

Item No. 7

APPLICATION NUMBER	CB/15/01928/REG3
LOCATION	Land at Thorn Turn Thorn Road, Houghton Regis
PROPOSAL	Up to 44,700m² of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access.
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Kane
CASE OFFICER	Adam Davies
DATE REGISTERED	19 May 2015
EXPIRY DATE	08 August 2015
APPLICANT	CBC Assets
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan
RECOMMENDED DECISION	That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to conditions.

Summary of Recommendation

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

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

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

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

Site Location:

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

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

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

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

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

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

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

The Application:

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

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

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

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

The following has been submitted in support of the application:

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

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

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

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

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

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

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt land

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

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies (SBLPR)

Policy SD1: Sustainability Keynote Policy

Policy NE10: Diversifying the Use of Agricultural Land

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

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

Policy R15: Retention of Public Rights of Way Network

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

Minerals and Waste Local Plan (2005)

Policy W4: Waste minimisation and management of waste at source

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

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

Policy WSP5: Including waste management in new built development

Emerging Development Strategy for Central Bedfordshire (DSCB)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

Policy 6: Employment Land

Policy 7: Employment Sites and Uses

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 26: Travel Plans

Policy 27: Parking

Policy 28: Transport Assessments

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: The Historic Environment

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 48: Adaptation

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

Policy 60: Houghton Regis North Strategic Allocation

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the 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 Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

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

Central Bedfordshire Council Employment & Economic Study (2012)

Planning History

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

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

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

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

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

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

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

Under consideration. Included on the same Committee agenda.

CB/15/01626/MW

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

Under consideration.

CB/15/01627/MW

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

Under consideration.

Consultation Responses

Houghton Regis
Town Council

09/06/2015:

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

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

Dunstable Town
Council

10/06/2015:
No objection.

Sundon Parish
Council

22/06/2015:

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

Luton Borough
Council

11/06/2015:

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

Conflict with the Minerals and Waste Local Plan

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

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

Inappropriate Development within the Green Belt

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

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

Excessive Employment Provision

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

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

Transport Assessment (TA)

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

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

documents material to this application.]

Prematurity

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

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

Recommends refusal.

CBC Highways
Development
Management

25/06/2015:

Scope of Assessment

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

Development Policies and Principles

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

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

Site Access Arrangements (Principles)

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

Proposed Highway Layouts

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

Sufficient vehicular visibility splays are achievable.

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

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

Proposed Pedestrian Connections

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

Sustainable Transport Impacts

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

Travel Plan

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

Highway Impact Assessment

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

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

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

There is however a discrepancy in terms of quantum of development tested under the “Cumulative Assessment Site 2 (CA2)” in the HRN 1 application and the quantum of development proposed within HRN2 application. As such this requires clarification from the application team. This

clarification also forms part of this office's response to the HRN2 proposal.

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

The application team for HRN2 have confirmed that they are awaiting the results of the further modelling and as such this cannot be assessed presently by this office. This is a key factor for the determination of this application. It is expected that this will be submitted in the form of an addendum or supplementary Transport Assessment for HRN2.

It is important to note the below from this office's response to HRN2 which remains pertinent to the overall modelling approach:

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

Until the additional modelling has been undertaken, the submitted Transport Assessment considers the existing SATURN assignment flows in order to assess highway impact. This approach is supported by this office (CBLTM 2031 Test 9) which includes for a 2031 assessment year including all committed development and highway network improvements in place). The flows have been adjusted to reflect the development composition and trip rates as discussed in Chapter 5 of the submitted Transport Assessment. (This office assumes that this covers our concerns with regards to development quantum discrepancy (as detailed above), however this requires clarification/confirmation."

It should be clearly noted that Highways Development Management is duty bound to only consider committed development (such as sites with planning permission) in its assessment of a highways scheme. It is noted however that CBC Strategic Transport must take a wider

view of implications upon the highway network from not only committed development but also planned development (including sites without planning permission).

Based upon the latest tranche of strategic modelling undertaken by AECOMM on behalf of CBC, it is considered that the proposal before us could be satisfactorily accommodated on the proposed highway network without causing a material highway impact.

Clarification is sought from the applicant regarding Section 3 of the TA referring to travel to work by mode from the 2011 census and implies that information is only available at the district level. This is at odds with the TA for HRN2, which applied ward-level data.

The Transport Strategy Team has considered the cumulative impact of this development plus others in the North Houghton Regis area (referred to herein as HRN2 / Thorn Turn) in terms of their impact on the local highway network, and the mitigation considered necessary to make the proposals acceptable in planning terms.

Central Bedfordshire Council commissioned AECOM to utilise the Central Bedfordshire Strategic Transport Model and undertake supporting VISSIM micro-simulation modelling to produce a series of reports which assessed various future scenarios associated with the HRN2 and Thorn Turn applications. *[OFFICER NOTE: This is as detailed within the advice of CBC Transport Strategy set out below.]*

Site Access Assessment

A capacity assessment of the proposed site access junction has been undertaken using "Junctions 8". The traffic flows utilised have been taken from AECOMM's strategic model. This is supported.

The assessment is considered robust with the traffic generation being associated within the network peak hours. It is considered that the peak hours for the waste facility will occur outside of the network peak hours.

A sensitivity test has also been included within the assessment for an addition 100 HGV trips accessing the site during the AM and PM network peak hours. This is supported.

The submitted models have been validated by this office. The results demonstrate that the proposed junction will operate well within its theoretical capacity limits with a Max RFC (Maximum Ratio of Flow to Capacity) of 0.62 occurring on the

“Proposed Access Road/Thorn Road (west)” stream during the PM peak hour.

Trip Generation – General

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

With regards to the interrogation of the TRICS database utilised, the datasets are considered suitable.

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

Updated observations

The applicant has submitted swept path analysis demonstrating the suitability of the site’s internal highway layout. This is supported.

The applicant has also undertaken swept path analysis of the proposed Site Access junction. The swept path analysis for articulated vehicles egressing the site access to the west illustrates that the vehicles body and tyres will infringe the right turn pocket of the proposed ghost island. This is not acceptable. The vehicle in question must be able to make this manoeuvre without any infringement upon the proposed right turn pocket.

06/07/2015:

The amendments to the TA highlighted in green are acceptable subject to clarification regarding the submitted swept path analysis data. These demonstrate the site is highway proposals can accommodate 15.5m articulated vehicles. It is queried whether a max legal 16.5m articulated vehicle can make all of he required manoeuvres. *[OFFICER NOTE: Officers are seeking clarification regarding the above and the advice of CBC Highways Development Management’s advice regarding this.]*

CBC Transport
Strategy

12/06/2015:

1.1 The Transport Strategy Team has considered the cumulative impact of this development plus others in the North Houghton Regis area (referred to herein as HRN2 / Thorn Turn) in terms of their impact on the local highway network, and the mitigation considered necessary to make the proposals acceptable in planning terms.

2. The Transport Modelling Process

- 2.1 Central Bedfordshire Council commissioned AECOM to utilise the Central Bedfordshire Strategic Transport Model and undertake supporting VISSIM micro-simulation modelling to produce a series of reports which assessed various future scenarios associated with the HRN2 and Thorn Turn applications.
- 2.2 A phased approach was adopted to understand firstly the impacts of the developments, and secondly the mitigation measures which are deemed necessary to alleviate the impacts the modelling has identified.
- 2.3 Three distinct pieces of work were undertaken as follows:
 - **Phase 1:** Highlighted the cumulative impacts of all growth in the south of Central Bedfordshire with the A5-M1 Link, new M1 J11a and Woodside Link all in place.
 - **Phase 2:** As Phase 1 but with a revised design of M1 J11a to alleviate problems modelled to arise at the junction in future year's scenarios, as identified in the Phase 1 evaluation.
 - **Phase 3:** An assessment of appropriate mitigation measures to address the impacts of the HRN2 and Thorn Turn developments identified in Phase 2.
- 2.4 The reports associated with these commissions form the authority's evidence base and justification for its position in seeking mitigation from the HRN2 and Thorn Turn developments.

3. Phase 1 – Assumptions, Issues and Outcomes

- 3.1 The first report produced by AECOM was issued on 31 October 2014 and highlighted the cumulative impacts of all growth in the south of Central Bedfordshire (including land to the north of Luton) with the new A5-M1 Link, M1 J11a and Woodside Link in place, in 2021 and 2026 future scenario testing.
- 3.2 The modelling work highlighted that the HRN2 and Thorn Turn developments would not have a detrimental impact upon the operation of the road network in 2021 and 2026 'am' and 'pm' peak periods.
- 3.3 It could be interpreted from the reporting that this was predominantly as a result of the inability of M1 J11a to release demand onto the A5-M1 Link, with delays

experienced on the southbound slip road onto M1 J11a as a result.

- 3.4 Congestion was identified on the A5120 Bedford Road in a southbound direction towards Houghton Regis and in a northbound direction towards Toddington at the junction with the new A5-M1 Link.
- 3.5 It is on the basis of this report that Highways England have stated that they have no objection to the developments coming forward.

4. Phase 2 – Assumptions, Issues and Outcomes

- 4.1 The second report issued by AECOM on 27 January 2015 considered the same scenarios as Report 1 but incorporated a new enhanced capacity M1 J11a, designed to alleviate the delays and congestion experienced to occur in the 2021 and 2026 analysis.
- 4.2 The design of the enhanced capacity junction reflected a proposal drawn up by consultants URS (who are now part of AECOM) on behalf of the Highways Agency. It forms one solution to the problems experienced at the junction but no assessment has been undertaken to establish whether or not it is the most effective or preferred solution.
- 4.3 This enhanced capacity junction will only be provided as part of the development of the Land North of Luton site allocation in the Development Strategy.
- 4.4 The consequences of releasing demand at the junction are significant. In the 2021 and 2026 'am' and 'pm' scenarios, both the Strategic Road Network (SRN) and the local road network experience delays as a consequence of the HRN2 and Thorn Turn developments and other growth assumptions in the south of the authority.
- 4.5 Journey time delays are particularly apparent on:
 - A5 (northbound towards junction with A5-M1 Link)
 - A505 (eastbound towards junction with A5, as a result of queuing along the A5)
 - A5120 (southbound towards junction with A5-M1 Link)
 - A5120 (northbound (towards junction with A5-M1 Link)

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

5. Phase 3a – Identification of Mitigation

5.1 The third report issued by AECOM in draft on 24 April 2015 detailed three alternative approaches to mitigating the impact of the HRN2 and Thorn Turn developments focusing upon:

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

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

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

5.4 Highways England (the organisation responsible for managing the operation of the SRN) expressed only mild support for this intervention in terms of the impact on their network in 2021, at a meeting on 21 May 2015.

6. Phase 3b – Identification of Mitigation in 2026

6.1 Despite the relative success of the signalisation intervention in the 2021 scenario, in the 2026 'am' and 'pm' peak period scenarios, the level of delays on the network were considered to be significant and the proposed mitigation combining both the signalisation of the roundabouts and the introduction of smarter choices measures, insufficient to cater for the increase level of demand on the network.

6.2 These findings resulted in the Transport Strategy Team requesting AECOM to further consider the measures required to fully mitigate the impact of the HRN2 and Thorn Turn developments, in the context of wider growth in the south Central Bedfordshire area.

- 6.3 Two options were explored as part of this further work – an enhanced signalisation option and a Grade Separated Junction (GSJ) option.
- 6.4 The GSJ option was soon dismissed as the costs this would incur would be prohibitive to the scheme. However the option which encompassed an enhancement to the original signalisation approach was demonstrated to alleviate delays on the network with all signals clearing within a single green phase, a threshold deemed acceptable by the authority.
- 6.5 Whilst endorsement for this mitigation is still to be sought from Highways England, the authority is confident that the intervention will provide the necessary management of the network to accommodate the increase in trips the HRN2 and Thorn Turn sites will generate.
- 6.6 Subsequently a sensitivity test was undertaken with a further 10% demand factored into the model, and this also demonstrated the network performing at acceptable levels.
- 6.7 Finally, the modelling work identified the extent to which the developments were reliant on the Woodside Link scheme. Some 4% of all northbound trips on the Woodside Link in peak periods were identified to have a destination within HRN2 / Thorn Turn.

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

- 7.1 The Strategic Road Network (SRN) is the responsibility of Highways England (HE) and in the proximity of the development applications sites this comprises the M1, A5 (to the north of Thorn Turn), and the new A5-M1 Link (once complete in 2019).
- 7.2 Following receipt of the modelling reports into the impact on the highways network and a meeting between AECOM, Central Bedfordshire Council and HE on Thursday 21 May 2015, HE has issued no objection to the Bidwell West planning application and makes no request for mitigation from the Bidwell West development.
- 7.3 Likewise, Highways England has issued correspondence stating that they do not object to the developments at Thorn Turn in respect of the highways depot, waste facility or commercial development.

- 7.4 This is on the basis that having reviewed the AECOM reports, HE consider that they do not demonstrate the congestion problems identified are specifically as a result of the HRN2 and Thorn Turn developments, but cumulative impacts as a consequence of as yet further uncommitted development to the North of Luton.
- 7.5 HE have stated that they can not take uncommitted development into the equation when assessing the impact of a given applications and hence have considered HRN2 and Thorn Turn on their own merits. These conclusions reflect the findings of the Phase 1 Report produced by AECOM and issued on 31 October 2014.
- 7.6 Given that the uncommitted development to the north of Luton is associated with the enhanced capacity M1 J11a it is evident that the HRN2 and Thorn Turn developments do not result in undue congestion on the network and that there is sufficient capacity for these sites to come forward.

8. Addressing the Impact of Development

- 8.1 Whilst the position of Highways England is understandable, Central Bedfordshire Council and the Transport Strategy Team need to take a more strategic approach and consider the totality of growth envisaged within the authority in the period up till 2026, including the north of Luton development and associated infrastructure improvements at M1 J11a.
- 8.2 It is the opinion of the Transport Strategy Team therefore that the HRN2 and Thorn Turn developments will contribute towards a cumulative impact of growth in the area and give rise to unacceptable congestion as demonstrated in the 2026 scenario testing.
- 8.3 As a result of this, it is felt to be reasonable and equitable to secure funding to alleviate the impact on the A5, A505 and A5120 in particular, whilst also contributing to the Woodside Link scheme, and providing dedicated funding for sustainable travel improvements.

9. Cost of Mitigation

- 9.1 Given the above areas of mitigation identified as being necessary to facilitate the development at HRN2 and Thorn Turn a contribution of £40,000 is deemed to be appropriate to secure from the Thorn Turn Commercial development through the S106 Agreement process.

[OFFICER NOTE: Funding in connection with this development cannot be secured through the S106 Legal Agreement process as the Council acts as both applicant and Local Planning Authority in this case. Therefore alternative funding arrangements will need to be adopted outside of the planning process. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.]

CBC Sustainable
Transport – Travel
Plans

10/06/15:

- The structure of the submitted travel plan is acceptable, although the site audit of sustainable travel links is very brief. There is not enough detailed information on what the potential links to the site will be and what improvements are proposed to increase attractiveness of walking, cycling and use of public transport.
- A condition is suggested to secure the document and ongoing annual monitoring.

CBC Integrated
Transport Team

28/05/2015:

- Emphasises importance of interconnected transport planning. There is a need for continuous footways and cycleways including connecting with the proposed highways depot and waste transfer sites and along the site frontage.
- Proposals must provide suitable access arrangements for cyclists.
- Proposals relating to the retained bridleway on the site should support the planned signalised crossing of Thorn Road, north of the site.
- It is suggested that the route of the bridleway should be widened, surfaced and lit year round to support its use by pedestrians and cyclists.
- Consideration should be given to bus stop provision in the area around the site.
- Contributions to public transport services and infrastructure may be required if the Bidwell West (HRN2) development is delayed.

CBC Local Planning
and Housing

11/06/15:

- The site forms part of the proposed Houghton Regis North Strategic Allocation and is related to the neighbouring development proposals for Bidwell West (HRN2), waste transfer and highways depot developments at Thorn Turn and the consented HRN Site 1.
- The site is currently within the Green Belt. The application must therefore demonstrate that very

special circumstances exist and the proposal is in conformity with the Houghton Regis North Framework Plan.

- The Luton and Southern Central Bedfordshire Joint Core Strategy previously identified land north of Houghton Regis for a strategic residential-led mixed use development allocation. Although the Joint Core Strategy was withdrawn, this was not because of any disagreement between the joint Councils regarding this allocation. The principle of its removal from the Green Belt and its allocation for a mixed-use development was supported by both Councils.
- The proposed strategic allocation is now reaffirmed under the emerging Development Strategy for Central Bedfordshire Policy 60 which requires 8Ha of B1, B2 and B8 uses within Site 2 of the allocation, of which this site forms part.
- The proposed development is in general conformity with the Houghton Regis (North) Framework Plan which identifies land at the western edge of the allocation area for employment purposes in recognition of the physical constraints and opportunities presented by the wider allocation area.
- The site is allocation for waste management uses under the Minerals and Waste Local Plan 2014. Policy WSP2 acknowledges the need for very special circumstances for development in the Green Belt.
- The application is accompanied by an employment study which supports the site as a suitable and sustainable employment site due to its access to the A5 and A5/M1 Link Road, making it accessible to the highway network. Given that this area is proposed to be allocated for substantial housing growth and is located close to the existing conurbation of Luton and Dunstable, the site also benefits from access to key employment markets. The proposed use is in accordance with the use proposed in the emerging Development Strategy and adopted Framework Plan for Houghton Regis North.
- In relation to potential impacts on nearby employment areas, such as the Woodside Industrial Area in Dunstable, the employment report highlights that there is a shortage of development land for B1, B2 and B8 and an increase in the demand for available sites due to an upturn in the economy. It is considered that there will be a minimal impact on these existing areas.
- The application is supported by a statement setting out very special circumstances in support of the proposal as follows:
 - Although not a minerals or waste proposal, the proposed development is located within an allocated strategic

waste management site in the Minerals and Waste Local Plan. As such the principle of development in this area is accepted given that it can demonstrate VSC;

- The application site is located within the Houghton Regis North Strategic Allocation identified in the emerging Development Strategy for allocation and removal from the Green Belt for development for an urban extension to meet the housing and employment need;
 - The application site, notably Houghton Regis North, has historically been allocated for development within successive plans since 2001;
 - The development proposal is compliant with the Houghton Regis North Framework Plan and Policy 60 of the emerging Development Strategy;
 - The provision of employment development within Houghton Regis North will deliver jobs that will form a key part in the delivery of a sustainable urban extension; and
 - The site is considered to be a suitable and sustainable site for employment-generating uses with good proximity to major conurbations, existing employment areas, proximity to labour markets and good strategic and local access.
- It is also important to consider the planning history of the proposed allocation area which includes a number of consented developments including HRN1 and several current applications including proposals for the larger part of Site 2 of the allocation.
 - The provision of the employment together with the Council's Waste Park and Highways Depot, will contribute to the delivery of jobs in Houghton Regis North ensuring that it is a sustainable urban extension.
 - Taken cumulatively, it is considered that these factors represent very special circumstances which outweighs the harm to the Green Belt.

CBC Business
Investment

03/07/2015:

- The Lambert Smith Hampton market report supporting the application has been reviewed. The picture of a very limited supply and quality set out within the report is fully recognised.
- The wider engagements CBC Business Investment has

had with other commercial agents in the area, would also support this.

- CBC Business Investment are currently dealing with three live enquires for the Dunstable/ Houghton Regis areas all looking for around 50-200,000 sq.ft units and are having difficulties finding suitable sites and premises for these.
- This is made particularly difficult given two of these are looking for freehold sites.
- The current availability of some larger facilities such as Prologis Park DC2 is not likely to meet this requirement.
- CBC Business Investment are seeing the emergence of two distinct markets, one for the strategic distribution facilities and one for the more local smaller scale industrial/ distribution market. The Thorn Turn/ HRN2 sites are far more suited to the latter, where the area does have a current shortage of quality supply.
- Likewise the broad B1, B2 and / or B8 use proposal means the site is far more likely to secure a range of possible uses compared to the larger strategic sites of HRN1, North of Luton and Sundon RFI, which make up a large proportion of the employment land allocation in the area.
- With regard to the wider over allocation matter, the latest East of England Forecasting model (Autumn 2014- published 08.01.15) show forecast demand from 2011 to 2031 of 26,700 net jobs for Central Bedfordshire, compared to 11,600 for Luton over the same period.
- This figure is above the forecast used in the previous employment land review undertaken for the Council's Development Strategy and is the forecast consistently used by the Council and other East of England Authorities.
- It should not be assumed that the 27,000 jobs figure for the Development Strategy is incorrect, in fact jobs growth in Central Bedfordshire greatly exceeded forecast rates in the latest data (6,200 jobs according to 2013 Business Register and Employment Survey) compared to the development strategy forecast of approximately 1350 jobs per annum over the plan period.
- These factors combined highlight the need for increased employment land allocations, particularly of the right quality in the right location to meet known demand.
- The previous employment land study, identified specific commercial markets operating within Central Bedfordshire, and that allocations in one area would not necessarily meet the demand in others.

- Given the strategic nature of much of the allocations in the Dunstable / Houghton Regis area and the findings of the Lambert Smith Hampton report, there the need for these allocations to particularly support the growth of local businesses.
- CBC Business Investment has seen a significant increase in the demand for land and premises, with a 75% increase in enquires over the last year. Dunstable and the surrounding area remains the highest level of overall demand.

CBC Minerals and Waste

03/07/2015:

The application site occupies the northern portion of a 24 hectare 'L' shaped area of land allocated for strategic waste recovery uses by virtue of the Minerals & Waste Local Plan: Strategic Sites & Policies (adopted January 2014) \and in particular Policy WSP2. The extent of this strategic allocation is not a reflection of anticipated land-take requirements for strategic waste management uses. In order not to potentially limit options for the design and layout of the waste final scheme and the technologies or processes to be used, an area of land was allocated to give developer(s) / operator(s) a reasonable degree of flexibility in devising the best strategic solution. As the Bedfordshire Energy and Recycling (BEaR) project evolved, different scheme emerged occupying various portions of the site. It was never envisaged that this project would occupy the entirety of the allocation.

Now that a full application for strategic-scale waste development has come forward (reference CB/15/01626/MW) which caters for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period , there is some certainty regarding those parts of the allocation land that are not required.

CBC Green Infrastructure

10/06/15:

- The Ouzel Brook is an important GI asset and needs to be a key element of the design proposals in the area. The application does not demonstrate a joined up approach to design as drainage is not dealt with in connection with other environmental benefits in line with planning policy.
- Scheme proposals need to demonstrably consider how to improve biodiversity and how to integrate SuDS sensitively within the character of the area.
- There is the potential to create a multi-functional green infrastructure corridor that incorporates the bridleway and surface water attenuation areas within an attractively designed scheme which improves biodiversity, provides a landscape buffer and integrates sustainable water management. Various detailed design aspirations are set out.

- Conveyance by piped drainage to the attenuation ponds is contrary to CBC's SuDS guidance. Conveyance should be at the surface, for example, in swales. This would also complement the existing drainage character of the area.
- The location of the site above a principal aquifer has been identified as problematic for drainage through deep soakaways. However, shallow infiltration methods have been inappropriately discounted, for example, permeable paving. Provision of green roofs should be considered. The value of these multiple benefits would need to demonstrably be outweighed by cost in order to discount them as an appropriate option.
- The drainage scheme should demonstrate how water quality as well as discharge rates and volumes have been considered.
- Although the proposed development is acceptable in principle, the design proposed does not meet green infrastructure or sustainable drainage policy requirements. It does not demonstrate how a net gain in green infrastructure will be delivered. The proposals for infiltration, interception and conveyance should be reviewed, and the design of the attenuation areas within the Ouzel Brook re-considered in an integrated way to improve the Ouzel Brook as a GI corridor, delivering access, biodiversity and landscape benefits in a way that responds to local character and opportunities.

CBC Landscape

10/06/2015:

- Presentation of the three Thorn Turn applications as a whole would have enabled easier understanding of the broad site proposals and the surrounding sites.
- This site forms a key feature in the future 'gateway' to HRN2 and Dunstable. This, and the adjoining development proposals, would extend the built area into the countryside and in views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. These views include sensitive receptors such as Sewell Conservation Area and heritage assets and footpaths along the escarpment.
- The site would form part of a wider urban development setting. The grain, building heights and finishes of the adjoining development will form part of the northern and eastern setting to the proposed development. The proposed units will sit against the backdrop of future landscaped public open space.
- Serious concern is raised regarding the landscape visual impact of two large sheds, especially from sensitive views from the northern clay hills and the

southern chalk escarpment.

- The design and finish of the large units and how the development is integrated within the landscape and urban setting will require careful design consideration, it may be that a standard design of units and standard cladding system, as shown as example, will not provide the quality of design and finish required for and this key development site and highly visible, two very large mass development.
- Photomontages or rendered images showing the proposed development, at least in 'block' form, or potential landscape mitigation would be of assistance in this regard.
- A tree survey should adjoining existing planting and detail of proposed planting associated with the A5-M1 Link.
- To minimise the wider impacts of the development, it is recommended that a substantial landscape framework including extensive tree planting linked to existing and planned landscape structures adjoining the application site, which may require management and additional new planting.
- It is recommended that the development be set back from Thorn Road at the eastern end of the site to enable a wider landscape buffer to be included along the northern site boundary.
- Consideration should be given to visual 'deconstruction' of elevations, rooflines and roof materials, possibly employing relief in building form to create shadows, colours and textures to visually break up facades and building massing.
- More planting would be required within the site and associated with SuDs proposals within the Ouzel corridor. Wet woodland creation with local landscape and habitat enhancement should be explored.

CBC Leisure

21/05/2015:

No comments

CBC Sustainable
Growth

10/06/2015

- A sustainability statement would be required showing how the development will meet BREEAM excellent or equivalent standard.
- This development represents an opportunity for a considerable PV roof mounted installation which can deliver significant economic benefits. Roof mounted PV installation up to 1MW is a permitted development and is supported by the government UK Solar PV Strategy.
- This should be secured by planning condition.

CBC Ecology

10/06/15:

- The Design and Access statement does not include an Ecology section. A number of further surveys are required. Elements of the design of the site should take account of the surrounding biodiversity interests. The Ouzel Brook is an important ecological corridor. It should be retained intact and its enhancement explored.
- The ES addresses issues associated with protected species and reports confidence in the ability of the development to mitigate any potential impacts to protected species.
- No mention of is made of dormice in 'other protected species'. Dormice should be added to the list of further surveys where the need to remove hedges is identified. Enhancement works to the hedge boundaries should ensure the landscaping scheme incorporates locally native species which would support dormice such as hazel and fruit bearing shrubs.
- The nearby sewage works are of great interest for birds and I would therefore suggest that a bird survey is also undertaken as a follow up study. Results of this will serve to inform the landscape design process further to ensure maximum biodiversity gain.
- Concern is raised regarding potential lighting impacts on habitat areas. A lighting strategy should be provided to demonstrate how this is to be sympathetically designed.
- The proposed SuDs scheme appears very basic but could be beneficial to Great Crested Newt habitats depending on the range of depths provided by the ponds.
- It is recommended that a condition is placed on any permission that requires updated ecological surveys for; reptiles, nesting birds, bats, water voles, otters, badgers, birds and dormice, that appropriate mitigation is undertaken and, where necessary licences obtained, to ensure the development would not impact on the favourable conservation status of a protected species.

CBC Countryside Access

11/06/15:

- The development will have a significant impact on the environment and the view of the countryside landscape.
- We would encourage that consideration is given so that the two ponds are used as a landscape feature.

CBC Rights of Way

11/06/15:

- Public bridleway no. 49 runs through this site, along the southern boundary adjacent to the Ouzel brook and then north adjacent to an existing hedge to Thorn

Road.

- This route forms part of the Icknield Way Trail promoted route and is the only future connection for horse-riders from the Totternhoe/Sewell area to the land and bridleway network in the wider countryside north of the A5-M1 link road.
- More detail is required to detail of how the public bridleway will be accommodated/cross the proposed access road. The nature of any crossing should be determined by assessment of all three Thorn Turn developments. If a full Pegasus crossing is not to be provided, it should be clearly demonstrated why.
- The proposed Pegasus crossing illustrated to cross the access to Site B is most welcome. A full assessment would need to confirm what suitable crossing would be provided if it is decided at a later date a full Pegasus crossing is not necessary.
- The crossing of Thorn road is also important. I accept that there may be interim arrangements for the non-motorised user crossing as each development progresses but the ultimate aim for the Council must be a fully signalised Pegasus crossing to ensure continuity of the bridleway through all of the developments and beyond. Should an interim crossing be provided by the Council, electrical ducting should be installed to allow for future upgrading of the crossing by Bidwell West.
- It is unclear from the illustrative plans what width has been left for the public bridleway. To allow for the visual impact and any noise, and avoid users of the bridleway feeling enclosed by any site security fencing, a route width greater than the legal width of 4 metres within a 8-10 metre green landscape corridor should be provided to allow more room for horse-riders to deal with any horses, accommodate an increase in future use by all users and allow the Council to consider surfacing part of the bridleway.
- Proposed structural landscaping should be set back from the bridleway to avoid vegetation encroaching on the route. It would need to be clarified who would maintain any landscaping including SuDs.
- Public Footpath no. 57 links to Public Bridleway no. 49 at the south of the site and it is important that this connection is protected and enhanced.
- Public Footpath no. 56 currently runs down the centre of the Anglian Water access road.
- The proposed landscape corridor and shooting range next to this should allow this route to be protected and enhanced again as part of the Bidwell West proposals.
- The design of the layout of the site has considered the public bridleway and this is welcome. It is accepted that some noise will remain and will be unavoidable but all

reasonable mitigation should be put in place to reduce noise from the site. Should this include signage, this would need to be with agreement of the Rights of Way section.

- The route of BW49 should be recognised as a sustainable travel option. It would be sensible for the Council to consider a cycle and pedestrian link for staff onto the public bridleway or Anglian Water access road to the south of the site from the bicycle storage/parking at the Highways depot.
- Consideration will be needed as to whether any temporary diversion or closure of the public bridleway would be needed to allow any construction works to be carried out on the site. The Construction Environmental Management Plan (CEMP) should include details of any proposed temporary closure or diversion of the bridleway and for signage. Fencing should not obstruct FP57. Consideration should be given to any electrical substation required and its relationship to the bridleway.

CBC Trees and Landscape

19/06/2015:

- Although the level of tree removal is very low, 365 linear metres of hedgerow would be removed as part of the construction of the new access road. Of this, 195 metres is Elm with highly questionable long-term sustainability. However 170 metres of mostly Hawthorn and Blackthorn hedging would be removed.
- If the design construction can recognise the potentially significant loss of hedging, and can modify a final design strategy to incorporate as much of the existing hedging as possible, then the environmental impact caused by the scheme would be brought down to acceptable levels.
- If the design cannot be modified, then I would accept that a landscape scheme is proposed that maximises the planting of new native hedgerow and trees in order to offer suitable environmental mitigation.

CBC Sustainable Drainage

09/06/2015:

- Outline planning permission could be granted for the development and the final design, sizing and maintenance of the surface water system be agreed at the detailed design stage.
- An enhanced Surface Water Drainage Strategy would be required, including an associated Maintenance and Management Plan for the proposed drainage system. This should be secured by planning condition.
- The surface water drainage strategy identifies a viable approach to the discharge of surface water however more detailed and comprehensive analysis of the proposed drainage system is required before any

development may be permitted to take place. This must have sufficient evidence regarding the mitigation of flood risk to demonstrate the proposed management of surface water will be suitable for the lifetime of the development in accordance with paragraph 103 of the NPPF, its supporting planning practice guidance and national technical standards for SuDS. Wherever possible the principles of sustainable design as outlined in the NPPF and SuDS Supplementary Planning Guidance should be shown to be applied.

- Detailed technical advice to the applicant and a proposed planning condition to secure detailed drainage and SuDS proposals is set out.

CBC Archaeology

11/06/15:

- The northern part of the site is within the area identified as Thorn Green, the site of a former village green associated with the medieval settlement of Thorn.
- There is a rich archaeological landscape with evidence of human activity from the Neolithic to Roman, early to middle Iron Age and Saxon periods.
- The site is within the setting of a number of Scheduled Monuments, including Thorn Spring Moated Site, north of Thorn Road.
- Archaeological field evaluation on the site including geophysical survey and trial trenching was undertaken in 2012 which identified field systems of Roman and medieval date and undated features.
- Additional archaeology work related to the wider development area has also identified new archaeological sites providing additional context for the application site including a pit alignment, probably of later Bronze Age or Iron Age date, and a series of linear features.
- The Environmental Statement supporting the application deals with designated and non-designated heritage assets and provides a desk-based assessment of the 2012 field evaluation work to establish baseline conditions. This is acceptable.
- It is concluded that there is high potential for the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. Generally this is a reasonable assessment of the archaeological potential of the site. However the potential for the prehistoric period should be considered to be high rather than moderate on the basis of recently discovered linear features south of Thorn Road.
- It is suggested that the impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation and possible investigation strategies are identified.

- The ES provides assessment of the impact on the setting of Schedules Monuments within 1km of the site.
- It is not appropriate to assign an arbitrary setting envelope around the site. This is particularly important for designated assets along the crest of the Chilterns (Maiden Bower and Totternhoe Knolls) which are located in prominent and strategic positions so that they command and indeed dominate the extensive and substantial surrounding landscape.
- It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape to significance of the monument is limited or neutral. Due to its distance from the Monument, the ES concludes the development would have no impact on the setting of Thorn Spring.
- The extent of the setting of Maiden Bower hillfort is identified as is the contribution the Monument's commanding position and strategic location within the landscape makes to its significance. It is concludes that the development would have a minor negative impact on the setting.
- There is no specific consideration of the setting of Totternhoe Knolls motte and bailey castle but the importance of long views from the site are noted; the prominent and strategic location of the site, dominating the surrounding landscape make a major contribution to the significance of the castle. It is concluded that the development would be barely perceptible from the monument due to structural landscaping along the A5 Watling Street.
- The level of landscape mitigation and design elements of the buildings are not yet known at this outline stage but the site is within a prominent location. Any buildings with a maximum height any greater than 15m would not be welcomed and it is preferred that the buildings are lower than this. It is suggested that fixed parameters should be provided to establish development limits in this respect.
- The proposed development would have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing appropriate measures to record and advance understanding of the archaeological heritage assets are secured by condition.

CBC Public
Protection

29/06/2015:

- Limited information is provided with respect to potential noise as the final design and uses remain unknown at

this stage.

- There is the potential for significant noise such as from plant operations, HGVs and 24 hour operations.
- Potential noise impacts are to be controlled by condition. Noise impacts would need to be quantified by the developer through detailed studies in terms of noise prior to the development commencement.
- The development is unlikely to have any adverse environmental impacts in terms of air quality.
- The site lies outside an area previously defined as likely to be susceptible to unacceptable odours relating to the neighbouring foul water treatment works.
- Recommends conditions to impose noise and lighting controls.

CBC Public
Protection –
Contaminated Land

11/06/2015:

On the basis and assumptions of the Phase 2 Interpretive Report GRM/P6992/F.1 any human health considerations can be considered discharged under planning condition.

Environment
Agency

05/06/2015:

Planning permission could be granted to the proposed development as submitted subject to a condition requiring a scheme for surface water disposal.

Buckingham and
River Ouzel Internal
Drainage Board

08/06/2015:

The application is subject to a Flood Risk Assessments based on Flood Zones 3 and 2 being incorrect. The Flood Risk Assessment and alteration to the Flood Zone designation will require the agreement of the Environment Agency. Until these are accepted by the Environment Agency the board must object to the proposal.

[OFFICER NOTE: The submitted Flood Risk Assessment is accepted by the Environment Agency subject to final details of surface water disposal to be secured by condition. Discharge via the Ouzel Brook would be at the normal 'greenfield' rate by prior consent of the Internal Drainage Board.]

Anglian Water

09/05/2015:

- There are no Anglia Water assets within the site. The site is adjacent to the existing Anglian Water sewage treatment facility at Thorn Turn which is prone to short periods of strong odorous emissions. The layout of the development should be informed by an odour dispersion model for the sewage treatment facility.
- The foul drainage from the development would be within the catchment of the adjoining sewage treatment facility which has capacity to accept these flows.
- The Environment Agency should be consulted in relation to surface water strategy and flood risk.
- A condition to secure a foul drainage strategy for the

development is recommended.

- The consent of Anglian Water will be required for the discharge to a public sewer from employment and commercial premises. An informative to this effect is recommended.

Highways England
(formerly Highways
Agency)

02/06/2015:
No objection.

National Air Traffic
Services

27/05/2015:
No objection.

London Luton
Airport Operations
Ltd.

26/05/2015:
No safeguarding objection.

Historic England

09/06/2015:

- The development has the potential to impact upon the setting of several designated heritage assets; primarily Thorn Spring moated site, Maiden Bower and Totternhoe castle Scheduled Monuments.
- The magnitude of these impacts would not be high and could be further reduced by increased screening and design work. The overall increase in traffic and scale of the urban area could result in some harm to the setting of Thorn Spring.
- Historic England would not object to the proposed development in principle. Further mitigation should be considered to minimise the magnitude of impact upon the historic landscape setting of the monuments. The Council should ensure there is clear and convincing justification for the harm to Thorn Spring and that the level of harm is outweighed by the public benefits of the scheme. The Council should seek opportunities to preserve those elements of the setting which make a positive contribution to the significance of Thorn Spring.

Wildlife Trust

09/06/2015:

- Concern is raised regarding the cumulative effect of this development and other planned development within the immediate area which would reduce the amount of suitable habitat in the locality. This would put greater pressure on remaining habitat such as Houghton Regis Chalk Pit SSSI and CWS to support displaced wildlife.
- It is suggested that comprehensive landscaping proposals for this site and the proposed waste transfer development to enhance the biodiversity benefits of the Ouzel Brook corridor.
- Sensitive lighting proposals within the brook corridor

would be required in the interests of minimising impacts on habitats.

- Bird, badger, reptile water vole and otter surveys are recommended to inform ecological mitigation proposals.

Natural England

09/06/2015:

- No SSSI objection. The site is within close proximity of the Houghton Regis Marl Lakes Site of Special Scientific Interest (SSSI). The SSSI does not represent a constraint in determining this application.
- It is expected that the Local Planning Authority assess the other possible impacts relating to local sites (biodiversity and geodiversity); local landscape character, and local or national biodiversity priority habitats and species. Standing advice is available.
- The application does not appear to include proposals for habitat creation. The site offers significant opportunities for this, particularly adjacent to the Ouzel Brook.
- Planning conditions should secure a Biodiversity Management Plan to ensure these opportunities are explored.

Chiltern Society

10/06/2015:

- The proposed development will significantly change the nature of rights of way routes. It should be ensured that the routes are still pleasant to use.
- The proposals to provide a publically accessible green corridor along the Ouzel Brook as part of the Bidwell West (HRN2) development are supported and should be extended as part of the developments for Thorn Turn. This should include sufficient width and landscaping along BW49 with appropriate fencing.
- Safe crossings for walkers, cyclists and horses should be provided within the site.

Other Representations

British Horse
Society

10/06/2015:

- The proposals should provide for more width along the BW49 to provide separation from noise sources.
- Mesh fencing is preferred such that users of the bridleway feel less enclosed.
- Suitable crossings and signage are required at A5 towards Sewell, within the site and at Thorn Road on the route of the bridleway.
- The layout of parking areas should be planned to minimise noise impacts on the bridleway.

Central
Bedfordshire Local
Access Forum

10/06/2015:

- Pegasus crossings are required at Thorn Road and within the site on the route of the bridleway.
- Concern is raised regarding potential noise impacts on users of the bridleway. The development should provide as much screening as possible adjacent to the roads.
- Landscaping should provide for an open feeling along the bridleway and a 10 metre wide route.
- Specification and drainage details for the bridleway route are recommended.
- The forum would be keen to work with Central Bedfordshire planning team to ensure a co-ordinated approach to non-vehicular access routes across the wider area.

DLP Planning on
behalf of the Bidwell
West Consortium for
Bidwell West
(HRN2)

25/06/2015:

- No objection in principle.
- The site is located at the western gateway to the allocation area. The proposals need to consider how to present this focal point and relationship with neighbouring land parcels including the character areas within the Bidwell West proposal. Formal frontages, built height, mix of uses and scale are important factors. The development needs to be regulated by a building height parameter plan.
- The context and character of the area, including rights of way, landscaping and ground levels need to be considered in the design of the proposals. Buildings on Plot B should be set back from Thorn Road with landscaping providing screening and biodiversity benefits.
- The servicing areas need to be designed to negate future noise and disturbance to neighbouring areas including residential properties and the proposed school.
- A Travel Plan and measures to ensure vehicular access to the site is secured via the A5/M1 link road would be required.
- The proposals should reflect the proposed access, connection and crossing proposals forming part of the current Bidwell West (HRN2) planning application. This proposed highway works should be shown on the proposed plans for Thorn Turn.
- Consideration will need to be given to the impact on land parcels excluded from the Bidwell West (HRN2) site.
- Little detail is provided regarding mitigation or relief for visual impacts of the development in views from the A5 through the allocation to the quarry edge.
- There is a strong steer towards contemporary design

proposals within this area of the allocation. The architectural design of the buildings would need consideration in this context. A Design Code should be considered.

Determining Issues

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

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

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

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to and compliance with the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to and compliance with the emerging Development Strategy for Central Bedfordshire
5. The Green Belt and assessment of the potential very special circumstances that may arise
6. Environmental Impact Assessment: Issues arising and their mitigation
 - a. Transportation
 - b. Ecology
 - c. Landscape and Visual Impacts
 - d. Land Contamination and Geotechnical Issues
 - e. Heritage and Archaeology
 - f. Water
 - g. Air Quality
 - h. Waste
 - i. Noise and Vibration
 - j. Loss of Agricultural Land and Soils
 - k. Utilities Assessment
 - l. Cumulative Impacts
 - m. Other Issues
7. Issues
 - a. Transport and highways
 - b. Design considerations
8. Other matters
9. The Requirement for Planning Conditions

10. Conclusion

Considerations

1. Compliance with the Adopted Development Plan for the Area

- 1.1 The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The National Planning Policy Framework sets out this requirement:
“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” (para. 2)
- 1.3 The Framework also states:
*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)
- 1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.
- 1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).
- 1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.

- 1.7 Policy NE10 sets out the Council's adopted policy in respect of the change of use of agricultural land which will be considered favourably provided the development is appropriate to the rural area, compatible with Green Belt Policies, has no adverse impact on nature conservation or protected areas, does not result in the loss of the best and most versatile agricultural land and has no significant adverse impact on the transport network or landscape. Having regard to the detailed assessments set out below, it is considered that the proposal would not have an unacceptable impact on the transport network or landscape and local character. The proposal has the potential to support the broader biodiversity aspirations for the wider area and enhance the ecological interest and long term conservation management of the Ouzel Brook corridor subject to suitable mitigation measures to address the ecological impacts arising. The development would conflict with current Green Belt policy. The proposal would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). In these respects the proposal would be in conflict with SBLPR Policy NE10. This conflict must be considered in the context of the wider benefits arising from the development which are addressed in depth within the assessment of very special circumstances in support of the proposal as set out below.
- 1.8 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted parameter plans, the potential for structural landscaped elements including an attractive green corridor proposal for the Ouzel Brook corridor, it is considered that the proposed development is capable of achieving an acceptable design proposal through subsequent detailed planning stages. The application is therefore considered in compliance with Policy BE8.
- 1.9 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.10 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. Policy R15 seeks the retention of the existing public rights of way. These policies are directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing Public Bridleway No.49 and the wider rights of way network of which it forms a part. The proposal provides opportunities for enhancements to the route of the bridleway and suitable crossing points at roads within and adjoining the site. These can be secured by planning condition. The proposal therefore complies with the requirements of Policy R14 and Policy R15.
- 1.11 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new

developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. A detailed waste management scheme for the site can be secured in connection with the development.

1.12 Under Policy WSP2 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan, land at Thorn Turn, including the application site and land south of the Ouzel Brook, is allocated for waste management uses. Previously, the BEaR Project was established in 2009 set up to deliver a range of long term waste services for Central Bedfordshire. The primary aim of the project was to provide a facility to divert waste from landfill and support the following long term services.

- Residual Waste Treatment & Disposal Service (25 year term);
- Organic Waste Treatment & Disposal Service (15 year term);
- Household Waste Recycling Centre (HWRC) Redevelopment and Operation (15 year term); and
- The Construction of one Salt Barn

1.13 In August 2014, the Council's Executive considered an update report on the future of waste management provision, which recognised that there was still a requirement for the Council to deliver a sustainable residual waste management solution. The current development proposals for Thorn Turn would provide for a new Waste Park comprising waste transfer station, split level household waste recycling centre and resale building occupying 8.36Ha of the land at Thorn Turn. The new Waste Park is subject to a separate planning application under reference CB/15/01626/MW. Additionally a highway depot including salt storage barn, outdoor salt mixing area, vehicle storage and maintenance areas, offices, parking and associated development is proposed under reference CB/15/01627/MW on land at Thorn Turn, south of the Waste Park. Whilst the proposed employment development would be in conflict with the waste management allocation under Policy WSP2, the requirement for waste management facilities within the area can be fully met within a smaller area of the land than had anticipated under the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan. It is not therefore considered that the employment proposal would compromise this policy requirement being met by the provision of Waste Park now proposed under reference CB/15/01626/MW.

2. Compliance with the National Planning Policy Framework

2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

2.2 Building a strong, competitive economy

The application is supported by an Employment Report and Market commentary which seeks to provide a qualitative assessment of the site for industrial and logistics use and an assessment of current demand having

regard to existing and proposed supply in the area. The report provides an overview of existing and projected market conditions from a national, regional and local perspective.

- 2.3 It is stated that, at a national level, shortages of Grade A employment space, a stronger economy and healthy levels of active demand are expected to support increased levels of new builds, including an increase in speculative development in 2015. An expansion in the 'mid-sized' employment development sector (50-100,00sq ft) is predicted over the coming year. The report states that the regional market is consistent with the national market. Growing occupier demand, diminished levels of supply and increased availability of funding developers have sought to prepare strategic sites for development within the 'big-shed' sector (100,000sq ft plus), particularly along the M1 corridor. Particular reference is made to the decision by Prologis to develop speculatively at Prologis Park, Dunstable which has been justified following the recent letting to Amazon and the creation of 500 jobs. During 2014, take up across Luton and Dunstable increased by 34% over 2013. Inward investment rose by 260%, partly driven by new and committed infrastructure including the M1 junction 10a (grade separation), the A5-M1 and Woodside link roads.
- 2.4 The site occupies a high profile position at the western edge of the North of Houghton Regis Strategic Allocation area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area, the existing conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes.
- 2.5 Based on Housing and Community Agency's figures for employment density, a wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 550 jobs and support additional employment in the area during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 2.6 **Promoting sustainable transport**
The site is well related to the local and strategic highway network with convenient access to the M1, Luton and Dunstable by car. The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development including the A5-M1 link road, Woodside Link road and the HRN1 development, and the impacts of the proposed development on the local and strategic transport network. Subject to the delivery of committed highway infrastructure to serve the wider growth area together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport Officers, the Council will need to provide support funding

for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary. A Framework Travel Plan has been submitted setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.

2.7 **Requiring good design**

The application is an outline proposal with detailed matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. Whilst many detailed aspects relating to design will be for later consideration, the NPPF promotes good design at every level. The proposal represents an opportunity to deliver positive landscaping proposals to create an attractive natural corridor along the Ouzel Brook, together with structural landscaping will need to be secured as part of subsequent reserved matters applications. Whilst the application is supported by fixed development parameter proposals in respect of building height, the built development will need to be carefully designed to assist in integrating the proposed built development within its local context. It is considered that the proposal is capable of achieving an acceptable design at the detailed planning stages as part of the wider strategic development area.

2.8 **Promoting healthy communities**

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. The application acknowledges the route of Public Bridleway No.49, which crosses the site, and the wider rights of way network of which it forms part. The proposal represents an opportunity to enhance the route of the bridleway for all users and provide for appropriate road crossings within the site and at the edges of the site to create a safe and attractive route and continuity within the network. The application provides clarification regarding health and safety precautions associated with the rifle range with respect to the public rights of way network around the rifle range and users of new development now proposed around the site which would mean that the risks to current and new users are considered to be low and within the control of the Council.

2.9 **Protecting Green Belt land**

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

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

outweighed by other considerations.”

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

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

The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development can be secured by planning condition and considered in the context of subsequent detailed submissions. The majority of the Bidwell West development site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which traverses the site broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3 however a hydraulic model has been undertaken in support of this application which demonstrates that the site is not at risk of flooding from this source. The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. Subject to appropriate conditions the development would not give rise to an increased risk of flooding.

2.11 **Conserving and enhancing the natural environment**

The application was submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecology chapter addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. Together with other proposed development within the area, the development has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. Careful controls to mitigate against these impacts, such as restrictions over built height and requirements for structural landscaping would be required as part of any outline planning permission. The development would provide for appropriate habitat mitigation, enhancement and conservation measures specifically within the area adjacent to the Ouzel Brook.

2.12 **Conserving and enhancing the historic environment**

The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. The development has the potential to affect the setting of the Scheduled Ancient Monument of Thorn Spring, north of Thorn Road and the wider landscape setting of the Scheduled Monuments of Maiden Bower and Totternhoe Knolls. Structural landscaping, careful design at the detailed stages and restrictions to minimise built height

will be required in order to mitigate against adverse impacts upon the significance of these designated heritage assets. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

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

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

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the Joint Core Strategy was not abandoned due to a disagreement between the joint Council's regarding the HRN allocation and both Councils were supportive of the principle of the development allocation. The Joint Core Strategy remains relevant to current policy in so far as the evidence base which underpinned it has directly informed the Development Strategy which remains supportive of this growth agenda.
- 3.2 For these reasons, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application and moderate weight is to be applied to it.
- 3.3 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire. However the proposal is considered to be in compliance with the policy principles of the Joint Core Strategy and would support the growth strategy set out.

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

- 4.1 The Central Bedfordshire Development Strategy document was submitted to Secretary of State 24 October 2014 and initial hearing sessions were held in February 2015.
- 4.2 On the 16th February 2015 the Planning Inspector, Brian Cook wrote to the Council explaining his view that the Council had not met the Duty to Co-operate as set out in section 33A of the Planning and Compulsory Purchase Act 2004. This a legal requirement that Local Authorities work cooperatively on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph and demonstrate this cooperation through the plan-making process. The need to comply with this requirement is distinct from the test of “soundness” i.e. whether the Plan is fit for purpose. Given his view that the Duty to Co-operate had not been met, the Inspector’s letter recommended the non-adoption of the Plan and advised that the Council should withdraw the Plan or await his final Report.
- 4.3 The Council has subsequently notified the Planning Inspectorate that it does not intend to withdraw the Development Strategy and that the Planning Inspector should not issue his final report as the Council intends to challenge his decision. An application for Judicial Review of the Inspector’s decision dated 16 February 2015 was made by the Council in the High Court on 12 March 2015.
- 4.4 The first phase of the application for Judicial Review of the Planning Inspectorate’s decision took place at a Court hearing on 16 June 2015. This was to consider whether the Court would grant the Council leave to have an application for Judicial Review heard in the High Court. The Judge did not support the Council’s case, focusing on the mechanics of the plan making process. Having considered its case, the Council has decided to continue to pursue the challenge through the Courts and has now indicated its intention to do so. On the 22 June 2015 the Council lodged an appeal against this Judgement. The appeal process in relation to the Judge’s decision on 16 June 2015 is ongoing.
- 4.5 The Development Strategy for Central Bedfordshire is not adopted policy, but is an important material consideration in the determination of the application and carries weight as a submitted local plan. Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.6 The representations lodged in response to Policy 60 and the HRN allocations are therefore material to the consideration of the weight to be

attached to the Development Strategy at this time. Following the Pre-Submission Consultation (known as Publication) further consultation was held between the 30 June to 26 August 2014. This was the final stage of formal consultation before the plan was submitted to the Secretary of State

- 4.7 Approximately 1,645 comments on the Development Strategy were received during this consultation; these included both comments in support and objection. The comments considered as main matters can be found within the Main Issues Statement (Regulation 22 (1) (c) (v) – Submission (October 2014). In summary the objections to the Development Strategy related to the Duty to Co-operate, viability and deliverability of the Development Strategy, consistency with the NPPF, the allocation of sites within the Green Belt and the unmet housing need and insufficient supply of houses.
- 4.8 43 responses were received on Policy 60: Houghton Regis North Strategy Allocation. Of these 43 responses, 7 were in support, 17 were general comments and the remaining 17 were objections. The supporters of Policy 60 were; Woburn Sands and District Society, Axa Real Estate Investments Ltd, David Locke Associates, Houghton Regis Development Consortium, Landhold Capital and Bidwell West Consortium.
- 4.9 The objections related to the viability and deliverability of the allocation, consistency with the NPPF, clarification on details of the allocation, specifically phasing, and the Duty to Co-operate. The objectors included; Paul Newman Homes, Trenport Investment Ltd, O&H Property Ltd, Compton Land Development, Taylor French Development, Harlington Parish Council, Chalgrave Parish Council and private individuals.
- 4.10 In terms of comparison to other Policies in the emerging Development Strategy related to sustainable urban extensions, namely North of Luton (Policy 61), East of Leighton Linlade (Policy 62), Wixams Southern Extension (Policy 63) and Chaulington (Policy 63A). Policy 61 received 60 comments of which 28 were objections and 4 in support. Policy 62 received 23 comments; 10 objecting and 3 in support. Policy 63 received 6 comments; 3 objecting and 2 supporting. Policy 63A received 12 comments; 4 objecting and 2 supporting. The objections received to Policy 60 were less than those received for the other SUE Policies in percentage terms, with the exception of Policy 63A. The support and objections for and against Houghton Regis North was therefore in line with the support and objections received for the other SUE's.
- 4.11 The objections lodged in response to consultation on the Development Strategy, the Inspector's letter and conclusions regarding the Duty to Cooperate, specifically with Luton Borough Council, and the outcome of the Court hearing of 16 June 2015 serve to limit the weight to be applied to the Development Strategy and Policy 60 at this time.
- 4.12 It is important to note that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. In relation to the HRN strategic allocation site, and DSCB Policy 60, the Council has undertaken considerable work in connection with the Sustainability Appraisal to assess possible alternative sites which might be better suited to meet

local planning needs, and none has been identified that was better than HRN. As submitted, the Strategy remains the Council's emerging planning policy to deal with the development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy is at an advanced stage of preparation having been formally submitted to the Secretary of State and is considered by the Local Planning Authority to be consistent with the NPPF.

- 4.13 It is therefore concluded that limited weight is to be attached to the policies contained within the emerging Development Strategy at this time. However given the underlying evidence base and consistency with national policy, this remains a material consideration in the determination of the application.
- 4.14 Policy 60 specifically sets out the requirements for the Houghton Regis North Strategic Allocation. The policy details the delivery of approximately 7,000 new dwellings, commercial and employment development together with supporting infrastructure including items such as new transport routes and green infrastructure. The employment proposals form part of this overall package of growth as defined under the proposed HRN allocation. This is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension and in support of the regeneration needs of the wider conurbation area. The application site forms part of Site 2 of 2 of the allocation. Under Policy 60, 8Ha of B1, B2 and B8 employment uses would be required within Site 2.
- 4.15 The employment proposal for Thorn Turn would provide 8.29ha of employment land, allowing for constraints. Together with the employment development proposed as part of the Bidwell West (HRN2) application, Site 2 has the capacity to provide approximately 10Ha of employment land. The overall capacity for employment development within Site 2 of the allocation has increased as, under the current development proposals for Thorn Turn, the requirement for waste management uses and highways depot facilities can now be met on the area land at Thorn Turn, south of the Ouzel Brook, thus leaving the remainder of the Thorn Turn site north of the Ouzel Brook available for other land uses. The submission of a planning application that delivers the remaining requirement of 6ha of employment land, envisaged by the policy, would represent an inefficient use of the land. Additionally, the wider master planning process for Site 2 has identified additional capacity for a greater number of houses than the approximate number of new dwellings envisioned under Policy 60. Up to 1,850 new dwellings are proposed as part of the outline 'hybrid' application for Bidwell West (HRN2). Having regard to the level of residential development which could be delivered, it is also appropriate to consider the potential for additional employment uses within the area such that the overall balance and mix of uses within the proposed allocation area would achieve a sustainable community.
- 4.16 In support of DSCB Policy 60, the Houghton Regis (North) Framework Plan has been produced and sets out the Council's general expectations on how the aims of the urban extension may take physical form. It defines a vision for the development of the extension to Houghton Regis. The Framework Plan diagram and supporting text set out the key land uses to be provided

as part of the proposed urban extension. The fundamental purpose of the Framework Plan is to set broad aspirations for key elements of the allocation and to guide the development as a whole based on the constraints and opportunities for the proposed allocation. The Framework Plan has been adopted by the Council for Development Management purposes. The current employment proposal is in accordance with land use proposals as detailed the Framework Plan diagram which envisions employment development both on land at Thorn Turn and also north of Thorn Road on land subject to the Bidwell West (HRN2) application.

- 4.17 It is also relevant to note that Policy 60 does not seek to provide a fixed cap or limit on development within the allocation area. Rather, it sets out the required employment provision and an approximate number of new dwellings envisioned for Sites 1 and 2 of the proposed allocation. In considering applications within the strategic allocation, development will need to be assessed in terms of the cumulative impact on the area. In order to be considered acceptable, applications will need to demonstrate that sufficient capacity exists within local services and infrastructure and that there would be no unacceptable impact on the area. Where additional development is proposed, any additional impacts arising will need to be mitigated by the development. The impacts on local services and infrastructure are addressed in detail below by way of an assessment of the submitted Environmental Statement.

5. Green Belt considerations

- 5.1 The land falls within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF dictates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The grant of planning permission will not therefore remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.
- 5.2 Where proposals for inappropriate Green Belt development are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Prematurity

- 5.3 A number of consultees and those responding to the planning application, including Luton Borough Council, have raised concerns and objections to the proposals on the grounds that the development is proposed within the Green Belt, in advance of any formal change to the Green Belt designation and allocation of the land for development through the adoption of a new Development Plan. On this basis it is stated that the application should be refused on the grounds of prematurity.

- 5.4 In the context of these objections, it should be noted that automatic refusal of planning applications, simply on grounds of prematurity, would be incorrect. National planning policy dictates a fuller consideration of material considerations is required. This has been confirmed by the High Court Judgement in respect of the grant of planning permission for the HRN1 development. This Judgement was subsequently upheld within the Court of Appeal. Paragraph 83 of the NPPF is specifically addressed as part of the High Court judgement in respect of the HRN1 planning permission. Paragraphs 55 and 56 of the High Court Judgement may assist Members in the consideration of this application. These are as follows:
- 5.5 *“Paragraph 83 does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided “very special circumstances” exist.*
- 5.6 *Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding “exceptional circumstances” test) and then granting permission for development without having to satisfy the more demanding “very special circumstances” test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent “very special circumstances” test is satisfied.”*
- 5.7 Government guidance contained within the National Planning Practice Guidance provides clear direction in relation to circumstances when it might be justifiable to refuse planning permission on the grounds of prematurity. It is stated that, within the context of the NPPF and, in particular, the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
- 5.8 Such circumstances are likely, but not exclusively, to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or

Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.9 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

5.10 In the consideration of the present application it should be acknowledged that the emerging DSCB is at an advanced stage but is not yet formally part of the development plan for the area.

5.11 In relation to the nature of the proposal and its potential cumulative effects, the application is accompanied by an extensive Environmental Statement submitted in accordance with the statutory Environmental Impact Assessment Regulations. This examines the potential effects of the development together with existing and committed development within the area, including within the proposed HRN allocation. This report details Officer's assessments of these effects. It is concluded that, subject to suitable mitigation, no significant adverse environmental impacts would result from the proposed development or due to the impact on local services and facilities.

5.12 The site is located in an area identified for growth in successive emerging development plans since 2001. There is considered to be a strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future, having regard to the urgent planning needs in this area; the substantial evidence supporting the identification of this site to address these needs; the level and nature of objections to the proposed HRN development allocation; and the Inspector's conclusions regarding the Duty to Cooperate being based on a concern that more, not less, development should be considered by the Council in its Strategy.

5.13 On this basis, the Committee are entitled to consider that, although the cumulative proposed development is substantial, the grant of planning permission would not serve to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development and would not therefore prejudice the outcome of the plan-making process so as to warrant refusal on the grounds of prematurity.

The purposes of the Green Belt

5.14 Within the Green Belt there is a presumption against large scale development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.

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

important to the setting or special historic character of Houghton Regis, Dunstable or other settlements. Whilst the preservation of the setting of other designated heritage assets such as the Thorn Spring SAM is considered relevant to Green Belt functions these potential adverse impacts can be adequately mitigated against.

5.21 *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

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

5.22 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. The NPPF states:

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

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

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

The applicant’s case for very special circumstances

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

1. *There is a clear urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and over the next 20 years;*
2. *Successive emerging Development Plans since 2001 have identified the application site as being suitable for removal from the Green Belt*

and allocation as a residential-led mixed use development. The abandoned Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding this site. Its intended removal from the Green Belt and its allocation for residential and commercial development was supported by both Councils at the Joint Planning Committee.

- 3. The emerging Central Bedfordshire Development Strategy re-affirms the Houghton Regis North allocation for removal from the Green Belt and development for an urban extension of Houghton Regis to meet urgent need.*
- 4. CBC has shown its continued commitment to the development of Houghton Regis through the production of the Houghton Regis North Framework Plan 2012, adopted for Development Control purposes in advance of the adoption of the emerging Development Strategy.*
- 5. North Houghton Regis Site 1 has been granted planning permission, constituting a significant portion of the overall urban extension. All of that land has been removed from the Green Belt, extending to the southern edge of the A5-M1 link road.*
- 6. No formal Local Plan has been adopted since 2004, despite the clear continuing identification of the site in replacement planning policy documents. If subsequent Development Plan documents had reached adoption stage, then the application site would already have been allocated for residential development and removed formally from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan will serve no good purpose other than to deliver much needed housing and employment growth to meet a clear need.*
- 7. The aforementioned planning policy documents all support bringing forward the application for employment development. The provision of employment on this ideally located site will deliver the jobs that form a key part in the delivery of a truly sustainable urban extension to Houghton Regis.*
- 8. The site is recognised as being one of the most suitable locations for new employment development in Central Bedfordshire, a view supported by Lambert Smith Hampton who have provided specialist input to show that the site will deliver over 550 jobs and has the flexibility to respond to market demand.*

Assessment of the case for very special circumstances

5.27 Evolution of planning policy

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

- 5.28** The land encompassed within the HRN allocation was included in the Green Belt upon the approval by the Secretary of State of the *Bedfordshire County*

Structure Plan in 1980.

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

for the 15 years covered by the plan period 2011-2026, was identified as a suitable site for the provision of 7,000 new homes, 40 hectares of new employment opportunities and associated infrastructure.

- 5.34 *The emerging Development Strategy for Central Bedfordshire* sets out the current proposed HRN allocation as a key component of the planned growth strategy for the period until 2031. Policy 60 of the Development Strategy deals specifically with the Houghton Regis North Strategic Allocation. The Development Strategy is supported by a Sustainability Appraisal which explains the strategic site assessment process and provides a detailed examination of strategic sites considered in this process. The Sustainability Appraisal examines the relationship between development and infrastructure, including situations “where development can be used to bring about new, or improvements to existing, infrastructure”. It is noted that a “number of the mixed use strategic sites are all of a size and in a location that can enable infrastructure improvements to be brought about that will benefit existing residents as well as the new development. This is particularly the case for the land North of Houghton Regis proposal, which is facilitating the development of the A5/M1 link road and the Woodside connection. These pieces of new strategic infrastructure are critical to the future success of Dunstable and Houghton Regis and the fact that the development site will help their delivery weighs significantly in favour of the proposal” (paragraph 4.17). The current status of the Development Strategy is detailed above.
- 5.35 It should be acknowledged that Regional and Sub-Regional Plans were formally revoked in January 2013 and these no longer form part of development plan. It should also be recognised that the whilst the Joint Core Strategy did reach the formal submission stage in March 2011 it was withdrawn from the examination process before achieving any formal status as part of Development Plan.
- 5.36 It is clear that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy and there is considered a strong likelihood of a strategic allocation being formalised in the future. In line with the NPPF it is appropriate to apply some weight to withdrawn or revoked plans in certain circumstances. The withdrawn Joint Core Strategy, the revoked Regional and Sub-Regional Policy, the other policy history summarised above all serve to demonstrate that the need for significant growth in the area is well established.
- 5.37 *Employment provision and the benefits for the local economy*
The application is supported by a Lambert Smith Hampton Employment Report and Market commentary providing qualitative assessment of the site for industrial and distribution uses and current supply and demand for employment premises in the area.
- 5.38 Having regard to market indicators, including live enquiries and engagements with other commercial agents within the Dunstable and Houghton Regis area, CBC Business Investment confirm that this provides an accurate assessment of current low levels of supply and quality, despite growing occupier demand. CBC Business Investment has seen a significant

increase in the demand for land and premises, with a 75% increase in enquires over the last year. Dunstable and the surrounding area remains the highest level of overall demand. It is projected that take up and inward investment can be expected to rise significantly in the short term, partly in response to committed development and infrastructure including the consented HRN1 development, the M1 junction 11a, the A5-M1 and Woodside link roads.

- 5.39 These factors highlight the need for increased employment land, particularly of the right quality in the right location to meet known demand. Given the strategic nature of much of the allocations in the Dunstable / Houghton Regis area and the findings of the Lambert Smith Hampton report, there is a need for these allocations to support the growth of local businesses. In particular, there is a demonstrable local need for commercial land to accommodate an expansion in the 'mid-sized' employment development sector (50-200,00sq ft) in the short term future. The current availability of some larger facilities such as Prologis Park DC2 is not likely to meet this requirement. Other sites identified with the future potential to support strategic employment within the area, such as North of Luton and Sundon Rail Freight Interchange are not yet committed or consented.
- 5.40 The site occupies a high profile position at the western edge of the North of Houghton Regis Strategic Allocation area, adjacent to the A5. It is well located adjacent to the consented A5-M1 link road junction which will provide strategic access to the M1 motorway. London Luton Airport is within 11 miles of the site.
- 5.41 It can be anticipated that the development would provide wider economic benefits for the area through inward investment and the creation of jobs. The site is well located to draw labour from the planned North of Houghton Regis Strategic Allocation area. It is also capable of supporting local employment for the existing community within the current conurbation of Luton, Dunstable and Houghton Regis and the wider area including Leighton Buzzard, Bedford and Milton Keynes. A wholly B8 development as indicated by the illustrative proposals, the proposal has the potential to create in the region of 550 jobs and support additional employment during the 18 month construction period. The provision of employment in connection with both the construction and operation of the development would contribute to building a vibrant economy for the area.
- 5.42 The employment proposals form part of the overall package of growth as defined under the proposed HRN allocation as supported by the evidence base for the Development Strategy, including the Central Bedfordshire Council Employment & Economic Study (2012). The proposed employment provision is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension but also the wider growth and regeneration needs of the existing conurbation area.
- 5.43 Having regard to the planning pedigree of the proposed planning North of Houghton Regis allocation, its continuity with previous planning policy documents, the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for

sustainable mixed use development contributing to the urgent planning needs within the area, it is considered that there is a high degree of likelihood that the Green Belt designation would be formally removed to allow for major development north of the conurbation through the plan making process. Delaying a decision or refusing the planning application on Green Belt grounds until the formal confirmation of a planning allocation in the Development Plan will serve no good purpose, other than to delay much needed employment and economic growth for the area.

- 5.44 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton Borough Council's application for Judicial Review. The subsequent appeal against this judgement has recently been dismissed in a further Court judgement dated 20th May 2015. The HRN1 planning permission establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to both road projects have now commenced. The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. These factors represent important consideration in terms of the very special circumstances test.
- 5.45 The poor east-west connections and local congestion from which the conurbation suffers has been recognised as part of previous policy documents outlined above. Accordingly the HRN development allocation is planned to deliver a package of improvements to the highway network including the A5-M1 link road and the Woodside link road projects. One of the primary functions of the A5-M1 link road is to serve as a northern bypass of the conurbation. The road will also provide nationally and regionally important connections across key strategic routes. The Woodside link road is planned to create a new route between the improved Junction 11a of the M1 motorway and the Woodside industrial estate. This is to provide traffic from the estate with an attractive alternative route in order to gain access to the national motorway network and address local congestion, for example, in the centre of Dunstable. Delivery of both road projects are critical to the successful delivery of the HRN development and the associated economic and regeneration benefits for the wider area which is planned to include the 'detrunking' of the A5 through Dunstable High Street in connection with the planned regeneration of Dunstable Town Centre. Significant funding for the A5-M1 link road at £45m is secured in connection with the HRN1 development along with the necessary land required for the Woodside link road.
- 5.46 Funding for infrastructure in connection with this development cannot be secured through the S106 Legal Agreement process as the Council acts as both applicant and Local Planning Authority in this case. Therefore alternative funding arrangements will need to be adopted outside of the planning process. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to

underwrite the cost of the Woodside Link if necessary. The proposed employment development would support the Council's ability to support the delivery of strategic transport infrastructure in support of the totality of growth envisaged within the Houghton Regis area and in particular support for the delivery of the Woodside Link scheme.

Conclusions

- 5.47 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 5.48 The site is located in an area identified for growth in successive emerging development plans since 2001 and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. The employment proposals form part of this overall package of growth as defined under the proposed HRN allocation. This is essential in addition to the proposed housing in order to support the creation of a sustainable urban extension and in support of the regeneration needs of the wider conurbation area.
- 5.49 The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Now that a full application for strategic-scale waste development has come forward to cater for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period, there is certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.
- 5.50 Market indicators demonstrate a need for identified specific commercial development within the area. Having regard to the scale and location of the application site and its relationship to the existing conurbation, strategic road network and the planned growth area, the site is well suited to provide employment of which there is current shortage of quality supply in the area. In recognition of the economic need for growth; the contribution which the development would make towards this, in support of the delivery of a sustainable urban extension; the wider benefits for the local economy; the substantial body of evidence from work on planning policy documents to date which support the identification of the site as suitable for sustainable mixed use development and the lengthy history of policy support for the proposed HRN allocation; the strong likelihood of a strategic allocation north of Houghton Regis being formalised in the future; and the recent planning decisions and other committed development within the allocation area, a multitude of factors weigh substantially in favour of the proposal.
- 5.51 Taken together, these represent very special circumstances sufficient to clearly outweigh the Green Belt harm and other harm identified.

6. Environmental Impact Assessment: Issues arising and their mitigation

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

- Transportation
- Ecology
- Landscape and Visual Impacts
- Land Contamination and Geotechnical Issues
- Heritage and Archaeology
- Water
- Air Quality
- Waste
- Noise and Vibration
- Loss of Agricultural Land and Soils
- Utilities
- Cumulative Impacts

(a) Transportation

6.2 The Transportation chapter of the ES is supported by a Transport Assessment (TA) detailing the strategic modelling work undertaken on behalf of the Council in order to inform its assessment of transport and highway impacts associated with this and the related planning applications and necessary mitigation measures. The staged approach of modelling is set out within Strategic Transport comments on the application as above. The strategic model has informed the Council officers' assessment of highway network capacity at key years over the growth period accounting for planned and committed housing, employment and infrastructure developments within the areas of Dunstable, Houghton Regis, Luton and Leighton Buzzard. The model accounts for new road infrastructure in the area including the A5-M1 link road, the Woodside link road, J11a of the M1, the A6-M1 link road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area.

6.3 Subject to the delivery of committed highway infrastructure to serve the wider growth area (specifically A5-M1 link road and Woodside link road) together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport

Officers, the Council will need to provide support funding for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.

6.4 It is stated that the proposed site access, which would also serve the adjoining development proposals for waste transfer and highways depots on the Thorn Turn site has been designed and assessed using the industry-standard software, Junctions 8 having regard to trip generation figures extracted from the TRICS database. The assessment demonstrated that the access will operate well within its capacity in the year 2026, with the development fully occupied.

6.5 The ES is accompanied by a Framework Travel Plan setting out proposed initiatives to promote transport by sustainable modes. Future travel plans specific to the end use and final development proposal would need to be secured in connection with any outline planning permission.

6.6 The proposal is judged to be acceptable in relation to potential transport impacts having regard to the advice of the Council's Strategic Transport and Highways Development Management Officers and that Highways England raise no objection to the application.

(b) Ecology

6.7 An Ecological Assessment incorporating the following elements has been undertaken:

- A review of existing ecological survey information within the vicinity of the application site;
- a preliminary ecological survey of land within the application site;
- evaluation of the land within and adjacent to the application site with regard to its nature conservation value;
- identification of potential impacts on ecological features;
- mitigation measures to avoid or minimise negative impacts on ecological features;
- enhancement measures to increase the biodiversity value of the land within the application site; and
- assessment of the potential residual ecological impacts from the proposals, including habitat loss, disturbance of animals, and indirect effects on adjacent habitats

6.8 The baseline ecological conditions review of the site and surrounding area identifies the presence of two designated sites within 2km of the site (Houghton Regis Marl Lakes SSSI and Totternhoe Chalk Quarry SSSI), and four local, non-statutory sites within 1km (Houghton Regis Chalk Pit CWS, Barley Brow CWS, Thorn Spring CWS and Houghton Regis Cutting Roadside Nature Reserve [RNR] at A5 Watling Street). Existing habitats and the habitat potential of the application site and area were also examined through Phase 1 ecological surveys.

6.9 The development would require clearance of arable land and hedgerow. The arable land is considered to be of negligible conservation value, whereas the

hedgerow is considered to have nature conservation value within the site, but is not significantly valuable on a wider scale. The loss of these habitats there is potential for a number of protected species to be affected. Suitable habitat exists for reptiles, nesting birds, bats, water voles, otters, and badgers. Mitigation measures, including compensation for habitat loss, informed by further survey work, would need to be secured to ensure impacts on protected species are avoided or reduced to a negligible level.

(c) Landscape and Visual

6.10 The ES contains a description and analysis of landscape features and elements such as landform, vegetation cover, settlement and transport patterns, land use, building styles and historical and cultural components. An assessment of landscape character and sensitivity is provided with reference to the South Bedfordshire District Landscape Character Assessment (2009) and other published character assessments.

6.11 The visual assessment considers the potential impact of the development on specific landscape views and receptors. It is judged that there would be slight, negligible and moderate adverse visual impacts on existing residents and slight adverse impact on the visual impact of motorists in the vicinity of the site. Impacts on Rights of Way users during construction phase would be more significant. Temporary impacts including temporary closures or diversions would need to be addressed through by way of Construction Environmental Management Plan (CEMP) secured in connection with any planning permission.

6.12 The proposal, and the cumulative development associated with it, has the potential to result in adverse impacts on sensitive landscape elements, particularly when seen views from elevated viewpoints to the north from the Toddington-Hockliffe Clay Hills and views from along the southern Totternhoe Chalk Escarpment. The ES concludes that the long term adverse impacts on landscape character would not be significant subject to mitigation measures including screening and careful design at the detailed planning stages. Careful controls to mitigate against these impacts, such restrictions over built height and massing and requirements for structural landscaping would be required as part of any outline planning permission.

(d) Land Contamination and Geotechnical Issues

6.13 The ES provides consideration of baseline ground conditions. The existing use of the site as agricultural land dates from at least 1879 and a rifle range facility was present on site since at least 1974. An assessment of geological conditions shows superficial deposits (generally clay, sand and gravel) over a solid geology of West Melbury Marly Chalk Formation (soft chalk and hard limestone). Whilst there are no recorded groundwater abstractions recorded within 500m of the site, the Environment Agency (EA) classifies the West Melbury Marly Chalk as a Principal Aquifer.

6.14 Ground investigations have been undertaken within the north eastern and south western areas of the site. No potential sources of soil contamination have been identified in these areas. Based on the history of the site it is not anticipated that any other sources of contamination will be encountered in the remaining undeveloped parts of the site. In the area associated with the

riffle range, contamination is likely to be in the form of heavy metals (i.e. lead) confined to the topsoil and shallow strata across the area. Contamination risks to users of the site and controlled waters are likely to be limited in extent and as such do not pose a risk to groundwater or surface water.

- 6.15 At this stage, no mitigation is expected to be required in order to protect end users from risks associated with contamination. This will need to be confirmed by further ground investigation. Oil, fuel and chemical storage facilities required during construction and sediment and dust migration have the potential to impact on controlled and surface waters. These risks can be adequately mitigated by implementation of good site, environmental and health and safety practises.

(e) Heritage and Archaeology

- 6.16 The ES acknowledges that the site is within the area identified as Thorn Green, the site of a former village green associated with the medieval settlement of Thorn and within the setting Thorn Spring Moated Site Scheduled Monument. Archaeological field evaluation on the site was undertaken in 2012 which identified field systems of Roman and medieval date and undated features. A desk-based assessment of designated and non-designated heritage assets and the 2012 field evaluation work is provided.

- 6.17 There is high potential for archaeology within the site relating to the Roman and medieval periods, moderate potential for the prehistoric period and low potential for the Saxon and medieval periods. It has been judged that there is a moderate potential for archaeology relating to the prehistoric period. However CBC Archaeology considers the potential for this should be regarded as high given recently discovered linear features south of Thorn Road. The impact of the development on archaeological remains can be mitigated by a programme of archaeological investigation and possible investigation strategies are identified.

- 6.18 It is concluded that the setting of the Thorn Spring moated site is restricted to the surrounding woodland and that the contribution of the wider landscape to significance of the monument is limited or neutral. Due to its distance from the Monument, the ES indicates the development would have no impact on the setting of Thorn Spring. It is judged that the cumulative effects of the wider development associated with the proposed growth area would have a more significant impact on the historic setting of Thorn Spring and these impacts will need to be minimised where possible in connection with other development proposals including Bidwell West (HRN2). It is considered that the development would not give rise to significant adverse impacts on the wider setting of other scheduled monuments in the area (Maiden Bower hillfort and Totternhoe Knolls motte and bailey castle). However this should be ensured through appropriate mitigation including structural landscaping and careful design at the detailed stages and restrictions to minimise built height.

(f) Water

- 6.19 The ES is supported by a Flood Risk Assessment and Surface Water

Drainage Strategy. The majority of the site is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing watercourse known as the Ouzel Brook which runs along the southern boundary of the site, broadly east-west. The land immediately adjacent to the Brook is defined as Flood Zones 2 and 3 however a hydraulic model has been undertaken in support of this application which demonstrates that the site is not at risk of flooding from this source.

- 6.20 The proposed drainage strategy is based on the provision of surface water attenuation ponds in the area north of the Ouzel Brook to discharge surface water to the Ouzel Brook via piped drainage. Surface water discharge would be at a rate that does not exceed the natural greenfield runoff rate. The surface water drainage strategy is considered acceptable in functional terms at this outline stage to satisfy that the development would not increase the risk of flooding at the site or down stream. Opportunities for more varied SuDs features delivering broader amenity, biodiversity and water quality benefits in line with local policy requirements under the Council's Sustainable Drainage guidance SPG will need to be explored as part of subsequent detailed applications. The final surface water drainage strategy can be secured in connection with any permission granted.

(g) Air Quality

- 6.21 The ES has regard to the air quality impacts associated with the construction and operation of the development and impacts of dust and odour from the proposed waste transfer facility. Existing odour conditions have been determined from the odour modelling undertaken by Anglian Water and records of complaints relating to operations at adjacent sewage treatment facility.

- 6.22 During the construction phase, a package of mitigation measures to minimise dust emissions from the site. The ES acknowledges the poor air quality conditions in the centre of Dunstable where an Air Quality Management Area (AQMA) has been declared. It is assessed that additional traffic associated with the development would affect air quality by an imperceptible degree and these impacts are judged to be negligible. No significant adverse air quality impacts are anticipated on Houghton Regis Marl Lakes SSSI.

- 6.23 Anglian Water has previously produced an odour emission survey report and model (dated July 2013) in relation to odour impacts associated with the existing sewage treatment facility. The entirety of the application site is located outside of the sensitive area identified within the odour dispersion model. Therefore users are not expected to result in significant exposure to odour. The development is considered to be acceptable in relation to potential odour impacts.

(h) Waste

- 6.24 The ES provides an assessment of potential waste generation impacts associated with the development. The formal allocation of the Thorn Turn site for waste management uses is addressed elsewhere within this report in relation to the adopted Development Plan (Section 1).

6.25 The need to remove significant amounts of excavated soils during construction is considered to be limited. Construction waste is expected to be predominantly agricultural (green) waste. It is concluded that waste generation and management during construction can be controlled as part of the CEMP. It is proposed that a Waste Management Strategy should be required as part of subsequent reserved matters applications to ensure appropriate management practices are implemented during the operation of the site. It is not anticipated that the proposed waste transfer or highways depot developments would impact on the waste management of the site. Indeed, the waste transfer facility may be beneficial in this regard, as some waste could potentially be taken there.

(i) Noise and Vibration

6.26 This section of the ES sets out a description of the site with reference to key noise sources, national policy, standards and guidance relating to planning and noise, details of the baseline noise levels and an assessment of the suitability of the site for the proposed development against the relevant standards and guidelines.

6.27 A noise measurement survey was carried out at various locations around the site during the day and night on the 20th and 21st March 2015 to establish existing noise levels and their impact of sensitive receptors within approximately 1km of the application site. Having regard to the data gathered during baseline noise monitoring, and assumed construction equipment impacts at houses immediately north of the site have the potential for significant impacts, all other sensitive receptors are expected to have negligible impacts.

6.28 Based on the prior advice of CBC Public Protection Officers and a review of technical guidance, noise threshold levels at sensitive receptors have been proposed. These levels will need to be observed as the proposal is developed. An assessment of road traffic during both the construction and operation of the facility has shown that noise impacts are predicted to be negligible at all receptors.

(j) Loss of Agricultural Land and Soils

6.29 The development would result in the loss of 10.23Ha of agricultural land categorised as Sub Grades 2 and 3 (good and very good quality). Under Agricultural Land Classification (ALC) criteria Sub Grades 1, 2 and 3a are considered to represent the best and most versatile agricultural land. Given the area of best and most versatile farm land lost, this effect is judged to equate to a moderate adverse effect. The good quality soils, if handled and stored according to best industry practice, will provide a valuable resource for landscaping. Control of dust and noxious weeds during the construction process should follow best industry practice to avoid their spread to surrounding farmland. These measures could be secured in connection with the CEMP.

(k) Utilities

6.30 It is proposed to connect to the existing Anglian Water foul water sewer which lies to the south of the site, which in turns connects into the sewage treatment works adjacent to the south east of the site. A combined services

spine is proposed to serve the application site, the proposed waste transfer and the highways depot developments south of Thorn Road. This would accommodate a HV electrical supply, telecoms, mains water and gas. During operational phase, the cumulative impacts are judged to be negligible. Existing capacity exists within the foul water network system and the mechanical and electrical infrastructure would be implemented to accommodate the proposed development.

(l) Cumulative Impacts

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

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

6.33 It is considered that the cumulative effects of construction can be adequately mitigated through the CEMP and mitigation packages to address specific impacts identified through the EIA process.

(m) Other Issues

6.34 The land at Thorn Turn incorporates an existing rifle range facility located within the eastern part of the application site. The Council has a current agreement for the lease of the land which expires in March 2017. Following further ongoing technical work in relation to flood risk, there is a strong possibility that the land on which the shooting range sits could also be brought forward for commercial development. Should this be possible, the Council could determine that the lease of the shooting range should not be renewed and the Council could take vacant possession of the land. Should this be determined, the relocation of the shooting range would need to be facilitated elsewhere.

6.35 Below, is a summary of the health and safety requirements for the range as provided in support of the application.

6.36 *The Home Office Guide on Firearms Licensing Law (March 2015) states that the responsibility for health and safety rests with range owners/operators to ensure that their range is constructed and maintained safely. Failure to do so will leave them liable to sanctions under a range of legislation, such as the Occupiers' Liability Act 1984, the Occupiers' Liability (Scotland) Act 1960 and the Health & Safety at Work etc. Act 1974. The National Rifle Association and National Small-Bore Rifle Association have a range*

inspection service.

- 6.37 *There is also a requirement for owners/operators of ranges to have in place adequate financial arrangements to meet any injury or damage claims. In most cases this will be insurance cover.*
- 6.38 *The National Small-bore Rifle Association (NSRA) and the National Rifle Association (NRA) have established their own inspection and approval scheme for the ranges run by their affiliated member clubs. The NSRA and NRA have prepared guidance for their members on the safe construction of ranges. That guidance is used by the organisations as the basis for their inspections and the issue of approvals.*
- 6.39 *The NSRA and NRA have indicated that they are willing to make their inspection and approval service available to ranges not affiliated to either organisation. It is anticipated that most ranges will use the NSRA and NRA scheme. However, it is for each range owner/operator to decide what steps to take to ensure their range is safe.*
- 6.40 *Police forces also need to satisfy themselves that ranges used by a club are safe and have adequate insurance or other financial cover. In many cases clubs will be expected to have an old-style military safety certificate or a NSRA/NRA approval letter, and/or an insurance certificate. The responsibility for safety on the range lies with the owner/operator.*
- 6.41 Having regard to health and safety precautions associated with the rifle range with respect to the existing public rights of way network around the site and users of new development now proposed around the site it is considered that the risks to current and new users are considered to be low

7 Issues

(a) Transport and highways

- 7.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 7.2 Paragraph 32 of the NPPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 7.3 The existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts and required mitigation are set out below.

7.4 Existing transport / baseline situation

CBC Transport Strategy has instructed an assessment of the baseline traffic data utilising a strategic highway assignment model (Central Bedfordshire and Luton Transport Model) as undertaken for the HRN1 and HRN2 applications. The approach in establishing baseline conditions is supported by CBC Highways Development Management.

7.5 Related Key Strategic Transport Schemes

There are two key strategic transport schemes relevant to the consideration of the local highway network in the Houghton Regis area. These are the A5-M1 Link Road and the Woodside Link.

7.6 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new M1 Junction 11a. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.

7.7 The Woodside Link is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable.

7.8 It is acknowledged that the A5-M1 Link Road and Woodside Link Road are scheduled to open in 2017 and this will lead to a significant change in traffic patterns experienced on the local highway network.

7.9 Proposed development impacts and mitigation

The strategic highway model has informed the Council Officers' assessment of highway network capacity at key years over the growth period accounting for planned and committed housing, employment and infrastructure developments within the areas of Dunstable, Houghton Regis, Luton and Leighton Buzzard. The model accounts for new road infrastructure in the area including the A5-M1 link road, the Woodside link road, J11a of the M1, the A6-M1 link road planned in connection with the North of Luton Strategic Allocation and sustainable transport options and initiatives within the area. Subject to the delivery of committed highway infrastructure to serve the wider growth area (specifically A5-M1 link road and Woodside link road) together with minor mitigation works and sustainability initiatives there would be sufficient capacity within the highway network to accommodate the proposed development. Both the A5-M1 link road and Woodside link road are due to open in Spring 2017 and preliminary works have commenced in respect of these. In line with the recommendations of Strategic Transport Officers, the Council will need to provide support funding for the delivery of the Woodside link road and other local mitigation works. The resolution of the Council's Executive Committee of 31 May 2015 acknowledged the fact that the Council has already agreed to underwrite the cost of the Woodside Link if necessary.

7.10 Subject to clarification sought by CBC Highways Development Management with respect to detailed design, the proposed access arrangements are

considered to be acceptable. Final constructional details, together with suitable crossing facilities of Thorn Road including footway/cycleway along the site frontage, will need to be secured by planning condition and in connection with the S278 highways process.

- 7.11 With respect to pedestrian and cycle movements and public transport initiatives, Travel Plan measures would need to be secured by condition, along with a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site. This would need to detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site.

(b) Design considerations

- 7.12 The proposed employment development would occupy a prominent location at the western edge of the proposed HRN allocation area. Subsequent reserved matters applications would need to provide for an appropriate 'gateway' and landmark development. Details proposals would be expected to demonstrate high quality development with contemporary design elements which respond positively to the wider character area proposals within this area of the adjoining Bidwell West (HRN2) site.

- 7.13 In response to the indicative proposals submitted in support of the application, Officers, and others responding to the application, have raised concerns regarding the visual and landscape impacts of the development in this location. Subsequently, fixed development parameters have been submitted. These establish that buildings could be constructed to a maximum eaves height of 13 metres above the level of Thorn Road and would be set back from Thorn Road by a minimum of 15 metres. In these respects the proposal is comparable to the equivalent development parameters proposed to control the employment forming part of the Bidwell West (HRN2) application, immediately north of Thorn Road. Should planning permission be granted, the proposed parameters would provide for appropriate controls over built height and would serve to limit the landscape and visual impacts of the built form.

- 7.14 Notwithstanding this, structural landscaping proposals would be required reflecting the character of existing landscape structures around the application site and maximising the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. Detailed planning proposals would need to respond to opportunities to enhance the landscape, visual amenity, and ecological interests of the Ouzel Brook and provide for suitable connectivity with the wider green infrastructure network, including that proposed as part of the Bidwell West (HRN2) development, should this be permitted and delivered. In line with the recommendations of the Environment Agency and CBC Sustainable Drainage, submission final details of the surface water drainage system would need to be secured by way of planning condition. Such submissions will need to be based on sustainable principles and demonstrate that appropriate SuDs options have been explored in line with the Council's Sustainable Drainage Guidance.

- 7.15 All such matters can be adequately controlled by way of appropriate planning conditions.

8. Other matters

Human Rights

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

Equality Act 2010

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

Crime and Disorder Act 1998

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

9. The Requirement for Planning Conditions

- 9.1 The recommendation after this section includes the detailed wording of all conditions, but it is appropriate to summarise the requirements here for ease of understanding. The following would need to be addressed by planning condition.
- 9.2
1. Submission of details at reserved matters stage (appearance, landscaping, layout and scale)
 2. Time limit for submission of reserved matters, time limit for implementation
 3. Amount and scope of approved development
 4. Submission of CEMP
 5. Archaeological investigation, assessment, recording, protection and management
 6. Submission of detailed surface water drainage scheme
 7. Controls in respect of potential risks to ground water and contamination

8. Arboricultural Method Statement
9. Tree protection
10. Biodiversity Mitigation Strategy and Management Plan
11. Submission of scheme of landscape mitigation
12. Submission of scheme of rights of way enhancement scheme for Public Bridleway No. 49
13. Controls in respect of potential noise impacts
14. Controls in respect of potential noise impacts
15. Controls in respect of potential lighting impacts
16. Sustainable construction
17. Submission of waste audit
18. Submission of scheme of highway works
19. Submission of Travel Plan
20. Approved plans and documents

10 Conclusions

- 10.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. There would be a degree of related harm due to the loss of agricultural land. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.
- 10.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and forms part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. The site also forms part of a larger parcel of land at Thorn Turn which is allocated for development as a strategic waste management site under the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Local Plan. Now that a full application for strategic-scale waste development has come forward to cater for the needs of the administrative area to efficiently manage its municipal waste over the Plan Period, there is certainty regarding those parts of the allocation land that are not required for waste management purposes. The allocated site at the Thorn Turn site can provide for waste management development in addition to the proposed employment development.
- 10.3 Market indicators demonstrate a need for identified specific commercial

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

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

Recommendation

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to conditions:

RECOMMENDED CONDITIONS

- 1 Approval of the details of the appearance, landscaping, layout and scale (herein called 'the reserved matters') of the development shall be obtained in writing from the local planning authority prior to development is commenced in that Development Parcel. The development shall be carried out in accordance with the approved details.

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

- 2 Application for approval of the reserved matters, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

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

- 3 No more than 44,700 sqm of gross non-residential floor space (to include mezzanines) within Classes B1, B2 and B8 (Employment) (of the Town and

Country (Use Classes) Order 1987, as amended) shall be constructed on the site pursuant to this planning permission.

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

- 4 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.**

The CEMP shall comprise;

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

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

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with

development.

- 5 **Part A: No development shall take place within any phase of the development until a written scheme of archaeological investigation for that phase has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme of investigation shall include the following components:

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication**

Part B: The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- **The completion of all elements of the archaeological fieldwork, which shall be monitored by the Archaeological Advisors to the Local Planning Authority;**
- **The submission within nine months of the completion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority;**
- **The completion within two years of the conclusion of the archaeological fieldwork (unless otherwise agreed in advance in writing by the Local Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report**

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

- 6 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk**

to groundwater quality. The approved scheme shall be implemented in accordance with the approved timetable and detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

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

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

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

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

- 9 The development shall be carried out in accordance with the Arboricultural Impact Assessment dated May 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001 and 0002.

Reason: To ensure the successful protection of existing trees, as indicated for retention on these plans.

- 10 **No development shall commence until a Biodiversity Mitigation Strategy & Management Plan has been submitted to and approved in writing by**

the Local Planning Authority. Any development hereby permitted shall be carried out only in accordance with the approved Mitigation Strategy & Management Plan.

The scheme shall include details of ecological surveys and suitable habitat mitigation, including lighting strategies and monitoring including details extent and type of new planting and new habitat created on site.

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

- 11 The details required by Condition 1 of this permission shall include a scheme of detailed landscaping proposals. The scheme shall detail structural landscaping proposals reflecting the character of existing landscape structures around the application site to enhance the landscape setting and visual amenity of the Ouzel Brook corridor, including the route of Public Bridleway No. 49 and maximise the planting of new native hedgerow and trees in order to offer landscape and environmental mitigation. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To protect the landscape character and visual amenity of the locality in accordance with the NPPF.

- 12 No part of the development shall be brought into use until a detailed Rights of Way enhancement scheme for Public Bridleway No.49 within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the width, specification, surfacing and treatment of the bridleway including any crossings required where the bridleway would intersect with any access road within the site. The Rights of Way scheme shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the public bridleway route within the site is protected, enhanced and promoted as part of the development in accordance with the NPPF.

- 13 **No development shall take place until an appropriate noise assessment has been undertaken and any relevant scheme for mitigation and/or management of noise has been submitted to and approved by the Local Planning Authority. Any scheme or management plan hereby approved shall be implemented prior to any uses becoming operational and operated in accordance with the approved details unless alternative arrangements are agreed in writing by the Local Planning Authority.**

Reason: In the interests of local amenity in accordance with the NPPF. Details must be approved prior to the commencement of development to ensure the development is constructed in a way which ensures a satisfactory standard of local amenity.

- 14 The rating level of sound emitted from any fixed plant and/or machinery

associated with the development or educational activities at the use hereby approved shall not exceed a level of 5dB(A) below the existing background level at the boundary of the nearest noise sensitive premises. All measurements and calculations shall be made in accordance with the methodology of BS4142:2014 (Methods for rating and assessing industrial and commercial sound.)

Reason: In the interests of local amenity in accordance with the NPPF.

- 15 No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways etc. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) in accordance with the NPPF.

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

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

- 17 No part of the development shall be brought into use until a detailed waste audit scheme has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

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

- 18 No part of the development shall be brought into use until a until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes construction details of approved access arrangements at Thorn Road, appropriate crossing facilities of Thorn Road including footway/cycleway along the site frontage. The approved scheme shall then be implemented in full prior to the first occupation of the development.

Reason: To ensure that the proposed highway works are constructed to adequate standard, are appropriate and proportional to the mitigation required to serve the development and that public rights of way are protected, enhanced and promoted as part of the development in accordance with the NPPF.

19 No part of the development shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.
- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include site specific travel and transport information; travel vouchers; details of relevant pedestrian, cycle and public transport routes to/ from and within the site; and copies of relevant bus and rail timetables
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

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

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents;

- Existing site location plan 17384SK10
- Existing site plan 17384SK02A
- Site constraints plan 17384SK03A
- Site parameters plan 17384SK07A
- Topographical survey 20985/1
- Topographical survey 20985/2
- Topographical survey 20985/3
- Arboricultural Impact Assessment dated May 2015, and the Tree Protection Plans 5134801-ATK-CD-ZZ-DR-Z-0001 and 0002.

Reason: For the avoidance of doubt.

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR), the emerging Development Strategy for Central Bedfordshire (DSCB) and the NPPF.
3. Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
5. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. Anglian Water has assets close to or crossing this site or there are assets subject to and adoption agreement. Therefore the development should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can

commence.

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

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

DECISION

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