interest. In this case, the proposal would be in the public interest as it will support high quality infrastructure and therefore the proposal would not be contrary to the Human Rights Act.

**4.3 Equality Act 2010**

The proposal raises no issues under the Equality Act 2010.

**Recommendation**

That Planning Permission be GRANTED subject to the following:

**RECOMMENDED CONDITIONS**

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers GA 01 Rev A, GA 02 Rev B, GA 03 Rev A, GA 04 Rev A, .

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

**Notes to Applicant**

- 1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
  
.....