

## Item No. 6

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| <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 / Tilia 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-M1 link 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)

### 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/Ickniel 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 Ickniel 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.



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 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. 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 Totternhoe 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

| <b>LOCAL OFF-SITE HIGHWAY WORKS</b> |   |
|-------------------------------------|---|
|                                     | <b>A5120 BEDFORD ROAD</b>   |
| 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)             |
|                                     | <b>THORN ROAD</b>   |
| 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   |
|                                     | <b>A5 WATLING STREET</b>  |
| 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 Tillia 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<br><br>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<br><br>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<br><br>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<br><br>HRTC have expressed their desire to have all open space transferred to it<br><br>It is understood that Wildlife Trust also have a desire to   |

|                                      |                           |   |                |   |
|--------------------------------------|---------------------------|---|----------------|---|
| 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 | have green corridors and natural wildlife areas transferred to it |
|--------------------------------------|---------------------------|---|----------------|---|

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<br>Formal Park Area (1.82)<br>Informal Green Corridors / Linear Parks (28.859)<br>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.**

**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**

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