

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.

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.

Notes to Applicant

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

7. Anglian Water has assets close to or crossing this site or there are assets subject to an 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 developer's 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.

[Note:

In advance of consideration of the application the Committee was advised of additional information from the following sources in the Late Sheet:

- a. Bank End Cottages, Chalk Hill, Dunstable twice
- b. CBC Highways Development Management
- c. Applicant's additional information
- d. Houghton Regis Town Council]