

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



**TO EACH MEMBER OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE**

23 August 2013

Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 28 August 2013**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet.

**Late Sheet**

**6. CB/1203613/OUT - Appendix A - Exempt**

To receive an update to the exempt Appendix A.

Should you have any queries regarding the above please contact Committee Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,  
Committee Services Officer  
email: [helen.bell@centralbedfordshire.gov.uk](mailto:helen.bell@centralbedfordshire.gov.uk)

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## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 28 August 2013

#### **Item 4 (Page 5-121) – CB/12/03613/OUT – Houghton Regis North 1 (HRN1), land on the northern edge of Houghton Regis, Bedfordshire.**

##### **Additional Consultation/Publicity Responses**

One letter of objection stating that:

*Last year prior to the above consultation, I spoke with a Planning Officer who informed me that the above application was a 'done deal' and that he was in contact with the builders and 'pushing this through quickly'.*

*Unfortunately for this reason I did not respond to the consultation but I would like my objections to the Council's proposals at the above site to be noted as totally abhorrent and against any consideration for future generations.*

*The new M1-A5 link road with form the northern boundary of the area proposed to be taken out of the green belt, which also includes some land for the new junction 11A on the M1. Development of this land, which is predominantly prime agricultural land, would seriously impact on an area of attractive landscape, with the consequent loss of an important piece of green infrastructure linking parts of the AONB and Chiltern Hills.*

*The new buildings will be very visible as this is a high point, as is the new development recently taken place overlooking the chalk cuttings. This site in its making destroyed a wildlife haven, the fall out of which was evident to all local residents.*

*The proposed development will extend the urban sprawl of Dunstable and Houghton Regis northwards, a process which green belts were designed to prevent. It would also destroy a rural area used for recreational purposes and crossed by a number of public footpaths including the Chiltern Way.*

*The outline planning application for development of the eastern section and part of the northern section of the land (from the M1 to the Bedford Road) was made to CBC at the end of 2012. The proposed development for 5,150 homes and 202,500 m of other buildings, primarily for employment purposes.*

*Where is the infrastructure for this huge development, the local hospital is not coping at this present time without a further potential 20,000 individuals, schools, doctors surgeries. At present the waiting time at our doctors surgery is 12 days and at the Luton and Dunstable hospital, staffing at every level is under strain.*

*Then we have the realistic problem of traffic. Any individual who drives through Houghton Regis will see the total chaos, congestion, road works on a daily basis.*

*How do you propose the potential of 20,000 will fit into this?*

*This is a beautiful area full of wildlife and an absolute delight for the young to explore. It must be preserved for the future.*

North Houghton Regis Town Council sent a further letter as following:

*I write to inform you that, following a request from the developers of HRN1 and a lengthy discussion at the "Planning & Licensing Committee" last evening, the Town Council has agreed to change the first part of its response to the above application from "No objections to the outline application, but Members wished the following matters to be given serious consideration", to **"To support the outline application, but Members wished the following matters to be given serious consideration"**. The 9 points for consideration are to remain.*

#### Luton Borough Council

#### **Background**

This note has been prepared in response to a technical report prepared by Transport Planning Practice (TPP) on behalf of the Houghton Regis Development Consortium (HRDC). TPP are appointed by HRDC to advise on the transport issues associated with the proposed Houghton Regis North 1 (HRN1) development.

Council officers were consulted on the development of a Transport Strategy for the proposed development during the summer and early autumn 2012, following which the Planning Application was submitted to Central Bedfordshire Council (CBC). The Council was also consulted on the Planning Application, and our concerns about various aspects of the Application were discussed at meeting on 28<sup>th</sup> February 2013. At those meetings it was agreed that regular liaison, both between officers and Members, would continue between the two Councils in order to address these matters. The Council welcomes this consultation and ongoing liaison and, to date there have been further meetings since February.

The Councils formal views on the HRN1 Application were set out in the report to and the Resolution of its Executive on the 15<sup>th</sup> April 2013. The rest of this report summarises the transport and highway issues relating to that Application.

#### **Summary of transport and highway issues**

Paragraphs 21-23 of the Executive report of 15<sup>th</sup> April set out the specific junctions and sections of road in Luton which the Council required addressing and, depending on the outcome of further work, could be may be seeking contributions to from the Developer.

These issues were discussed with both CBC and TPP, and TPP undertook to carry out further work to address these. The outcome of this work was summarised in a presentation by the HRDC to both Councils on 1<sup>st</sup> July. TPP's report which

addressed Luton's concerns was received on the 5<sup>th</sup> July 2013. The report was discussed at a meeting with TPP in Luton on 24<sup>th</sup> July 2013. In particular, possible mitigation measures on Luton's roads were tabled and discussed. Further clarification on predicted traffic flows was subsequently received on the 26<sup>th</sup> July 2013.

The bullet points below summarise LBC's resulting view on the mitigation measures needed to address the impact of HRN1. Outline costs have also been provided in order for these to be included in any Section 106 contributions.

- The Council is concerned about the additional traffic from HRN1 development using the Leagrave High Street/Lewsey Road signalised junction. The developers proposals to change the signal phasing are not considered appropriate. In order to monitor traffic movements at this junction, the supply/installation and commissioning of a CCTV camera (for traffic control purposes) is proposed. Estimated cost is £39,000.
- The Council is concerned about additional traffic from HRN1 development using the Leagrave High Street/Pastures Way mini roundabout, and considers that changes to the design of the junction are required to accommodate the changes to traffic movements. These including tightening the horizontal alignment of the roundabout, increasing the size of the central island, and reducing road widths/widening traffic islands to control speeds and assist pedestrian crossing. In order to monitor traffic at this junction, the supply/installation and commissioning of a CCTV camera (for traffic control purposes) is also proposed. Estimated costs are £55,000 for the roundabout improvements and £39,000 for the CCTV.
- The Council is concerned about additional traffic from HRN1 development using Tomlinson Avenue, particularly if there is no connection of the Woodside Link with Pastures Way, and considers that an upgrade to traffic calming measures on Tomlinson Avenue is required, including planning off and resurfacing the entire length together with modifying existing raised tables and extending ramps to make more bus/emergency vehicle friendly and reconstruct failed areas adjacent to tables. Estimated cost is £120,000.
- The Council is concerned about additional traffic from the HRN1 development using the Luton Road/Toddington Road roundabout junction. TPP provided forecast traffic flows on both roads, but not turning movements at the junction. The roundabout is wide open, speeds are quite high (especially on the Luton Road approach) and pedestrian facilities are virtually non-existent. Suggested improvements are to tighten the horizontal alignment, increase the size of the central island, reduce road widths/widen traffic islands to control speeds and assist pedestrians crossing/link to existing network. Also the walking/cycling route along the verge of Luton Road is narrow and unpleasant, and perhaps CBC could widen and improve this to encourage usage of this handy route. Estimated cost of the junction improvements is £55,000.

In addition to the above specific measures, LBC is seeking clarification/further information on a number of transport related matters that have emerged from the Transport Strategy for the HRN1 development; the Council requests continued

involvement as the individual model strategies are finalised (in particular the Bus and walking/cycling strategies) and these strategies progress towards implementation. As well as being consulted on the application of these modal strategies to the HRN1 development, the key area where the Council wishes to be consulted on implementation of these relate to:

- Improving connectivity of the walking and cycling networks in the development to Luton. In this Context it should be noted that Luton has some concerns over the proposed diversion of part of the Sustrans NCN6 route.
- Public Transport Nodes – the intention is to provide higher density development around the ‘public transport nodes’ but the details of this are currently unclear.
- An understanding of the potential for buses serving the development to use the Luton Dunstable Busway.

### CBC Highways

I have now looked in detail at the transport assessment in relation to the effects of the early release of 1000 houses before the opening of the A5-M1 link / Woodside Link.

The Transport Assessment says:

"...analysis that has been undertaken .....indicates that there could be some short term impacts at the following junctions: A505 Luton Road / Poynters Road, Houghton High Street / Bedford Road, Porz Avenue / Poynters Road / Wheatfield Road"

The information provided with the Transport Assessment in the form of Stress Plots for the highway network for the two scenarios (Reference Case - no development and no new roads, and Test 5 - early release and no new roads) shows that the impacts that are referred to only occur significantly in the pm peak hour at these junctions. The effect is to increase the stress at the nodes to between 85% and 95% capacity which, although greater than what we would consider to be the threshold of 85% where we would raise a concern, is only going to occur for a short period until the new roads are open after which the stress at those junctions in the pm peak is predicted to reduce below the 85% threshold.

On the basis that these effects are not of the highest impact and will only occur for a short period of time until the new links open, and will be related to an increasing number of houses that are actually built, which may not reach 1000 before the links are open, rather than being there from the very first house, I am of the opinion that this revised condition as proposed is acceptable.

### Bedfordshire Chamber Commerce

The Bedfordshire Chamber of Commerce (Chamber) wishes strongly to support the planning application for the development known as HRN1.

The Chamber has long supported and campaigned for the A5-M1 link road and the various opportunities that this will bring to the communities and prosperity of

Houghton Regis and Dunstable. With our focus on economic growth and local job creation, we see HRN1 as a perfect example of an infrastructure led, balanced, sustainable development of employment land, much needed housing with appropriate, modern community amenities. We particularly like the educational provision feeling that this is appropriate and progressive in support of the industry that will be attracted to the area. The careful integration of green space and its linkages into the established areas of Houghton Regis also impress us and will be attractive to businesses and their walk/cycle to work policies. It is our view that delivery of HRN1 will lead to a general improvement throughout Houghton Regis due to the improved road network and the general 'halo' effect.

Clearly the whole area will benefit from the considerable employment generated (circa 2550 jobs) during the construction phases of roads, general infrastructure and properties. In order to help maximise this benefit, the Chamber will be proactive in working with the prime contractors and Central Bedfordshire Council to secure to the extent possible local procurement of goods and services.

Businesses will recognise this site is very attractive given its excellent transport links by road, rail and air, together with a good supply of a wide range of skills in the local population. The provision of progressive education in the new local schools with public transport links to the nearby Central Bedfordshire College will ensure a continuous supply of trained individuals tailored for the needs of the local businesses. We are therefore confident that the industrial/business zoned areas of the site will be quickly taken up by businesses delivering the proposed potential benefit of around 2450 permanent jobs.

The Chamber therefore wishes our strong support for HRN1 to be made known to the Central Bedfordshire Development Management Committee and urge a positive determination at their August meeting.

#### Barton Willmore on behalf of the Applicant

Further to the publication of the Officers Report to the CBC DMC Meeting last week, we have now had the opportunity to review the Report with our team. We welcome the positive nature of the Report, and the recommendation of your Officers to grant planning permission (subject to prior consultation with the Secretary of State). In advance of the DMC meeting next week there are two points to which we wish to draw to your attention. These points are set out below.

#### Condition 30 – Woodside Link

As you are aware from our discussions in recent days, our Client has expressed significant concerns about Condition 30 as proposed, and the restriction this places on the ability of the development to proceed beyond 300 dwellings before the Woodside Link is open and in use. However we have, through discussion, come to an agreed position regarding a solution to be addressed through the S106 Agreement which controls development in a robust manner which more accurately reflects the Transport Assessment.

Prior to the opening of the Woodside Link those occupying residential dwellings would access the development via Pastures Way or the A5120. Provisions would be

put in place within the S106 Agreement requiring the submission of highways strategies (with trigger points for those submissions), for approval by the LPA, detailing proposed mitigation measures for those access routes should the Woodside Link not be in place at that point.

It is our understanding that it will be reported to Members at the DMC meeting verbally that Condition 30 will no longer be required and that instead the S106 Agreement will be the mechanism for securing the controls sought through the drafting of this condition, as set out above (and in more detail through your recent correspondence with Duncan Jenkins).



Retail (paragraphs 8.32 – 8.46)

We welcome the findings of the DMC Report and the advice commissioned by Turley Associates which conclude that the scheme is not likely to result in a significant adverse impact on the vitality and viability of existing centres in Central Bedfordshire or the Luton BC administrative area. In doing so we believe that the following points should be made clear to Members:

i. In respect of Town Centre investment, it should be noted that the Morrisons store in Houghton Regis (paragraph 8.42) is not within the Town Centre so is not a consideration under the impact test;

ii. For Dunstable Town Centre, the comments of CBC's Economic Growth, Regeneration and Skills Officer should be noted, which state, "We recognise however that the HRN development is the means to deliver the essential A5-M1 Link and Woodside connections....which in turn will help to unlock the much needed investment in the Town Centre. Without this key infrastructure in place, Dunstable Town Centre would find it even harder to attract this investment. The additional population and consequent catchment increase from the HRN development is also an important factor supporting the further investment in the town centre". The application scheme will therefore positively contribute to future investment in the Town Centre, through the link road and the additional expenditure that the new population will generate and which is available to be spent in the Dunstable as well as other Town Centres;

iii. The report refers to Turley Associates' advice on compliance with the sequential test. It should be recognised that the Retail Assessment included a detailed assessment of alternative sites and concluded that none were available, suitable or viable for the proposed development. In this respect, the Tesco v Dundee judgment is relevant and states that in undertaking a sequential assessment "...the whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer...". It is therefore considered that the scheme fully complies with the sequential test; and lastly

iv. It should also be recognised that the proposed development will assist the Council in meeting approximately a third of its requirement for additional convenience and comparison goods floorspace as identified in the 2012 Retail Study and its 2013 Addendum.

We conclude that the application is not likely to result in a significant adverse impact against the NPPF paragraph 26 criteria, and compliance with the sequential test (NPPF paragraph 24) has been demonstrated. The application can therefore be determined positively against NPPF paragraph 27.

Response from Councillor Tom Nicols, Toddington Ward, on application  
CB/12/03613/OUT

I am the councillor for the Toddington Ward. I am privileged to sit on the Central Bedfordshire Development Management Committee as a full voting member. I very much regret that due to an earlier commitment that I may not change that I will not be

able to attend the DMC meeting on the 28<sup>th</sup> August to review and pass judgement on this critical and very substantial development application.

Given that approximately half this application sits in my ward I seek the committee's permission to issue this written response to the application. I am aware that this is made without the benefit of my DMC colleague's feedback and guidance but trust that this is of some value in arriving at the final decision.

For the benefit of external readers I should indicate my planning background. I was first nominated to the South Beds Planning Committee in 1999 and have remained on that committee and its successors since that date. I was the Portfolio Holder within South Bedfordshire Council responsible for developing and taking through the South Bedfordshire Local Plan of 2004. I have attended numerous formal planning training courses including several weeks with the PAS several weeks with Atlas and some time on planning law. I was formerly the Chairman of the Luton and South Bedfordshire Joint Planning Committee which was delegated by parliament to deal with strategic planning in South Bedfordshire. Whilst a position on the East of England Regional Assembly may not be something to advertise in today's political climate I was the Bedfordshire representative on that authorities Strategic Planning Committee and was for some years the chairman of the sub committee that was tasked with checking and approving the evidence base of all major planning applications within the East of England region. I have also sat for some years as a full board member on all the drainage boards in Central Bedfordshire. Whilst this may not suggest that I have more significant planning experience than my peers on Central Bedfordshire DMC it should reinforce my credentials as a lay person within the planning arena.

I would start by stating that I am broadly in support of this application. I feel that it appears to meet the objectives of the growth demands in this area and indeed that it would very satisfactorily have served the interests of the now disbanded Luton & South Bedfordshire Joint Planning Committee. I believe that it is fully in accord with the emerging Development Strategy for Central Bedfordshire. I do have a concern with the application; which I have voiced to the developer, insofar that I do not see any clear evidence of a future community engagement mechanism that will clearly identify the future residents of any early delivery either with my ward or indeed with Central Bedfordshire as an authority. I remain nonetheless supportive of this application.

I am aware that a number of questions have been raised by our officers that probe the validity of this committee's decision and it is these questions that I should address. Referring to the committee agenda

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

Although the old South Beds development plan has virtually been set aside I very clearly recall its delivery in 2003 and 2004. It was clear to us all at that time that this area would be subject to a development plan of this nature. The expectation at that time however was that the densities of this development would be very much higher. I am very relieved that the actual development density is less than originally expected.

**Under NPPF challenges,**

**2.3.1 Do the proposals deliver sustainable development by its prospects for building a strong, competitive economy?**

I am relieved to see that this proposal makes a varied provision for a mixture of housing of industry of office and of retail along with a well thought through transport proposal. I am particularly concerned at this element of the plan as it is set adjacent to two of the significantly deprived areas within this part of Central Bedfordshire and is as close to similar deprived areas in Luton. That is I would want this development to be self sustaining at a minimum and better still a net contributor to the local economy and local resource. I am absolutely certain that this plan meets this need for Central Bedfordshire and; wearing a former hat for the Joint Committee that is meets the sustainable development aspirations of Luton.

**2.7 How will the vitality of nearby town centres: including Houghton Regis, Dunstable and Luton be ensured.**

For essentially legacy transport reasons this development plan will need to provide at least a modicum of retail resource. This is because the transport connectivity between the extreme east of the development (where the majority of the retail is proposed) and the extreme west (where existing retail exists) is limited by existing settlements. Though the Woodside link will create a robust East West connection I do not feel that this would be best value if it merely serves to handle the incoming populations need to access the existing retail facilities. For this plan to be effective it is essential that a reasonable quantum of quality retail is available. Though not included within the detail of this application I am aware that a further substantial development is proposed; under the emerging strategic plan, for approximately 4,000 homes that will be to the east of this new retail. That is this retail will; I am sure, not significantly adversely affect the retail in either Houghton Regis and almost not at all in Dunstable. It is credible that this retail offering will be attractive to the residents of Luton but my judgement would be that this will have rather more of a direct effect upon the retail offerings in nearby Milton Keynes. I make this assessment on my suspicion that some of the residents in Luton currently feel minded to do their shopping some ten miles north of Luton in the monolithic shopping facility of Milton Keynes. These same shoppers will; I would like to imagine, now do that type of shopping on the way to Milton Keynes via the new junction 11a. It will not I believe impact upon the traditional shopping experience to be had in the core of Luton Town. That this development might impact negatively on Milton Keynes should not be seen as of concern to the economic need of Central Bedfordshire to have self sustaining developments.

**2.13 Is the proposal supported by a Transport Assessment which promotes sustainable development and transport modes?**

This plan has taken the best part of a decade to work up, such is the cost of planning for development upon this scale. This time has evidently not been wasted as I am aware that a detailed transport study has been worked up. I see a solid mix of both public transport, cycle, pedestrian and vehicle corridors.

**2.14 Does the proposal provide a wide choice of quality homes?**

I have looked at the range of properties that are likely to be delivered and at the quantum of social housing. I am of the view that this development is in balance and will not bring any excess of property types into the immediate area.

I am somewhat disturbed to note the objections being raised by Luton Borough Council. I am quite clear in my mind that when Luton Borough and the former South Bedfordshire Council were debating this area as a location for residential development that both authorities sought a high standard of development with a good mix of quality housing stock. I do not recall that the then Joint Committee expected a substantial delivery of social housing stock in this area but had then expected a significant delivery of affordable housing be sited to the East of Luton, an area that Luton subsequently abandoned as a growth area.

#### **2.16 Does the proposal ensure good design?**

Although this application background information suggests that the developments will be of a high standard it is difficult at the outline stage to ensure that this is what will be delivered. I note that the applicant is keen to pick up on the styles that are set by the surrounding villages. I am myself somewhat diffident about seeking a large number of Toddington “look a likes”. I would myself prefer that the applicant look at a range of contemporary designs and would most definitely not be supportive of vast numbers of brick built boxes. I would use this opportunity to ask that the developers promote innovative design at the detailed planning application stage.

#### **2.17 Does the proposal promote healthy communities?**

I have considered the relationship with each stage of the development with the various health facilities and community facilities that are set in the site area. I can see that all the residential developments are set in amongst a decent network of pathways and open space. I can see that if the development goes through as currently described that a good community engagement will follow ensuring a healthy community. I am however concerned that the phasing of the project may mean that some developments appear long before the relevant community facility is delivered. Under these circumstances I would expect that the planning permissions for the final plans only be approved if temporary community facilities are in place. (As is the case in Leighton Buzzard where a house on an estate has been set aside as a community facility until such time as the bulk of the estate is complete and a full standard community facility is in place.

#### **2.18 What appropriate weight is to be given to protecting the Green Belt?**

Regrettably it is the loss of the Green belt that represents the single most significant price to be paid for this development and it impacts very much on villages within my ward. I would acknowledge that the delivery of the key transport corridors; the ‘A5 – M1 link road’ and the ‘Woodside Link’ are a necessary price paid for this green belt loss. I am nonetheless concerned to see the loss of this buffer land between Luton and the village most affected within my ward (Chalton village) and the urban sprawl that represents the North of Luton. I would however wish to argue a balance in the loss of green belt; which is explicitly meant to check the convergence of urban settlements with the advantage that we have with the future bypass itself which has been put in such a location that it will become the hard edge to the development plan. Whilst it is not inconceivable that a future political direction will allow development to jump over the bypass I am sure that for the foreseeable future; for

decades at least, that Chalton village will be isolated and protected from merging with Luton by the bypass rather than by the current Green belt buffer.

**2.19 How does the application handle the challenge of planning for climate change and the risk of flooding?**

I have examined the drainage scheme plans for this substantial proposal and believe that the areas that would be at risk have been designed with a well structured drainage plan. I do not believe therefore that either the Environmental Agency or the Buckingham and River Ouzel Internal Drainage Board will be at risk from this plan.

I do have some concern that the code level for sustainable development which was at one time set at code level 6 could not be met by the future planning applications on this plan area. As this is a national problem; in that delivering Code level 6 or its equivalent is inordinately difficult to achieve in the real world, I would hope and expect that the final planning applications will demonstrate the highest achievable standard.

**2.23 How do the planning proposals help to conserve and enhance the natural environment?**

I am sadly aware of the ecological value of most of the countryside within the Toddington Ward. I have noted that the wildlife and fauna are generally very much restricted by the farming practice in this area which is quite industrial in nature. I believe the development that is before us will generate a net improvement in the ecological count rather than a reduction.

**The weight applied to the Luton and South Bedfordshire Joint Core Strategy**

I am of the view that this application meets the expectations of the former Joint Committee in all regards, as indeed it should given that it is carried over from that project. I do not believe that it is possible to see any reduction in expectations for this site following the abandonment of the Joint Committee by Luton Borough Council, who were partners in that plan.

I am in conclusion in support of this application and cannot see why it would be refused or indeed why any objection would be raised by Central Bedfordshire authority or any other authority to its implementation.

**Additional Comments**

A few amendments have been identified within the Committee Report. These are corrected as follows:

Page, Title/Para	Amendment
5 Recommended Decision	– Grant Outline Planning Permission subject to referral to the Secretary of State and completion of a Planning Agreement under Section 106 of the Town and Country Planning Act 1990

	as amended.
Page 10, (xi)	<b>The recommendation therefore is that this Council approve the planning application subject to the completion of a satisfactory Section 106 Agreement and any necessary revisions to conditions are delegated to the Head of Development Management and that the outline planning application be submitted to the Secretary of State on that basis.</b>
Page 83, Para 8.25	In respect of issue 1, the Highways Agency is content that some development can take place before the A5 – M1 link is completed. It has directed two planning conditions to this effect. This of course relates only to the impact on the strategic highway network. The Transport Assessment submitted with the planning application suggests that the local highway network is also able to accommodate some development from the site but only for the assumed short period until the expected completion of the Woodside Link. On that basis it is considered prudent to limit the number of dwellings that can be occupied before the Woodside Link is completed to 1000 by the use of relevant planning obligations within the S106 Agreement rather than a planning condition.
Page 92, Para 8.56	The result of these inter-relationships is that the Committee will wish to be satisfied that the consent and funding for the A5 – M1 link is in place and that only an appropriate amount of development is undertaken on site prior to the completion of the Woodside Link.
Page 93, Para 9.2	The Committee will be familiar with the procedures that allow a planning application to be granted permission conditional upon certain requirements being met. Usually these are in the form of planning conditions attached to the decision schedule, but it is also common for other planning requirements to be incorporated into formal planning obligations contained in Planning Agreements (known as Section 106 or S106 Agreements) where for technical or legal reasons a planning condition is unsuitable.
Page 93, Para 9.3	There is national guidance on the proper use of S106 obligations but in general terms they are required to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development (NPPF Para.204) Planning Authorities are expected to have policies to guide developers on what may be required. CBC has a range of policies as set out earlier in this report that will incur a requirement to enter into a S106 Agreement and there is a Supplementary Planning Document, the Planning Obligations (South) SPD 2009 which offers specific guidance on particular topics.
Page 93, Para 9.5	The development proposal is essentially the creation of a new piece of town. It can be no surprise to find that the development must contain land uses and services that are a mixture of that which are commercially driven and that which are public goods or provided on a non commercial basis. Therefore, the accepted topics for consideration were as follows:

	<p>Education                      Transport                      Leisure, Recreation, and Open Space                      Community Facilities</p> <p>Health Care facilities                      Environmental Impact Mitigation                      Housing (including Affordable Housing)                      Waste Management</p> <p>Emergency Services                      Community Development and ICT                      Public Realm and Community Safety                      Maintenance</p>
Page 94, Para 9.7	<p>However, the National Planning Policy Framework clearly requires local planning authorities to consider the overall viability of large scale development projects and to ensure that the development “should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened” (NPPF Para 173). Therefore a financial assessment of the planning application was undertaken as described below.</p>
Page 94, Para 9.11	<p>The VA is essentially a model of the viability of the proposed development taking account of:</p> <ol style="list-style-type: none"> <li>1. The income generated from the development (residential, commercial, retail sales etc.)</li> <li>2. The costs of the development</li> <li>3. The required return on investment</li> <li>4. The cost of the mitigation package (mainly items required by planning condition or within a S106 Planning Agreement.</li> <li>5. The Land Value</li> <li>6. The exceptional costs of the applicant’s offer to provide £45 Million towards the cost of the A5 – M1/J11a Link Road and the exceptional cost of providing the Woodside Strategic Link road/Electricity Grid re- cabling (estimated at £42 Million plus £10 Million of “risk”).</li> </ol> <p>Establishing what each of these values were likely to be has taken some considerable time. A report has been prepared by the Council’s consultants, EC Harris and is included in the commercially confidential Appendix to this report. However, broadly for the purposes of this report, it is important to be aware of the following outcome of the VA.</p>
Page 95, Para 9.14	<p>After detailed consideration of the Viability Appraisal and following careful consideration by this Council’s Chief Executive and Corporate Management Team, the discussions have proceeded on the basis that CBC will seek to support the development as follows:</p>

1. Forward financing of the schools, and other community infrastructure whilst the development is underway, not just in the early years, but throughout the development period.
2. Relieving the development of the need to provide funding for the Woodside Link road.
3. Reducing its requirements for community infrastructure and affordable housing that it could otherwise have expected from national and local planning policies.

This is a context which would be a reasonable response to the commercial concern about viability which has been expressed by the applicant and to the economic climate. On this basis, it is considered that the following “package” represents a reasonable balance between mitigating the impact of the development, affordable housing and the viability of the development. It identifies obligations which are required to be satisfied if the planning permission is implemented and obligations which will be satisfied in the event of uplifts in the value of the development being identified following the application of a viability review mechanism.

The package is based on the following assumptions:

#### **Assumptions**

- A. Woodside Link – CBC will not require the consortium to fund the Woodside Link road. Any other associated works which are included in those works that benefit the consortium (relating principally to the undergrounding of pylons that are usefully part of those works) will be included within the “additional reserve list” to be retrieved through the uplift mechanism. In respect of the land required for the WL, owned by members of the consortium, see assumption C below.
- B. Car parking – The Council’s car parking standards have not been reflected in the planning submissions. Whilst it is understood that the commercial view is that this has an impact on the viability of the development, nevertheless, those standards include a considerable discretion for the Council’s Development Management Committee to alter the standard in the light of the detailed applications it receives. Therefore there will be a condition attached to any planning permission that will require a revised Design and Access Statement (to be called a Design and Access Strategy) which will allow the opportunity for exploring in the future where the car parking standards may be incorporated into the scheme without compromising densities and quality.
- C. CBC Transfer Land – CBC will assume that its land



	<p>necessary for the secondary school and other links will be made available for nominal consideration to benefit the wider public interest and also the maximum number of units (5150) proposed on the site. However, CBC also assumes that, in turn, the land necessary to construct the Woodside Link is also made available on the same basis. The net cost to either party is therefore assumed to be zero.</p> <p>D. Uses – It is assumed that the parameters of the planning application will be unchanged from those submitted.</p> <p>E. Phasing - There will be a need to understand (but not necessarily restrict) the phasing of the development if only to ensure that the development proceeds in an acceptable manner. There will be a condition restricting the number of dwellings that can be built before the Woodside Link is open to public use, to 300 units. This generally accords with the technical assessment submitted with the application. There will also be conditions required by the Highways Agency requiring no more than 1000 dwellings to be occupied before the opening of the of the A5-M1 link road. Finally, there will be a condition requiring phasing plans to be submitted from time to time to ensure that the Council is made aware of the intended progress of the development and to provide a trigger mechanism for other conditions to operate.</p> <p>F. Code for Sustainable Homes – It is assumed that the development will proceed on the basis of the current Building Regulation standards.</p> <p>G. Residential – All contributions relate to residential uses only.</p> <p>H. Off-site traffic improvements – Will only be required if included within the agreed Travel Plan.</p> <p>I Review Mechanism – There will be a need for an “Uplift Mechanism” as set out in clauses to the Section 106 Agreement. This will capture an appropriate amount of value generated by the development after the developer has obtained a pre-defined return.</p> <p>J Land for Community Use – It is assumed that the land required for two General Practitioner premises, two community facilities, schools, leisure facilities on-site and any other land required for the community benefit will be provided at no cost to CBC.</p> <p><b>Structure</b></p> <ol style="list-style-type: none"> <li>1. It is recommended that the S106 payments will be based on 5150 units on a tariff basis per dwelling, payable in tranches relating to occupations</li> <li>2. The “fixed” affordable housing level is recommended to be</li> </ol>
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	<p>10% on a 50:50 shared ownership and affordable rent basis.</p> <ol style="list-style-type: none"> <li>3. The S106 payment deferral is recommended to be set at the occupation of 750 units, details to be negotiated</li> <li>4. Any indexation of the S106 contributions as may be agreed commences when the A5 – M1 link road is completed and open to general traffic.</li> <li>5. Contributions from other developers from within the Houghton Regis urban extension area are to be off set against the S106 items. This is largely due to an assumption that those developers who take advantage of the new A5 – M1 link road (for which the applicant is paying a contribution of £45 million) and the applicant's land contribution to the Woodside Link, should also pay a fair and proportionate cost towards them. The contribution suggested by the applicant is £14,908,529 and would reduce their contribution by that amount.</li> </ol> <p>Item 5 is important as it means that the developer will not be paying £14,908,529 towards the Section 106 items. That money is to be sought from elsewhere.</p>
<p>Page 99, Para 9.21</p>	<p>There will be a range of other matters that will require the provision of a S106 legal agreement including:</p> <ul style="list-style-type: none"> <li>• The establishment of a nominations procedure for the affordable housing.</li> <li>• The provision of uplift and indexation clauses.</li> <li>• The procedure for submitting and implementing a number of strategies for the proper control of the development throughout the construction period: e.g. the Construction Environmental Management Plan. These are listed for information in the next paragraphs. The precise nature of the strategies will require discussion and completion before the S106 can be concluded.</li> <li>• Transfer of land for community benefit into public ownership and control.</li> <li>• Allowing for the use of Kingsland Campus.</li> <li>• Procedures to allow for the specification the land required to be set aside for use as community and health facilities.</li> <li>• Procedures for the specification of the community facility buildings.</li> <li>• Provisions for the future management of open spaces.</li> <li>• Provision off-site improvement works to the public highway.</li> </ul> <p>The final details of this Section 106 Agreement will require completion before the application can be finally determined.</p>
<p>Page 102, Recommendation</p>	<p>That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a Section 106</p>

	Agreement and any necessary revisions to conditions are delegated to the Head of Development Management. That the Head of Development Management then be authorised to grant Planning Permission if the Secretary of State does not call in this Outline Planning Application.
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**Additional/Amended Conditions/Reasons**

Remove Condition 30 – Woodside Link – As detailed above the Transport Assessment has provided satisfactory evidence to show that up to 1000 dwellings could be occupied prior to the Woodside Link being completed and open to traffic. It has been agreed that rather than using a Condition that this could be dealt with through planning obligations contained within the S106 Agreement.

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